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**CITY COUNCIL AGENDA
WEDNESDAY, SEPTEMBER 5, 2012
250 NORTH 5TH STREET
6:30 P.M. – PLANNING DIVISION CONFERENCE ROOM
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

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

Call to Order
(7:00 p.m.)

Pledge of Allegiance
Invocation – Pastor Kyle VanArsdol, Molina Baptist Church

[The invocation is offered for the use and benefit of the City Council. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future and encourage recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand or leave the room.]

Presentations/Recognitions

Recognition of the Youth Group at Clifton Christian Church for their Random Acts of Kindness (RAK Award)

Proclamations

Proclaiming Friday, September 7, 2012 as “Legends of the Grand Valley – Operation Foresight Day” in the City of Grand Junction

Proclaiming Friday, September 7, 2012 as “Grand Junction Rockies Day” in the City of Grand Junction

Proclaiming the Month of September 2012 as "Suicide Prevention Month" in the City of Grand Junction

Revised September 10, 2012

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

Appointments

To the Ridges Architectural Control Committee

To the Riverview Technology Corporation

Council Comments

Citizen Comments

***** CONSENT CALENDAR ***®**

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

Action: Approve the Minutes of the August 15, 2012 Regular Meeting

2. **Setting a Hearing on Amending Section 21.04.040(f)(5) of the Grand Junction Municipal Code Concerning Occupancy of Accessory Dwelling Units** [File #ZCA-2012-356] [Attach 2](#)

This amendment to Section 21.04.040(f)(5) would eliminate the owner occupancy requirement for accessory dwelling units in zones R-8, R-12, R-O and B-2.

Proposed Ordinance Amending Section 21.04.040(f)(5) of the Grand Junction Municipal Code Eliminating the Owner Occupancy Requirement for Accessory Dwelling Units in Zones R-8, R-12, R-O, and B-2

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for September 19, 2012

Staff Presentation: Tim Moore, Public Works and Planning Director
Lisa Cox, Planning Manager

3. **Setting a Hearing on Amending Section 21.04.030(a) of the Grand Junction Municipal Code to Add Use-Specific Standards for Racing Pigeons** [File # ZCA-2012-357] [Attach 3](#)

This amendment to Section 21.04.030(a) will add use-specific standards related to racing pigeons that were eliminated when the Code was updated in 2010.

Proposed Ordinance Amending Amending Section 21.04.030(a) of the Grand Junction Municipal Code to Add Use-Specific Standards for Racing Pigeons

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for September 19, 2012

Staff Presentation: Tim Moore, Public Works and Planning Director
Lisa Cox, Planning Manager

4. **Setting a Hearing on the Rohner Annexation Located at 249 Abraham Avenue** [File #ANX-2012-374] [Attach 4](#)

A request to annex one parcel, 0.44 acres, located at 249 Abraham Avenue. The Rohner Annexation consists of one parcel that contains two condominium units. The total annexation area consists of 1.63 acres, containing 51,595 square feet of public right-of-way.

a. Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction

Resolution No. 37-12—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Rohner Annexation, Located at 249 Abraham Avenue

®Action: Adopt Resolution No. 37-12

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Rohner Annexation Approximately 1.63 Acres Located at 249 Abraham

Action: Introduction of Proposed Ordinance and Set a Public Hearing for October 17, 2012

Staff Presentation: Tim Moore, Public Works and Planning Director
Lori V. Bowers, Senior Planner

5. **Building Inspection and Contractor Licensing Agreement** [Attach 5](#)

Requesting approval of a contract for building inspection and contractor licensing services with Mesa County. The agreement has served both the City and County well in the past and the recommended action will provide for the continuation of those services. The contract term is for two years.

Resolution No. 38-12—A Resolution Authorizing a Contract with Mesa County for Building Inspection and Contractor Licensing Services

®Action: Adopt Resolution No. 38-12

Staff presentation: John Shaver, City Attorney
Tim Moore, Public Works and Planning Director

6. **Boettcher Foundation Grant for the Tower at Lincoln Park** [Attach 6](#)

The total project cost for the renovation project is \$8.3 million. Certificates of Participation have been issued in the amount of \$7,549,263. The remaining balance of \$750,737 was pledged by Grand Junction Baseball, Inc. (JUCO). One of the donors to this balance is the Boettcher Foundation in the amount of \$50,000; therefore, the acceptance of this grant will be a credit toward their commitment.

Action: Accept a Grant from the Boettcher Foundation in the Amount of \$50,000 for the Stadium Renovation Project at Lincoln Park

Staff presentation: Rob Schoeber, Parks and Recreation Director

7. **Purchase of Bronze Sculpture for Exterior of Police Building in the Public Safety Complex** [Attach 7](#)

Request for approval of the purchase of the artwork that was chosen for the exterior of the Police Building at the Public Safety Complex.

Action: Authorize the Purchase of the Bronze Sculpture "Legacy" from Greg Todd in the Amount of \$80,000

Staff presentation: Rob Schoeber, Parks and Recreation Director

8. **Contract for the 2012 Interceptor Sewer Repair and Replacements Project** [Attach 8](#)

This Project is aimed at the rehabilitation of aging interceptor sewer pipe and manholes in the City’s waste water collection system and the primary clarifier weir troughs at the waste water treatment plant. The average age of the concrete pipe sewer lines being rehabilitated on this project is 48-years old. As a result of the infrastructure’s age and damage caused by hydrogen sulfide gas this maintenance is necessary to prolong the life of the existing sewer system and clarifier troughs.

Action: Authorize the Purchasing Division to Enter into a Contract with Layne Inliner, LLC for the Construction of the 2012 Sewer Interceptor Repair and Replacements Project in the Amount of \$853,732.00

Staff presentation: Tim Moore, Public Works and Planning Director
Jay Valentine, Financial Operations Manager

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

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

9. **Public Hearing—Amendment to Title 21 of the Grand Junction Municipal Code Adopting the Flood Insurance Study of Grand Junction and New Flood Insurance Rate Maps** [File #ZCA-2012-393] [Attach 9](#)

Pursuant to the Housing and Urban Development Act of 1968, for continued eligibility in the National Flood Insurance Program, the Federal Emergency Management Agency (“FEMA”) requires the City of Grand Junction (“City”) to adopt the most recent Flood Insurance Study (“FIS”) and the Flood Insurance Rate Maps (“FIRMs”) that have been modified due to the findings in the FIS report.

Ordinance No. 4551—An Ordinance Amending Section 21.07.010(c)(2) of the Grand Junction Municipal Code to Adopt the Flood Insurance Report and the Flood Insurance Rate Maps

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4551

Staff presentation: Tim Moore, Public Works and Planning Director
Bret Guillory, Utility Engineer

10. **Public Hearing—Amendments to Title 13 of the Grand Junction Municipal Code Provisions Regarding Storm Water Management** [Attach 10](#)

Amendments to the City's storm water management regulations are proposed in order to comply with the Colorado Department of Public Health and Environment Water Quality Control Division's most recent program recommendations and requirements.

Ordinance No. 4552—An Ordinance Amending Sections 13.28.010 (Definitions), 13.28.020(b) (Exemptions), 13.28.020(c) (Requirements), 13.28.030(e)(4) (Post-Construction Requirement of Permanent BMPs), and 13.28.040(b) and (c) (Enforcement), of the Grand Junction Municipal Code Regarding Storm Water

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4552

Staff presentation: Tim Moore, Public Works and Planning Director

11. **Public Hearing—Reconsideration of Ordinance No. 4295, which Zoned Properties Located at 347 and 348 27 ½ Road and 2757 C ½ Road, Light Industrial (I-1) and Industrial/Office Park (I-O) [File # GPA-2007-051]** [Attach 11](#)

This item is a reconsideration of Ordinance No. 4295. Two options for reconsideration are:

- a) the Ordinance may be repealed which will require the processing of a new zoning request; or
- b) the Ordinance may be referred as a ballot question at the next regular or special election.

Ordinance No. 4295—An Ordinance Zoning the Brady South Annexation to Light Industrial (I-1) and Industrial/Office Park (I-O) Zone District Located at 347 and 348 27 ½ Road and 2757 C ½ Road

®Action: *Hold a Public Hearing to Reconsider Ordinance No. 4295*

Staff presentation: Tim Moore, Public Works and Planning Director
Greg Moberg, Planning Supervisor

12. **Non-Scheduled Citizens & Visitors**
13. **Other Business**
14. **Adjournment**

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

August 15, 2012

The City Council of the City of Grand Junction convened into regular session on the 15th day of August, 2012 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Tom Kenyon, and Council President Pro Tem Laura Luke. Absent were Councilmember Sam Susuras and Council President Bill Pitts. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pro Tem Luke called the meeting to order. Councilmember Coons led the Pledge of Allegiance, followed by an Invocation by Reverend Lawrence Henson, Unitarian Universalist Congregation of the Grand Valley.

Presentation/Recognition

July Yard of the Month

Kami Long, Chair of the Forestry Board, was present to award the Yard of the Month for July to Scott and Patty Webb, 2031 Paint Pony Court. Mr. Webb was present to receive the award and he thanked the City Council.

Proclamations

Proclaiming September 29, 2012 as "National Public Lands Day" in the City of Grand Junction

Councilmember Boeschstein read the proclamation. Joe Neuhoff and Zebulon Miracle of Colorado Canyons were present to receive the proclamation. Mr. Neuhoff thanked the City Council for the proclamation noting how our lives and quality of life are enhanced by public lands every day. Mr. Miracle echoed what Mr. Neuhoff said and stated they are trying to raise awareness of public lands in the community and public lands are the sites of numerous historical and cultural finds and preservation in this area.

Council Comments

Councilmember Coons explained the reason for her bruised eye, it occurred while running.

Councilmember Boeschstein said he was able to greet the President of the United States at the Airport along with Secretary of Interior Ken Salazar and other officials. It was a great event.

Councilmember Boeschstein said along with Councilmembers Coons and Susuras, he attended the celebration of the opening of the new patent office in the State. He noted there are several global industries located here in Grand Junction.

Councilmember Boeschstein then stated that at the last Council meeting he voted against a zoning request for property in the Colorado River and he has since met with the City Manager Rich Englehart on looking at the river more comprehensively.

Council President Pro Tem Luke said she voted in favor but she did not have enough information so she appreciated Councilmember Boeschstein bringing this to City Council's attention.

Citizen Comments

Eric Niederkruger, 629 Ouray Avenue, invited City Council to the People's Potluck on August 26, 2012 at 7:00 p.m. at Hawthorne Park. He noted everyone should bring food to share, table service, and something fun to share. He listed the various groups that have been invited.

Joan Raser, 3343 Northridge Drive, and Pat Hinton, 3336 Northridge Drive, spoke about a section of curb and gutter that is lower and is always filled with water. Ms. Raser is worried about mosquitoes laying eggs in the water and the chance of West Nile Virus. She asked that some money in the City's budget be moved around in order to allow the gutter to be fixed. Mr. Hinton noted that the water is from lawn watering and the gutter did have stagnant water. It's about 22 feet in length. It has been there over ten years, possibly as long as fifteen years. He noted that he noticed a new sidewalk at the school near his neighborhood. He did not think it would cost that much to replace the sidewalk/gutter.

Councilmember Doody asked that Public Works and Planning Director Tim Moore speak to these folks. City Manager Rich Englehart asked Mr. Moore to speak with Ms. Raser and Mr. Hinton.

Financial Report

Jodi Romero, Financial Operations Director, presented the bi-monthly Financial Report. She began with Economic Indicators. First was the foreclosure rates; Mesa County is still leading the State in numbers. The next indicator was construction activity. The numbers are down as the commercial activity is way down. Residential activity has picked up but that does not translate into very many dollars. On the employment front, 4,500 jobs have been regained. Gross retail activity compares Grand Junction to the activity in the nation and Grand Junction is higher in most categories. Ms. Romero said those numbers are partially due to the fact that the rest of the nation came out of the recession sooner. The retail sales tax numbers are higher than the same time in 2011 but are still well short of the 2008 levels. A graph of the different zones for retail and revenues from the different areas was then displayed.

The City overall is over budget on collections by 3%. The growth has now slowed and leveled off. Lodging tax was up despite the wild fires and they are looking forward to the fall special events.

Regarding sales tax compliance, Ms. Romero broke out the number of accounts and whether they are monthly, quarterly, or annual filers. They have a 98% compliance rate.

On budget, Ms. Romero showed the revenue and expenses to date. Overall the revenues are up and the expenses, due to cautious spending, are down. The same is true in the enterprise funds. She advised some large capital projects are coming forward.

Council President Pro Tem Luke complimented the Staff for keeping the expenses down and lauded the good work.

CONSENT CALENDAR

Councilmember Kenyon read the Consent Calendar and then moved to adopt the Consent Calendar items #1-8. Councilmember Doody seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the August 1, 2012 Regular Meeting

2. **Setting a Hearing on an Amendment to Title 21 of the Grand Junction Municipal Code Adopting the Flood Insurance Study of Grand Junction October 16, 2012 and New Flood Insurance Rate Maps** [File #ZCA-2012-393]

Pursuant to the Housing and Urban Development Act of 1968, for continued eligibility in the National Flood Insurance Program, the Federal Emergency Management Agency ("FEMA") requires the City of Grand Junction ("City") to adopt the most recent Flood Insurance Study ("FIS") and the Flood Insurance Rate Maps ("FIRMs") that have been modified due to the findings in the FIS report.

Proposed Ordinance Amending Section 21.07.010(c)(2) of the Grand Junction Municipal Code to Adopt the October 16, 2012 Flood Insurance Report and the Flood Insurance Rate Maps

Action: Introduction of a Proposed Ordinance and Set a Hearing for September 5, 2012

3. **Setting a Hearing on Amendments to Title 13 of the Grand Junction Municipal Code Provisions Regarding Storm Water Management**

Amendments to the City's storm water management regulations are proposed in order to comply with the Colorado Department of Public Health and Environment

Water Quality Control Division's most recent program recommendations and requirements.

Proposed Ordinance Amending Sections 13.28.010 (Definitions), 13.28.020(b) (Exemptions), 13.28.020(c) (Requirements), 13.28.030(e)(4) (Post-Construction Requirement of Permanent BMPs), and 13.28.040(b) and (c) (Enforcement), of the Grand Junction Municipal Code Regarding Storm Water

Action: Introduction of a Proposed Ordinance and Set a Hearing for September 5, 2012

4. **Contract for the White Hall Asbestos Abatement and Demolition Project**

The purpose of the Project is to abate and remove asbestos contamination from the entire White Hall structure, and demolish the fire-damaged portions of the building.

Action: Authorize the Purchasing Division to Execute a Contract with Hudspeth and Associates, Inc. for the White Hall Asbestos Abatement and Demolition Project in the Amount of \$313,650

5. **Lease Agreement with Southside Leasing, LLC for Remnant Property Located in the Vicinity of 1101 Kimball Avenue**

Southside Leasing, LLC, owners of the property at 1101 Kimball Avenue (old sugar beet factory building), are proposing to lease two small parcels from the City that are remnants of Las Colonias Park that were isolated from the Park proper by construction of Riverside Parkway.

Southside Leasing, LLC will assume maintenance of the two parcels and include them in future plans for redevelopment of the 1101 Kimball Avenue property.

Resolution No. 35-12—A Resolution Approving the Lease Agreement with Southside Leasing, LLC for Property Located in the Vicinity of 1101 Kimball Avenue

Action: Adopt Resolution No. 35-12

6. **Agreement with Powderhorn Ski Company, LLC. for Water for Snowmaking**

Powderhorn Ski Company, LLC, has requested to lease 140 acre feet of water from the City's Somerville Reservoir for the purposes of snowmaking. The term of this Agreement is 40 years, but with a requirement for Powderhorn to begin the work within 72 months. Emergency storage during a drought year is also provided for.

Resolution No. 36-12—A Resolution Authorizing an Agreement Between Powderhorn Ski Company, LLC and the City of Grand Junction for the Lease of Certain City Water for Snowmaking

Action: Adopt Resolution No. 36-12

7. **Contract for Purchase of Third Party Natural Gas Services**

For several years the City has contracted with a third party natural gas provider. By contracting with a third party provider, the City will achieve savings over the amount that would otherwise be paid to Xcel.

Action: Authorize the City Purchasing Division to Enter into a Contract for Natural Gas Services with A M Gas Marketing Corp., Aspen, CO for Nine City Facilities

8. **Airport Improvement Program Grant for an Aircraft Rescue Firefighting Vehicle**

AIP-50 is a grant for \$700,000.00 to acquire an aircraft rescue firefighting vehicle. The acquisition will replace an existing 24 year old rescue firefighting vehicle. The Supplemental Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City.

Action: Authorize the Mayor and City Attorney to Sign the Original FAA AIP-50 Grant Documents to Acquire Aircraft Rescue and Firefighting Vehicle at the Grand Junction Regional Airport and Authorize the City Manager to Sign the Supplemental Co-sponsorship Agreement for AIP-50

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Construction Contract for the 2012 Waterline Replacement Project

This Project is aimed at replacing aging waterlines in the City's water distribution system. The average age of the waterlines being replaced on this project are 48-years old and are made of either steel or ductile iron pipe. The oldest waterline being replaced was installed in 1957. Typically, the service life for a buried pipe made of either steel or ductile iron pipe is 50-years. As a result of the pipes' age, the existing waterlines are now beginning to experience periodic breaks due to the corrosion of the pipes.

Tim Moore, Public Works and Planning Director, introduced this item. The request is for an annual replacement of different waterlines. These lines were selected for this year as they are older, leaking, and the roads will be chip sealed next year. M.A. Concrete Construction, Inc. was the low bidder. The project will replace a mile of pipe.

Councilmember Kenyon asked about what the material of the pipe will be and the life expectancy. Mr. Moore said they will use PVC pipe which has a life of fifty years.

Council President Pro Tem Luke asked if any of the pipe was purchased last year. Mr. Moore said it was not.

Councilmember Coons moved to authorize the City Purchasing Division to execute a construction contract with M.A. Concrete Construction, Inc. for the construction of the 2012 Waterline Replacement Project in the amount of \$809,915. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

Public Hearing—Repealing Title 22 of the Grand Junction Municipal Code Concerning Submittal Standards for Improvements and Development [File #ZCA-2012-333]

Staff recommends removal of Title 22, Submittal Standards for Improvements and Development (SSID) Manual from the Zoning and Development Code. The SSID Manual will be retained as a technical procedures manual.

The public hearing was opened at 7:42 p.m.

Tim Moore, Public Works and Planning Director, introduced this item. He explained what the SSID Manual is and how it is used by developers. There are real benefits of having the manual to get consistent submittals; it makes the review more expeditious. It also helps planners and developers bid their work. There are drawing standards so design for items such as water lines will be consistent. The request is to pull it out of the Code and use it as a technical manual.

Senta Costello, Senior Planner, presented this item. She reiterated that the request is to remove the manual from the Grand Junction Municipal Code. The original manual was started in 1992 and the checklists were created for both the Staff and development community to communicate the expectations for each type of application. In 1993, the overall submittal standards were created as a standalone manual and then subsequently adopted into the Code. The manual explained what each document was, what format they should be submitted in, how many copies are required, a lot of details, and how to submit an application and supporting documentation. The manual was developed with input from the development community.

Ms. Costello then displayed some examples of the checklists and noted how they have evolved over the years. The checklists are used on a day to day basis and are customized for a specific project depending on the type and location. Overtime, some documentation is no longer needed, much due to technology changes. Fewer documents are required to be submitted in paper format. Using the current system in the Code and online has been difficult, so pulling the manual out of the Code may make it more user-friendly. The manual can be changed more proactively and timely if it's out of the Code. The manual is basically a "how to" book. They still solicit input from the development community for any changes.

Ms. Costello summarized the advantages of having the SSID Manual as a technical manual outside of the Code. The change is supported by the development community as evidenced by the letters of support contained within the Staff Report materials.

Councilmember Coons clarified that currently, any changes to be made to the manual would have to come to the City Council. Outside of the Code, those changes can be made without action by the Council. Ms. Costello said that is correct.

Councilmember Boeschstein asked if, by taking it out of the Code, would it then not be required any longer? Ms. Costello said it would not have the force of law but they would maintain that these are still the expectations. Lack of compliance could delay the project.

Councilmember Boeschstein asked if Staff could then waive some of the requirements. Ms. Costello said the level of integrity would still be maintained. Councilmember Boeschstein asked who would adjudicate any dispute in the case where a requirement was waived. Ms. Costello said neighborhood requirements are in and will remain in the Code; the SSID Manual defines the format of the submittals.

City Attorney Shaver said the Code does allow the Director to waive certain requirements. If appealed, then it goes to the Zoning Board of Appeals. Mr. Shaver said that Councilmember Coons was correct in her assessment of the reason for withdrawing the manual from the Code. It will not be part of the legal requirements but it will still be part of the practical requirements.

Councilmember Coons noted it will be more of a how to submit, not what is required.

Councilmember Boeschstein asked how the most current version will be available. Ms. Costello said any time the manual is updated, the version on line will be updated.

There were no public comments.

The public hearing was closed at 8:05 p.m.

Councilmember Doody complimented Ms. Costello for her presentation and noted that the SSID Manual is a nice guideline for developers.

Ordinance No. 4550—An Ordinance Repealing Title 22, Submittal Standards for Improvements and Development (SSID), of the Grand Junction Municipal Code

Councilmember Doody moved to adopt Ordinance No. 4550 and ordered it published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Councilmember Kenyon thanked the Department for bringing this forward and said that it will allow the development community to take advantage of these standards.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Doody asked about Councilmember Boeschstein's earlier comment on zoning in the river. He asked if United Companies rezone will be revisited? Councilmember Boeschstein said they will be looking at the river overall. He thought the zoning was a major error. He felt the zoning was contrary to the flood insurance program. Councilmember Boeschstein said Staff will show that an overlay zone for the river corridor will require additional consideration for the river. Councilmember Doody noted that it is an extraction operation and that is permitted.

Councilmember Doody inquired of the City Attorney about the democratic process. He said he was not planning on revisiting the United Companies zoning. City Attorney Shaver said that is not the intent but rather it is looking more comprehensively at the river area during those considerations. The United Companies zoning will not be revisited, it is about looking at the other options along the river. Any other ideas will come back to the Council as a whole.

Council President Pro Tem Luke asked about the Comprehensive Plan and the need to make decisions consistently. City Attorney Shaver said another important consideration is that there may be other uses that are options. The Comprehensive Plan is a plan not a zoning map.

Adjournment

The meeting was adjourned at 8:15 p.m.

Stephanie Tuin, MMC
City Clerk



Date: Aug. 24, 2012
 Author: Lisa Cox, AICP
 Title/ Phone Ext: Planning Manager/ Ext: 1448
 Proposed Schedule:
1st Reading: Sept. 5, 2012
2nd Reading: Sept. 19, 2012
 File Number ZCA-2012-356

Attach 2

CITY COUNCIL AGENDA ITEM

<p>Subject: Amendment to Section 21.04.040(f)(5) of the Grand Junction Municipal Code Concerning Occupancy of Accessory Dwelling Units</p>
<p>Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for September 19, 2012</p>
<p>Presenter(s) Name & Title: Tim Moore, Public Works and Planning Director Lisa Cox, Planning Manager</p>

Executive Summary:

This amendment to Section 21.04.040(f)(5) would eliminate the owner occupancy requirement for accessory dwelling units in zones R-8, R-12, R-O and B-2.

Background, Analysis and Options:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code. City Council has requested that Staff propose amendments to Title 21 as needed to maintain a dynamic, responsive Zoning Code. This proposed amendment will enhance the responsiveness of the Zoning Code to the concerns of citizens and the growth of certain sectors of the local economy, as well as enhance its effectiveness.

The proposed amendment to Section 21.04.040(f)(5) eliminates a requirement that the property owner occupy either or both the principal structure and the accessory dwelling unit. The requirement would be eliminated only in zones R-8, R-12, R-O and B-2, in keeping with the character of those zone districts, which allow multifamily dwellings. Zones of lower density do not allow multifamily dwelling, so the owner-occupancy rule will continue to preserve the character of neighborhoods and neighborhood expectations in those zones.

This change will help accommodate the increasing demand for temporary, seasonal or rental housing generated by the oil and gas industry, the expansion of Colorado Mesa University, foreclosures and other general shifts in housing preferences.

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

The proposed amendment is consistent with the following goals and policies of the Comprehensive Plan:

Policy 6A: In making land use and development decisions, the City and County will balance the needs of the community.

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

The proposed Code amendment supports the vision and goals of the Comprehensive Plan by providing to property owners the flexibility and the opportunity to rent property and meet the increased demand for rental housing.

Board or Committee Recommendation:

The Planning Commission voted to recommend approval of the proposed amendment at its August 14, 2012 meeting with the following findings of fact and conclusions:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendment will help implement the vision, goals and policies of the Comprehensive Plan.

Financial Impact/Budget:

There are no anticipated financial or budget impacts.

Legal issues:

The proposed amendment has been reviewed by the Legal Division and found to be compliant with applicable law.

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING SECTION 21.04.040(f)(5)
OF THE GRAND JUNCTION MUNICIPAL CODE ELIMINATING THE
OWNER OCCUPANCY REQUIREMENT FOR ACCESSORY DWELLING UNITS IN
ZONES R-8, R-12, R-O, AND B-2**

Recitals:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code of Ordinances.

The Grand Junction City Council encourages updating of the Zoning and Development Code in order to maintain its effectiveness and responsiveness to the citizens' best interests.

Section 21.04.040(f) allows accessory dwelling units in conjunction with single family uses. Subsection (5) requires that either the accessory dwelling unit or the principle structure must be occupied by the property owner.

With the community's oil and gas industry, the expansion of Colorado Mesa University, and recent foreclosures, demands for seasonal, short-term or temporary housing have been increasing and are expected to continue to increase. Property owners are rising to meet this demand by adding units to their properties and by renting out accessory dwelling units.

The Grand Junction City Council desires to encourage this by allowing either or both the principal structure and the accessory dwelling unit to be occupied by non-owners in zones R-8, R-12, R-O and B-2. Because these zones already allow multifamily dwelling, this change will be consistent with neighborhood character and reasonable neighborhood expectations.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed amendment for the following reasons:

1. The request is consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendment will help implement the vision, goals and policies of the Comprehensive Plan.

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that an amendment eliminating the owner occupancy requirement for accessory dwelling units in zones R-8, R-12, R-O and B-2 will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

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

Section 21.04.040(f)(5) is amended as follows (deletions shown by strikethrough, additions are underlined):

(5) Either the principal structure or the unit shall be owner-occupied, except in the R-8, R-12, R-O and B-2 zone districts.

All other provisions of Section 21.04.040(f) shall remain in full force and effect.

INTRODUCED on first reading the _____ day of _____, 2012 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2012 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Attach 3

CITY COUNCIL AGENDA ITEM

Date: Aug. 24, 2012
Author: Lisa Cox, AICP
Title/ Phone Ext: Planning
Manager/ Ext: 1448
Proposed Schedule:
1st Reading: Sept. 5, 2012
2nd Reading: Sept. 19, 2012
File Number ZCA-2012-357

Subject: Amendment to Section 21.04.030(a) of the Grand Junction Municipal Code to Add Use-Specific Standards for Racing Pigeons

Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for September 19, 2012

Presenter(s) Name & Title: Tim Moore, Public Works and Planning Director
Lisa Cox, Planning Manager

Executive Summary:

This amendment to Section 21.04.030(a) will add use-specific standards related to racing pigeons that were eliminated when the Code was updated in 2010.

Background, Analysis and Options:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code. City Council has requested that Staff propose amendments to Title 21 as needed to maintain a dynamic, responsive Zoning Code. This proposed amendment will add use-specific standards related to racing pigeons that were eliminated when the Code was updated in 2010.

The proposed amendment to Section 21.04.030(a) will add use-specific standards related to racing pigeons that were thought to be obsolete and unnecessary when the Zoning and Development Code was updated in 2010 and therefore eliminated. The removal of those standards effectively disallowed the keeping of racing pigeons in the City. After meeting with representatives of the racing pigeon community, Staff is convinced that the keeping of racing pigeons can be compatible with contemporary urban standards.

The proposed amendment provides specific standards intended to ensure that racing pigeons are maintained in a manner that protects the rights of property owners in the neighborhood and provide clear standards for maintaining racing pigeons.

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

The proposed amendment is consistent with the following goals and policies of the Comprehensive Plan:

Policy 6A: In making land use and development decisions, the City and County will balance the needs of the community.

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

The proposed Code amendment supports the vision and goals of the Comprehensive Plan by providing individuals who wish to own or maintain racing pigeons with use-specific standards and will provide assurances for the neighborhood and nearby property owners that racing pigeons will not become a nuisance to their properties.

Board or Committee Recommendation:

The Planning Commission voted to recommend approval of the proposed amendment at its August 14, 2012 meeting with the following findings of fact and conclusions:

1. The proposed amendments are consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendments will help implement the vision, goals and policies of the Comprehensive Plan.

Financial Impact/Budget:

There are no anticipated financial or budget impacts.

Legal issues:

The proposed amendment has been reviewed by the Legal Division and found to be compliant with applicable law.

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING SECTION 21.04.030(a)
OF THE GRAND JUNCTION MUNICIPAL CODE TO ADD USE-SPECIFIC
STANDARDS FOR RACING PIGEONS**

Recitals:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code of Ordinances.

The Grand Junction City Council encourages updating of the Zoning and Development Code in order to maintain its effectiveness and responsiveness to the citizens' best interests.

Section 21.04.030(a) provides rules and regulations for the keeping of agricultural animals, household pets and other animals. Use-specific standards are required when appropriate to ensure that the keeping of animals shall not become a nuisance, hazard and/or create a public health problem. The amendment adds use-specific standards for racing pigeons to allow the keeping of such birds in the City in a way that will ensure that they do not become a nuisance, hazard and/or create a public health problem for the community.

The City Council finds that it promotes the health, safety and welfare of the community to allow the keeping of racing pigeons in the City in a manner that protects the rights of property owners in the neighborhood and community and to provide clear standards for maintaining racing pigeons to prevent them from becoming a nuisance, hazard and/or public health problem.

The City Council also finds that the amendment is consistent with reasonable neighborhood expectations.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed amendment for the following reasons:

1. The request is consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendment will help implement the vision, goals and policies of the Comprehensive Plan.

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that an amendment to add use-specific standards for Racing Pigeons will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

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

Section 21.04.030(a) is amended as follows (additions are underlined):

(5) Other Animals.

(i) Other animals may be kept only after obtaining approval from the Director.

(ii) Racing Pigeons. "Racing Pigeons", by definition, is a pigeon which, through selective past breeding, has developed the distinctive physical and mental characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon Union, Inc. or the International Federation of Racing Pigeons Fanciers. Also commonly known as Racing Homer, Homing Pigeon or Carrier Pigeon. The structure for the keeping of housing of pigeons permitted by this regulation is defined as a "loft". The keeping of pigeons as defined above shall be permitted on the following conditions which are, in part, recommended by the Avian Assistance Council and the American Racing Pigeon Union, Inc.:

(A) The loft shall be of such sufficient size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition and shall contain at least one (1) square foot of floor space for each mature pigeon kept therein.

(B) The construction and location of the loft shall not conflict with the requirements of this Code or building code. The loft shall be enclosed except for the aviary portion which cannot exceed twenty percent (20%) of the floor area of the loft.

(C) The loft shall be maintained in a sanitary condition and in compliance with all applicable health regulations of the City.

(D) All feed for said pigeons shall be stored in such containers as to protect against intrusion by rodents and other vermin.

(E) A maximum of fifty (50) performing birds shall be allowed on parcels of one-half (1/2) acre or less. On parcels greater than one-half (1/2) acre, a maximum of 100 performing birds shall be allowed. Performing birds are birds that leave the loft in training and for racing.

(F) All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition; and at no time shall pigeons be allowed to perch or linger on the buildings or property of others. Pigeons shall be fed only in the confines of the loft.

(G) No one shall release pigeons to fly for exercise, training or competition except in compliance with the following rules:

(a) The owner of the pigeons must be a member in good standing of an organized pigeon club, such as the Grand Junction Racing Pigeon Club, The American Racing Pigeon Union, Inc. or other club that has rules that will help preserve the peace and tranquility of the neighborhood.

(b) Pigeons will not be released for flying which have been fed within the previous four (4) hours.

(c) Pigeons shall be banded and registered with one (1) of the national pigeon associations/registries.

(H) A structure housing racing pigeons shall be no closer than 50 feet to any adjacent residential or commercial structure on another property.

All other provisions of Section 21.04.030(a) shall remain in full force and effect.

INTRODUCED on first reading the _____ day of _____, 2012 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2012 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Date: August 23, 2012
 Author: Lori V. Bowers
 Title/ Phone Ext: Senior Planner / 4033
 Proposed Schedule: Resolution Referring Petition and set a hearing (1st reading) Sept 5, 2012
 2nd Reading: Oct. 17, 2012
 File #: ANX-2012-374

Attach 4

CITY COUNCIL AGENDA ITEM

Subject: Rohner Annexation, Located at 249 Abraham Avenue
Action Requested/Recommendation: Adopt a Resolution Referring the Petition for the Rohner Annexation, Introduce a Proposed Ordinance and Set a Hearing for October 17, 2012.
Presenter(s) Name & Title: Tim Moore, Public Works and Planning Director Lori V. Bowers, Senior Planner

Executive Summary:

A request to annex one parcel, 0.44 acres, located at 249 Abraham Avenue. The Rohner Annexation consists of one parcel that contains two condominium units. The total annexation area consists of 1.63 acres, containing 51,595 square feet of public right-of-way.

Background, Analysis and Options:

The property requesting annexation into the City is located at 249 Abraham Avenue. There are two dwelling units on this parcel, addressed as Units 1 and 2. They were constructed in 2003. When construction on the dwelling units was completed, the owner/developer chose to condominiumize the units instead of subdividing them, thus avoiding annexation per the Persigo Agreement. The new owners of Unit 1 initiated the request for annexation. They also initiated a request to subdivide the lot into two lots so each dwelling unit would sit on its own lot and terminating the condominium status. The owners of Unit 2 are supportive of the request and are a party to this application.

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

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

The request to subdivide the subject parcel triggers the Persigo Agreement. Upon annexation the property will be zoned to reflect the existing zoning and it will reflect the zoning allowed by the Future Land Use Map of the Comprehensive Plan, therefore retaining consistency with the built environment.

Board or Committee Recommendation:

The Planning Commission will consider the Zone of Annexation on September 11, 2012. Their recommendation will be forwarded in the 1st reading of the Zoning Ordinance on October 3, 2012.

Financial Impact/Budget:

None.

Legal issues:

There are none.

Other issues:

None.

Previously presented or discussed:

A Neighborhood Meeting was held on July 6, 2012.

Attachments:

1. Staff report/Background information
2. Annexation Map / Aerial Photo Map
3. Comprehensive Plan / Existing City and County Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		249 Abraham Avenue		
Applicants:		Robert and Jo Ann Rohner and Goode Family Trust - owners		
Existing Land Use:		Condominium		
Proposed Land Use:		Single-family attached unit		
Surrounding Land Use:	North	Elementary school		
	South	Residential		
	East	Residential		
	West	Residential		
Existing Zoning:		County RSF-4		
Proposed Zoning:		R-4 (Residential – 4 units per acre)		
Surrounding Zoning:	North	County RSF-4		
	South	County RSF-4		
	East	County RSF-4		
	West	County RSF-4		
Future Land Use Designation:		Residential Medium Low		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 1.63 acres of land and is comprised of one parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single

- demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
 - e) The area is capable of being integrated with the City;
 - f) No land held in identical ownership is being divided by the proposed annexation;
 - g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The following annexation and zoning schedule is being proposed.

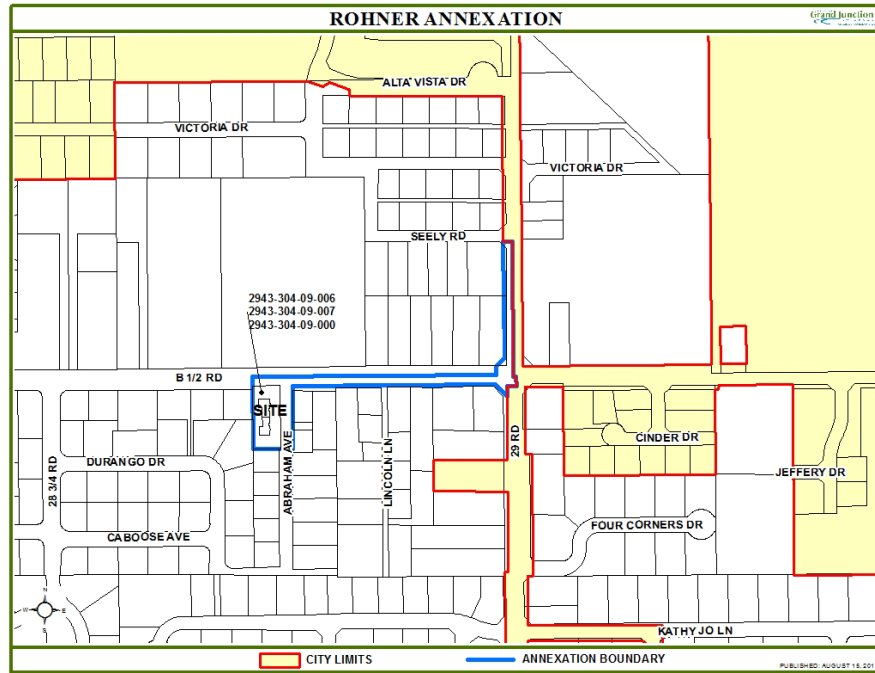
<u><i>ANNEXATION SCHEDULE</i></u>	
Sept.5, 2012	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
Sept. 11, 2012	Planning Commission considers Zone of Annexation
Oct. 3, 2012	Introduction Of A Proposed Ordinance on Zoning by City Council
Oct. 17, 2012	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
Nov. 18, 2012	Effective date of Annexation and Zoning

ROHNER ANNEXATION SUMMARY

File Number:	ANX-2012-374	
Location:	249 Abraham Avenue	
Tax ID Numbers:	2943-304-09-006 & 2943-304-09-007	
# of Parcels:	1	
Estimated Population:	4	
# of Parcels (owner occupied):	one	
# of Dwelling Units:	2	
Acres land annexed:	1.63	
Developable Acres Remaining:	0	
Right-of-way in Annexation:	51,595 square feet	
Previous County Zoning:	RSF-4	
Proposed City Zoning:	R-4 (Residential – 4 units)	
Current Land Use:	Residential	
Future Land Use:	Residential	
Values:	Assessed:	\$20,780
	Actual:	\$261,100
Address Ranges:	249 Abraham Avenue	
Special Districts:	Water:	Ute Water Conservation
	Sewer:	Orchard Mesa Sanitation
	Fire:	Grand Junction Fire
	Irrigation/ Drainage:	Orchard Mesa Irrigation /
	School:	Lincoln O.M. Elementary / Orchard Mesa Middle / Central High School
	Pest:	Grand River Mosquito – East Valley

Annexation Map

Figure 1



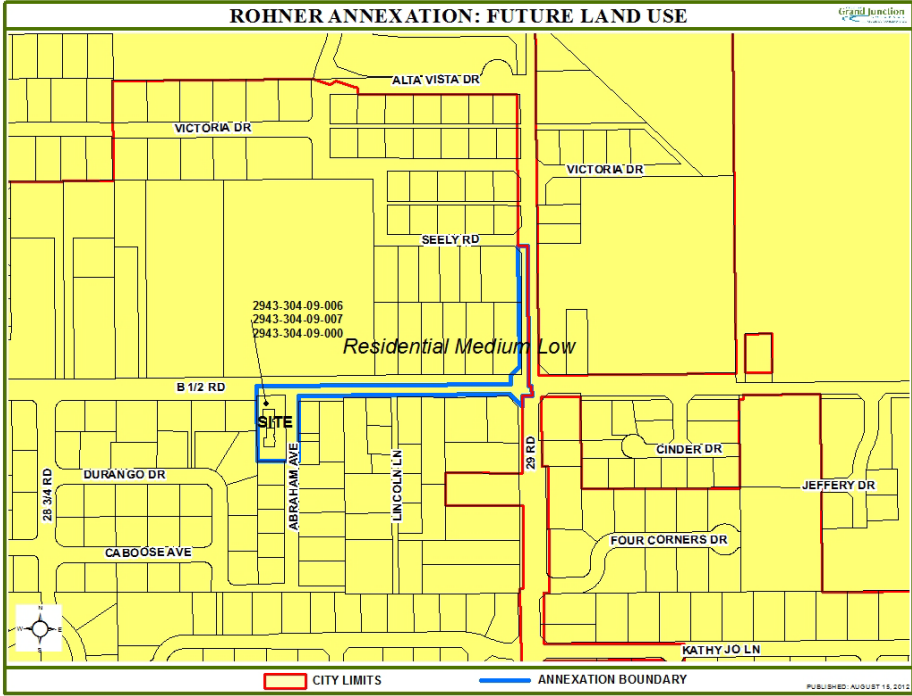
Aerial Photo Map

Figure 2



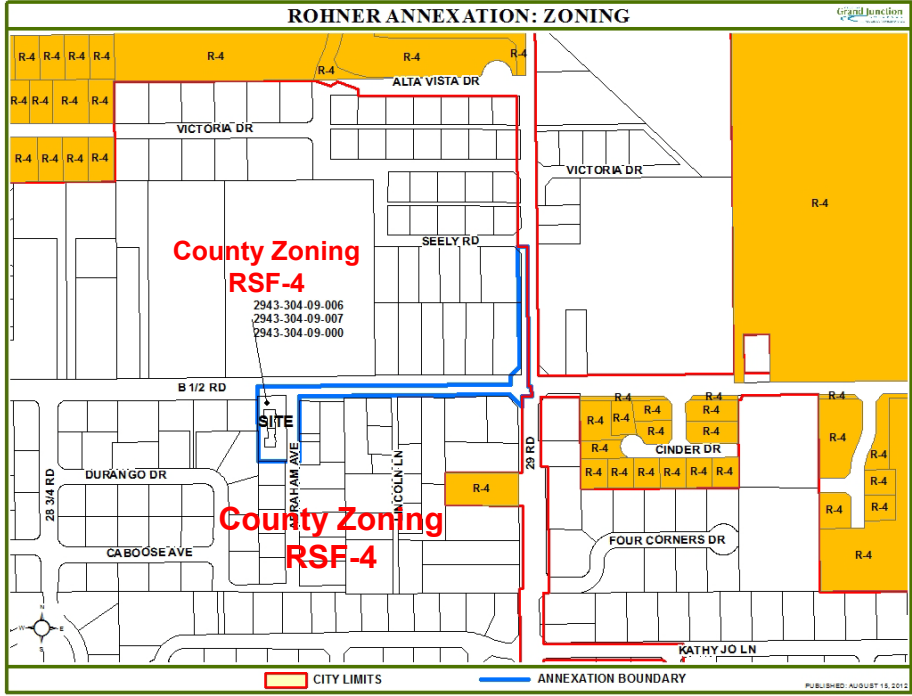
Comprehensive Plan Map

Figure 3



Existing City and County Zoning Map

Figure 4



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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 5th of September, 2012, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

ROHNER ANNEXATION

LOCATED AT 249 ABRAHAM AVENUE

WHEREAS, on the 5th day of September, 2012, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

ROHNER ANNEXATION

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

BEGINNING at the West Quarter (W 1/4) corner of said Section 30 and assuming the South line of the SE 1/4 NE 1/4 of said Section 30 bears S 89°56'51" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°11'59" W along the East line of the SE 1/4 NE 1/4 of said Section 30, a distance of 443.59 feet; thence S 89°56'51" W a distance of 30.00 feet; thence S 00°11'59" E along the West right of way for 29 Road, being a line 30.00 feet West of and parallel with, the East line of the SE 1/4 NE 1/4 of said Section 30, a distance of 384.52 feet; thence S 44°30'47" W along the West right of way for 29 Road, a distance of 40.54 feet; thence S 00°03'09" E a distance of 30.00 feet to a point on the North line of the NE 1/4 SE 1/4 of said Section 30; thence S 89°56'51" W, along the North line of the NE 1/4 SE 1/4 of said Section 30, a distance of 810.11 feet; thence S 00°03'13" E along the West line of the 2885 B-1/2 Road Condominium, as same is recorded in Book 3560, Page 967, Public Records of Mesa County, Colorado, a distance of 238.71 feet; thence S 89°56'00" E along the South line of said Condominium, a distance of 142.00 feet to a point on the East right of way for Abraham Avenue; thence N 00°03'13" W along the East right of way for Abraham Avenue, a distance of 209.01 feet to a point on the South right of way for B-1/2 Road; thence N 89°56'51" E along said South right of way, being a line 30.00 feet South of and parallel with the North line of the NE 1/4 SE 1/4 of said

Section 30, a distance of 664.70 feet; thence S 45°06'58 E, along the South right of way for B-1/2 Road, a distance of 45.41 feet; thence N 00°10'55" W a distance of 32.08 feet; thence N 89°56'51" E, a distance of 30.00 feet to a point on the East line of the NE 1/4 SE 1/4 of said Section 30; thence N 00°10'55" W, along the East line of the NE 1/4 SE 1/4 of said Section 30, a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 70,805 Square Feet or 1.63 Acres, more or less, as described.

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

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

1. That a hearing will be held on the 17th day of October, 2012, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2012.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
September 7, 2012
September 14, 2012
September 21, 2012
September 28, 2012

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

ROHNER ANNEXATION

APPROXIMATELY 1.63 ACRES

LOCATED AT 249 ABRAHAM

WHEREAS, on the 5th day of September, 2012, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 17th day of October, 2012; and

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

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

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

ROHNER ANNEXATION

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

BEGINNING at the West Quarter (W 1/4) corner of said Section 30 and assuming the South line of the SE 1/4 NE 1/4 of said Section 30 bears S 89°56'51" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°11'59" W along the East line of the SE 1/4 NE 1/4 of said Section 30, a distance of 443.59 feet; thence S 89°56'51" W a distance of 30.00 feet; thence S 00°11'59" E along the West right of way for 29 Road, being a line 30.00 feet West of and parallel with, the East line of the SE 1/4 NE 1/4 of said Section 30, a distance of 384.52 feet; thence S 44°30'47" W along the West right of way for 29 Road, a distance of 40.54 feet; thence

S 00°03'09" E a distance of 30.00 feet to a point on the North line of the NE 1/4 SE 1/4 of said Section 30; thence S 89°56'51" W, along the North line of the NE 1/4 SE 1/4 of said Section 30, a distance of 810.11 feet; thence S 00°03'13" E along the West line of the 2885 B-1/2 Road Condominium, as same is recorded in Book 3560, Page 967, Public Records of Mesa County, Colorado, a distance of 238.71 feet; thence S 89°56'00" E along the South line of said Condominium, a distance of 142.00 feet to a point on the East right of way for Abraham Avenue; thence N 00°03'13" W along the East right of way for Abraham Avenue, a distance of 209.01 feet to a point on the South right of way for B-1/2 Road; thence N 89°56'51" E along said South right of way, being a line 30.00 feet South of and parallel with the North line of the NE 1/4 SE 1/4 of said Section 30, a distance of 664.70 feet; thence S 45°06'58 E, along the South right of way for B-1/2 Road, a distance of 45.41 feet; thence N 00°10'55" W a distance of 32.08 feet; thence N 89°56'51" E, a distance of 30.00 feet to a point on the East line of the NE 1/4 SE 1/4 of said Section 30; thence N 00°10'55" W, along the East line of the NE 1/4 SE 1/4 of said Section 30, a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 70,805 Square Feet or 1.63 Acres, more or less, as described.

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

INTRODUCED on first reading on the ____ day of _____, 2012 and ordered published in pamphlet form.

ADOPTED on second reading the ____ day of _____, 2012 and ordered published in pamphlet form.

Attest:

President of the Council

City Clerk



Attach 5

CITY COUNCIL AGENDA ITEM

Date: August 29, 2012
Author: Tim Moore
Title/ Phone Ext: 1557
Proposed Schedule: September 5, 2012
2nd Reading
(if applicable): N/A
File # (if applicable): N/A

Subject: Building Inspection and Contractor Licensing Agreement
Action Requested/Recommendation: Adopt Resolution Approving a Contract with Mesa County for Building Inspection and Contractor Licensing
Presenter(s) Name & Title: John Shaver, City Attorney Tim Moore, Public Works and Planning Director

Executive Summary:

Requesting approval of a contract for building inspection and contractor licensing services with Mesa County. The agreement has served both the City and County well in the past and the recommended action will provide for the continuation of those services. The contract term is for two years.

Background, Analysis and Options:

Mesa County has provided building inspection and contractor licensing services for the City of Grand Junction, Fruita and Palisade for a number of years. This arrangement is the most efficient means of delivering this service and has been very successful. As a result, staff is recommending no change to the previous agreement and recommends Council authorize the City Manager to sign the attached agreement.

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

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

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

Board or Committee Recommendation:

NA

Financial Impact/Budget:

Fees for services are provided for in the contract. No direct budget impact.

Legal issues:

Approved to form by Legal

Other issues:

NA

Previously presented or discussed:

No.

Attachments:

Proposed contract

Exhibit A

Exhibit B

Resolution approving the contract

#MCA _____

CONTRACT FOR PROFESSIONAL SERVICES

THIS CONTRACT made and entered into as of the _____ of _____ 2012 by and between the County of Mesa, Colorado, a governmental entity (hereinafter referred to as "Contractor") and the of City of Grand Junction, a governmental entity (hereinafter referred to as "City")

WITNESSETH

WHEREAS, The City desires to engage the services of the Contractor to perform certain work for the benefit of the City; and

WHEREAS, The Contractor desires to perform the work for the City in accordance with the terms and conditions set forth herein;

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES AND THE PROMISES HEREAFTER SET FORTH, IT IS MUTUALLY AGREED AS FOLLOWS:

1. The services to be provided by the Contractor and the City respectively are as follows:

See Exhibit A attached hereto and made a part hereof by this reference.

2. Any other work, materials, equipment or machinery not specifically described or expressly covered herein, but which is required or necessary to perform or complete the work which is contemplated, shall be deemed to be, and is, covered by this Contract.

3. The Contractor shall perform work hereunder in accordance with sound and acceptable industry or professional practices and standards and in accordance with all codes, standards, regulations, and laws applicable to the work.

4. The Contractor shall proceed with and accomplish the work contracted hereunder upon receipt of a written notice to proceed from the City. Such written notice shall be issued by the City Administrator. The Contract Administrator for the Contractor is the Chief Building Official for Mesa County unless otherwise designated in writing. The Contract Administrator for the City shall be a City appointed Building Official who shall have all of the powers as authorized by Section 104 of the International Building Code. The Contractor shall act as the Building Official's Deputy as described in Section 104 of the International Building Code.

5. For the performance by the Contractor under this Contract, the City shall

compensate and reimburse the Contractor in accordance with the provisions set forth in Exhibit "B" attached hereto and made a part hereof by this Reference.

6. At its own expense, The City will provide the following to assist the Contractor in performing under this Contract:

See City provided services in Exhibit "A".

7. In the performance of work under this Contract, the Contractor shall be deemed to be, and is, an independent contractor with the authority to control and direct the performance and detail of its work; The City being interested only in the results obtained.

8. Precautions shall be exercised at all times for the protection of all persons and property. The safety provisions of all applicable laws, regulation, and codes shall be observed. Hazards arising from the use of vehicles, machinery, and equipment shall be guarded and eliminated in accordance with the highest accepted standards of safety practice. The Contractor shall comply fully with all pertinent Federal, State, or Local Statutes, rules or regulations.

9. This is a personal services' contract on the part of the Contractor. This contract may not be assigned without the prior express written consent of both parties and any attempt to assign this Contract without the prior express written consent of either party shall render the Contract null and void with respect to the attempted assignee.

10. No part of this Contract shall be sublet without the prior express written approval of the City. If the Contractor shall sublet any portion of this Contract, the Contractor shall be fully responsible to the City for acts and omissions of a subcontractor, or persons either directly or indirectly employed and the acts and omissions of persons employed directly or indirectly by the Contractor.

11. The Contractor shall retain in strictest confidence all information furnished to the Contractor by the City and the results of the Contractor's work hereunder. The Contractor shall not disclose such information or results to anyone except the City without the prior written consent of the City. Exception: Those documents and information considered to be public information and/or documents and information found on or which are part of the building permit.

12. This Contract may be terminated at any time during the term of the Contract by either party upon 90 days written notice of intent to terminate said Contract.

13. Upon termination or expiration of this Contract, the Contractor shall immediately

cease field work, prepare a final report on all work accomplished to that time, and deliver to the City the final report and all other documents, papers, calculations, notes, designs, drawings, maps, reports, or other technical papers which have been prepared by the Contractor under the terms of this Contract.

14. This is not an exclusive Contract. The Contractor may, at its sole discretion, contract with other entities for work similar to that to be performed by the Contractor hereunder.

15. The term of this Contract shall be for two (2) years from the date hereof.

16. Contractor shall indemnify and hold harmless the City, its officers, officials, employees, and agents, for any claims or damages, including attorneys' fees, arising from Contractor's negligent performance of its duties hereunder. The City shall indemnify and hold harmless the Contractor, its officers, officials, employees, and agents, for any claims or damages, including attorneys' fees, arising from the performance of this Contract other than Contractor's negligent performance of its duties hereunder.

17. This Contract is and shall be deemed to be performable in the County of Mesa, Colorado, and venue for any disputes hereunder shall be in the District Court of the County of Mesa, Colorado.

IN WITNESS WHEREOF, the parties have executed this Contract as of the day and year first above written.

THE BOARD OF COUNTY COMMISSIONERS
COUNTY OF MESA, COLORADO

BY: _____
Chair,

Attest:

Janice Ward Rich, Clerk & Recorder

Chief Building Official

Mesa County

City of Grand Junction, COLORADO

By: _____

Address

Title

Attest:

Stephanie Tuin, City Clerk

EXHIBIT "A"

1. a) Contractor Provided Services: The Contractor shall review permit applications and all required documents for content and accuracy. The Contractor shall review building plans and specifications for compliance with the most currently adopted building code. The Contractor shall issue the building permit, provide the required inspections, and issue the Certificate of Occupancy after the final inspection is approved, all in compliance with applicable codes, ordinances, and regulations.

b) City Provided Services: The City shall provide to the Contractor the following items: Stationary, forms, envelopes and postage for conducting City related business. If the City does not adopt by ordinance all of the building related codes as are currently adopted and amended by Mesa County or as currently adopted by the State of Colorado, then Contractor may terminate this agreement. The Codes to be enforced in the City will be the Codes presently adopted by Mesa County and any such code hereinafter adopted or amended by Mesa County.

The City shall provide a development clearance approval for each building permit to be given to each permit applicant. Contractor shall not issue any permit until the permit applicant delivers the development clearance approved to the Contractor. The development clearance shall state that the City has reviewed the project for compliance with all City zoning and setback requirements, utility taps and driveway locations and found the same to be in compliance and shall grant approval to release a building permit. The Contractor shall verify set-backs as required by the City, at the time of the first foundation inspection. The City shall be responsible to inspect the project site prior to the issuance of a Certificate of Occupancy by the Contractor to ensure compliance with the development clearance approval mentioned above.

EXHIBIT "B"

The Contractor shall be reimbursed for services provided under this Contract as follows:

a. The Contractor shall charge permit fees for all work that requires the issuance of a building permit. Those fees shall be payable by the permit applicant at the time of permit issuance. Said fees shall be in accordance with the Contractor's then current standard fee schedule as from time to time adopted or amended by the Contractor in its sole discretion.

b. With prior approval the by City Building Official, services may be provided by the Contractor that are not covered by the fees described in (a) above and shall be charged to the City according to the following schedules.

City Council Meeting	\$20.00 per hour per person
Ordinance Drafting	\$20.00 per hour per person
Public Nuisance inspections and abatement proceedings	\$20.00 per hour per person
Courtesy inspections not requiring a building permit	\$15.00 per inspection
Contractor's Licensing	95% of Fees Collected

CITY OF GRAND JUNCTION

RESOLUTION NO. __-12

**A RESOLUTION AUTHORIZING A CONTRACT WITH MESA COUNTY FOR
BUILDING INSPECTION AND CONTRACTOR LICENSING SERVICES**

RECITALS:

The City Council of the City of Grand Junction, hereby resolves to enter into a contract with Mesa County, Colorado, for building inspection and contractor licensing services within the City by the County.

The City has previously contracted with the County for such services. The agreement has expired and therefore the contract is being renewed.

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

The agreement with Mesa County Colorado to provide building inspection and contractor licensing services to the City is hereby approved and the City Manager is authorized to sign the agreement.

PASSED AND APPROVED this ____ day of ____ 2012.

President of the Council

Attest:

City Clerk



Date: August 23, 2012
 Author: Rob Schoeber
 Title/ Phone Ext: P & R Director/3881
 Proposed Schedule: September 5,
2012
 2nd Reading
 (if applicable): _____
 File # (if applicable): _____

Attach 6
CITY COUNCIL AGENDA ITEM

Subject: Boettcher Foundation Grant for the Tower at Lincoln Park
Action Requested/Recommendation: Accept Grant from the Boettcher Foundation in the Amount of \$50,000 for the Stadium Renovation Project at Lincoln Park
Presenter(s) Name & Title: Rob Schoeber, Parks and Recreation Director

Executive Summary:

The total project cost for the renovation project is \$8.3 million. Certificates of Participation have been issued in the amount of \$7,549,263. The remaining balance of \$750,737 was pledged by Grand Junction Baseball, Inc. (JUCO). One of the donors to this balance is the Boettcher Foundation in the amount of \$50,000; therefore, the acceptance of this grant will be a credit toward their commitment.

Background, Analysis and Options:

Grand Junction Baseball has been very successful in securing multiple funding partners for this project. Additional partners include the El Pomar Foundation, The Grand Junction Lions Club, PIAB, School District #51, Colorado Mesa University and other local donors. The Boettcher Foundation requires grants to be awarded to organizations with audited financial statements; therefore the City can accept the funds on behalf of this project.

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

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

The renovations at Stocker Stadium and Suplizio Field have proven to be well received by the community and the various event organizers of the facilities. These renovations also helped secure a 25 year contract for the Junior College World Series in Grand Junction.

Financial Impact/Budget:

The acceptance of this award will have no impact on the City's budget and will credit \$50,000 against the \$750,737 pledged by Grand Junction Baseball.

Legal issues:

NA

Other issues:

NA

Previously presented or discussed:

NA

Attachments:

None.



Attach 7

CITY COUNCIL AGENDA ITEM

Date: 8-16-12
 Author: Lorie Gregor
 Title/ Phone Ext: Rec.
 Coordinator 3876
 Proposed Schedule: September
5, 2012
 2nd Reading
 (if applicable): _____
 File # (if applicable): _____

Subject: Purchase of Bronze Sculpture for Exterior of Police Building in the Public Safety Complex
Action Requested/Recommendation: Authorize the Purchase of the Bronze Sculpture "Legacy" from Greg Todd in the Amount of \$80,000
Presenter(s) Name & Title: Rob Schoeber, Parks and Recreation Director

Executive Summary:

Request for approval of the purchase of the artwork that was chosen for the exterior of the Police Building at the Public Safety Complex.

Background, Analysis and Options:

An art selection committee comprised of police and fire employees, as well as representatives from the Arts Commission, convened several times to evaluate 10 Colorado artists who submitted proposals for artwork at the new public safety complex for the exterior of the police building. Artist Greg Todd was selected by the group. Mr. Todd is a highly regarded and experienced artist based in Greeley, Colorado, and is a retired firefighter with over 25 publicly placed works throughout the United States. Mr. Todd submitted proposals for two, life-sized bronze sculptures. The clay models were presented to City Council for consideration and the "Legacy" model was chosen.

Artwork for other locations at the complex, both interior and exterior, will be considered and presented to City Council at a later date.

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

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

High quality artwork enhances the visual appeal and personal experience for citizens utilizing the Public Safety facility. Expansion of the public art collection increases economic impact by creating a destination for viewing art.

Board or Committee Recommendation:

The art selection committee comprised of the Arts Commission, Police employees, Fire employees, and City Council members approved the selection of "Legacy" as presented by the selected artist, Greg Todd.

Financial Impact/Budget:

The 1% for the Arts budget for the Public Safety project is \$218,750. The purchase price of "Legacy" is \$80,000 which includes fabrication, delivery, installation with base, and lighting.

The balance of the 1% budget will be used for additional pieces in and around the complex.

Legal issues:

N/A

Other issues:

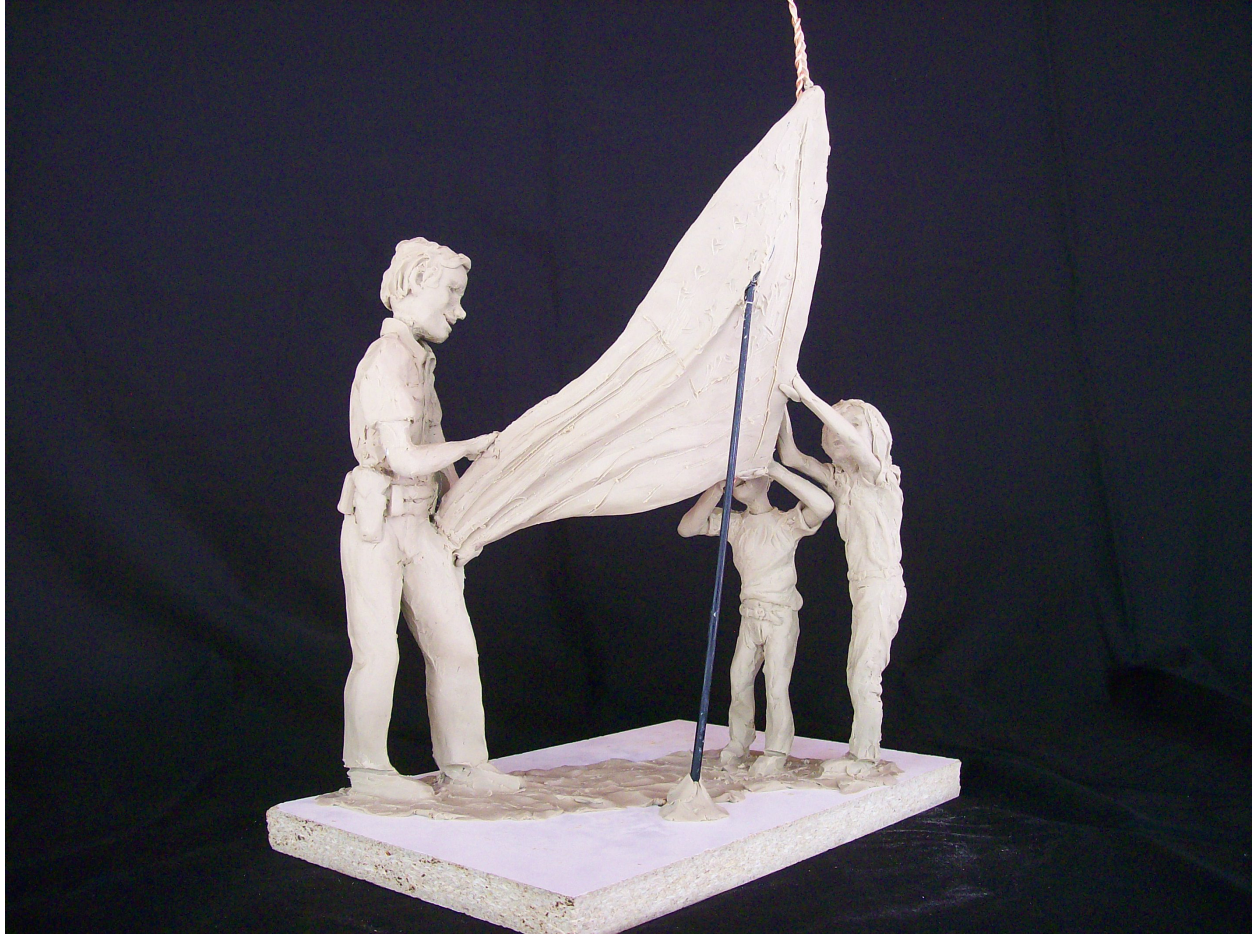
N/A

Previously presented or discussed:

The selection of "Legacy" was presented by Police Chief, John Camper, and Parks and Recreation Director, Rob Schoeber, and was approved at a City Council workshop on July 9, 2012.

Attachments:

Photograph of clay model of "Legacy" submitted by Greg Todd for the Police building exterior.





Date: August 16, 2012
 Author: Jerod Timothy, Project Manager
 Title/ Phone Ext: 244-1565
 Proposed Schedule: September 5, 2012
 2nd Reading (if applicable): N/A
 File # (if applicable): _____

Attach 8

CITY COUNCIL AGENDA ITEM

Subject: Contract for the 2012 Interceptor Sewer Repair and Replacements Project
Action Requested/Recommendation: Authorize the Purchasing Division to Enter into a Contract with Layne Inliner, LLC for the Construction of the 2012 Sewer Interceptor Repair and Replacements Project in the Amount of \$853,732.00.
Presenter(s) Name & Title: Tim Moore, Public Works and Planning Director Jay Valentine, Financial Operations Manager

Executive Summary:

This Project is aimed at the rehabilitation of aging interceptor sewer pipe and manholes in the City’s waste water collection system and the primary clarifier weir troughs at the waste water treatment plant. The average age of the concrete pipe sewer lines being rehabilitated on this project is 48-years old. As a result of the infrastructure’s age and damage caused by hydrogen sulfide gas this maintenance is necessary to prolong the life of the existing sewer system and clarifier troughs.

Background, Analysis and Options:

The majority of this project consists of the rehabilitation of approximately 9,388 lineal feet (1.78 miles) of sanitary sewer lines and 23 manholes located throughout the City. Included in this project is the rehabilitation of two primary clarifier weir troughs located at the Persigo Wastewater Treatment Facility. These troughs carry the supernatant (clear liquid) from the primary clarifiers to the activated sludge operations. They are essential to the operation in allowing the flows to be equally dispersed around the outer edge of the clarifier and minimizing short circuiting of the settled solids. The existing infrastructures have been structurally damaged due to exposure to hydrogen sulfide gas. This rehabilitation effort will include Cured In Place Pipe (CIPP) lining of the sewer lines, polyurea coating of the manholes and polyurethane coating of the weir troughs. The rehabilitation of the infrastructure can be completed for approximately sixty percent of the cost of conventional dig and replace construction.

This project is scheduled to begin in mid September and be completed by the end of December 2012.

A formal solicitation was advertised in the Daily Sentinel, and sent to the Western Colorado Contractors Association (WCCA). One responsive bid was received and from the following firms:

Firm	Location	Amount
Layne Inliner, LLC	Orleans, IN	\$853,732.00

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

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

The City of Grand Junction has the responsibility of providing safe and reliable sanitary sewer service to the citizens and businesses of Grand Junction. This repair and maintenance will guard against failure and ensure longevity for the wastewater treatment collection system. The design life of the specified material ranges from 50 to 100 years.

Board or Committee Recommendation: N/A

Financial Impact/Budget:

In Sewer Fund 902 we have \$750,000 budgeted for sanitary sewer line rehabilitation projects and \$234,123 for plant backbone projects.

Project Costs:

Budgeted Funds		
\$750,000.00		
Construction Contract Amount Sewer lines -		<u>\$749,260.00</u>
Amount Remaining =		\$ 740.00
Budgeted Funds		
\$234,123.00		
Construction Contract Amount Weir Troughs-		<u>\$104,472.00</u>
Amount Remaining =		\$129,651.00
Total Budgeted Funds		\$984,123.00
Total Project Cost =		<u>\$853,732.00</u>
Amount Remaining =		\$130,391.00

Legal issues:

N/A

Other issues:

N/A

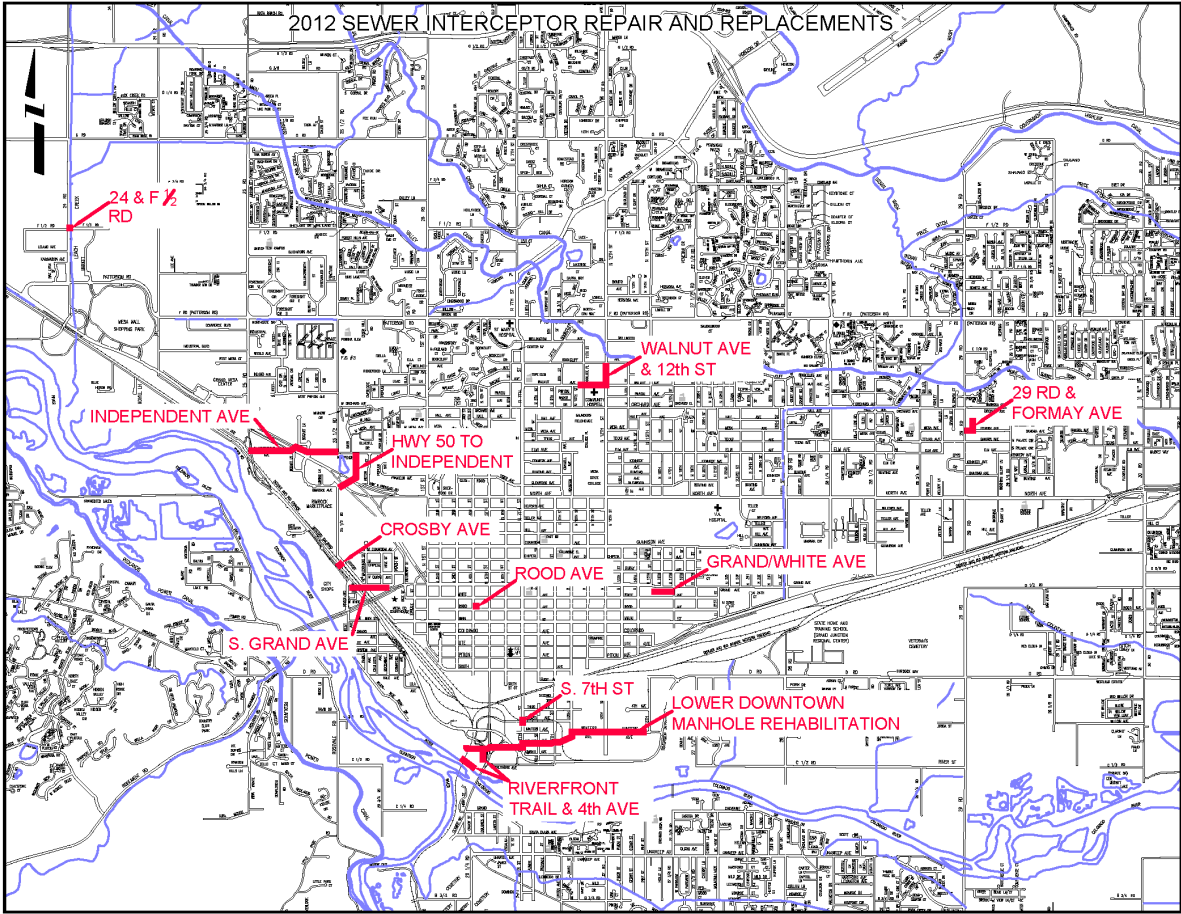
Previously presented or discussed:

N/A

Attachments:

Location Map

2012 SEWER INTERCEPTOR REPAIR AND REPLACEMENTS





Attach 9

CITY COUNCIL AGENDA ITEM

Date: August 2, 2012
Author: Jamie B. Beard
Title/ Phone Ext: Assistant City Attorney/4032
Proposed Schedule:
1st Reading: August 15, 2012
2nd Reading: September 5, 2012
File Number: ZCA-2012-393

Subject: Amendment to Title 21 of the Grand Junction Municipal Code Adopting the Flood Insurance Study of Grand Junction and New Flood Insurance Rate Maps

Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Ordinance

Presenter(s) Name & Title: Tim Moore, Public Works and Planning Director
Bret Guillory, Utility Engineer

Executive Summary:

Pursuant to the Housing and Urban Development Act of 1968, for continued eligibility in the National Flood Insurance Program, the Federal Emergency Management Agency ("FEMA") requires the City of Grand Junction ("City") to adopt the most recent Flood Insurance Study ("FIS") and the Flood Insurance Rate Maps ("FIRMs") that have been modified due to the findings in the FIS report.

Background, Analysis and Options:

The City, in coordination with FEMA, completed a new hydrologic and hydraulic (H&H) study for the Ranchmen's Ditch and Leach Creek drainages in 2005. This H&H study was completed in preparation for the Ranchmen's Ditch Flood Mitigation Project ("Big Pipe") that was completed in 2010. Upon completion of the Big Pipe project, the City submitted new floodplain mapping information for FEMA's review that more accurately reflects flood hazard areas within the Ranchmen's Ditch and Leach Creek basins as a result of the study and the Ranchmen's Ditch project improvements. This successful project resulted in mitigating flood hazard for 385 properties.

This study area was large enough that FEMA required a Physical Map Revision to reflect the changes to the Flood Insurance Rate Maps ("FIRMs"). The City did receive approval of the new mapping from FEMA in November 2010. FEMA was not able to produce the new mapping until this year due to budget cuts. Public notifications regarding this new mapping effort were made by the City in 2010 and by FEMA in 2012.

Adoption of the new FIRMs by the City is required by FEMA prior to October 16, 2012.

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

The proposed amendment is consistent with the following goals and policies of the Comprehensive Plan:

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

Policy:

1C. The City and Mesa County will make land use and infrastructure decisions consistent with the goal of supporting and encouraging the development of centers.

Mesa County is affected by the same study and will be expected to adopt the same FIRMs. The information provided by the FIS and the FIRMs is relevant information to consider when making decisions regarding infrastructure.

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

The FIRMs provide necessary information for consideration of the appropriate type of development in different areas dependent upon the likelihood or not of flooding for that particular area.

Goal 10: Develop a system of regional, neighborhood and community parks protecting open space corridors for recreation, transportation and environmental purposes.

Policy:

10B. Preserve areas of scenic and/or natural beauty and, where possible, include these areas in a permanent open space system.

10C. The City and County support the efforts to expand the riverfront trail system along the Colorado River from Palisade to Fruita.

Areas that are not appropriate for development or more intense development due to the greater risk of damage due to flooding can be better utilized in manners such as open space.

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

Policy:

11A. The City and County will plan for the locations and construct new public facilities to serve the public health, safety and welfare, and to meet the needs of existing and future growth.

The FIS and FIRMs provide relevant information in determining where public facilities and services may be best located for efficiencies and effectiveness.

Board or Committee Recommendation:

The Planning Commission heard the matter on August 14, 2012 and forwards a recommendation to adopt the FIS, FIRMs, and amend the language of the Code as proposed.

Financial Impact/Budget:

N/A

Legal issues:

The Assistant City Attorney has prepared the proposed Ordinance and finds it to be compliant with applicable law.

Other issues:

N/A

Previously presented or discussed:

First reading of the ordinance was August 15, 2012.

Attachments:

Proposed Ordinance
Ranchmen's Ditch and Leach Creek Location Map

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 21.07.010(c)(2)
OF THE GRAND JUNCTION MUNICIPAL CODE TO ADOPT THE FLOOD
INSURANCE REPORT AND THE FLOOD INSURANCE RATE MAPS**

Recitals:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code of Ordinances.

The Grand Junction City Council encourages updating of the Zoning and Development Code in order to maintain its effectiveness and responsiveness to the citizens' best interests.

As part of the Big Pipe Project and in coordination with the Federal Emergency Management Agency ("FEMA"), the City completed a floodplain study for Leach Creek and Ranchmen's Ditch, the Flood Insurance Study ("FIS"). The information was submitted to FEMA for review and approval. Based on the information FEMA produced new Flood Insurance Rate Maps ("FIRMs"). Both the City and FEMA have published the new FIRMs. No objections or appeals were entered regarding the published FIRMs. For FEMA, the FIRMs become effective as of October 16, 2012. For Title 21 to be current the new FIS and FIRMs need to be approved and adopted by City Council.

The City Council finds that adoption of the FIS and FIRMS promotes the health, safety and welfare of the community. The language proposed to amend the language for adoption of the FIS and FIRMs is appropriate.

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

The Flood Insurance Study and the accompanying Flood Insurance Rate Maps are adopted with the amendment to Section 21.07.010(c)(2) to read as follows (deletions shown by strikethrough, additions are underlined):

(2) Basis for Establishing the Areas of Special Flood Hazard. The Federal Emergency Management Agency has identified areas of special flood hazard in a scientific and engineering report entitled, "The Flood Insurance Study for Grand Junction," dated ~~July 6, 2010~~ October 16, 2012. The study together with the Flood Insurance Rate Maps (FIRMs) ~~are~~ is hereby adopted by reference and declared to be a part of this code. The FIRMs may be superseded by local engineering studies approved by the Director, provided such studies fully

describe and analyze, based on the FIRMs and generally accepted engineering practice, design floodwater build-out conditions.

All other provisions of Section 21.07.010(c) shall remain in full force and effect.

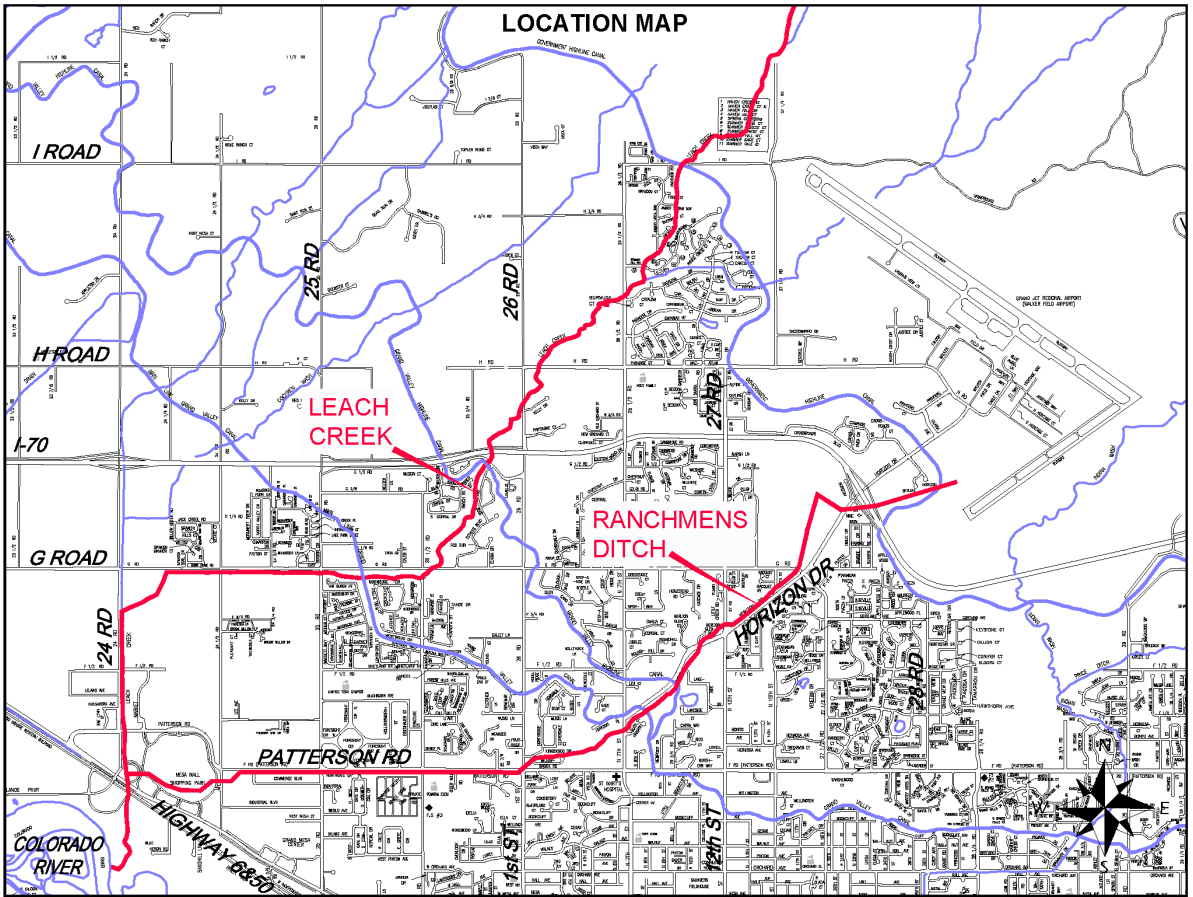
INTRODUCED on first reading the 15th day of August, 2012 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2012 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk





Attach 10

CITY COUNCIL AGENDA ITEM

Date: August 3, 2012
Author: Shelly Dackonish
Title/ Phone Ext: Senior Staff
Attorney / Ext. 4042
Proposed Schedule:
1st Reading: August 15, 2012
2nd Reading: September 5, 2012
File Number: n/a

Subject: Amendments to Title 13 of the Grand Junction Municipal Code Provisions Regarding Storm Water Management
Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Ordinance
Presenter(s) Name & Title: Tim Moore, Public Works and Planning Director

Executive Summary:

Amendments to the City’s storm water management regulations are proposed in order to comply with the Colorado Department of Public Health and Environment Water Quality Control Division’s most recent program recommendations and requirements.

Background, Analysis and Options:

The City, as an MS4 permittee, has adopted a storm water protection program pursuant to State and Federal environmental protection laws. The program has included public education, adoption of a storm water ordinance, and an enforcement program.

Periodically the Colorado Department of Public Health and Environment’s Water Quality Control Division performs audits of permittees to determine compliance with its CDPS program requirements. Following the audits, the State issues guidelines and requires its permittees to complete Targeted Permit Questionnaires.

Although the City of Grand Junction was not audited, Staff is guided by the general recommendations of the Division of Water Quality and proposed these amendments to the text of the Grand Junction Municipal Code’s storm water quality section in order to conform the City’s storm water protection program to State requirements following the most recent round of audits.

The substantive changes include a limitation of the exemption for fire training activities, an increase in flexibility when choosing among the various enforcement tools, a limitation on use of water in street cleaning activities other than street sweeping, and a clarification of the water containment and recovery requirements associated with power

washing activities. Other changes are minor text editing for clarity and correction of typographical errors.

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

The storm water quality control measures are for the health, safety and welfare of the community and the local environment, and further the Comprehensive Plan goal of protecting water and natural resources, namely, Goal 9:

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

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

There will be minimal financial and budgetary impact from the proposed changes to the storm water regulations. The Fire Department will now be required to take measures to prevent water runoff from training exercises from entering into the storm water system, which will slightly increase training costs.

Legal issues:

The proposed amendments comply with applicable legal standards.

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS 13.28.010 (DEFINITIONS), 13.28.020(b) (EXEMPTIONS), 13.28.020(c) (REQUIREMENTS), 13.28.030(e)(4) (POST-CONSTRUCTION REQUIREMENT OF PERMANENT BMPs), AND 13.28.040(b) AND (c) (ENFORCEMENT), OF THE GRAND JUNCTION MUNICIPAL CODE REGARDING STORM WATER

Recitals:

The City, as an MS4 permittee, has adopted a storm water protection program pursuant to State and Federal environmental protection laws. The program has included public education, adoption of a storm water ordinance, and an enforcement program.

Periodically the Colorado Department of Public Health and Environment's Water Quality Control Division performs audits of permittees to determine compliance with its CDPS program requirements. Following the audits, the State issues guidelines and requires its permittees to complete Targeted Permit Questionnaires.

These amendments to the City's storm water regulations are intended to conform the City's storm water protection program to State requirements following the most recent round of audits.

The City Council finds that the amendments to these amendments to the storm water regulations of the City further the health, safety and welfare of the citizens and the community.

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

13.28.010 (Definitions) shall be amended as follows (additions underlined, deletions struck through):

Harmful quantity means the amount of any substance that may cause an adverse impact to the storm drainage system and/or will contribute to the failure of the City to meet the water quality based requirements of the CDPS/NPDES permit for discharges from the municipal separate storm sewer system.

Hazardous waste means any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR, Part 261 as amended.

Illicit discharge means any discharge to a storm drain system that is not composed entirely of storm water, except discharges pursuant to a CDPS/NPDES permit, discharges resulting from emergency fire fighting activities, and discharges further exempted by this chapter.

Waters of the State means any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, inside the territorial limits of the State and all other bodies of surface water, natural or artificial, navigable or non-navigable, ~~and including~~ and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the State or inside the jurisdiction of the State.

All other defined terms in Section 13.28.010 shall remain unchanged and in full force and effect.

13.28.020(b)(7) and (9) (Exemptions) shall be amended as follows (additions underlined, deletions struck through):

(7) Discharges approved by the City Manager as being necessary to protect property and/or public health and safety, such as flows from emergency fire fighting.

(9) ~~Street water wash after mechanical clean-up.~~ Water incidental to street sweeping (including associated sidewalks and medians) that is not associated with construction.

All other provisions of Section 13.28.020(b) shall remain in full force and effect.

13.28.020(c) (Requirements) shall be amended as follows (additions underlined, deletions struck through):

(c) Requirements Applicable to Certain Dischargers. Process waters generated from any industrial or commercial source, including carpet and rug cleaners and mobile commercial power cleaning operations, shall not discharge to the storm drainage system without a valid CDPS discharge permit. In the absence of a CDPS discharge permit, discharges from power cleaning operations shall be either discharged to land following the conditions of the CDPHE Low Risk Discharge Guidance: Discharges From Surface Cosmetic Power Washing Operations To Land or Discharge of Potable Water, ~~or~~ or be reclaimed via wet vacuum sweeping or other type of containment ~~before entering the storm drainage system,~~ then discharged to the sanitary sewer. (Discharge to the sanitary sewer is allowed only with prior City authorization at the Persigo Wastewater Treatment Plant upon approval from the Industrial Pretreatment Division.)

13.28.030(e)(4) (Post-Construction Requirement of Permanent BMPs) shall be amended as follows (additions underlined, deletions struck through):

(4) The City or its designee will issue annual notices to POAs to ensure inspections and maintenance of permanent BMPs are performed properly.

All other provisions of Section 13.28.030 shall remain in full force and effect.

13.28.040(b) and (c) (Enforcement) shall be amended as follows (additions underlined, deletions struck through):

(b) Whenever the City finds that any person has violated any portion of this chapter, the City Manager ~~shall~~ may serve a compliance advisory or a notice of violation (NOV). Within the time specified after the date of such notice, the person shall submit to the City Manager evidence of the satisfactory correction of the violation.

(c) Whenever the City Manager finds that any person has violated or is violating this chapter or a permit or administrative order issued hereunder, the City Manager may have served upon said person an administrative order. Such order may be a verbal warning, compliance order, a show cause order, a cease and desist order, an administrative citation or an order assessing an administrative fine. Compliance with an administrative order shall not relieve the user of liability for any violations occurring before or after the issuance of the ~~administrative order~~ notice of non-compliance or prevent the City Attorney from taking any other enforcement action.

All other provisions of 13.28.040 shall remain in full force and effect.

INTRODUCED on first reading the 15th day of August, 2012 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2012 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Attach 11

CITY COUNCIL AGENDA ITEM First Supplemental Report

Date: September 4, 2012

Author: Greg Moberg

Title/ Phone Ext: Planning

Supervisor x4023

Proposed Schedule: Public

Hearing September 5, 2012

2nd Reading (if applicable)

File # (if applicable):

GPA-2007-051

Subject: Reconsideration of Ordinance No. 4295, which Zoned Properties Located at 347 and 348 27 1/2 Road and 2757 C 1/2 Road, Light Industrial (I-1) and Industrial/Office Park (I-O).
Action Requested/Recommendation: Hold a Public Hearing to Reconsider Ordinance No. 4295
Presenter(s) Name & Title: Tim Moore, Public Works and Planning Director Greg Moberg, Planning Supervisor

Executive Summary:

This item is a reconsideration of Ordinance No. 4295. Two options for reconsideration are:

- c) the Ordinance may be repealed which will require the processing of a new zoning request; or
- d) the Ordinance may be referred as a ballot question at the next regular or special election.

Background, Analysis and Options:

Planning Commission considered the application at its September 11, 2007 meeting and recommended approval of the I-O (Industrial/Office Park) zoning for all three parcels: the owner preferred the higher intensity I-1.

City Council considered the Planning Commission's recommendation on the application at its June 16, 2008 meeting. At that time three Councilmembers supported the PC recommendation and three did not (Councilmember Hill recused himself due to a conflict of interest). The Council tried twice to get a decision and remained deadlocked. It was determined that a compromise could not be reached so City Council requested that the item be reconsidered at a later date.

Staff then worked with the owner and developed some buffering standards, clarified trail dedication, and landscaping and a compromise was reached between staff and the Owner to zone the properties a combination of I-1 and I-O with certain conditions. Councilmembers Beckstein, Coons, Thomason and Todd supported the compromise proposal and on September 17, 2008, with a four to two vote, Council passed Ordinance No. 4295.

Within the thirty days following the final adoption of the Ordinance, a referendum petition was initiated, circulated and returned to the City Clerk thus suspending the Ordinance from going into effect. The petition representatives were Harry Griff and Candi Clark.

The City Clerk certified sufficient signatures on the petitions for the referendum to be taken to the City Council at its meeting on December 3, 2008 (See attached Examination Certificate). Prior to the City Council meeting, on December 2, 2008, Diane Schwenke filed a protest to the petitions. The protest initiated a hearing process whereby the City Clerk heard arguments both for and against the protest. That hearing was held on January 9, 2009.

The City Clerk ruled on January 16, 2009 that petition section #079 which contained 18 signatures should be deemed invalid. That finding reduced the number of valid signatures to below the minimum required resulting in the petition becoming legally insufficient. Based on that finding the zoning ordinance was then effective. To prevent the zoning called for in Ordinance No. 4295 from taking effect, the petition group (Candi Clark *et. al.*) filed a lawsuit challenging the City Clerk's findings.

The short version of the lawsuit is that Chief District Court Judge Bottger agreed with the City Clerk's decision invalidating petition section #079 (the signatures that Candi Clark notarized, including her own.)

The petition group appealed Bottger's decision to the Colorado Court of Appeals. The Court of Appeals overturned Bottger on the notary issue. Brady asked the Supreme Court to review the Court of Appeals decision but that request was denied and the case was remanded to Bottger.

Recently Judge Bottger ruled on the other claims in the lawsuit (he affirmed the other decisions that the City Clerk made; however, because of the notary issue those rulings did not help resolve the case) and remanded the case to the City. Now with the remand the matter is set for hearing by the City Council.

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

Ordinance No. 4295 was adopted under the old Growth Plan. At the time of adoption, the proposed zoning met the Growth Plan Goals and Policies. If Council decides to repeal the Ordinance, the zoning process would begin again and the proposed zoning would have to comply with the Goals and Policies of the current Comprehensive Plan.

Board or Committee Recommendation:

Planning Commission heard the request at its September 11, 2007 meeting and recommended approval of the I-O zoning for all three parcels.

Legal Issues:

The protest against Ordinance No. 4295 was lodged in accordance with City Charter section 136.

After completion of the protest processes and the subsequent litigation, the City Clerk, in consultation with the City Attorney, does hereby report to the City Council the existence of a valid petition protesting against Ordinance No. 4295 taking effect. Because of the prior proceedings an extensive documentary record has been developed. Those documentary records, including but not limited to the protest petitions, are incorporated herein by this reference as if fully set forth.

Pursuant to the Charter, Ordinance No. 4295 has been suspended from taking effect and the City Council is tasked at its hearing on September 5, 2012 with reconsidering the Ordinance. As noted above the City Council may as a result of its reconsideration either repeal the Ordinance entirely or refer the Ordinance to the ballot at the next regular municipal election or a special election.

If the Ordinance is referred it shall not take effect unless a majority of the registered electors voting on the same at the election shall vote in favor.

If the Ordinance is repealed then the City Council shall convene a zoning hearing and the property shall be zoned in accordance with the City Code and applicable State law.

Other Issues:

In order to comply with the time frames required by State law and the provisions of the City Charter, a special election could only be held on December 11 or December 18 prior to the regular Municipal Election scheduled for April 2, 2013.

For a special election in December, the County would only be able to provide limited support because they will be in the midst of canvassing for the Presidential election that just took place. The City will have to rent a tabulation machine and will have additional labor costs. The estimated cost for a special election in December is \$70,445.

Financial Impact/Budget:

Repeal – no financial impact.

Referral to ballot question – special election (December) \$70,445 or at the regular municipal election in April – no additional cost

Previously presented or discussed:

City Council heard this item at its June 16, 2008 meeting and, upon a tie vote, requested that the item be considered again at a later date. On September 17, 2008, City Council adopted Ordinance No. 4295 which conditionally zoned the properties I-1 and I-O.

Attachments:

Site Location Map / Aerial Photo Map

Comprehensive Plan Future Land Use Map / Existing City and County Zoning Map

Floodplain Map / Trails Map

County Zoning Prior to Annexation / Future Land Use Designation Prior to the 2007
Growth Plan Amendment

Ordinance No. 4295

Petition Examination Certificate

Review Comments for the Brady Annexation/GPA

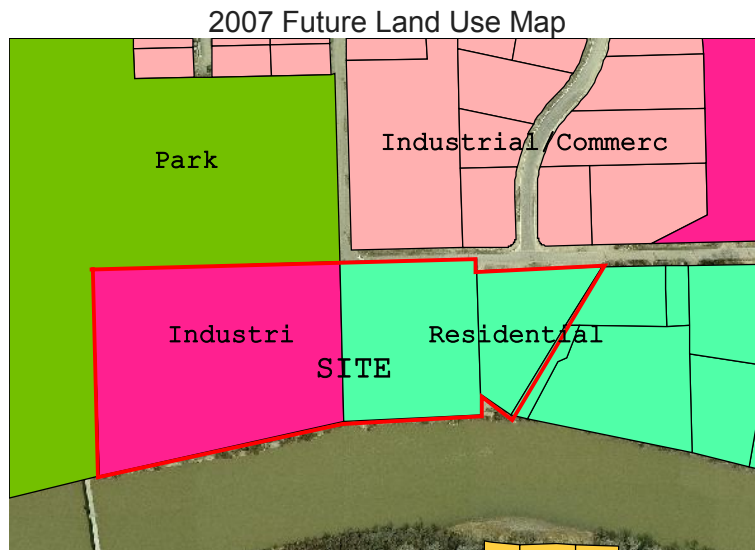
Review Comments for the Brady Annexation/GPA with Applicant Responses

BACKGROUND INFORMATION					
Location:		347 and 348 27 1/2 Road and 2757 C 1/2 Road			
Applicants:		Owner: SLB Enterprises LLC, Owners/Developers			
Existing Land Use:		Vacant Land and Vacant Building			
Proposed Land Use:		Industrial			
Surrounding Land Use:	North	Vacant, Brady Trucking and Las Colonias Park			
	South	Colorado River and Single Family Residential and Park South of the River			
	East	Large Lot Residential			
	West	Las Colonias Park			
Existing Zoning:		I-1 (Light Industrial) and I-O (Industrial Office Park)			
Surrounding Zoning:	North	CSR (Community Services and Recreation) and I-1 (Light Industrial)			
	South	CSR (Community Services and Recreation), R-8 (Residential 8 du/ac) and R-5 (Residential 5 du/ac)			
	East	County RSF-R			
	West	CSR (Community Services and Recreation)			
Future Land Use Designation:		Industrial and Commercial/Industrial			
Zoning within density range?		X	Yes		No

ANALYSIS:

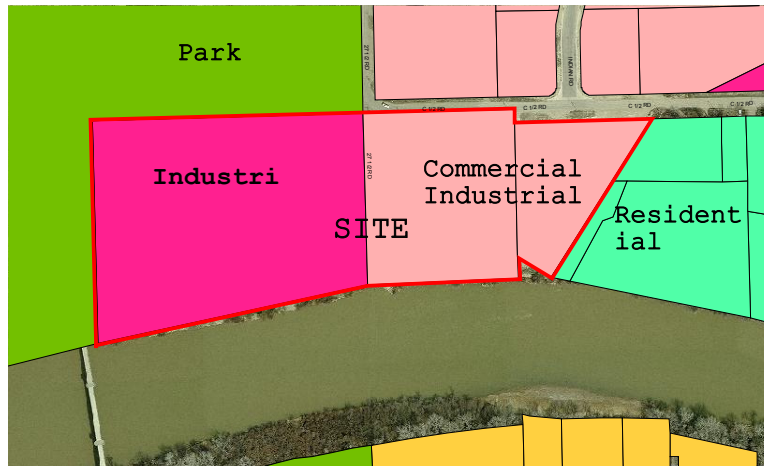
1. Background/History:

The 12.62 acre Brady South Annexation and zoning consisted of 3 parcels located at 347 and 348 27-1/2 Road and 2757 C-1/2 Road. The property owners requested annexation to allow for industrial development of the properties. During the annexation process, it was found that the Future Land Use designation for the western parcel was Industrial and Residential Estate (2-5 ac/du) for the two parcels to the east.



Because the owner wanted to develop the three parcels industrially, an amendment to the Growth Plan was required. The City Council held a public hearing on July 18, 2007 and approved an amendment to the Future Land Use Map that designated the two eastern parcels as Commercial/Industrial.

2007 Amended Future Land Use Map



After the City Council amended the Future Land Use Map, the Planning Commission held a Public Hearing, and by a five to two vote, recommended that all three parcels be zoned I-O.

Planning Commission's Recommendation



After the Planning Commission Hearing, City Council held two Public Hearings on the Zone of Annexation for the three parcels. During the first Public Hearing, held on June 16, 2008, there were two motions that both ended in three to three tie votes. The first motion was to adopt Ordinance No. 4251, which would have zoned the western most parcel I-1 and the other two parcels I-O. The second motion was to accept the Planning Commission's recommendation that all three parcels be zoned I-O.

A second Public Hearing was held on September 17, 2008. During this Public Hearing, Ordinance No. 4295 was adopted conditionally zoning the western parcel I-1 and the eastern two parcels I-O.

Ordinance No. 4295



Ordinance No. 4295 included the following Conditions of Zoning:

West and North Boundaries Adjacent to the City of Grand Junction Las Colonias Property:

- 25-foot landscape buffer with wall on inside of landscape area
- Plantings within required 25-foot landscape buffer shall meet Code requirements for number of plant materials (e.g. trees/shrubs per square footage) and groundcover.

East Boundary:

- 50-foot trail easement, wall and 8-foot landscape buffer outside wall per Code
- 8-foot landscape buffer and wall may be placed within 50-foot trail easement subject to approval by City and Riverfront Commission

Along River:

- No fence or wall required
- 50-foot easement from property line along entire length (all 3 parcels) assuming property line is at the top of the bank
- Minimum 50-foot building setback (in lieu of 100-foot requirement) subject to provision of landscape buffer as below
- 25-foot landscape buffer (no wall or fence) between trail and site development along entire length (all 3 parcels)
- 25-foot landscape buffer may overlap with 50-foot trail easement subject to approval by City and Riverfront
- Plantings within required 25-foot landscape buffer shall meet Code requirements for number of plant materials (e.g. trees/shrubs per square footage) and groundcover

Trail Construction: Not Required by Applicant

Building Orientation: Buildings may have any orientation on site, provided they meet setbacks of the zone district

Grant of Trail Easement and Improvements Pertaining to Above Conditions:

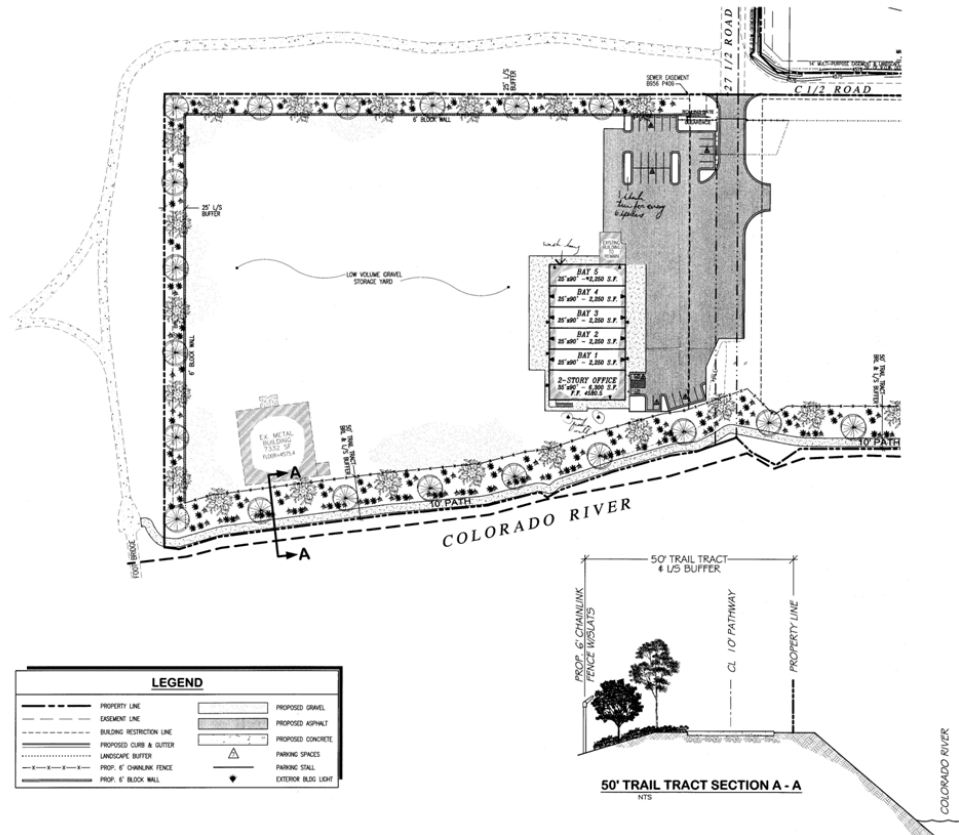
- Entire trail easement (all 3 parcels) shall be dedicated upon development of the first parcel.
- Remainder of the improvements may be met incrementally as each property develops

Security Fencing:

- The applicant/property owner may erect security fence per the Grand Junction Zoning and Development Code outside of the required trail easement or tract.

- The City of Grand Junction shall contribute up to \$30,000.00 toward the construction of security fencing along the south and east property lines. The contribution shall be paid on a reimbursement basis upon satisfactory completion of construction of the fence.

Site Plan Meeting the Conditions of Ordinance 4295



The following is a chronological list of the meetings that were held concerning the annexation and zoning of the three parcels:

- 9/17/08 – City Council Second Public Hearing – Zone of Annexation, Ordinance 4295
- 6/16/08 – City Council First Public Hearing – Zone of Annexation
- 9/11/07 – Planning Commission Public Hearing – Zone of Annexation
- 7/18/07 – City Council Public Hearing – Growth Plan Amendment, Resolution 106-07
- 6/26/07 – Planning Commission Public Hearing – Growth Plan Amendment
- 5/2/07 – City Council Public Hearing – Annexation, Resolution 68-07/Ordinance 4073

2. Reconsideration of Ordinance No. 4295:

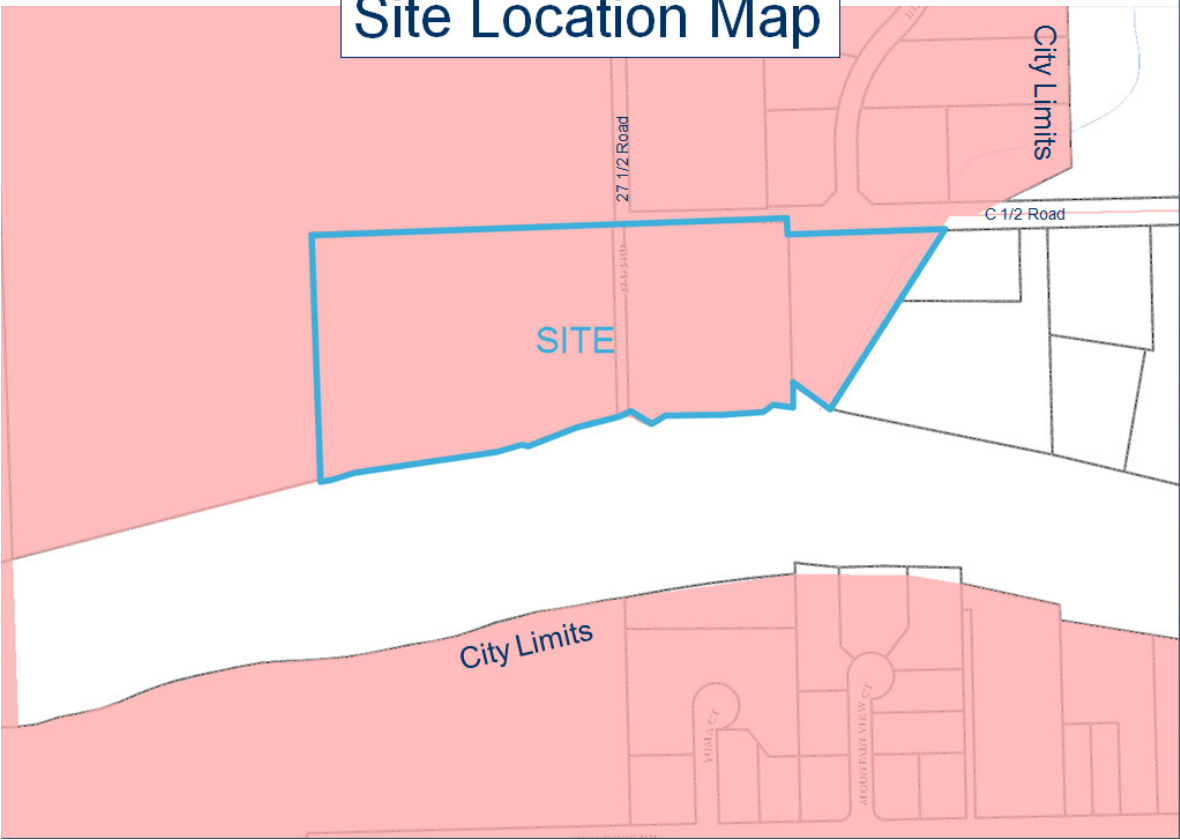
The City Council has two options relating to reconsideration of Ordinance No. 4295. The Council can either repeal or refer the Ordinance.

If the Ordinance is repealed, the process to zone the three parcels could begin again starting with a Public Hearing and recommendation by the Planning Commission and then a decision by the City Council. Council could make a decision identical to Ordinance No. 4295 or could approve another zone that is allowed within the Industrial and Industrial / Commercial Future Land Use designation. Finally, the Council could decide that a zone, other than those allowed within the Industrial and Industrial / Commercial Future Land Use designations, is more

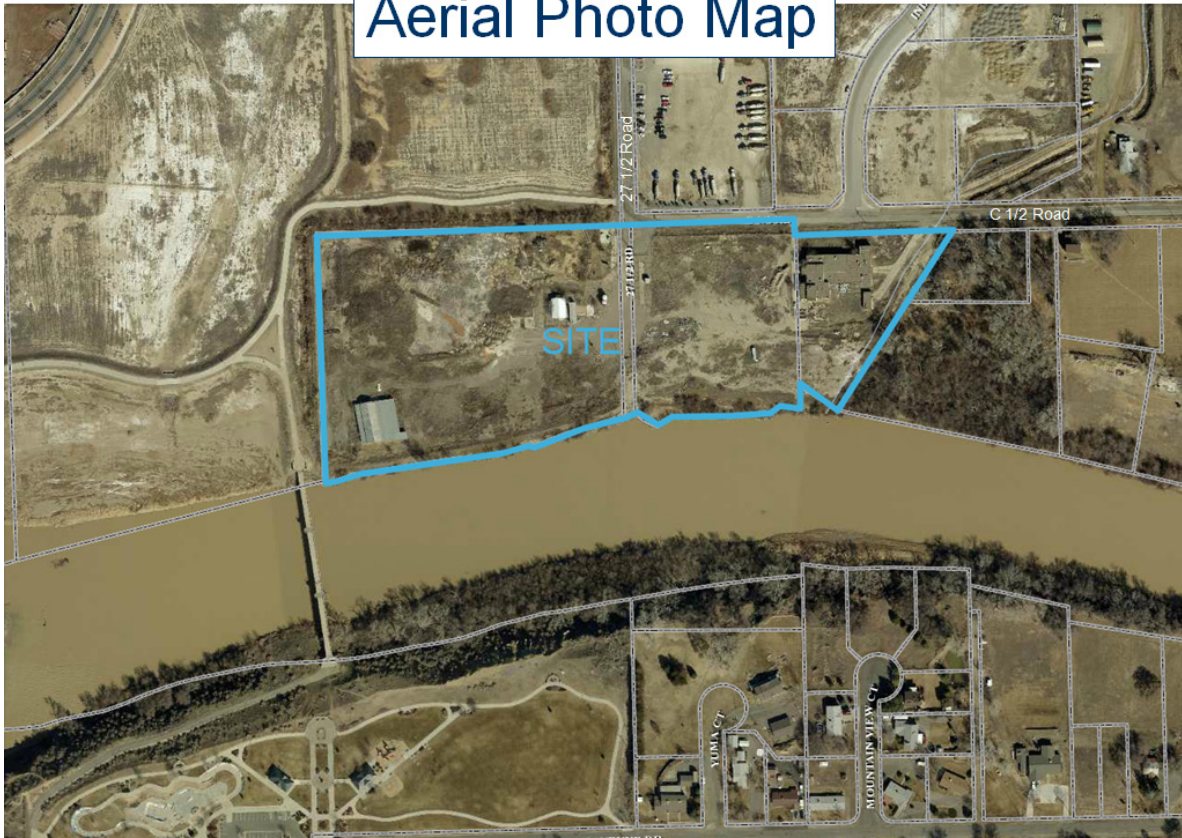
appropriate; however, if that is Council's direction, the *Comprehensive Plan's Future Land Use Map* would have to be amended first before the zoning decision could be made.

If the Ordinance is referred to the electorate, the question could be placed on the ballot of the next election (April 2013) or City Council could set a date for a special election as provided for by Colorado law.

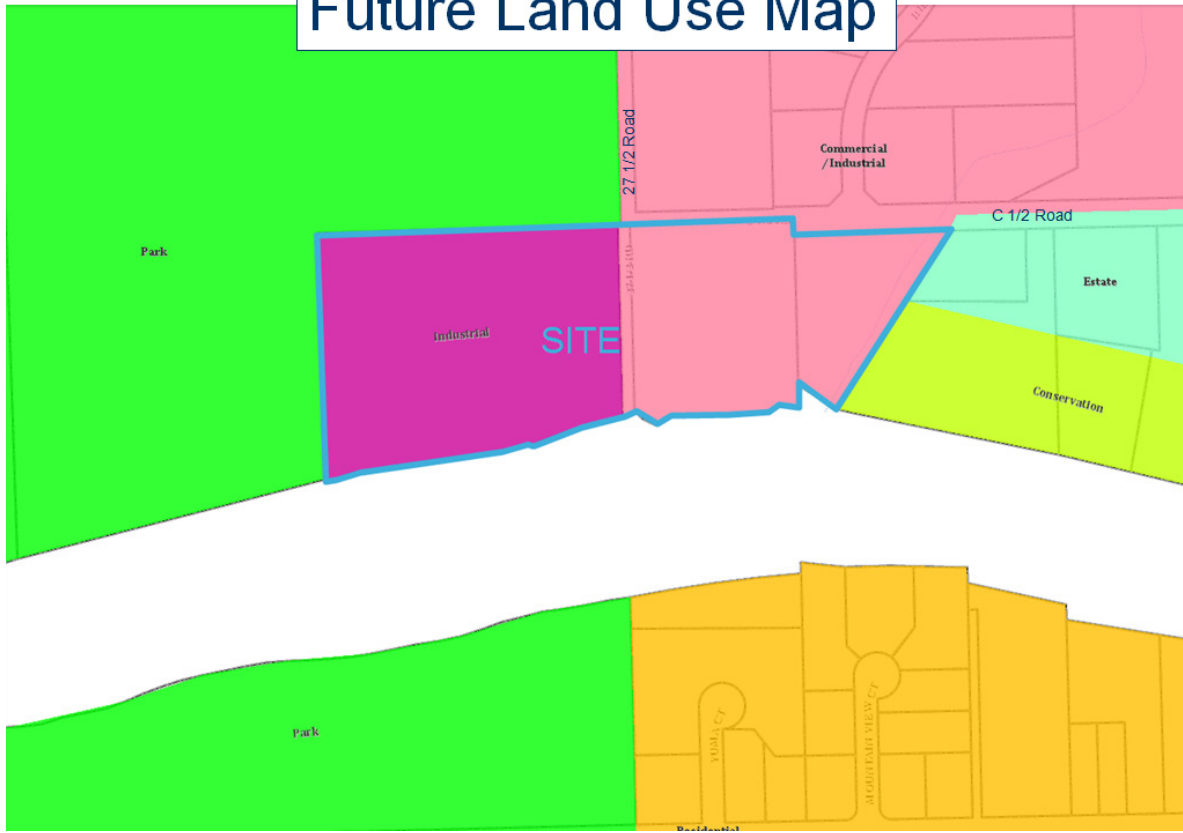
Site Location Map



Aerial Photo Map



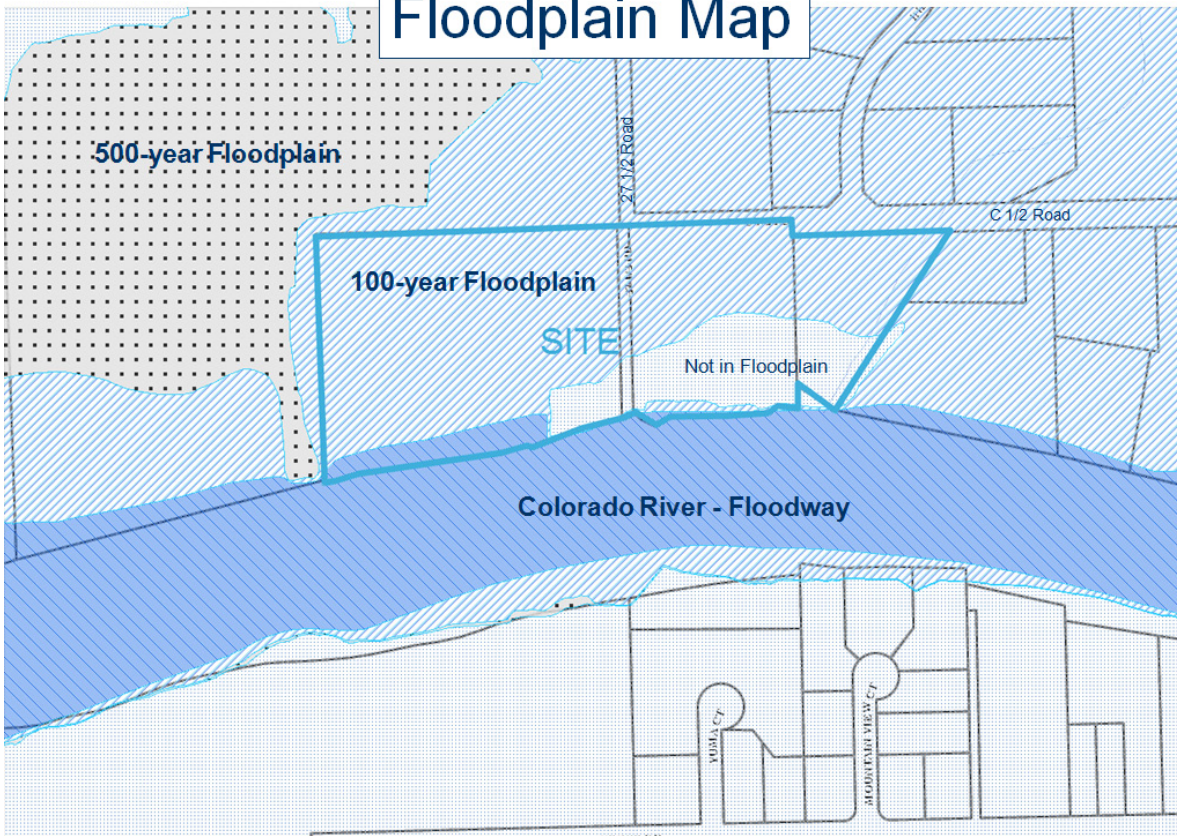
Future Land Use Map



Existing City and County Zoning Map



Floodplain Map



Trails Map



County Zoning Prior to Annexation

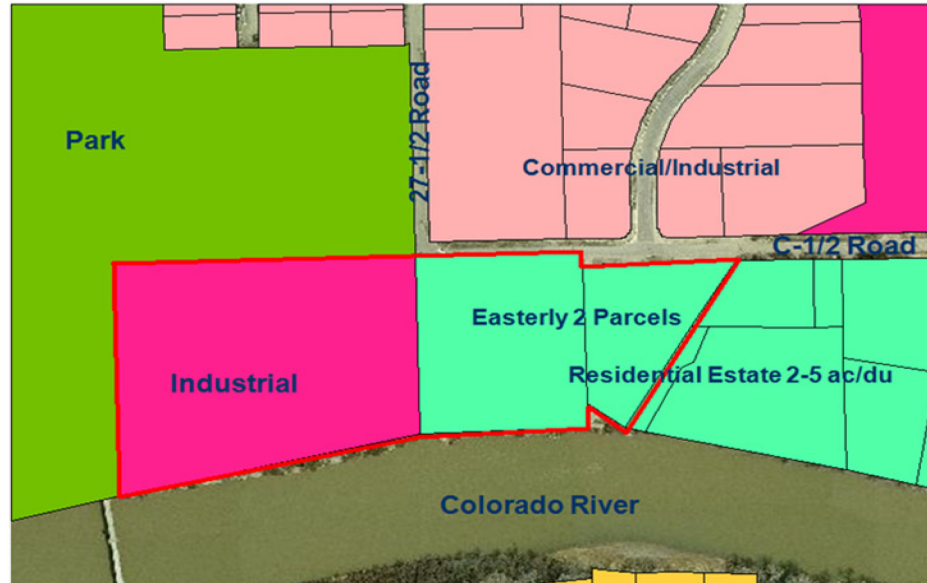
Existing City/County Zoning



*Slide from July 18, 2007 City Council GPA Public Hearing

Future Land Use Designation Prior to the 2007 Growth Plan Amendment

Future Land Use Map



*Slide from July 18, 2007 City Council GPA Public Hearing

CITY OF GRAND JUNCTION, COLORADO
ORDINANCE NO. 4295
AN ORDINANCE ZONING THE BRADY SOUTH ANNEXATION TO
LIGHT INDUSTRIAL (I-1) AND INDUSTRIAL/OFFICE PARK (I-O) ZONE DISTRICT
LOCATED AT 347 AND 348 27-1/2 ROAD AND 2757 C-1/2 ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Brady South Annexation to the Industrial/Office Park (I-O) zone district finding that it conforms with the land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The applicant has requested the zoning of the westerly parcel be I-1 and the easterly 2 parcels be I-O. The proposed zone district(s) meet(s) the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the Light Industrial (I-1) and Industrial/Office Park (I-O) zone districts are in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code. The Applicant concurred with the Staff recommendation and agreed with the proposed zoning and conditions.

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

The following property be zoned Light Industrial (I-1): BRADY SOUTH ANNEXATION – 347 27-1/2 Road - All of GLO Lot 3 Section 24, T1S, R1W exc W 10CH

And the following properties be zoned Industrial/Office Park (I-O): BRADY SOUTH ANNEXATION – 348 27-1/2 Road and 2757 C-1/2 Road

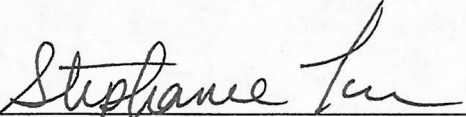
W 367.65FT OF LOT 2 SEC 24 1S 1W W OF DN and a PARCEL OF LAND IN GLO LOT 2 SEC 24 1S 1W DESC ASFOLL BEG S 89DEG 53' E 367.65FT & S 30FT FR NW COR SDLOT 2 S 89DEG53' E 335.18FT TO C-LI OF DRN S 33DEG52'W ALG SD C-LI 457.11FT TO A PT 14FT N OF PRESENT LI OF COLO RIVER N 56DEG05' W & PARALLEL WITH SD RIVER 96.94FT N 326.15FT TO POB

The zoning stated herein is subject to and with agreement of the Applicant, to the conditions outlined in Exhibit A attached hereto and incorporated by this reference as if fully set forth.

Said parcels total 12.62 acres (549,691 square feet), more or less, as described.

INTRODUCED on first reading the 3rd day of September, 2008 and ordered published.
ADOPTED on second reading the 17th day of September, 2008.

ATTEST:


Stephanie Tuin
City Clerk

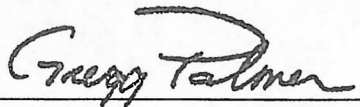

Gregg Palmer
President of the Council

EXHIBIT A
CONDITIONS OF ZONING THE BRADY SOUTH ANNEXATION

Zoning as stated in Ordinance 4295 shall be subject to the conditions listed below.

West and North Boundaries Adjacent to City of Grand Junction Las Colonias Property:

- 25-foot landscape buffer with wall on inside of landscape area
- Plantings within required 25-foot landscape buffer shall meet Code requirements for number of plant materials (e.g. trees/shrubs per square footage) and groundcover.

East Boundary:

- 50-foot trail or tract, wall and 8-foot landscape buffer outside wall per Code
- 8-foot landscape buffer and wall may be placed within 50-foot trail easement or tract subject to approval by City and Riverfront Commission

Along Entire Length of Colorado River:

- No fence or wall required
- 50-foot or tract from property line along entire length (all 3 parcels) assuming property line is at the top of the bank
- Minimum 50-foot building setback subject to provision of landscape buffer as below
- 25-foot landscape buffer (no wall or fence) between trail and site development along entire length (all 3 parcels)
- 25-foot landscape buffer may overlap with 50-foot trail easement or tract subject to approval by City and Riverfront
- Plantings within required 25-foot landscape buffer shall meet Code requirements for number of plant materials (e.g. trees/shrubs per square footage) and groundcover

Trail Construction: Not Required by Applicant

Building Orientation: Buildings may have any orientation on site, provided they meet setbacks of the zone district

Grant of Trail Easement or Tract and Improvements Pertaining to Above Conditions:

- Entire trail easement (all 3 parcels) or tract shall be dedicated
- Remainder of the improvements may be met incrementally as each property develops

Security Fencing

- The applicant/property owner may erect security fence per the Grand Junction Zoning and Development Code outside of the required trail easement or tract
- The City of Grand Junction shall contribute up to \$30,000.00 toward the construction of security fencing along the south and east property lines. The contribution shall be paid on a reimbursement basis upon satisfactory completion of construction of the fence

EXAMINATION CERTIFICATE

Re: Protest and referendum petitions filed on October 24, 2008 Regarding a Zoning Ordinance adopted by the City Council on September 17, 2008 Zoning Land at 347 sand 348 27 ½ Road and 2757 C ½ Road.

I, Stephanie Tuin, City Clerk for the City of Grand Junction, Colorado, have, with the assistance of the my staff, examined the foregoing petitions of which there were 130 sections and make the following findings:

1. That the petitions were timely filed.
2. That on November 10, 2008 the petition proponents designated in writing the name and address of two persons as the proponents or representatives of the petitions. The written designation affirmed the names and addresses of the persons representing the petition sections and with such designation I have reconciled the City Charter and 31-11-106(2) C.R.S.
3. That there were 92 petition sections on which the circulators failed to include either the County or the State of the circulators residence. Although a defect under the strict reading of 31-11-106(e)(1)(A), C.R.S., the omission of county or state on the circulator's affidavit is deemed insubstantial. Because the City Charter is silent regarding the content of the affidavit I requested an opinion from the City Attorney. In reading *Fabec v Beck*, 922 P.2d 330 (Colo. 1996), the City Attorney advised me that it is his opinion that the omission is insubstantial and that the petitions not be disqualified solely on those omissions. Inclusion of the circulators city and zip code, does allow the reviewer enough information to determine the circulator meets the requirements of the statute. I adopt the City Attorney's advice and recommendation and am not disqualifying the petitions due to the defect in the circulator's affidavits.
4. One petition section (#099) was rejected as the affidavit was signed prior to the petition being signed. There was one signature on that petition.
5. There are 1,864 signatures on the petition sections that are accepted.
6. 1,860 signatures are required for placing a referendum on a municipal election ballot.

In witness whereof, I affixed my hand and official seal of the City of Grand Junction this 10th day of November 2008.



Stephanie Tuin

Stephanie Tuin, City Clerk
City of Grand Junction, Colorado
250 N. 5th Street
Grand Junction, Co. 81501

City of Grand Junction Review Comments

Date: March 15, 2007 **Comment Round No.** 1st **Page No.** 1 of 4
Project Name: Brady South Annexation/GPA **File No:** GPA-2007-051
Project Location: 347 and 348 27-1/2 Road and 2757 C-1/2 Road

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

Property Owner(s): SLB Enterprises LLC – Jennifer Brady
 Mailing Address: PO Box 1874 Vernal, Utah 84078
 Email: Jennifer@bradytruckinginc.com **Telephone:** 435.781.1569
 Date Picked Up: **Signature:**

Representative(s): Vortex Engineering – Robert W Jones II
 Mailing Address: 255 Vista Valley Drive Fruita CO 81521
 Email: RJones@Vortexeng.us **Telephone:** 245.9051
 Date Picked Up: **Signature:**

Developer(s): Same as Owner
 Mailing Address:
 Email: **Telephone:**
 Date Picked Up: **Signature:**

CITY CONTACTS

Project Manager: Kristen Ashbeck
Email: kristena@gjcity.org **Telephone:** 244.1437
Back up Planner: Senta Costello
Email: sentac@gjcity.org **Telephone:** 244.1442
Development Engineer: Laura Lamberty **Telephone:** 256.4155

City of Grand Junction

PLANNING

1. The proposed annexation schedule for this property is:

March 21, 2007	Referral of Petition/Introduction Of A Proposed Ordinance, Exercise Land Use
Dates TBD	Planning Commission and City Council consider Growth Plan Amendment
Date TBD	Planning Commission consider Zoning
Date TBD	Introduction Of A Proposed Ordinance on Zoning by City Council
May 2, 2007	Acceptance of Petition/Public Hearing on Annexation and Zoning by City Council
June 3, 2007	Effective date of Annexation and Zoning

Applicant's Response:

Document Reference:

2. Due to environmental conditions on the site (e.g. of 100-year floodplain) and the proximity to existing residential and recreational unlimited industrial use on the site is not appropriate. Staff will not support an Industrial land use classification but will support a Commercial Industrial classification as the property to the north is designated. It will be recommended that Industrial Office (IO) be applied to all three parcels. This zoning provides a range of uses and design standards that will be more compatible with adjacent existing and proposed uses.

Applicant's Response:
Document Reference:

3. With any change of land use in this area, there is a concern with additional Commercial/Industrial truck traffic using C-1/2 Road. C-1/2 Road is heavily used by bicyclists and has many driveways accessing the large lot residential development.

Applicant's Response:
Document Reference:

4. Dedication and construction of the river trail per the Urban Trails Plan and City standards will be required with the development of this property.

Applicant's Response:
Document Reference:

5. Provide documentation of neighborhood meeting as required by Code.

Applicant's Response:
Document Reference:

6. Consider comments received by interested citizen (provided to Vortex via fax)

Applicant's Response:
Document Reference:

CITY DEVELOPMENT ENGINEER

City Development Engineering has no objections to the growth plan amendment as requested. The Hump Yard Drain bounds the east side of the requested amendment area and should remain open for drainage purposes.

Applicant's Response:
Document Reference:

OUTSIDE REVIEW AGENCY COMMENTS

(Non-City Agencies)

Review Agency: County Planning

Contact Name: Michael Warren

The I-2 zone district as stated in the proposal is correct. It appears that there were 3 parcels zoned I-2; the two subject parcels and one to the west of them. The current Future Land Use Map of the Mesa Countywide Land Use Plan; the City's Growth Plan Map depicts the two subject parcels as Estate. The immediate area surrounding the subject properties contains C-I, Park, Industrial and Estate.

The I-2, General Industrial district is primarily intended to accommodate areas of heavy and concentrated fabrication, manufacturing and industrial uses. The district is appropriate for application in areas that will not be adversely affected by the impacts of such activities, or where such impacts can be minimized to the maximum extent practical. The I-2 district corresponds to and implements the Mesa Countywide Land Use Plan's "Industrial" land use classification.

The City of Grand Junction is currently developing a plan for the Las Colonias Park and the timing of this GPA provides a window of opportunity to use this property in a transitional context - a transition

between park and a "lighter" commercial-industrial classification. The C-I or the City's I-O would provide an opportunity to conduct commercial, business activities while at the same time providing a buffer from the heavier and likely incompatible I-2 uses.

Applicant's Response:

Review Agency: Riverfront Commission

Contact Name: Bennett Boeschenstein AICP

The Riverfront Commission's interest in reviewing development proposals along the river is to:

- request trail corridors either fee simple, or as easements to public or non-profit entities where feasible and necessary and where they are shown on an officially adopted plan of a municipality or the county
- request protection of natural vegetation in the 100 year floodplain and/or require adequate reclamation of these areas with native species
- request adequate public access points to the river where feasible and necessary and where they are shown on an officially adopted plan of a municipality or the county
- request appropriate land uses in, and adjacent to, the 100 year floodplain of the river in accordance with the land uses shown on an officially adopted plan of a municipality or the county
- request protection of wildlife areas along the river and wildlife corridors leading to the river

This is a proposal for an annexation and a zone of annexation from Industrial # 2 (I-2) zone in Mesa County to Industrial #2 (I-2) zone in the City at the site of the former rendering plant in South Downtown Grand Junction on the banks of the Colorado River.

The surrounding zoning is Residential Single Family R and I-2 in the County. The City of Grand Junction Growth Plan designates this site as "Estate with a density of 2-5 acres per dwelling unit.

The project is also located within the floodplain and adjacent to the flood way of the Colorado River on the Federal Emergency Management (FEMA) Maps for Grand Junction and falls within these zones.

According to the City of Grand Junction's floodplain regulations and the FEMA requirements, developments which are proposed for construction or reconstruction that are within the floodplain must elevate the first floor to one foot above the 100 year storm and flood proof areas which are below this elevation. No development or redevelopment is allowed in the designated floodway.

A future riverfront trail/greenway is planned, and partially acquired, east and west of this site. The Old Mill pedestrian/bicycle bridge which connects Orchard Mesa Middle School and Eagle Rim Park to the riverfront trail system lies just to the west of this site.

The City of Grand Junction and Mesa County have spent the past 20 years cleaning up this area of the riverfront at the cost of hundreds of millions of dollars. Low level radio-active uranium mill tailings were removed from the site. Salvage yards and other heavy industrial uses were purchased and removed from the riverfront as part of the riverfront project. This site will potentially be surrounded by Las Colonias Riverfront Park. To place I-2 industrial zoning on this parcel opens the door to new potentially polluting industry, negating the efforts to clean up the riverfront.

Recommendation:

Denial of the zone change as proposed because it is inconsistent with the City of Grand Junction's FEMA regulations and is inconsistent with the City's growth plan recommendation, and riverfront commission's plans for this area of the riverfront which call for a

greenway and trail. If a rezone is approved, it should be to a commercial zone which does not involve incompatible land uses and a site plan that incorporates a green belt along the river's edge with a riverfront trail corridor. Compatible land uses might include a restaurant, light office and retail uses which comply with the FEMA requirements.

Applicant's Response:

REVIEW AGENCIES

(Responding with "No Comment" or have not responded as of the due date)

The following Review Agencies have responded with "No Comment."

1. City Fire Department
2. City Surveyor

The following Review Agencies have not responded as of the comment due date.

1. Regional Transportation Planning Office (RTPO)
2. Mesa County Public Works

The Petitioner is required to **submit One (2) packets**, labeled as "**Response to Comments**" for the following agencies:

1. **City Planning**
2. **Riverfront Commission**

Date Due: June 15, 2007

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



255 Vista Valley Drive
Fruita, CO 81521

Voice: 970-245-9051
Cell: 970-260-9082
Fax: 970-245-7639

Email: rjones@vortexeng.us
www.vortexeng.us

CONSTRUCTION MANAGERS & SITE PLANNERS * PROJECT MANAGERS *** CIVIL & CONSULTING ENGINEERS**

Via: Hand Delivered

April 24, 2007

RECEIVED

City of Grand Junction
Attn: Kristen Ashbeck
250 North 5th Street
Grand Junction, CO 81501

APR 27 2007
COMMUNITY DEVELOPMENT
DEPT.

Re: SLB Enterprises, LLC
Brady South Annexation/GPA
347 & 348 27 1/2 Road and 2757 C 1/2 Road
Grand Junction, CO
VEI #: F06-083

Dear Ms. Ashbeck,

As you are aware, SLB Enterprises, LLC is seeking a Growth Plan Amendment, Annexation and Rezoning of the above referenced properties. In regard to this please find the following responses to City of Grand Junction Review Comments:

**City of Grand Junction
Review Comments**

Date: March 15, 2007 Comment Round No. 1st Page No. 1 of 4
Project Name: Brady South Annexation/GPA File No: GPA-2007-051
Project Location: 347 and 348 27-1/2 Road and 2757 C-1/2 Road

Check appropriate box(es) if comments were mailed, emailed, and/or picked up.

Property Owner(s): SLB Enterprises LLC – Jennifer Brady
Mailing Address: PO Box 1874 Vernal, Utah 84078
 Email: Jennifer@bradytruckinginc.com Telephone: 435.781.1569
Date Picked Up: _____ Signature: _____

Representative(s): Vortex Engineering – Robert W Jones II
Mailing Address: 255 Vista Valley Drive Fruita CO 81521
 Email: RJones@Vortexeng.us Telephone: 245.9051
Date Picked Up: _____ Signature: _____

Developer(s): Same as Owner
Mailing Address: _____
Email: _____ Telephone: _____
Date Picked Up: _____ Signature: _____

CITY CONTACTS

Project Manager: Kristen Ashbeck
Email: kristena@gjcity.org Telephone: 244.1437
Back up Planner: Senta Costello
Email: sentac@gjcity.org Telephone: 244.1442
Development Engineer: Laura Lamberty Telephone: 256.4155

City of Grand Junction

PLANNING

1. The proposed annexation schedule for this property is:

March 21, 2007	Referral of Petition/Introduction Of A Proposed Ordinance, Exercise Land Use
Dates TBD	Planning Commission and City Council consider Growth Plan Amendment
Date TBD	Planning Commission consider Zoning
Date TBD	Introduction of a Proposed Ordinance on Zoning by City Council
May 2, 2007	Acceptance of Petition/Public Hearing on Annexation and Zoning by City Council
June 3, 2007	Effective date of Annexation and Zoning

Applicant's Response: Dates acknowledged.

2. Due to environmental conditions on the site (e.g. of 100-year floodplain) and the proximity to existing residential and recreational unlimited industrial use on the site is not appropriate. Staff will not support an Industrial land use classification but will support a Commercial Industrial classification as the property to the north is designated. It will be recommended that Industrial Office (IO) be applied to all three parcels. This zoning provides a range of uses and design standards that will be more compatible with adjacent existing and proposed uses.

Applicant's Response: Comments acknowledged. Any flood plain issues that have been raised by City Staff will be adequately addressed with engineered solutions so as to be fully compliant with zoning and FEMA requirements.

After meeting with City representatives and feeling that SLB Enterprises' business plan for the properties met with City Staff's vision for the area, SLB Enterprises purchased the properties and began the process of annexation, Growth Plan Amendments and requesting the Staff's recommended zoning change. The I-0 zoning which the City is pursuing will not meet the needs of SLB Enterprises' intent for the properties or the community's needs. For instance, one of the major components of I-0 zoning is that the designation does not allow a business owner to store materials or supplies outdoors without a Conditional Use Permit; this lack of outdoor storage area would impose hardship on many prospective businesses and discourage them from considering the location. SLB Enterprises has spent millions of dollars purchasing, cleaning up the properties, and with encouragement of City representatives, applying for a zoning change; we certainly do not consider any attempt to change the requested zoning to be fair-play.

SLB Enterprises respectfully requests that City Staff carefully reconsider the I-0 zoning change being proposed for the properties and instead retain the original I-2, or at least I-1, zoning with a change to I-1 for the additional parcels currently designated as residential in the Growth Plan.

Document Reference: None provided.

3. With any change of land use in this area, there is a concern with additional Commercial/Industrial truck traffic using C-1/2 Road. C-1/2 Road is heavily used by bicyclists and has many driveways accessing the large lot residential development.

Applicant's Response: Comment acknowledged. Regarding additional Commercial/Industrial truck traffic on C ½ Road, it is the opinion of the applicant that the majority of traffic accessing the properties in question will access the location via 27 ½ Road as this provides a more direct access to the Parkway and Highway 6 & 50 / I-70 Business Loop. The applicant also questions the statement "heavily used by bicyclists"; has a traffic study of bicycle traffic been conducted by the City or is this statement merely hearsay?

Document Reference: None provided.

4. Dedication and construction of the river trail per the Urban Trails Plan and City standards will be required with the development of this property.

Applicant's Response: Comment acknowledged. Throughout discussions with City representatives and the community, SLB Enterprises has tried to remain sensitive to the needs of the community. To this end, we have discussed providing an easement on the riverfront property for the long-desired continuation of the Riverfront Trail system through this area. We have also discussed the possibility of berms/fencing and or landscaping to isolate the trail from the business development. If required, the guidelines and regulations outlined in the Urban Trails Plan and City standards will be observed for the development of this property.

Document Reference: None provided.

5. Provide documentation of neighborhood meeting as required by Code.

Applicant's Response: Comment acknowledged. The notes and sign-in sheet for the Neighborhood Meeting are included.

Document Reference: Neighborhood Meeting Questions/Discussion Items-SLB Enterprises, prepared by Vortex Engineering, Inc., dated January 17, 2007. Neighborhood Meeting Sign Up Sheet, prepared by Vortex Engineering, Inc., with nine (9) signatures of attendees.

6. Consider comments received by interested citizen (provided to Vortex via fax)

Applicant's Response: Comment acknowledged. The comment letters received are included with this submittal.

Document Reference: Copies of the two (2) citizen letters received are included with this submittal.

CITY DEVELOPMENT ENGINEER

City Development Engineering has no objections to the growth plan amendment as requested. The Hump Yard Drain bounds the east side of the requested amendment area and should remain open for drainage purposes.

Applicant's Response: Comment acknowledged.

Document Reference: None required.

OUTSIDE REVIEW AGENCY COMMENTS

(Non-City Agencies)

Review Agency: County Planning

Contact Name: Michael Warren

The I-2 zone district as stated in the proposal is correct. It appears that there were 3 parcels zoned I-2; the two subject parcels and one to the west of them. The current Future Land Use Map of the Mesa Countywide Land Use Plan; the City's Growth Plan Map depicts the two subject parcels as Estate. The immediate area surrounding the subject properties contains C-I, Park, Industrial and Estate.

The I-2, General Industrial district is primarily intended to accommodate areas of heavy and concentrated fabrication, manufacturing and industrial uses. The district is appropriate for application in areas that will not be adversely affected by the impacts of such activities, or where such impacts can be minimized to the maximum extent practical. The I-2 district corresponds to and implements the Mesa Countywide Land Use Plan's "Industrial" land use classification.

The City of Grand Junction is currently developing a plan for the Las Colonias Park and the timing of this GPA provides a window of opportunity to use this property in a transitional context - a transition between park and a "lighter" commercial-industrial classification. The C-I or the City's I-O would provide an opportunity to conduct commercial, business activities while at the same time providing a buffer from the heavier and likely incompatible I-2 uses.

Applicant's Response: Comments acknowledged.

Review Agency: Riverfront Commission

Contact Name: Bennett Boeschenstein AICP

The Riverfront Commission's interest in reviewing development proposals along the river is to:

- request trail corridors either fee simple, or as easements to public or non-profit entities where feasible and necessary and where they are shown on an officially adopted plan of a municipality or the county
- request protection of natural vegetation in the 100 year floodplain and/or require adequate reclamation of these areas with native species
- request adequate public access points to the river where feasible and necessary and where they are shown on an officially adopted plan of a municipality or the county
- request appropriate land uses in, and adjacent to, the 100 year floodplain of the river in accordance with the land uses shown on an officially adopted plan of a municipality or the county
- request protection of wildlife areas along the river and wildlife corridors leading to the river

This is a proposal for an annexation and a zone of annexation from Industrial # 2 (I-2) zone in Mesa County to Industrial #2 (I-2) zone in the City at the site of the former rendering plant in South Downtown Grand Junction on the banks of the Colorado River.

The surrounding zoning is Residential Single Family R and I-2 in the County. The City of Grand Junction Growth Plan designates this site as "Estate with a density of 2-5 acres per dwelling unit.

The project is also located within the floodplain and adjacent to the flood way of the Colorado River on the Federal Emergency Management (FEMA) Maps for Grand Junction and falls within these zones.

According to the City of Grand Junction's floodplain regulations and the FEMA requirements, developments which are proposed for construction or reconstruction that are within the floodplain must elevate the first floor to one foot above the 100 year storm and flood proof areas which are below this elevation. No development or redevelopment is allowed in the designated floodway.

A future riverfront trail/greenway is planned, and partially acquired, east and west of this site. The Old Mill pedestrian/bicycle bridge which connects Orchard Mesa Middle School and Eagle Rim Park to the riverfront trail system lies just to the west of this site.

The City of Grand Junction and Mesa County have spent the past 20 years cleaning up this area of the riverfront at the cost of hundreds of millions of dollars. Low level radio-active uranium mill tailings were removed from the site. Salvage yards and other heavy industrial uses were purchased and removed from the riverfront as part of the riverfront project. This site will potentially be surrounded by Las Colonias Riverfront Park. To place I-2 industrial zoning on this parcel opens the door to new potentially polluting industry, negating the efforts to clean up the riverfront.

Recommendation:

Denial of the zone change as proposed because it is inconsistent with the City of Grand Junction's FEMA regulations and is inconsistent with the City's growth plan recommendation, and riverfront commission's plans for this area of the riverfront which call for a greenway and trail. If a rezone is approved, it should be to a commercial zone which does not involve incompatible land uses and a site plan that incorporates a green belt along the river's edge with a riverfront trail corridor. Compatible land uses might include a restaurant, light office and retail uses which comply with the FEMA requirements.

Applicant's Response: Comments acknowledged. Any flood plain issues that have been raised by City Staff will be adequately addressed with engineered solutions so as to be fully compliant with zoning and FEMA requirements.

After meeting with City representatives and feeling that SLB Enterprises' business plan for the properties met with City Staff's vision for the area, SLB Enterprises purchased the properties and began the process of annexation, Growth Plan Amendments and requesting the Staff's recommended zoning change. The I-0 zoning which the City is pursuing will not meet the needs of SLB Enterprises' intent for the properties or the community's needs. For instance, one of the major components of I-0 zoning is that the designation does not allow a business owner to store materials or supplies outdoors without a Conditional Use Permit; this lack of outdoor storage area would impose hardship on many prospective businesses and discourage them from considering the location. SLB Enterprises has spent millions of dollars purchasing, cleaning up the properties, and with encouragement of City representatives, applying for a zoning change; we certainly do not consider any attempt to change the requested zoning to be fair-play.

SLB Enterprises has requested that City Staff carefully reconsider the I-0 zoning change being proposed for the properties and instead retain the original I-2, or at least I-1, zoning with a change to I-1 for the additional parcels currently designated as residential in the Growth Plan. Additionally, the reviewer's suggestions for restaurant and retail use of these parcels are not realistic; these types of businesses are highly reliant upon heavy foot and vehicle traffic by the general public and this location is not conducive to the necessary exposure that restaurants and retail shops require.

Regarding concerns about potentially polluting industries locating on the property, it should be noted that the problems and issues cited by the Riverfront Commission occurred in a time and place where present-day environmental agencies, permitting and oversight did not exist. In today's world the heightened public awareness of the necessity for environmental protection accompanied by the permit process, and governmental oversight would not allow for the egregious misuse of the past which the reviewer cites.

Throughout discussions with City representatives and the community, SLB Enterprises has tried to remain sensitive to the needs of the community. To this end, we have discussed providing an easement on the riverfront property for the long-desired continuation of the Riverfront Trail system through this area. We have also discussed the possibility of berms/fencing and or landscaping to isolate the trail from the business development. If required, the guidelines and regulations outlined in the Urban Trails Plan and City standards will be observed for the development of this property.

REVIEW AGENCIES

(Responding with "No Comment" or have not responded as of the due date)

The following Review Agencies have responded with "No Comment."

1. City Fire Department
2. City Surveyor

The following Review Agencies have not responded as of the comment due date.

1. Regional Transportation Planning Office (RTPO)
2. Mesa County Public Works

The Petitioner is required to submit **Two (2) packets**, labeled as "Response to Comments" for the following agencies:

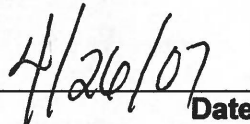
1. City Planning
2. Riverfront Commission

Date Due: June 15, 2007

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

Upon reviewing this information, should you have any questions or require additional information, please do not hesitate to contact me at 970-245-9051.

Sincerely,

Vortex Engineering, Inc.


Robert W. Jones II, P.E.

cc: Russ Justice, SLB Enterprises w/encl.
File