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**CITY COUNCIL AGENDA
WEDNESDAY, FEBRUARY 20, 2013
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 – Reverend Dennis Finnan, A House for His Name

[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.]

Council Comments

Citizen Comments

***** CONSENT CALENDAR ***[®]**

1. **Minutes of Previous Meetings**

[Attach 1](#)

Action: Approve the Minutes of the February 6, 2013 Regular Meeting and the February 14, 2013 Special Meeting

*Revised February 20, 2013
** Indicates Changed Item
*** Indicates New Item
[®] Requires Roll Call Vote*

REVISED

2. **Setting a Hearing on Amending Wastewater and Industrial Pretreatment Regulations in Title 13 of the Grand Junction Municipal Code** [Attach 2](#)

The City's Wastewater and Industrial Pretreatment Ordinance ("Ordinance") Chapter 13.04 has been revised to comply with federal Pretreatment requirements and to make the ordinance more user-friendly for the City's regulated industrial and commercial customers. The changes also affect cross references in other sections of the Code.

Proposed Ordinance Repealing and Re-Enacting Section 13.04 of the Grand Junction Municipal Code Pertaining to Industrial Pretreatment Regulations to Incorporate Required Changes to the City's Legal Authority; and Amending Sections 13.12 and 13.16 to Reflect the Re-Enactment of Section 13.04

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 3, 2013

Staff presentation: Greg Trainor, Public Works, Utilities, and Planning Director
John Shaver, City Attorney

3. **Setting a Hearing on Mesa County Workforce Annexation, Located at 512 29 ½ Road** [File #ANX-2013-10] [Attach 3](#)

Request to annex 10.129 acres, located at 512 29 ½ Road. The Mesa County Workforce Annexation consists of 1 parcel and includes a portion of 29 ½ Road right-of-way.

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

Resolution No. 09-13—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, Mesa County Workforce Annexation, Located at 512 29 ½ Road

b. **Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mesa County Workforce Annexation, Approximately 10.129 Acres, Located at 512 29 ½ Road

®Action: *Adopt Resolution No. 09-13, Introduce Proposed Ordinance, and Set a Public Hearing for April 3, 2013*

Staff Presentation: Senta Costello, Senior Planner

4. **Setting a Hearing on Amending the Policy Concerning Transportation Capacity Payments (TCP)** [Attach 4](#)

An Ordinance amending Section 21.06.010(b)(2) eliminating the TCP for a change of use.

Proposed Ordinance Amending Section 21.06.010(b)(2) of the Grand Junction Municipal Code Concerning the Application of Transportation Capacity Payments for a Change in Use

Action: *Introduction of a Proposed Ordinance and Set a Hearing for March 6, 2013*

Staff presentation: Tim Moore, Deputy City Manager
Greg Trainor, Utilities, Streets, and Planning Director

5. **6th Street Pedestrian Safety and Parking Improvements and Sewer Realignment Project, Along 6th Street between Grand and Ouray Avenues** [Attach 5](#)

This request is to award a construction contract for the 6th Street Pedestrian and Parking Improvements and Sewer Realignment Project. The scope of the project consists of the construction of on-street diagonal parking, landscaping, new curb, gutter and sidewalk, and the realignment of sanitary sewer. The work shall be in conjunction with the Mesa County Library remodel. All improvements are located along the west side of 6th Street between Grand Avenue and Ouray Avenue.

Action: *Authorize the City Purchasing Division to Sign a Contract with Sorter Construction, Inc. in the Amount of \$83,500 for the 6th Street Pedestrian and Parking Improvements and Sewer Realignment Project*

Staff presentation: Greg Trainor, Public Works, Utilities, and Planning Director
Jay Valentine, Internal Services Manager

6. **Purchase of Traffic Striping Paint for 2013** [Attach 6](#)

The City's Transportation Engineering Division is responsible for applying 8000 gallons of white and yellow paint to the City's streets each year, striping centerlines on 400+ miles of streets and state highways. Utilizing the CDOT contract prices, the City is able to obtain the same unit prices as last year.

Action: Authorize the City Purchasing Division to Enter into a Purchase Order with Ennis Paint, Dallas, TX for the 2013 Traffic Striping Paint in the Amount of \$69,880

Staff presentation: Greg Trainor, Public Works, Utilities, and Planning Director

7. **CDBG Subrecipient Contract with Strive (formerly Mesa Developmental Services) for Previously Allocated Funds within the 2012 Community Development Block Grant (CDBG) Program Year** [File #CDBG 2012-10] [Attach 7](#)

The Subrecipient Contract formalizes the City's award of \$14,080 to Strive allocated from the City's 2012 CDBG Program as previously approved by Council.

Action: Authorize the City Manager to Sign the Subrecipient Contract with Strive for the City's 2012 Program Year Funds

Staff presentation: Kristen Ashbeck, Senior Planner/CDBG Administrator

8. **Grant from Great Outdoors Colorado for Matchett Park Planning** [Attach 8](#)

Parks and Recreation is seeking approval to apply for a \$75,000 Great Outdoors Colorado (GOCO) planning grant to assist with funding the Matchett Park master planning process. A resolution from the governing body with primary jurisdiction must be attached to all grant applications. The spring cycle of grants is due on March 6 with an award decision on June 11.

Resolution No. 10-13—A Resolution Supporting the Grant Application for a Planning Grant from the State Board of the Great Outdoors Colorado Trust Fund for Matchett Park

®Action: Adopt Resolution No. 10-13

Staff presentation: Rob Schoeber, Parks and Recreation Director

9. **Election Notice for the Regular Election April 2, 2013** [Attach 9](#)

Both the Charter and the Municipal Election Code have specific content and publication requirements for the election notice. The proposed notice contained within the resolution being presented meets those requirements.

Resolution No. 11-13—A Resolution Setting Forth the Notice of Election for the Regular Municipal Election to be Held on April 2, 2013 in the City of Grand Junction

®Action: *Adopt Resolution No. 11-13*

Staff presentation: Stephanie Tuin, City Clerk

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

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

10. **Public Hearing—Amend Section 21.07 of the Grand Junction Municipal Code to Add a Section 21.07.070, North Avenue Overlay Zone District** [File #ZCA-2012-572] [Attach 10](#)

This amendment to Section 21.07 will add an Overlay Zone District establishing zoning standards specific to properties abutting North Avenue from First Street east to I-70 Business Loop. The North Avenue Overlay Zone District contains three areas of emphasis including 1) Mandatory Standards required of all new development along the corridor; 2) “Opt In” Standards for new development that chooses to develop under this section; and 3) the “Site Upgrade Point System” standards that provides a vehicle for a future incentive program when funding becomes available. The point system will be part of a financial incentive to property owners to improve the streetscape and their property along the corridor and implements the vision and goals of the City’s adopted North Avenue Corridor Plans and this North Avenue Overlay Zone District.

Ordinance No. 4564—An Ordinance Amending Section 21.07 of the Grand Junction Municipal Code to Add an Overlay Zone District for Property Abutting North Avenue between First Street on the West and I-70 B on the East

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4564*

Staff presentation: Dave Thornton, Principal Planner

11. **Public Hearing—Approval of a Five Year Extension of the Previously Approved Colorado Mesa University Outline Development Plan for Property Located at 2899 D ½ Road** [File #ODP-2008-154] [Attach 11](#)

A request for a five year extension from December 15, 2012 to December 15, 2017, for the previously approved Colorado Mesa University Outline Development Plan (ODP). The previously approved ODP allows multifamily residential, commercial, and industrial uses within four pods.

Ordinance No. 4565—An Ordinance Amending Ordinance No. 4314 Zoning the Colorado Mesa University Development to PD (Planned Development) to Extend the Development Schedule Until December 15, 2017, Located at 2899 D ½ Road

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4565

Staff presentation: Scott D. Peterson, Senior Planner

12. **Public Hearing—Feuerborn Annexation and Zoning Located at 2902 and 2906 D Road** [File #ANX-2012-518] [Attach 12](#)

A request to annex and zone 2.69 acres, located at 2902 and 2906 D Road. The Feuerborn Annexation consists of two parcels, including portions of the 29 Road and D Road rights-of-way. The total annexation area contains 3.40 acres of which 0.71 acres or 30,826 sq. ft. is right-of-way. The requested zoning for the 3.40 acre Feuerborn Annexation is a C-1 (Light Commercial) zone district.

Resolution No. 12-13—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Feuerborn Annexation, Located at 2902 and 2906 D Road, and Including Portions of the 29 Road and D Road Rights of Way, is Eligible for Annexation

Ordinance No. 4566—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Feuerborn Annexation, Approximately 3.40 Acres, Located at 2902 and 2906 D Road

Ordinance No. 4567—An Ordinance Zoning the Feuerborn Annexation to C-1 (Light Commercial) Located at 2902 and 2906 D Road

®Action: Adopt Resolution No. 12-13 and Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance Nos. 4566 and 4567

Staff Presentation: Scott D. Peterson, Senior Planner

13. **Public Hearing—Amend the Grand Valley Circulation Plan, a Part of the Comprehensive Plan, Located Generally North of I-70 Business Loop Between 28 and 28 ¼ Roads** [File #CPA-2012-584] [*Attach 13*](#)

A request to amend the Grand Valley Circulation Plan on and near the property (35.8 acres) located generally north of I-70 Business Loop between 28 and 28 ¼ Roads to add two future collector streets and an unclassified street in the area to improve future capacity, connectivity, and circulation.

Ordinance No. 4568—An Ordinance Amending the Comprehensive Plan of the City of Grand Junction to Amend the Grand Valley Circulation Plan for the Area Located Generally North of I-70 Business Loop Between 28 and 28 ¼ Roads

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4568

Staff presentation: Trent Prall, Engineering Manager

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

Attach 1

Minutes of Previous Meeting

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

February 6, 2013

The City Council of the City of Grand Junction convened into regular session on the 6th day of February, 2013 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Teresa Coons, Jim Doody, Tom Kenyon, Laura Luke, and Council President Bill Pitts. Councilmembers Bennett Boeschenstein and Sam Susuras were absent. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pitts called the meeting to order. Members of Boy Scout Troop 389 led the Pledge of Allegiance, followed by a moment of silence.

Proclamation

Proclaiming February 19, 2013 as “Mosaic Day” in the City of Grand Junction

Councilmember Doody read the proclamation. Cheryl Wicks, Community Relations Manager for Western Colorado, described the dream of Mosaic and the current status and mission of Mosaic. This year a century of service is being celebrated. She invited everyone to attend their celebration on February 19, 2013 from 11:00 a.m. to 1:00 p.m. at the Mosaic office which is located behind Chili's. She thanked City Council for their support.

Appointments

Councilmember Kenyon moved to reappoint Rich Englehart to the Public Finance Corporation for a three year term expiring January 2016. Councilmember Coons seconded the motion. Motion carried.

Councilmember Kenyon moved to reappoint Jon Schler to the Historic Preservation Board for a four year term expiring December 2016. Councilmember Doody seconded the motion. Motion carried.

Certificates of Appointment

Richard Edwards, Teddy Hildebrandt, Carl Hochmuth, and Charles Thompson were present to receive their Certificates of Appointment to the Forestry Board.

Council Comments

Councilmember Kenyon said it was a tough week for Staff with the loss of Commander Assenmacher. He was remembered on Monday by many in the community.

Councilmember Coons said one of the most remarkable things of the ceremony was that Fellowship Church hosted a Catholic mass in their church and she was appreciative.

There were no other Council comments.

Citizen Comments

Dennis Simpson, 2306 E. Piazza Place, said at the last Council meeting on January 16, 2013 he presented testimony that Ballot Question B was deceptive and did not address the issuance of debt. He had disagreed with Council and City Attorney Shaver because he believes Certificates of Participation (COP's) can be issued without asking the voters. He noted that City Attorney Shaver contended that COP's could not be issued for transportation projects. After numerous email exchanges with the City Attorney, the City Attorney stated that Mr. Simpson was correct. He wanted that a point of record.

CONSENT CALENDAR

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

1. Minutes of Previous Meetings

Action: Approve the Minutes of the January 16, 2013 Regular Meeting and Approve the Minutes of the January 24, 2013 Special Meeting

2. Setting a Hearing for the Approval of a Five Year Extension of the Previously Approved Colorado Mesa University Outline Development Plan for Property Located at 2899 D ½ Road [File #ODP-2008-154]

A request for a five year extension from December 15, 2012 to December 15, 2017, for the previously approved Colorado Mesa University Outline Development Plan (ODP). The previously approved ODP allows multifamily residential, commercial, and industrial uses within four pods.

Proposed Ordinance Amending Ordinance No. 4314 Zoning the Colorado Mesa University Development to PD (Planned Development) to Extend the Development Schedule Until December 15, 2017, Located at 2899 D 1/2 Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 20, 2013

3. **Setting a Hearing Zoning the Feuerborn Annexation, Located at 2902 and 2906 D Road** [File #ANX-2012-518]

A request to zone the 3.40 acre Feuerborn Annexation, consisting of two parcels located at 2902 and 2906 D Road, to a C-1 (Light Commercial) zone district.

Proposed Ordinance Zoning the Feuerborn Annexation to C-1 (Light Commercial), Located at 2902 and 2906 D Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 20, 2013

4. **Setting a Hearing to Amend Section 21.07 of the Grand Junction Municipal Code to Add a Section 21.07.070, North Avenue Overlay Zone District** [File #ZCA-2012-572]

This amendment to Section 21.07 will add an Overlay Zone District establishing zoning standards specific to properties abutting North Avenue from First Street east to I-70 Business Loop. The North Avenue Overlay Zone District contains three areas of emphasis including: 1) Mandatory Standards required of all new development along the corridor; 2) "Opt In" Standards for new development that chooses to develop under this section; and 3) the "Site Upgrade Point System" Standards that provide a vehicle for a future incentive program when funding becomes available. The point system will be a part of a financial incentive to property owners to improve the streetscape and their property along the corridor, and implements the vision and goals of the City's adopted North Avenue Corridor Plans and this North Avenue Overlay Zone District.

Proposed Ordinance Amending Section 21.07 of the Grand Junction Municipal Code to Add an Overlay Zone District for Property Abutting North Avenue between First Street on the West and I-70 B on the East

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 20, 2013

5. **Purchase Polymer for Persigo Wastewater Treatment Plant**

This request is for the purchase of liquid polymer for use in dewatering digested sludge at Persigo Wastewater Treatment Plant.

Action: *Authorize the City Purchasing Division to Purchase Polymer from Polydyne, Inc. in the Amount of \$51,171*

6. **Policy Regarding Amendment 64 Relative to Marijuana Facilities in the City**

The City Council hereby directs the City Manager and City Attorney to monitor and evaluate any and all legislature and or administrative actions regarding marijuana and to advise the Council of the State's action. The resolution also directs the City Manager not to issue any permits or approvals for marijuana facilities.

Resolution No. 07-13—A Resolution Concerning Amendment 64 and Land Use Applications in the City of Grand Junction and Directing the City Manager Relative to Land Use Approvals and Sales Tax Licenses for Marijuana Facilities in the City

Action: Adopt Resolution No. 07-13

7. **Park Designation of the Colorado National Monument**

After many years of local debate, discussion, and deliberation, the City Council supports the designation of the Colorado National Monument as a National Park and urges Congress to act forthwith to designate and officially change the area, without changing its size or limiting access to established public and private uses, to a National Park.

Resolution No. 08-13—A Resolution Concerning the Designation of the Colorado National Monument as a National Park

Action: Adopt Resolution No. 08-13

8. **Setting a Hearing to Amend the Grand Valley Circulation Plan, a Part of the Comprehensive Plan, Located Generally North of I-70 Business Loop Between 28 and 28 1/4 Roads** [File #CPA-2012-584]

A request to amend the Grand Valley Circulation Plan on and near the property (35.8 acres) located generally north of I-70 Business Loop between 28 and 28 1/4 Roads to add two future collector streets and an unclassified street in the area to improve future capacity, connectivity, and circulation.

Proposed Ordinance Amending the Comprehensive Plan of the City of Grand Junction to Amend the Grand Valley Circulation Plan for the Area Located Generally North of I-70 Business Loop Between 28 and 28 1/4 Roads

Action: Introduction of a Proposed Ordinance and Set a Hearing for March 6, 2013

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Purchase Two Ford Explorer XLT 4WD Vehicles

This purchase will provide two emergency response vehicles, one each for the Police Chief and Fire Chief. These vehicles will be additions to the fleet and will replace the automobile allowance currently paid to the Chiefs.

City Manager Rich Englehart thanked the City Council for the comments on Commander Assenmacher and thanked them for attending the services.

City Manager Englehart then introduced this item. He explained the history of bringing this item forward. The discussion began when he was Deputy City Manager with then Police Chief Gardner and Fire Chief Watkins. The arrangement was made then to ask the Chiefs to use their personal vehicles and receive compensation for that use. However, this current use does not allow them to be covered by City insurance in the case of an accident during City work. They do not have emergency equipment within their current personal vehicles, including radios; instead hand held radios are currently used. The rationale for the change is to provide safer travel in and out of town and a vehicle that can be used in remote areas, and in bad weather. Having these vehicles for the Chiefs would also identify them as the Chief of their department when traveling to dangerous and, at times, hard to reach locations. One recommendation that came from the White Hall fire was for the Administrative Command Staff to have emergency vehicles for response to high profile incidents.

Jay Valentine, Internal Services Manager, addressed the City Council to explain how the vehicle was selected from the purchasing perspective, and then once selected, how the bids were solicited. The reimbursement previously paid to the Chiefs will now be paid into the Fleet fund as a lease payment.

Councilmember Kenyon asked if the Chiefs will be re-paying the reimbursement or if they won't be getting that compensation. Mr. Valentine said the Chiefs will not receive the compensation, it will be diverted to the Fleet fund. The amount being diverted back into the Fleet fund will exceed the cost of the vehicles by \$12,000 over ten years. When asked, Mr. Valentine agreed that those driving their private vehicles are not covered by City insurance whereas when driving City vehicles they are covered by the City's insurance.

Councilmember Kenyon noted that it is not a good idea for people to respond in their personal vehicles; they do not have the right equipment and the City's insurance does not cover an incident. City Manager Englehart agreed, noting the resources were not previously available to make this change but the risks are high and it makes it difficult when they arrive on scene in a non-official vehicle. Councilmember Kenyon said it is important to provide the right equipment for them to do their job.

Councilmember Coons agreed it is important and the budget impact is neutral so they should go forward with the change.

Councilmember Luke said they should have a vehicle so they can show up at an emergency scene in an official vehicle. She asked if the \$12,000 factors in additional insurance. Mr. Valentine said the insurance is a blanket policy and there will be no additional cost.

City Attorney Shaver said premiums are based on loss and this move may make the risk of loss even less.

Councilmember Doody was grateful for the item coming forward and noted the local Ford dealer did not submit a bid. Mr. Valentine said they asked for a bid for two vehicles and the local dealer only bid for one vehicle so their bid was deemed non-responsive.

Councilmember Kenyon moved to authorize the City Purchasing Division to purchase two 2013 Ford Explorer XLT 4WD vehicles from Columbine Ford, Rifle, Colorado in the amount of \$28,832.68 each, for a total amount of \$57,665.36 and for the vehicles to be fully equipped with the proper equipment. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Doody congratulated Jay Valentine on his recent marriage.

Adjournment

The meeting adjourned at 7:39 p.m.

Stephanie Tuin, MMC
City Clerk

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

FEBRUARY 14, 2013

The City Council of the City of Grand Junction, Colorado met in Special Session on Thursday, February 14, 2013 at 12:08 p.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Teresa Coons, Jim Doody, Tom Kenyon, Laura Luke, and President of the Council Bill Pitts. Absent were Councilmembers Bennett Boeschenstein and Sam Susuras. Also present was Municipal Judge Caré Mclinnis.

Council President Pitts called the meeting to order.

Council President Pitts moved to go into Executive Session to discuss personnel matters under Section 402 (4)(f)(i) of the Open Meetings Law Relative to City Council Employees Specifically the Municipal Judge and City Council will not return to open session. Councilmember Kenyon seconded the motion. Motion carried.

The City Council convened into executive session at 12:10 p.m.

Stephanie Tuin, MMC
City Clerk



Date: 02-08-13
 Author: Eileen List
 Title/ Phone Ext: Industrial
Pretreatment Supv. 970-256-4164
 Proposed Schedule: 02-20-13 First
Reading
 2nd Reading
 (if applicable): 04-03-13
 File # (if applicable): _____

Attach 2
CITY COUNCIL AGENDA ITEM

Subject: Amending Wastewater and Industrial Pretreatment Regulations in Title 13 of the Grand Junction Municipal Code
Action Requested/Recommendation: Introduction of a Proposed Ordinance and Set a Hearing for April 3, 2013
Presenter(s) Name & Title: Greg Trainor, Public Works, Utilities, and Planning Director John Shaver, City Attorney

Executive Summary:

The City’s Wastewater and Industrial Pretreatment Ordinance (“Ordinance”) Chapter 13.04 has been revised to comply with federal Pretreatment requirements and to make the ordinance more user-friendly for the City’s regulated industrial and commercial customers. The changes also affect cross references in other sections of the Code.

Background, Analysis and Options:

The United States Environmental Protection Agency (USEPA) requires the City’s Persigo Wastewater Treatment Facility to have an Industrial Pretreatment Program (Pretreatment) to prevent certain pollutants from entering the wastewater system. The pollutants of concern are those that can interfere with the operation of the wastewater treatment process, pass through the wastewater treatment system without adequate treatment or contaminate treatment plant biosolids.

The Industrial Pretreatment program was delegated approval authority from USEPA in 1984. The initial version of the City’s Pretreatment Regulations were included in the City’s Wastewater Ordinance and approved by USEPA at that time. There are currently over 5,000 businesses included in the Pretreatment Program’s Industrial Waste Survey. City Industrial Discharge Permits are issued to 16 industries and 14 waste haulers.

The Grand Junction Municipal Code (GJMC) has been revised numerous times to address new federal requirements found in 40 CFR 403, with the latest revision in 2009. The 2013 revision is a major revision of the GJMC, necessary for the City to come fully into compliance with federal Pretreatment requirements and to increase the enforceability of Industrial Discharge Permits. The revision separates Wastewater and

Industrial Pretreatment requirements into better-defined sections, which should result in an easier comprehension of the City's regulations by the regulated community; corrects typographical errors (i.e., cadmium mass-based local limit corrected from 0.057 to 3.057 pounds per day); lowers the pH limit from 5.5 s.u. to 5.0 s.u. to be consistent with federal regulations; adds a requirements section for new Categorical Users; clarifies sample collection and testing method requirements; adds the authority to prosecute criminal activities; and provides the authority to establish and enforce specific section control programs through the use of Best Management Practices. The revisions are primarily administrative with no major impacts anticipated to the local regulated community.

The City's 30 permitted industrial stakeholders, who are the most affected by the Ordinance, were sent copies of the proposed revisions for a 30-day stakeholder review period to request written comment on the revisions. All stakeholders confirmed their receipt of the proposed revisions. Of that review process only one written comment from a permitted industrial user was received.

Alsco / American Linen requested that the City remove historical Total Recoverable Petroleum Hydrocarbons and Fats, Oils and Grease limits from the City's Ordinance. Alsco claims that the City's limits for these parameters were not properly developed or defensible and requests the limits be removed until more technically-based and defensible limits can be developed. Council should be aware that the USEPA and the City addressed this issue with Alsco in July 2012 and denied Alsco's request to set aside or relax these limits at that time. The USEPA and the City determined that the limits were indeed appropriate, defensible and enforceable and consistent with the Federal Pretreatment Program discharge regulations. Staff is recommending that Council not consider the removal of these historical limits from the City's Ordinance.

After City Council's First Reading the revised Ordinance will be sent to USEPA for formal approval. Note that USEPA has already performed an informal review of the Ordinance and it met their approval. The Second (Final) Council reading is scheduled to take place on April 3.

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

There are no specific Comprehensive Plan Goals and Policies that pertain to this Ordinance.

Board or Committee Recommendation:

Not Applicable

Financial Impact/Budget:

There may be minor increased analytical testing required of regulated industries; this will be determined on an individual basis at the time of individual discharge permit renewal in 2013.

Legal issues:

This revision results in full compliance with federal 40 CFR 403 Pretreatment regulations.

Other issues:

None

Previously presented or discussed:

None

Attachments:

Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. __

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 13.04 OF THE GRAND JUNCTION MUNICIPAL CODE PERTAINING TO INDUSTRIAL PRETREATMENT REGULATIONS TO INCORPORATE REQUIRED CHANGES TO THE CITY'S LEGAL AUTHORITY; AND AMENDING SECTIONS 13.12 AND 13.16 TO REFLECT THE RE-ENACTMENT OF SECTION 13.04

RECITALS:

The United States Environmental Protection Agency (USEPA) requires the City's Persigo Wastewater Treatment Facility to have an Industrial Pretreatment Program to prevent certain pollutants from entering the wastewater system. The pollutants of concern are those that can interfere with the operation of the wastewater treatment process, pass through the wastewater treatment system without adequate treatment or contaminate treatment plant biosolids.

The City's Wastewater and Industrial Pretreatment Regulations in Section 13.04 of the Grand Junction Municipal Code (Code) is being repealed and re-enacted to comply with federal Pretreatment requirements and to make the Code more user-friendly for the City's regulated industrial and commercial customers.

The re-enactment of Code Section 13.04 is a major revision of the Industrial Pretreatment Chapter. The re-enactment is necessary for the City to come fully into compliance with federal Pretreatment requirements and to increase the enforceability of Industrial Discharge Permits. The re-enactment separates Wastewater and Industrial Pretreatment requirements into better-defined sections, which should result in an easier comprehension of the City's regulations by the regulated community; corrects typographical errors (i.e., cadmium mass-based local limit corrected from 0.057 to 3.057 pounds per day); lowers the pH limit from 5.5 s.u. to 5.0 s.u.; adds a requirements section for new Categorical Users; clarifies sample collection and testing method requirements; adds the authority to prosecute criminal activities; and provides the authority to establish and enforce specific section control programs through the use of Best Management Practices. The re-enactment is primarily administrative with no major impacts anticipated to the local regulated community.

Code Sections 13.12 and 13.16 are also being amended based on the revisions and renumbering of Section 13.04.

In compliance with the USEPA Pretreatment requirements, City staff has made the required revisions relating to Industrial Pretreatment to the City Code of Ordinances and now requests that the City Council approve the proposed changes to the Code.

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

1. Section 13.04 of the Grand Junction Municipal Code is hereby repealed and re-enacted as follows:

Chapter 13.04 WASTEWATER SYSTEM

Sections

- 13.04.010 Definitions.
- 13.04.020 Jurisdiction.
- 13.04.030 Damaging or tampering with structures or equipment prohibited.
- 13.04.040 Authority to enter premises for purposes of inspection, observation, measurement, sampling and testing.
- 13.04.050 Duty to observe safety rules.
- 13.04.060 Authority to enter private properties through which City has easement.
- 13.04.070 Insanitary deposits prohibited.
- 13.04.080 Discharge to natural outlets.
- 13.04.090 Connection to sewer mandatory - construction, use and/or repair of privies and/or septic tanks disallowed.
- 13.04.100 Reserved
- 13.04.110 Private disposal systems.
- 13.04.120 Permit required to connect to, use or alter public sewer.
- 13.04.130 Building sewer – Cost of connection to public sewer to be borne by owner.
- 13.04.140 Building sewer – Separate sewer required for each building – Exception.
- 13.04.150 Building sewer – Use of old building sewers.
- 13.04.160 Building sewer – Size, slope, materials of construction, other specifications.
- 13.04.170 Building sewer – Elevation.
- 13.04.180 Building sewer – Connection of roof downspouts, areaway drains.
- 13.04.190 Building sewer – Connection to public sewer to conform to code requirements, applicable rules – Deviations from prescribed procedures and materials.
- 13.04.200 Building sewer – Guarding of excavations – Restoration of streets.
- 13.04.210 Changes in direction of private sewers.
- 13.04.220 General construction of private sewers.
- 13.04.230 Connection of property lying two miles outside City.
- 13.04.240 Use of public sewers – Limitations on discharging certain substances, materials, waters, wastes.
- 13.04.250 Service charges – Assessed.
- 13.04.260 Service charges – New service fee.
- 13.04.270 Service charges – Charge for reconnecting after disconnection for sewer service charge delinquency – Penalty for unauthorized reconnections.
- 13.04.280 Plant investment fees and connection procedures – Purpose of fee.
- 13.04.290 Plant investment fees and connection procedures – Payment of fee.
- 13.04.300 Plant investment fees and connection procedures – Amount of fee.
- 13.04.310 Service charges – Declared lien – Collection.
- 13.04.320 Billing procedure.
- 13.04.330 Billing procedure – Review.
- 13.04.340 Disposition, use of sewer revenues.
- 13.04.350 Industrial Pretreatment Program: Applicability, Objectives, Authority
- 13.04.360 Industrial Pretreatment Program –Definitions and Abbreviations.

- 13.04.370 Industrial Pretreatment Program – Prohibited Discharges and Limitations.
- 13.04.380 Industrial Pretreatment Program – Pretreatment and Monitoring Facilities, Right of Entry and Search Warrants.
- 13.04.390 Industrial Pretreatment Program – Industrial Discharge Permits.
- 13.04.400 Industrial Pretreatment Program – Industrial Discharge Permit Conditions.
- 13.04.410 Industrial Pretreatment Program – Industrial Discharge Permit Modification.
- 13.04.420 Industrial Pretreatment Program – Industrial Discharge Permit Revocation.
- 13.04.430 Industrial Pretreatment Program – Recordkeeping.
- 13.04.440 Industrial Pretreatment Program – Sample Collection and Analytical Methods.
- 13.04.450 Industrial Pretreatment Program – Reporting and Notification Requirements.
- 13.04.460 Industrial Pretreatment Program – Sector Control Programs.
- 13.04.470 Industrial Pretreatment Program – Fees.
- 13.04.480 Industrial Pretreatment Program – Compliance and Enforcement.
- 13.04.490 Industrial Pretreatment Program – Pretreatment authority outside of City.
- 13.04.500 Industrial Pretreatment Program – Affirmative Defenses to Discharge Violations.

Cross reference(s) – Improper depositing or disposal of animal or human waste declared a nuisance, GJMC 8.08.060.

13.04.010 Definitions.

Unless otherwise defined in GJMC 13.04.360 or in this Code, the following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act or the Act means the Federal Water Pollution Control Act, PL 92-500, also known as the Clean Water Act, and including amendments thereto by the Clean Water Act of 1977, PL 95-217, 33 U.S.C. 1251 et seq.

Biochemical Oxygen Demand₅ (BOD₅) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter (mg/L).

Building drain means that part of the lowest horizontal piping of a drainage system that receives the discharge from other drainage pipes inside the walls of the building and conveys it to the building sewer.

Building sewer means the extension from the building drain to the public sewer.

City Manager means the City Manager for the City of Grand Junction or his/her designee.

Combined sewer means a sewer receiving both surface runoff and sewage.

Domestic Sewage or Domestic / Sanitary wastes is wastewater from residential sources including, but not limited, to wastewater from kitchen, bath and laundry facilities; or

wastewater from the personal sanitary conveniences (toilets, showers, bathtubs, fountains, noncommercial sinks and similar structures) of commercial, industrial or institutional buildings, provided that the wastewater exhibits characteristics that are similar to those of wastewater from residential activities.

Easement means an acquired legal right for the specific use of land owned by others.

Equivalent residential unit (EQU) means the unit of measurement determined by the average monthly water use per single family residence, or 280 gallons per day.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Normal domestic strength wastewater means that wastewater, when analyzed in accordance with procedures established by EPA pursuant to 40 CFR Part 136, as amended, contains no more than two hundred (200) mg/L BOD₅ and/or two hundred and fifty (250) mg/L TSS.

Person is any individual, partnership, firm, company, association, joint stock company, trust, estate, society, corporation, group, government, governmental agency or other legal entity, or their legal representatives, agents or assigns. The definition includes all federal, state and local government entities.

Properly shredded garbage means the wastes from the preparation, cooking and discharging of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Publicly Owned Treatment Works (POTW): A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the City and County. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature and any sewers, pipes or other conveyances which convey wastewater to the treatment plant. The term also means the municipality having jurisdiction over the Indirect Discharge as defined in GJMC 13.04.360(a) made to and from the wastewater treatment plant. As used herein, it shall include wastewater facilities that form the POTW and any sewers that convey wastewaters to the POTW from persons or sources within the City and outside the City who are, by contract or agreement with the City or connecting sanitation districts, users of the WWTP.

Sanitary sewer means a sewer that carries liquid and water-carried wastes from the residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally. This definition shall also include, but not be limited, to the terms "public sewer," "sewer system," "sewer" and "collection line."

Sewage means the spent water of a community. Also referred to as Wastewater.

Sewer means a pipe or conduit for carrying sewage.

Sewer rental charges includes all rates, charges, fees and costs of inspection connected with the POTW.

State means the State of Colorado and the Colorado Department of Public Health and Environment.

Storm drain (sometimes termed storm sewer) means a drain or sewer for conveying water, groundwater, drainage water or unpolluted water from any source, excluding sewage and industrial wastes.

Storm water means the surface runoff from rainfall and other storm events.

Tap means an opening or connection between the service sewer and the sanitary sewer through which sewage is discharged.

Total suspended solids (TSS) means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed 40 CFR Part 136, as amended.

Wastewater or *sewage* means the liquid and water-carried domestic or nondomestic wastes from residences, commercial buildings, industrial facilities and institutions whether treated or untreated, which are contributed into or permitted to enter the POTW.

Wastewater facilities means the structures, equipment and processes required to collect, convey and treat domestic and industrial wastes and dispose of the effluent.

Wastewater treatment plant (WWTP) means that portion of the POTW designed to provide treatment to wastewater. The term includes the Persigo wastewater treatment plant, which is owned by the County and the City and operated by the City.

Waters of the State mean any and all surface waters and subsurface waters that have a direct hydrologic connection with surface waters which are contained in or flow in or through the State, but does not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed.

Watercourse means a natural or artificial channel for the passage of water, either continuously or intermittently.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3722 § 1, 2-16-05; Ord. 3615, 4-7-04; Code 1994 § 38-26; Code 1965 § 25-14)

Cross reference(s) – Definitions generally, GJMC 1.04.020.

13.04.020 Jurisdiction.

The provisions of this Code shall apply to all users of the sewer and/or facilities served by the wastewater facilities and POTW.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04. Code 1994 § 38-27)

13.04.030 Damaging or tampering with structures or equipment prohibited.

No unauthorized person shall maliciously, willfully, or in a grossly negligent manner break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the POTW. Any person violating this section shall be subject to arrest under charge of disorderly conduct.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04. Code 1994 § 38-28; Code 1965 § 25-40)

13.04.040 Authority to enter premises for purposes of inspection, observation, measurement, sampling and testing.

The City Manager shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Code. The City has additional Right of Entry provisions for the regulation of Industrial Users in GJMC 13.04.380(b).

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3722 § 2, 2-16-05; Ord. 3615, 4-7-04. Code 1994 § 38-29; Code 1965 § 25-41)

13.04.050 Duty to observe safety rules.

While performing the necessary work on private properties referred to in GJMC 13.04.040, the City Manager shall observe all safety rules applicable to the premises established by the company; the company shall be held harmless for injury or death to the City employee(s) except as such may be caused by negligence or failure of the company to maintain safe conditions as required in GJMC 13.04.380 (a) and as allowed by law the City shall indemnify the company against loss or damage to its property by the City employee(s) and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation(s).

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Code 1994 § 38-30; Code 1965 § 25-42)

13.04.060 Authority to enter private properties through which City has easement.

The City Manager shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the POTW lying within such easement. All entry and subsequent work, if any, on such easement shall be done in accordance with the terms of a duly negotiated easement pertaining to the private property involved.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04. Code 1994 § 38-31; Code 1965 § 25-43)

13.04.070 Insanitary deposits prohibited.

It shall be unlawful for any person to place, deposit or permit to be deposited in any insanitary manner on public or private property within the City and County, or in any area under the jurisdiction of the City and County, any human or animal excrement, garbage or other objectionable waste.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Code 1994 § 38-32; Code 1965 § 25-15)

13.04.080 Discharge to natural outlets.

It shall be unlawful to discharge wastewater to any storm sewer or natural outlet within the City and County, or in any area under the jurisdiction of the City and County, unless the discharger has received written approval or a permit from both the City and the Colorado Department of Health and Environment.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Code 1994 § 38-33; Code 1965 § 25-16)

13.04.090 Connection to sewer mandatory - construction, use and/or repair of privies and/or septic tanks disallowed.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation and/or other purposes situated within the City or County and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City or County are hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 120 days after date of official notice to do so; provided, that such public sewer is within 400 feet (122 meters) of the property line.

It shall be unlawful to construct, use or maintain and/or repair any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater when the same site is within 400 feet of an existing public sewer with sufficient capacity and official notice disallowing the use of the same shall have been given to the owner of the house, building or property.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Code 1994 § 38-35; Code 1965 § 25-18)

13.04.100 Reserved

13.04.110 Private disposal systems.

- (a) Connection to Private Disposal System Where Public System Is Unavailable. Where a public, sanitary or combined sewer is not available under the provisions of GJMC 13.04.100, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Code.

- (b) Type, Capacities, Location and Layout. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Colorado Department of Public Health and Environment and any and all conditions, requirements or standards of the City.
- (c) Connection to Public Sewer Upon Availability of Public Sewer – Abandonment of Private Facilities. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in GJMC 13.04.100, a direct connection shall be made to the public sewer in compliance with this Code within 120 days after the date of official notice to do so, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- (d) Sanitary Operation. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
- (e) Additional Requirements of the County’s Health Officer. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the County’s Health Officer.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Code 1994 § 38-36; Code 1965 §§ 25-19 – 25-23)

13.04.120 Permit required to connect to, use or alter public sewer.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Manager.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Code 1994 § 38-37; Code 1965 § 25-24)

13.04.130 Building sewer – Cost of connection to public sewer to be borne by owner.

All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City and County from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Code 1994 § 38-38; Code 1965 § 25-25)

13.04.140 Building sewer – Separate sewer required for each building – Exception.

A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available nor can be constructed to the rear building through an adjoining alley, court,

yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04. Code 1994 § 38-39; Code 1965 § 25-26)

13.04.150 Building sewer – Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination by the City Manager, to meet all requirements of this Code.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Code 1994 § 38-40; Code 1965 § 25-27)

13.04.160 Building sewer – Size, slope, materials of construction, other specifications.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the City and County.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09. Code 1994 § 38-41; Code 1965 § 25-28)

13.04.170 Building sewer – Elevation.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09. Code 1994 § 38-42; Code 1965 § 25-29)

13.04.180 Building sewer – Connection of roof downspouts, areaway drains.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sewer.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09. Code 1994 § 38-43; Code 1965 § 25-30)

13.04.190 Building sewer – Connection to public sewer to conform to code requirements, applicable rules – Deviations from prescribed procedures and materials.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the City and County. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the City Manager before installation.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09. Code 1994 § 38-44; Code 1965 § 25-31)

13.04.200 Building sewer – Guarding of excavations – Restoration of streets.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City and County.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09. Code 1994 § 38-45; Code 1965 § 25-32)

13.04.210 Changes in direction of private sewers.

When the course of a private sewer is not the same as the junction piece, it must be connected such that no 90-degree turns are used.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09. Code 1994 § 38-46; Code 1965 § 25-52)

13.04.220 General construction of private sewers.

The inside of every private sewer connecting with a public or sanitary sewer must be smooth and free from rock, dirt and debris throughout its entire length, and the ends of all pipes not to be immediately used must be securely guarded against the introduction of earthen material by brick and cement or other watertight and impervious metal, or seal.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09. Code 1994 § 38-47; Code 1965 § 25-53)

13.04.230 Connection of property lying two miles outside City.

(a) It is the policy of the City and County to require connections to the POTW for property lying within two miles of the City's limits by arranging for sewage treatment through the City, either by annexation or through powers of attorney to accomplish annexation in the future, as possible. As annexations occur, the ownership of public or sanitary sewers within the annexed area will be transferred to the City.

(b) No property outside the City shall be connected to the POTW until and unless the owner thereof shall submit an application, together with a signed and sworn statement, showing the plan, size and type of connection desired and the number of persons who will use the property so connected. Such plans and statement shall be referred to and examined by the City Manager, who shall endorse with approval or disapproval of the same as complying or failing to comply with all of the ordinances, regulations and rules concerning connections with the POTW.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04. Code 1994 § 38-48; Code 1965 §§ 25-45, 25-46)

13.04.240 Use of public sewers – Limitations on discharging certain substances, materials, waters, wastes.

No person shall discharge or cause to be discharged substances, materials, waters or waste(s) if it appears likely in the opinion of the City Manager that such wastes may harm the POTW, including, but not limited to, the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of waste(s), the City Manager will give consideration to such factors as the nature and source of the wastes, quantities of waste(s) in relation to flows and velocities in the sewage treatment process, toxicity of the waste(s), capacity of the POTW and degree of treatability of waste(s) at the WWTP and other pertinent factors.

13.04.250 Service charges – Assessed.

- (a) There shall be levied and assessed upon each lot, parcel of land, building or premises having any connection, or eligible for connection with the sewer system of the City, monthly sewer service charges or rentals computed by multiplying the EQU by the following factors, to wit:
- (1) Single-family dwelling, 1.00 EQU.
 - (2) Multiple-family dwellings, 0.72 times number of single-family units.
 - (3) Hotels and motels:
 - (i) No restaurants or kitchen, 0.36 times number of rooms;
 - (ii) With kitchenette, 0.43 times number of rooms;
 - (iii) With restaurants, use subsection (a)(3)(i) of this section then add rates from subsection (a)(4) of this section.
 - (4) Restaurants:
 - (i) Greater than twelve hour operation to twenty-four-hour operation, 0.21 times number of seats;
 - (ii) Twelve-hour or less operation, 0.14 times number of seats;
 - (iii) Bar, no food, 0.04 times number of seats.
 - (5) Schools:
 - (i) No food or showers, 0.04 times number of student capacity;
 - (ii) For cafeterias, add to subsection (a)(5)(i) of this section 0.02 times number of student capacity;
 - (iii) For showers, add to subsection (a)(5)(i) of this section 0.02 times number of student capacity;
 - (iv) Boarding schools, 0.27 times number of student capacity.
 - (6) Service stations:
 - (i) Without wash rack, 1.00 EQU;
 - (ii) With wash rack, 2.3 times number of wash racks.

- (7) Shopping centers and stores, 0.35 times number of thousands of square feet of store space.
 - (8) Travel trailer parks and courts, 0.25 times number of trailer parking spaces.
 - (9) Churches, assembly halls, theaters and arenas, 0.01 times number of seating capacity.
 - (10) Drive-in theater, 0.02 times number of car spaces.
 - (11) Factory, warehouses, shops and offices (not including industrial waste), 0.05 times number of employees.
 - (12) Hospitals, 0.89 times number of bed spaces.
 - (13) Institutions, nursing homes, 0.36 times number of residences.
 - (14) Laundry, coin-operated, 0.90 times number of washing machines.
 - (15) Mobile home parks, 0.67 times number of lots or spaces.
 - (16) Car wash, 2.3 times number of bays.
 - (17) Fast food takeout (walk-up or drive-up):
 - (i) Open 12 or more hours, 0.10 times number of employees;
 - (ii) Open less than 12 hours, 0.06 times number of employees.
- (b) Where recycling of water is used or other conditions prevail which cause the above-listed nonresidential users to produce more or less average daily sewage flow than that computed by the above formula when the EQU is multiplied by 280 gallons per day, the City Manager may establish the EQU using the formula set forth in subsection (c) of this section. When the City Manager deems necessary, the sewer service charge may be charged according to the above formula. Then, after the first 12 months of full operation have passed, where actual water use is observed, the user may be remitted up or down to the sewer service charge computed based on actual water use.
- (c) Sewer service charges shall be computed for nonresidential users that are not listed above by computing the hydraulic flow expected from the establishment; the EQU shall be computed by dividing the expected flows by 280 gallons per day.
- (d) Industrial Waste.
- (1) Industries which discharge a nondomestic wastewater, that are not otherwise identified in this section, and are in compliance with Federal,

State and local limits shall be charged a rate that is equivalent to the actual cost to treat each 1,000 gallons of nondomestic wastewater discharged to the system, such charge to be in addition to the domestic user rate of 0.05 EQU for each employee.

- (2) Industries which exceed the established limit of 200 mg/L for BOD₅ and 250 mg/L for TSS shall be charged at a rate calculated to represent the actual cost to treat a pound of BOD₅ and TSS; this charge shall be in addition to the rate of 0.05 EQU for each employee.
 - (3) In those instances when an industry may discharge a wastewater which exceeds the limit for BOD₅ and TSS allowed by other sections of this Code, its basic rate shall be calculated and an additional surcharge added to that calculated amount.
- (e) The total rate per EQU will be as established by resolution of the City Council and on file in the City Clerk's office for all users situated within or without the boundaries of the City.
 - (f) No connection shall be made to the POTW until a permit has been obtained from the City and a fee as established by resolution of the City Council and on file in the City Clerk's office paid for such permit.
 - (g) The cost of connection to the POTW shall be borne by the property owner.
 - (h) Tank truck operators disposing of wastewater will be assessed a treatment charge based on tank size or gallons discharged. Loads are measured by tank size or gallons. Acceptable water and waste for disposal shall exclude waste enumerated in GJMC 13.04.240 and GJMC 13.04.370 or which is otherwise regulated by a valid permit or similar regulated guideline.
 - (i) Users of the POTW within the City and County shall be charged the same where the services performed for the users are the same. Where services performed are not the same, the difference in the cost of providing the services shall be determined and the users shall be charged on the basis of the services provided.
 - (j) The City will determine average numeric criteria for the quality and quantity of sewage collected from residential users. The City will assess a surcharge rate for nonresidential users discharging waters and wastes with quality characteristics that are greater, i.e., of higher strength or concentration, than the average residential user. Such users will be assessed a surcharge sufficient to cover the costs of treating the higher strength wastes. The surcharge rate structure shall be reviewed by the City from time to time and as determined by the City Manager.
 - (k) The pro rata cost of connection shall constitute a sewer rental charge subject to lien under GJMC 13.04.330.

(Ord. 4476, 7-20-11; Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04; Ord. 2892, 2-21-96. Code 1994 § 38-55; Code 1965 § 25-44)

13.04.260 Service charges – New service fee.

Whenever a sewer service account is created or is changed, a new service fee in an amount as established by resolution of the City Council and on file in the City Clerk's office shall be charged. If water service is being commenced or changed a separate fee shall be charged therefore.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09. Code 1994 § 38-56; Code 1965 § 25-47(a))

13.04.270 Service charges – Charge for reconnecting after disconnection for sewer service charge delinquency – Penalty for unauthorized reconnections.

- (a) If the sewer service is disconnected by shutting off the water supply, reconnection shall be made only upon the payment of all delinquencies plus a reconnecting charge as established by resolution of the City Council.
- (b) It shall be unlawful, after sewer service has been disconnected by shutting off the water supply or in any other manner, for any person to 1) reconnect such water supply without the consent of the City, and/or 2) use hauled water in lieu of a permanent water supply. Any person violating this provision shall be deemed guilty of a misdemeanor.
- (c) A violation of this Code shall be punished by a fine or imprisonment or both pursuant to the limits established in GJMC 1.04.090. Each day or portion thereof that any violation of any provision of this Code exists shall constitute a separate offense.

(Ord. 4424 § 3, 5-5-10; Ord. 4358, 6-3-09; Ord. 4344, 4-15-09. Code 1994 § 38-57; Code 1965 §§ 25-49, 25-51)

13.04.280 Plant investment fees and connection procedures – Purpose of fee.

The plant investment fee shall be charged to recover the cost of construction of main interceptor lines and sewage treatment works as determined by the City Manager in accordance with and pursuant to applicable law.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Code 1994 § 38-71; Code 1965 § 25-70)

13.04.290 Plant investment fees and connection procedures – Payment of fee.

- (a) Prior to connection of any building, premises or lot to any sewer system which utilizes the sewage treatment works or sewage transportation system of the City, the owner of that building, premises or lot shall pay a Basic Plant Investment fee (BPIF) to the City.

- (b) BPIFs shall be paid within 120 days prior to actual connection of the building, premises or lot to the sewer system and no prepayment shall be allowed except with the permission of the City Manager.
- (c) The Basic Plant Investment Fee (BPIF) shall be as adopted by resolution of the City Council.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04. Code 1994 § 38-72; Code 1965 §§ 25-71, 25-72)

13.04.300 Plant investment fees and connection procedures – Amount of fee.

- (a) The Plant Investment Fee for any building, lot or premises other than a single-family residence shall be computed using the formula set out in this subsection; provided, that the PIF for any building, lot or premises shall not be less than the BPIF.

Formula for PIF:

$$PIF = (BPIF) \times (EQU)$$

The EQU is determined by using the following values as applied for the type of use in which the building, premises or lot is to be used:

(1)	Any single-family dwelling above 1.00	EQU
(2)	Multiple-family dwellings, 0.72 x number of single-family units	EQU
(3)	Hotels and motels:	
	(i) No restaurants or kitchens, 0.36 x number of rooms	EQU
	(ii) With kitchenettes, 0.43 x number of rooms	EQU
	(iii) With restaurants: Use above then add restaurants from below	
(4)	Restaurants:	
	(i) Greater than twelve hour operation to twenty-four hour operation, 0.21 x number of seats	EQU
	(ii) Twelve-hour or less operation, 0.14 x number of seats	EQU
	(iii) Bar, no food, 0.04 x number of seats	EQU
(5)	Schools:	
	(i) No food or showers, 0.04 x number of student capacity	EQU
	(ii) Add to subsection (b)(5)(i) of this section for cafeterias, 0.02 x number of student capacity	EQU
	(iii) Add to subsection (b)(5)(i) of this section for showers, 0.02 x number of student capacity	EQU

	(iv)	Boarding schools, 0.27 x number of student capacity	EQU
(6)	Service stations:		
	Without wash rack, 1.00		EQU
	With wash rack, 2.3 per rack		EQU
(7)	Shopping centers and stores, 0.35 x number of thousand square feet of store space		EQU
(8)	Travel trailer park (KOA, etc.), 0.25 x number of trailer parking spaces		EQU
(9)	Churches and assembly halls, theaters and arenas, 0.01 x number of seating capacity		EQU
(10)	Drive-in theaters, 0.02 x number of car spaces		EQU
(11)	Factories, warehouses and offices (not including industrial waste), 0.05 x number of employees		EQU
(12)	Hospital, 0.89 x number of bed spaces		EQU
(13)	Institution – Nursing home, 0.36 x number of residences		EQU
(14)	Laundry, coin-operated, 0.90 x number of washing machines		EQU
(15)	Mobile home parks, 0.67 x number of lots or spaces		EQU
(16)	Car wash, 2.3 x number of bays		EQU
(17)	Fast food takeout (walk-up or drive-up):		
	Open 12 hours or more each day, 0.10 x number of employees		EQU
	Open less than 12 hours per day, 0.06 x number of employees		EQU

- (b) Where recycling of water is used or other conditions prevail which cause the above-listed nonresidential users to produce more or less average daily sewage flow than that computed by the above formula when the EQU is multiplied by 280 gallons per day, the City Manager may establish the EQU using the formula set forth in subsection (c) of this section. Where the City Manager deems necessary, the PIF may be charged according to the above formula. Then, after the first 12 months of full operation have passed, where actual water use is observed, the PIF may be revised up or down based on actual water use.
- (c) PIFs shall be computed for nonresidential users that are not listed above by computing the hydraulic flow expected from the establishment. The EQU can be computed by dividing the expected daily flow by 280 gallons per day or by dividing the expected organic load in pounds of BOD₅ per day by 0.47 pound of BOD₅. The higher EQU obtained by the two methods shall be used in computing the PIF.
- (d) Sewer extension charges are as established by resolution of the City Council.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04. Code 1994 § 38-73; Code 1965 § 25-73)

13.04.310 Service charges – Declared lien – Collection.

All sewer charges, including but not limited to all rates (see definition, GJMC 13.04.010), shall constitute a lien upon any lot, land, building or premises served, and if such amounts shall not be paid when due, such service, if within the City's water system, may be disconnected by the City without further notice, by shutting off the water supply therefrom, or, in other areas of the 201 sewer service area, the POTW, the City Manager may certify the charge to the County Treasurer to be placed upon the tax list for the current year to be collected in the manner other taxes are collected, with 10 percent added thereto to defray the cost of collection, plus interest at the rate of one percent per month or as established by resolution of the City Council, and all laws of the State for the assessment and collection of general taxes, including the laws for the sale of property for taxes and redemption of the same, shall apply.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04. Code 1994 § 38-58; Code 1965 § 25-48)

State law reference(s) – Interest rate, § 31-35-609, C.R.S.

13.04.320 Billing procedure.

- (a) All sewer charges shall be dated and sent out to the owner of the premises served or to whom the owner may direct at regular intervals. Such sewer service charges shall be added to and made a part of the water bill if customers receive water service from the City or by separate billing if water service is from other than the City. Provisions of this Code relative to the payment of delinquent water bills shall also apply to delinquent sewer bills in all respects, including the discontinuance of water service for nonpayment of sewer charges as set forth in GJMC 13.04.310.
- (b) The owner of the premises, as well as the occupants thereof, shall have 30 days to notify the City of any change of building structure and/or use to ensure correct monthly charges. The City will be under no obligation to credit or refund any account beyond expiration of the 30-day notification period.
- (c) In the event any user of the POTW neglects, fails or refuses to pay the rates, fees or charges imposed or levied by this Code for the connection or use of the POTW or facilities, such rates, fees or charges shall constitute a lien upon the real property so served by such sewer connection. The amount due will be collected in the same manner as though it were part of the taxes. This is an additional remedy to others of the City.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04; Ord. 2892, 2-21-96. Code 1994 § 38-59; Code 1965 § 25-47(b), (c))

13.04.330 Billing procedure – Review.

The rates and charges for wastewater service are established so that each user class pays its proportionate share of the costs of wastewater treatment services; the City Manager is hereby directed to annually review the charge structure to assure that proportionality between user classes is maintained and to recommend modifications as appropriate. Each user shall be notified annually by the City of the rate and that portion of the user charges which are attributable to wastewater treatment services.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04; Ord. 2892, 2-21-96. Code 1994 § 38-60; Code 1965 § 25-54)

13.04.340 Disposition, use of sewer revenues.

The funds received from the collection of the charges or rentals authorized by this Code shall be deposited with the City Manager and shall be deposited in a fund to be known as the sewer fund and, when lawfully appropriated, shall be used for the maintenance, operation, extension and improvement of the POTW, and for interest on and discharging of principal of bonds and other obligations incurred in the acquisition, construction, improvement and extension of the POTW.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04; Ord. 2892, 2-21-96. Code 1994 § 38-61; Code 1965 § 25-50)

13.04.350 Industrial Pretreatment Program - Applicability, Objectives, Authority.

- (a) **Applicability:** This Code sets forth uniform requirements for all Industrial Users discharging to the POTW and enables the City to comply with all applicable State and Federal laws including the Clean Water Act and the General Pretreatment Regulations (40 CFR Part 403). Any Industrial User, the discharge from which directly or indirectly enters the POTW from areas within or without the boundaries of the City of Grand Junction or Mesa County, shall be bound by this Code as it now exists or may hereafter be amended. This Code may be enforced against any Industrial User.
- (b) **Objectives:** The objectives of this Code are:
 - (1) To prevent the introduction of pollutants into the Publicly-Owned Treatment Works (POTW) that will interfere with the operation of the system or contaminate the resulting sludge;
 - (2) To prevent the introduction of pollutants into the POTW which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
 - (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
 - (4) To provide for and promote the general health, safety and welfare of the citizens residing within the City or County and connecting jurisdictions;

- (5) To enable the City to comply with its Colorado Discharge Permit System (CDPS) permit conditions, sewage sludge use and disposal requirements, and any other applicable federal or state laws or regulations to which the POTW is subject;
 - (6) To prevent adverse impacts to worker health and safety due to the discharge of pollutants from Industrial Users; and
 - (7) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW.
- (c) Non-Domestic Industrial Users: It shall be unlawful for any Industrial User to discharge any domestic or non-domestic wastewater into any natural waterway, any surface drainage, or storm drain in any area under the jurisdiction of the City. No industrial wastewater shall be discharged to the POTW unless done so in compliance with the provisions of this Code.
- (d) Responsibility and Authority of the City
- (1) Except as otherwise provided herein, the City Manager shall administer, implement, and enforce the provisions of this Code. Any powers granted to or duties imposed upon the City Manager may be delegated by the City Manager to other City personnel.
 - (2) The City shall attempt to notify in writing any Industrial User whom they have cause to believe is subject to a National Categorical Pretreatment Standard or Requirement, or other applicable requirements promulgated by the EPA under the provisions of Section 204(b) or 405 of the Act, or under the provisions of sections 3001, 3004, or 4004 of the Solid Waste Disposal Act. Failure of the City to so notify Industrial Users shall not relieve said Industrial Users from the responsibility of complying with applicable Pretreatment Standards and Requirements. It is the responsibility of Significant Industrial Users to apply for and receive a permit prior to discharge, whether or not the Industrial User has been identified and formally requested to do so.
 - (3) If wastewaters containing any pollutant, including excess flow, or as otherwise defined in this Code, are discharged or proposed to be discharged to the POTW, the City may take any action necessary to:
 - (i) Prohibit the discharge of such wastewater;
 - (ii) Require an Industrial User to demonstrate that in-plant facility modifications will reduce or eliminate the discharge of such substances in conformity with this Code;

- (iii) Require treatment, including storage facilities or flow equalization necessary to reduce or eliminate the potential for a discharge to violate this Code;
- (iv) Require the Industrial User making, causing or allowing the discharge to pay any additional cost or expense incurred by the City for handling, treating, disposing or remediation costs as a result of wastes discharged to the wastewater treatment system;
- (v) Require the Industrial User to apply for and obtain a permit;
- (vi) Require timely and factual reports from the Industrial User responsible for such discharge; or
- (vii) Take such other action as may be necessary to meet the objectives of this Code.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04; Ord. 2892, 2-21-96. Code 1994 § 38-62; Code 1965 § 25-57)

13.04.360 Industrial Pretreatment Program – Definitions and Abbreviations.

- (a) In addition to the definition of terms in GJMC 13.04.010, the following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approval Authority is the State Director in an NPDES state with an approved State Pretreatment Program or the Regional Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.

Authorized Representative of the Industrial User is:

- (i) If the Industrial User is a corporation:
 - (A) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - (B) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Industrial Discharge Permit

requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (ii) If the Industrial User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (iii) If the Industrial User is a federal, state, or local government facility: A city or district or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.
- (iv) The individuals described in paragraphs (i) through (iii), above, may designate another authorized representative if the authorization is made in writing, the authorization specifies the individual or a position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

Best Management Practices (BMPs) are schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the General and Specific Prohibitions listed in GJMC 13.04.370 of this Code. BMPs may also include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs shall be considered local limits and Pretreatment Standards for the purposes of this Code and Section 307(d) of the Act (40 CFR Section 403.5(c)(4)).

Categorical Industrial User means an Industrial User subject to a Categorical Pretreatment Standard.

Categorical Pretreatment Standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. Section 1317) that apply to a specific category of Industrial Users and that appear in 40 CFR Code I, subCode N, Parts 405-471.
City Manager means the City Manager for the City of Grand Junction or his/her designee.

Colorado Discharge Permit System or CDPS: The State of Colorado program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into waters of the state implemented by the Colorado Department of Public Health and Environment pursuant to Section 402 of the Clean Water Act.

Composite sample refers to a representative flow proportioned sample generally collected within a twenty-four (24) hour period and combined according to flow. Time proportional sampling may be approved or used by the City where time-proportional samples are believed representative of the discharge.

Control Authority refers to the City of Grand Junction and Mesa County, co-permittees on the CDPS Permit # CO0040053. Mesa County has delegated the authority to implement and enforcement the Pretreatment Program required by the CDPS Permit to the City of Grand Junction.

Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat. Cooling water includes:

- (i) Contact. Water used for cooling purposes which comes in contact with any raw material, intermediate product, waste product or finished product.
- (ii) Noncontact. Water used for cooling purposes which does not come in contact with any raw material, intermediate product, waste product or finished product and the only pollutant added is heat.

Discharge. See Indirect Discharge.

Environmental Protection Agency or EPA means the U.S. Environmental Protection Agency or, where appropriate, the Administrator or other duly authorized official of such Agency.

Existing Source is a source of discharge by an Industrial User, the construction of which commenced prior to the publication of a proposed Categorical Pretreatment Standard which is subsequently promulgated in accordance with Section 307 of the Clean Water Act, or as otherwise specified in the applicable Categorical Pretreatment Standard.

Fats, Oil and Grease (animal / vegetable) (FOG) is equivalent to the non-petroleum organic polar fraction of Hexane Extractable Material (HEM, polar material) derived from animal or plant sources such as fats, non-hydrocarbons, fatty acids, soaps, waxes, and oils that contain multiple carbon chain triglyceride molecules using methods approved in 40 CFR Part 136 as amended.

Grab sample means a sample which is taken from a waste stream on a one-time basis with no regard to the flow and over a period of time not to exceed fifteen (15) minutes.

Holding tank waste means any waste from a holding tank such as vessels, chemical toilets, campers or trailers, septic tanks and vacuum pump tank trucks.

Indirect Discharge or Discharge means the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act (including holding tank waste discharged to the system).

Industrial means of or pertaining to industry, manufacturing, agriculture, commerce, trade or business, as distinguished from domestic or residential.

Industrial Discharge Permit means a permit issued to an Industrial User by the City that allows, limits and/or prohibits the discharge of pollutants or flow to the POTW as set forth in GJMC 13.04.390 of this Code.

Industrial User or User means a source of Indirect Discharge.

Instantaneous limit is the maximum or minimum concentration or measurement of a pollutant property allowed to be discharged at any time for any length of time. For pollutants, compliance is typically determined by use of a grab sample.

Interference is a Discharge, which alone or in conjunction with a discharge or discharges from other sources, both:

- (i) Inhibits or disrupts the POTW treatment processes or operations or its sludge processes, use or disposal; and
- (ii) Therefore, is a cause of violation of any requirement of the City's CDPS permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued hereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resources Conservation and Recovery Act (RCRA); any State regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solids Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local Limits means any regulation containing pollution discharge limits promulgated by the City in accordance with 40 CFR Section 403.5(c) and (d), which are deemed to be Pretreatment Standards and contained in GJMC 13.04.370 of this Code.

National Pollutant Discharge Elimination System or NPDES. See Colorado Discharge Permit System.

New Source means any building, structure, facility or installation from which there is or may be a discharge of pollutants as defined in 40 CFR Section 403.3(m) and incorporated herein by reference.

Pass Through means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's CDPS permit including an increase in the magnitude or duration of a violation.

pH is the intensity of acid or base condition of the solution expressed as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution and reported as Standard Units (SU).

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, septic waste, sewage sludge, munitions, chemical wastes, medical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

Pollution means the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d). Appropriate pretreatment technology includes control equipment, such as flow equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in a flow equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the flow equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR Section 403.6(e).

Pretreatment Requirement(s) means any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

Pretreatment Standard, National Pretreatment Standard, or Standard mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to Industrial Users. The term includes prohibitive discharge limits, local limits, and Best Management Practices that are or may be established by the City. In cases of differing standards or regulations, the more stringent shall apply.

Sector Control Program is any program designed to control specific pollutants from Industrial Users with similar operations, waste generation or treatment through the implementation of Pretreatment Standards and Requirements, including Best Management Practices. Sector Control Program requirements may be found at GJMC 13.04.460 of this Code.

Shall, will, may: “shall” and “will” are mandatory; “may” is permissive.

Significant Industrial User (SIU): Except as provided in paragraphs (iii) and (iv) of this definition, a Significant Industrial User is:

- (i) An Industrial User subject to Categorical Pretreatment Standards; or
- (ii) An Industrial User that:
 - (A) Discharges an average of twenty-five thousand gallons per day (25,000 gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (B) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (C) Is designated as such by the City on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- (iii) The City may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than one hundred gallons per day (100 gpd) of total Categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - (A) The Industrial User, prior to the City's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
 - (B) The Industrial User annually submits the certification statement as found in 40 CFR 403.12(g), together with any additional information necessary to support the certification statement; and
 - (C) The Industrial User never discharges any untreated concentrated wastewater.
- (iv) Upon finding by the City that an Industrial User meeting the criteria in Section (ii) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Pretreatment Requirement the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with 40 CFR 403.8(f)(2), determine that such Industrial User is not a Significant Industrial User.

Slug Discharge refers to any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, or a discharge which exceeds the hydraulic or design of a Industrial

Users treatment system or any part of the treatment unit which has a reasonable potential to cause Interference or Pass Through, or in any other way violate an applicable Pretreatment Standard or Pretreatment Requirement, this Code, or an Industrial User permit issued by the City.

Standard Industrial Classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.

Total Recoverable Petroleum Hydrocarbon (TRPH) is equivalent to the non-polar fraction of Silica-Gel Treated Hexane Extractable Material (SGT-HEM, Non-polar material) using methods approved under 40 CFR Part 136 as amended.

Toxic Pollutant includes, but is not limited to, any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of Section 307(a) of the Act or Act or as otherwise listed at 40 CFR Part 122, Appendix D.

User means Industrial User.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 4210, 4-2-08; Ord. 3722 § 3, 2-16-05; Ord. 3615, 4-7-04; Ord. 2892, 2-21-96. Code 1994 § 38-63; Code 1965 § 25-58)

Cross reference(s) – Definitions generally, GJMC 1.04.020.

(b) The following abbreviations shall have the meanings designated in this section:

BMP: Best Management Practices
BOD₅: Biochemical Oxygen Demand₅
BTEX: Benzene, toluene, ethylbenzene and xylene
CDPHE: Colorado Department of Public Health and Environment
CDPS: Colorado Discharge Permit System
CFR: Code of Federal Regulations
CWA: Clean Water Act
EPA: Environmental Protection Agency
FOG: Fats, Oils and Grease (animal / vegetable)
mg/L: milligrams per liter
O&M: Operation and Maintenance
POTW: Publicly-Owned Treatment Works
NPDES: National Pollutant Discharge Elimination System
RCRA: Resource Conservation and Recovery Act
SIC: Standard Industrial Classification
SIU: Significant Industrial User
SMR: Self-Monitoring Report
SNC: Significant Noncompliance
TRPH: Total Recoverable Petroleum Hydrocarbons
TSS: Total Suspended Solids
U.S.C.: United States Code

WWTP: Wastewater treatment plant.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 2892, 2-21-96. Code 1994 § 38-64; Code 1965 § 25-59)

13.04.370 Industrial Pretreatment Program – Prohibited Discharges and Limitations.

(a) General Discharge Prohibitions.

An Industrial User may not introduce into a POTW any pollutant(s) which cause(s) Pass Through or Interference. These General Prohibitions and the Specific Prohibitions in paragraph (b) of this Section apply to each Industrial User, unless otherwise specified, introducing pollutants into a POTW whether or not the Industrial User is subject to other Pretreatment Standards or Requirements.

(b) Specific Prohibitions

- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR Section 261.21. The City Manager may require Industrial Users with the potential to discharge flammable, combustible or explosive substances to install and maintain an approved combustible gas detection meter or explosion hazard meter. No two successive readings on an explosion hazard meter at the point of discharge shall be more than five percent (5%), or any one reading more than ten percent (10%), of the Lower Explosive Limit (LEL) of the meter.
- (2) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 S.U., unless the works is specifically designed to accommodate such discharges.
- (3) Any solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference.
- (4) Any pollutant, including oxygen demanding pollutants (BOD₅, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
- (5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 degrees Celsius (104°F) unless the EPA, upon request of the POTW, approves alternate temperature limits. No liquid or vapor having a temperature higher than 150 degrees Fahrenheit or exceeding any lower limit fixed by the City Manager to prevent odor nuisance shall be discharged.

- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (8) Any trucked or hauled pollutants, except at discharge points designated by the City. The discharge of any trucked or hauled waste originating outside of Mesa County is prohibited.
- (9) The following nondomestic discharge limitations are established to protect sludge quality and prevent Pass Through and Interference with the proper operation of the POTW. These limits are shown in maximum allowable concentrations:

(i)	Cyanide	1.2 mg/L
(ii)	Benzene	50.0 µg/L
(iii)	BTEX (aggregate parameter of benzene, ethyl benzene, toluene, and xylene)	750 µg/L
(iv)	Fats, Oil and Grease (animal/vegetable)	200 mg/L
(v)	Total Recoverable Petroleum Hydrocarbons	50 mg/L

- (10) Sludge or other material from sewage or industrial waste treatment plants or from water treatment plants, unless agreed to by the City Manager.
- (11) Water accumulated in excavations or accumulated as the result of grading, water taken from the ground by well points or any other drainage associated with construction without prior approval by the City Manager.
- (12) Bulk, expired, outdated or concentrated prescription or non-prescription drugs.
- (13) Any waters or wastes containing grease or oil or other substances that will solidify or become discernibly viscous at temperatures between 32 degrees Fahrenheit (32°F) and 150 degrees Fahrenheit (150°F).
- (14) Any waters or wastes that contain concentrated dye waste or other waste that is either highly colored or could become highly colored by reacting with any other waste, and which is not removable in the POTW.
- (15) Any waters or wastes that contain a corrosive, noxious or malodorous gas or substance which, either singly or by reaction with other wastes, is capable of causing damage to the system or to any part thereof, of

creating a public nuisance or hazard, or of preventing entry into the sewers for maintenance and repair.

- (16) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Manager in compliance with applicable State or federal regulations.
- (17) A Slug Discharge as defined in GJMC 13.04.360(a).
- (18) Stormwater drainage from ground resulting in infiltration and inflow (I&I) through the Industrial User's service line(s) or surface, roof drains, catch basins, unroofed area drains (e.g. commercial car washing facilities) or any other source unless otherwise approved by the City Manager. Specifically prohibited is the connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to the City's wastewater collection system. No Industrial User shall connect or discharge water from underground drains, sump pump discharges, natural springs and seeps, water accumulated in excavation or grading or any other water associated with construction activities.
- (19) Any pollutant or Discharge directly into a manhole or other opening in the POTW unless specifically authorized by the City Manager or as otherwise permitted under this Code. Prohibited is the opening of a manhole or discharging into any opening in violation of this Code.
- (20) Liquid wastes from chemical toilets and trailers, campers or other recreational vehicles which have been collected and/or held in tanks or other containers shall not be discharged into the POTW except at locations authorized by the City to collect such wastes.
- (21) No chemicals, materials, or substances, including but not limited to, paints, solvents, boiler or water treatment chemicals, sludges, chemicals, or wastes shall be stored in proximity to a floor drain or other sewer openings. Containers shall be clearly labeled and stored in a place where the chemicals, materials, substances or wastes, in case of leakage or rupture of the container, cannot enter the wastewater collection system. The storage of any chemicals, materials, substances or wastes that leak or have potential to leak or discharge into the wastewater collection system which may create an explosion hazard or in any way have a deleterious effect to the POTW or constitute a nuisance or a hazard to POTW personnel, the general public, the environment, or the receiving stream shall be prohibited.
- (22) Any water contaminated as a result of discharge from aboveground and/or underground gasoline, diesel fuels, fuel oil, kerosene, and jet fuel tanks, tank accessories, and/or pipelines without applying for and obtaining a permit prior to discharge.

- (23) Any wastes containing detergents, surface-active agents, or other substances in concentrations which causes or may cause excessive foaming in the POTW or cause or contribute to Interference or Pass Through.
 - (24) Any pollutant or wastewater containing pollutants with UV (254 nm) absorbing substances which causes or may cause interference with UV disinfection at the WWTP.
 - (25) Wastes that have been collected and/or held in a tank or other container and where such wastes fail to comply with any Pretreatment Standard or Requirement.
 - (26) Discharge of nonylphenol from the use of bulk or concentrated nonylphenol containing detergents as employed by some industrial or commercial laundries, car washes or asphalt manufacturers or other Industrial Users.
 - (27) Discharge of any wastewater containing perchloroethylene (PCE) (also known as tetrachloroethene and tetrachloroethylene) from any Industrial User involved in the dry cleaning business.
- (c) Dilution is prohibited as a substitute for treatment; dilution when used or attempted as a substitution for treatment shall be a violation of this Code. Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Pretreatment Requirement. The City may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases where the imposition of mass limitations is appropriate.
- (d) Specific Discharge Limitations - Mass-Based Local Limits.

The following mass loadings reflect the total pounds per day that can be allocated to all Significant Industrial Users and other permitted Industrial Users by the City. The City, at its sole discretion, includes the industry specific allocation in the Industrial User's Industrial Discharge Permit as a mass or concentration-based limit.

Pollutant	Pounds Per Day
Arsenic	12.300
Cadmium	3.057
Chromium (Total)	67.685
Chromium (VI)	2.960

Copper	41.350
Lead	14.095
Molybdenum	7.652
Mercury	0.026
Nickel	23.937
Selenium	0.278
Silver	3.015
Zinc	104.246

- (e) Surcharge. Industrial Users that discharge wastewater that exceeds Normal Domestic Strength Wastewater as defined in GJMC 13.04.010 may be surcharged in accordance with adopted surcharge rates for flow, BOD₅ and/or TSS (see GJMC 13.04.250). In no case shall a surcharge be allowed that causes a violation of the General or Specific Prohibitions, an Industrial Discharge Permit, results in a Mass-Based Local Limit to be exceeded, causes the WWTP hydraulic or treatment capacity to be exceeded or results in a violation of a Categorical Pretreatment Standard.
- (f) All Industrial Users subject to a Categorical Pretreatment Standard shall comply with all requirements of such Standard, and shall also comply with any limitations contained in this Code. Where the same pollutant is limited by more than one Pretreatment Standard, the limitations which are more stringent shall prevail. Compliance with Categorical Pretreatment Standards shall be in the timeframe specified in the applicable Categorical Pretreatment Standard.
- (g) The City may establish more stringent pollutant limits, additional site-specific pollutant limits, Best Management Practices, and/or additional Pretreatment Requirements when, in the judgment of the City, such limitations are necessary to implement the provisions of this Code.
- (h) Promulgation of Standards.
 - (1) Upon the promulgation of the Federal Categorical Pretreatment Standard for a particular industrial subcategory, the Federal standard, if more stringent than limitations imposed by this Code for sources in that subcategory, shall immediately supersede the limitations imposed by this Code as required by the applicable Categorical Pretreatment Standard.
 - (2) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal Pretreatment Standard and Pretreatment Requirements or those in this Code.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 4122, 10-17-07; Ord. 3615, 4-7-04; Ord. 3045, 2-18-98; Ord. 2892, 2-21-96. Code 1994 § 38-49; Code 1965 § 25-33)

13.04.380 Industrial Pretreatment Program – Pretreatment and Monitoring Facilities, Right of Entry and Search Warrants.

(a) Pretreatment and Monitoring Facilities

- (1) Treatment Required: An Industrial User shall provide necessary wastewater treatment at the Industrial User's expense as required to comply with this Code and shall achieve compliance with all Pretreatment Standard and Pretreatment Requirement(s) within the time limitations specified by the EPA, the State, or the City, whichever is more stringent. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City Manager for review and shall be deemed acceptable by the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Code.
- (2) Wastewater Discharge Control: The City may require an Industrial User to restrict discharge during peak flow periods, designate that certain wastewater be discharged only into specified sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and demonstrate the Industrial User's compliance with the requirements of this Code.
- (3) Flow Equalization: The City may require any Industrial User discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Industrial Discharge Permit may be issued solely for flow equalization.
- (4) Monitoring Facilities: The City may require an Industrial User to install at the Industrial User's expense, a manhole and suitable monitoring facilities or equipment that allows for the representative sampling and accurate observation of wastewater discharges and be maintained by the Industrial User so as to be safe and accessible at all times. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the City's requirements and all applicable construction standards and specifications. Monitoring equipment and structures shall be maintained in proper working order and kept safe and accessible at all times to City personnel. The monitoring equipment shall be located and maintained on the Industrial User's premises outside of the building unless otherwise approved by the City. When such a location would be impractical, the City may allow such facility to be constructed in the public street or easement area, with the approval of the agency having

jurisdiction over such street or easement, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles.

- (5) Multi-tenant Buildings: When more than one Industrial User is able to discharge into a common service line, the City may require installation of separate monitoring and/or metering equipment for each Industrial User.
- (6) Flow, pH and Lower Explosive Limit (LEL) Meters: If the City determines that an Industrial User needs to measure and report wastewater flow and/or discharge process wastewaters necessitating continuous pH measurement and/or discharge wastewater that may contain flammable substances, they may be required to install and maintain, at the Industrial User's expense, approved meters, structures and equipment.
- (7) Unless approved by the City Manager in writing, no Industrial User shall cover any manhole, sewer cleanout, or other openings in the wastewater collection system with earth, paving, or otherwise render it inaccessible.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04; Ord. 2892, 2-21-96. Code 1994 § 38-67; Code 1965 § 25-62)

(b) Right of Entry.

- (1) Whenever it shall be necessary for the purposes of this Code, the City may enter upon any Industrial User's facility, property or premises for the purposes of:
 - (i) Performing all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable Pretreatment Standards and Pretreatment Requirements by an Industrial User. Compliance monitoring and inspection shall be conducted at a frequency as determined by the City and may be announced or unannounced;
 - (ii) Examining and copying any records required to be kept under the provisions of this Code or of any other local, state or federal regulation;
 - (iii) The City may use electronic means of its choosing to photograph, videotape and/or digitally collect and preserve images and sound of any areas of any facility as deemed necessary by the City for carrying out the duties of the industrial pretreatment program including, but not limited to, documentation of the Industrial User's compliance status and for reinforcement of required written reports. The Industrial User shall be allowed to review copies of data the City obtains so that the Industrial User may assert confidentiality.

- (iv) Inspecting any monitoring equipment or method, pretreatment system equipment and/or operation;
 - (v) Sampling any discharge of wastewater into POTW; and/or
 - (vi) Inspecting any production, manufacturing, fabricating or storage area where pollutants, regulated under this Code, could originate, be stored, or be discharged to the POTW.
- (2) The occupant of such property or premises shall render all proper assistance in such activities. Where an Industrial User has security measures in place which require proper identification and clearance before entry into its premises, the Industrial User shall make necessary arrangements with its security personnel so that authorized representatives of the City will be permitted to enter without delay to perform their specified functions.
- (3) The City Manager and other duly authorized agents and employees of the City are entitled to enter all private properties through which the City or any connecting jurisdiction holds an easement.
- (4) Failure to allow entry or unreasonable delays: In the event the City or other duly authorized representative of the City is refused admission or unreasonably delayed is a violation and may result in enforcement action as allowed for under this Code including revocation of the Industrial Discharge Permit.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the Industrial User at the written or verbal request of the City Manager and shall not be replaced. The costs of clearing such access shall be borne by the Industrial User.
- (c) Search Warrants.

If the City Manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Code, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Code or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the City Manager may, with the assistance of the City Attorney, seek issuance of a search warrant from the Grand Junction Municipal Court.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3722 § 4, 2-16-05; Ord. 3615, 4-7-04; Ord. 2892, 2-21-96. Code 1994 § 38-65; Code 1965 § 25-60)

13.04.390 Industrial Pretreatment Program – Industrial Discharge Permits.

(a) Permits Required.

All Significant Industrial Users proposing to connect to, or discharge into, any part of the wastewater system shall apply for and obtain an Industrial Discharge Permit prior to commencing discharge to the POTW. A separate permit may be required for each Industrial User, building or complex of buildings. Such Significant Industrial Users shall immediately contact the City and obtain an Industrial Waste Discharge Permit.

(b) New Industrial Users: Applying for an Industrial Discharge Permit.

Any Industrial User required to obtain an Industrial Discharge Permit who proposes to begin or recommence discharging into the POTW must apply for and obtain such permit prior to the beginning or recommencing of such discharge. The Industrial User shall file a permit application on forms provided by the City containing the information specified in GJMC 13.04.390(f) below. The completed application for the Industrial Discharge Permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence. The City may issue a permit at any time after receipt of the completed permit application.

(c) Existing Industrial Users: Applying for an Industrial Discharge Permit Re-issuance.

An Industrial User with an expiring Industrial Discharge Permit shall apply for a new permit by submitting a complete permit application at least ninety (90) days prior to the expiration of the Industrial User's existing discharge permit. The Industrial User shall file a permit application on forms provided by the City containing the information specified in GJMC 13.04.390(f) below. An Industrial User with an existing permit that has filed a complete and timely application may continue to discharge as approved in writing by the City through an administrative extension of the existing permit if the delay in permit issuance is not due to any act or failure to act on the Industrial User's part.

(d) Other Industrial Users.

The City may require other Industrial Users to apply for and obtain wastewater discharge permits or similar control mechanisms necessary to carry out the purposes of this Code. The City may issue a zero discharge permit to prohibit the discharge of some or all non-domestic process wastewater from an Industrial User.

(e) Enforceability.

Any violation of the terms and conditions of an Industrial Discharge Permit, failure to apply for a permit as required, or discharging without a required permit shall be deemed a violation of this Code and subjects the Industrial User to enforcement by the City. Obtaining an Industrial Discharge Permit does not

relieve a permittee of its obligation to comply with all State and federal Pretreatment Standards or Requirements.

(f) Permit Application Contents.

In support of the application, the Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name of business, address of the facility, location of the discharge if different from the facility address, and contact information of the Authorized Representative of the Industrial User.
- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (3) Description of Operations.
 - (i) A thorough and detailed description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production);
 - (ii) The Standard Industrial Classification(s) of the operation(s) carried out by such Industrial User;
 - (iii) A schematic process diagram, which indicates all process tanks, process lines, treatment systems, drains, and points of discharge to the POTW from the regulated process;
 - (iv) Types of wastes generated;
 - (v) A list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - (vi) A list of hazardous waste(s) generated and a description of the storage area and procedures for the wastes;
 - (vii) Number of employees; and
 - (viii) Hours of operation, and proposed or actual hours of operation.
- (4) Time and duration of discharges including the date the Industrial User first began discharge or plans to discharge to the POTW.
- (5) The location for sampling the wastewater discharges from the Industrial User.
- (6) Flow measurement. Information showing the average daily and maximum daily flow, in gallons per day, to the POTW from regulated process

streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR Section 403.6(e). For New Sources and new permittees not currently discharging, an estimate of flows may be used for meeting the requirements of the Baseline Monitoring Report required in GJMC 13.04.450(b).

- (7) Measurement of Pollutants.
 - (i) The Pretreatment Standards applicable to each regulated process;
 - (ii) The results of sampling and analysis identifying the nature and concentration, and/or mass of regulated pollutants in the discharge from each regulated process where required by the Standard or by the City;
 - (iii) Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported;
 - (iv) The sample shall be representative of daily operations and shall be collected in accordance with procedures set out in GJMC 13.04.440 or GJMC 13.04.450(b)(3) as appropriate. Where the Standard requires compliance with a BMP or pollution prevention alternative, the Industrial User shall submit documentation as required by the City for the applicable Standards to determine compliance with the Standard; and
 - (v) Analyses must be performed in accordance with procedures set out in GJMC 13.04.440(c).
- (8) A list of hazardous waste(s) generated and a description of the storage area and procedures for the wastes.
- (9) Slug Discharge Control Plan for Significant Industrial Users as described in GJMC 13.04.450(d) shall be submitted and for Non-Significant Industrial User as required by the City.
- (10) Compliance Schedule. If additional pretreatment and/or Operation and Maintenance (O&M) will be required to meet the Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to this schedule:

- (i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable Pretreatment

Standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No such increment shall exceed nine (9) months.

- (ii) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the City Manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the City Manager.
- (11) Certification. A statement, reviewed by an Authorized Representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional Pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.
- (12) Signatory Certification. All Industrial Discharge Permit applications and certification statements must be signed by an Authorized Representative of the Industrial User and contain the applicable certification statement(s) in GJMC 13.04.450(g).
- (13) Any other information as may be deemed by the City Manager to be necessary to evaluate the permit application.
- (g) Industrial Discharge Permit Issuance.
 - (1) Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than five (5) years at the City's discretion or may be stated to expire on a specific date.
 - (2) Where the City is establishing enforceable permit specific Pretreatment Standard or Pretreatment Requirements that are not otherwise contained in this Code, the Industrial Discharge Permit shall be noticed for public comment for thirty (30) days in a newspaper of general circulation that provides meaningful public notice.
 - (3) The City shall issue an Industrial Discharge Permit to the applicant if the City finds that all of the following conditions are met:
 - (i) The applicant has provided a timely and complete permit application to the City;

- (ii) The proposed discharge by the applicant is in compliance with the limitations established in this Code;
 - (iii) The proposed operation and discharge of the applicant would permit the normal and efficient operation of the POTW; and
 - (iv) The proposed discharge by the applicant would not result in a violation by the City of the terms and conditions of its CPDS Permit or cause Pass Through or Interference.
- (4) If the City finds that the condition set out in Subsection (3)(ii) of this Section is not met, the City may, at their discretion, issue an Industrial Discharge Permit to the applicant if the conditions set out in subsections (3)(i), (3)(iii) and (3)(iv) of this Section have been met and if the applicant submits, and the City approves, a compliance schedule setting out the measures to be taken by the applicant and the dates that such measures will be implemented to insure compliance with applicable Pretreatment Standards. At no time shall a discharge be allowed to cause a violation of any General or Specific Prohibition established in GJMC 13.04.370 nor shall the final compliance date for a Categorical Pretreatment Standard be extended.
- (5) Any Industrial User, may petition the City to reconsider the terms of an Industrial Discharge Permit within 10 working days of the permit issuance date. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal. In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Industrial Discharge Permit. The effectiveness of the Industrial Discharge Permit shall not be stayed pending the appeal. If the City does not act on such appeal within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider, not to issue an Industrial Discharge Permit, or not to modify a permit, shall be considered final administrative action for purposes of judicial review.
- (h) Denial by City to Issue a Permit
- (i) In the event the City denies an Industrial User's request for a permit to discharge, the City Manager shall notify the applicant in writing of such denial. Such notification shall state the grounds for such denial with that degree of specificity which will inform the applicant of the measures or actions which must be taken by the applicant prior to issuance of a permit.
 - (ii) Upon receipt of notification of denial of permit issuance, the applicant may request a hearing to be held by the City Manager, provided the request is submitted in writing to the City Manager within 10 working days of receipt of the City's original notification. At such hearing the applicant shall have the burden of establishing that the conditions set out in GJMC 13.04.390(g) above are met.

(iii) Upon review of the evidence, the City Manager shall make written findings of fact. Thereupon the City may issue an order issuing an Industrial Discharge Permit, or directing that such permit shall not be issued, or giving such other or further orders and directives as are necessary and appropriate.

(i) Transferability. Industrial Discharge Permits are issued to a specific Industrial User for a specific operation. An Industrial Discharge Permit shall not be reassigned or transferred or sold to a new owner, new Industrial User, different premises, or a new or changed operation without the prior written approval of the City. Any succeeding owner shall comply with the terms and conditions of the existing permit until a new permit is issued. The Permittee shall notify the City at least ten (10) working days prior to any change of ownership.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04; Ord. 2892, 2-21-96. Code 1994 § 38-67; Code 1965 § 25-62)

13.04.400 Industrial Pretreatment Program – Industrial Discharge Permit Conditions.

Industrial Discharge Permits shall be expressly subject to all provisions of this Code and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:

- (a) A statement that indicates the permit's issuance date, expiration date and effective date;
- (b) A statement on permit transferability;
- (c) The unit charge or schedule of user charges and fees for the wastewater to be discharged into a public sewer;
- (d) Limits on the average and/or maximum wastewater constituents and characteristics including, but not limited to, effluent limits, including Best Management Practices, based upon applicable Pretreatment Standards;
- (e) Limits on average and maximum rate and time of discharge or requirements for flow;
- (f) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (g) Self-monitoring, sampling, reporting, notification and record-keeping requirements including, but not limited to, identification of the pollutants to be monitored, sampling location, sampling frequency and sample type, based on federal, state and local law;

- (h) Best Management Practices (BMPs) to control specific pollutants as necessary to meet the objectives of this Code;
- (i) Compliance Schedules;
- (j) Requirements for notification of the City of any new introduction of wastewater constituents or any significant change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (k) Requirements to control and report any slug discharges and notify the City immediately of any changes at its facility affecting potential for a Spill or Slug Discharge and to notify the POTW immediately in the event of a slug, spill or accidental discharge to the POTW;
- (l) Statements of applicable administrative, civil and criminal penalties for the violation of Pretreatment Standards and Requirements, the permit, this Code, and any applicable compliance schedule;
- (m) Requirements to reapply for a new permit prior to expiration of the existing permit;
- (n) Additional monitoring to be reported;
- (o) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (p) Closure requirements for permitted facilities undergoing partial or complete closure activities to ensure closure activities are completed and wastes have been properly disposed and remaining access to sanitary and storm sewers are protected;
- (q) Other conditions as deemed appropriate by the City Manager to ensure compliance with this Code.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04; Ord. 2892, 2-21-96. Code 1994 § 38-67; Code 1965 § 25-62)

13.04.410 Industrial Pretreatment Program – Industrial Discharge Permit Modification.

The Industrial User shall be informed of any proposed changes in its permit at least thirty (30) days prior to the effective date of change. The notification of an Industrial Discharge Permit Modification does not stay any wastewater discharge permit condition. The City may modify an Industrial Discharge Permit for good cause, including, but not limited to, the following reasons:

- (a) To incorporate any new or revised federal, state, or local Pretreatment Standards or Requirements;

- (b) To address significant alterations or additions to the Industrial User's operation, processes, or wastewater volume or character since the time of the Industrial Discharge Permit issuance;
- (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (d) Information indicating that the permitted discharge may pose a threat to the POTW, City personnel, or the receiving waters;
- (e) Violation of any terms or conditions of the Industrial Discharge Permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the Industrial Discharge Permit application or in any required reporting;
- (g) To reflect a transfer of the facility ownership and/or operation to a new owner/operator; or
- (h) To correct typographical or other errors in the Industrial Discharge Permit.
- (i) Upon request of the Permittee, provided such request does not result in a violation of any applicable Pretreatment Standards or Requirements, or this Code. The filing of a request by the Permittee for a permit modification does not stay any permit condition.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04; Ord. 2892, 2-21-96. Code 1994 § 38-67; Code 1965 § 25-62)

13.04.420 Industrial Pretreatment Program – Industrial Discharge Permit Revocation.

A violation of the conditions of a permit or of this Code or of applicable State and federal regulations shall be reason for revocation of such permit by the City. Upon revocation of the permit, any wastewater discharge from the affected Industrial User shall be considered prohibited and in violation of this Code. Grounds for revocation of a permit include, but are not limited to, the following:

- (a) Failure of an Industrial User to accurately and/or truthfully report any information on any City required form and/or application and/or disclose and/or report the wastewater constituents and characteristics of any discharge; or
- (b) Failure of the Industrial User to report significant changes in operations or wastewater constituents and characteristics as required; or
- (c) Refusal of access to the Industrial User's premises for the purpose of inspection or monitoring; or
- (d) Falsification of records, reports or monitoring results; or

- (e) Tampering with monitoring equipment; or
- (f) Misrepresentation or failure to fully disclose all relevant facts in the Industrial Discharge Permit application; or
- (g) Failure to pay fines or penalties; or
- (h) Failure to pay sewer charges, surcharges, or pretreatment programs fees; or
- (i) Failure to meet compliance schedules; or
- (j) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (k) Failure to provide required reports, including but not limited to, a wastewater survey, baseline monitoring report, 90-day compliance report, permit application, self-monitoring report or other permit required reports or notifications within the timeframe required by the City; or
- (l) Violation of any Pretreatment Standard or Requirement, or any terms of the Industrial Discharge Permit or this Code.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04; Ord. 2892, 2-21-96. Code 1994 § 38-68; Code 1965 § 25-62)

13.04.430 Industrial Pretreatment Program – Recordkeeping.

- (a) All Industrial Users shall retain, and make available for inspection and copying, all records, reports, monitoring or other data, applications, permits and all other information and documentation required by this Code including documentation associated with Best Management Practices.
- (b) Industrial Users shall retain such records and shall keep such records available for inspection for at least three (3) years. This recordkeeping period shall be extended automatically for the duration of any litigation concerning the Industrial User's compliance with any provision of this Code, or when the Industrial User has been specifically and expressly notified of a longer records retention period by the City Manager.
- (c) Written reports will be deemed to have been submitted on the date postmarked by the public or private delivery service. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report shall govern.

Reports received by fax or email shall be deemed submitted only if:

- (1) The report that is faxed or emailed is deemed complete by the City;

- (2) The report contains an affirmative statement and signature of the Authorized Representative that such report being faxed or emailed is being sent by the Authorized Representative; and
- (3) The original, signed report is mailed and received within five (5) days by the City.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04; Ord. 2892, 2-21-96. Code 1994 § 38-68; Code 1965 § 25-62)

13.04.440 Industrial Pretreatment Program – Sample Collection and Analytical Methods.

(a) Sample Collection.

Compliance determinations with respect to prohibitions and limitations in this Code may be made on the basis of either grab or composite samples of wastewater as specified by the City. Such samples shall be taken at a point or points which the City in its sole discretion determines to be suitable for obtaining a representative sample of the discharge. Composite samples may be taken over a twenty-four (24) hour period, or over a longer or shorter time span, as determined by the City to meet specific circumstances.

(b) Sample Type.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, and based on data that is representative of conditions occurring during the reporting period.

- (1) Except as indicated in subparagraph (2) below, the Industrial User must collect representative wastewater samples using twenty-four (24) hour flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is required by the City. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the permitted discharge. For the reports required by GJMC 13.04.450(a), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.
- (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, total recoverable petroleum hydrocarbons and volatile organic compounds must be obtained using grab collection techniques. Using protocols, including appropriate preservation, specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory.

Composited samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with instantaneous local limits, including pH.

(c) Analytical Requirements.

All pollutant analysis, including sampling techniques, to be submitted as part of an Industrial Discharge Permit application, report, permit or other analyses required under this Code shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures specified and approved by the City and/or EPA.

(d) Records shall include for all samples:

- (1) The date, exact place, method, and time of sampling and the name of the person(s) taking the samples; and
- (2) The number, size and bottle type (plastic or glass) for each analyses; and
- (3) The sample type (grab or composite); and
- (4) The date and time the sample was relinquished to and received by the testing laboratory; and
- (5) The date, time and type of sample preservative added; and
- (2) The date(s) and time analyses were performed; and
- (3) The name of the person performing the analyses; and
- (4) The analytical techniques/methods used, including method detection limits and Quality Assurance /Quality Control (QA/QC) sample results; and
- (5) Calibration and maintenance records; and
- (6) All chain-of-custody records; and
- (7) The results of such analyses.

(e) The laboratory performing the sample analyses that certifies the validity of the sample analyses with EPA criteria required to be submitted to the City must sign and attach the following certification statement with each such lab report or information to the City:

"I certify that these analyses and resulting report(s) were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly analyze all samples and accurately report the results. I further certify that all analyses were performed in accordance with methods approved for wastewater analyses under the latest version of 40 CFR Part 136. Based on my inquire of the person or persons who manage the system, or those persons directly responsible for analyzing the wastewater samples and generating the report(s), the analyses, report and information

submitted is, to the best of my knowledge and belief, true, accurate and complete.”

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04; Ord. 2892, 2-21-96. Code 1994 § 38-67; Code 1965 § 25-62)

13.04.450 Industrial Pretreatment Program – Reporting and Notification Requirements.

- (a) Self-Monitoring Reports (SMR) for all Significant Industrial Users.
 - (1) Any Significant Industrial User or other Industrial User required by the City, subject to a federal, state, or City Pretreatment Standard or Requirement must submit Self-Monitoring Reports (SMR), at a frequency determined by the City but no less than once per six (6) months, indicating the nature, concentration (e.g. minimum, average and maximum) of pollutants in the discharge which are limited by Pretreatment Standards and the flow (e.g. minimum, average and maximum daily flows) for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the Industrial User must submit documentation required by the City or the Pretreatment Standard necessary to determine compliance status of the Industrial User. All Self-Monitoring Reports must be signed and certified in accordance with GJMC 13.04.450(g).
 - (2) All wastewater samples must be representative of the Industrial User’s discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an Industrial User to keep its monitoring facility in good working order shall not be grounds for the Industrial User to claim that the sample results are unrepresentative of its discharge.
 - (3) If an Industrial User monitors any regulated pollutant at the appropriate sampling location more frequently than required by the City, using the methods and procedures prescribed in GJMC 13.04.440, the results of this monitoring shall be included in the Self-Monitoring Report.
 - (4) The sampling and analyses required for the reporting outlined above may be performed by the City in lieu of the permittee. Where the City itself makes arrangements with the Industrial User to collect all the information required for the report, the Industrial User will not be required to submit the report.
- (b) Requirements for New Categorical Industrial Users
 - (1) Baseline Monitoring Reports (BMR) – Categorical Industrial Users.
 - (i) Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative

decision on a category determination under 40 CFR Section 403.6(a)(4), whichever is later, existing Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the City a Baseline Monitoring Report (BMR) which contains the information listed in GJMC 13.04.390(f).

- (ii) At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Pretreatment Standard, shall submit to the City a Compliance Report which contains the information listed in GJMC 13.04.390(f). A New Source shall report the method of pretreatment it intends to use to meet applicable Pretreatment Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged from regulated process streams and other non-process streams.

(2) 90-Day Compliance Reports – Categorical Industrial Users.

- (i) New Sources: All New Sources subject to existing Categorical Pretreatment Standards shall submit a report to the City within ninety (90) days from the date of first discharge to the POTW demonstrating actual and continuing compliance with those Standards.
- (ii) Existing Sources: All Existing Sources required to comply with newly promulgated Categorical Pretreatment Standards shall submit a report to the City within ninety (90) days of the date on which compliance is required with those Standards demonstrating that actual and continuing compliance with such Standards has been achieved.
- (iii) Such 90-day Compliance Report shall contain at a minimum the information required in GJMC 13.04.390(f), subparagraphs (6), (7), (10), (11), (12) and (13).

(3) Sampling and Monitoring Requirements

For sampling required in support of Baseline Monitoring and 90-day Compliance Reports in paragraph (b)(1) and (b)(2) of this section, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical representative sampling data do not exist. Where historical data are available, the City may authorize a lower minimum.

(c) 24 Hour Notice and 30 Day Re-sampling.

If sampling performed by an Industrial User indicates a violation of the Industrial Discharge Permit or this Code, the Industrial User shall notify the City within twenty-four (24) hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation. The Industrial User is not required to resample if the following occurs:

- (1) The City performs sampling at the Industrial User's facility at a frequency of at least once per month.
 - (2) The City performs sampling at the Industrial User's facility between the time when the Industrial User performs its initial sampling and the time when the Industrial User receives the results of this sampling. It is the sole responsibility of the Industrial User to verify if the City has performed this sampling.
- (d) Slug and Spill Discharges - Notification and Plan Development.
- (1) Each Industrial User shall provide protection from spills and slug discharges of pollutants regulated under this Code. Facilities to prevent the discharge of spills or slug discharges shall be provided and maintained at the Industrial User's expense.
 - (2) It is the responsibility of the Industrial User to comply with the reporting requirements in this section
 - (3) Each permitted Industrial User shall immediately report all spills to the City that occurs within the boundaries of the Industrial User's facility and property whether or not the spill results in a discharge to the POTW.
 - (4) The City shall evaluate whether each Significant Industrial User needs a Slug/Spill Discharge Control Plan or other action to control spills and slug discharges. The City may require an Industrial User to develop, submit for approval, and implement a Slug/Spill Discharge Control Plan or take such other action that may be necessary to control spills and slug discharges.
 - (5) A Slug/Spill Discharge Control Plan shall address, at a minimum, the following:
 - (i) Detailed plans (schematics) showing facility layout and plumbing representative of operating procedures;
 - (ii) Description of contents and volumes of any process tanks;
 - (iii) Description of discharge practices, including non-routine batch discharges;
 - (iv) Listing of stored chemicals, including location and volumes;

- (v) Procedures for immediately notifying the City of any spill or Slug Discharge;
 - (vi) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response; and
 - (vii) Any other information as required by the City.
- (6) Notice to employees. A prominent notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees who to call in the event of an accidental or slug discharge. Employers shall ensure that all employees who work in any area where an accidental or slug discharge may occur or originate are advised of the emergency notification procedures.
- (e) Reports of Potential Problems – Slug Discharges.
- (1) In the case of any changes at its facility affecting the potential for a Slug Discharge as defined in GJMC 13.04.360(a), or any actual discharge, including, but not limited to, spills, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a discharge that may cause potential problems for the POTW, the Industrial User shall immediately telephone and notify the City of the incident. This notification shall include all of the following:
 - (i) Name of the facility
 - (ii) Location of the facility
 - (iii) Name of the caller
 - (iv) Date and time of discharge
 - (v) Date and time discharge was halted
 - (vi) Location of the discharge
 - (vii) Estimated volume of discharge
 - (viii) Estimated concentration of pollutants in discharge
 - (ix) Corrective actions taken to halt the discharge
 - (x) Method of disposal if applicable
 - (2) Within five (5) working days following such discharge, the Industrial User shall, unless waived by the City, submit a detailed written report that includes all of the information contained in (e)(1) above and any other information describing the cause(s) of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss,

damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, penalties, or other liability which may be imposed pursuant to this Code.

(f) Reports for Industrial Users other than Significant Industrial Users.

If the City deems it necessary to assure compliance with provisions of this Code, any Industrial User of the POTW may be required to submit an Industrial Discharge Permit Application, questionnaire or other reports and notifications in a format and timeframe as specified by the City.

(g) Signatory Certification.

All reports and other submittals required to be submitted to the City shall include the following statement and signatory requirements:

- (1) The Authorized Representative of the Industrial User signing any application, questionnaire, any report or other information required to be submitted to the City must sign and attach the following certification statement with each such report or information submitted to the City.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or the persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations."

- (2) If the Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this Section and meeting the definition in GJMC 13.04.360(a) must be submitted to the City prior to or together with any reports to be signed by an Authorized Representative.

(h) Compliance Schedules.

Should any schedule of compliance be established in accordance with the requirements of this Code, the compliance schedule shall be as specified in GJMC 13.04.390(f)(10).

(i) Change in Discharge or Operations.

- (1) Every permitted Industrial User shall file a notification with the City a minimum of ten (10) working days prior to any planned significant change or

within 24 hours of any unplanned significant change in operations or wastewater characteristics. A significant change shall be a change equal to or greater than twenty percent (20%) in the mass of a pollutant or volume of flow discharged to the POTW. In addition, this notification shall include changes to:

- (i) Adding or removing processing, manufacturing or other production operations;
 - (b) New pollutants used which may be discharged; and
 - (c) Changes in the listed or characteristic hazardous waste for which the Industrial User has submitted or is required to submit information to the City under this Code and 40 CFR Section 403.12 (p) as amended.
- (2) Known or anticipated facility closure. The Industrial User is required to notify the City at least thirty (30) days prior to facility shutdown or closure which might alter the character, nature, quality or volume of its wastewater.
- (j) Notification of the Discharge of Hazardous Wastes
- (1) Any Industrial User shall notify the City of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261. Such notification to the City shall be made immediately, but not to exceed twenty-four (24) hours, after becoming aware of the discharge.

Such notification must include all of the following:

- (i) The name of the hazardous waste as set forth at 40 CFR Part 261;
- (ii) The EPA hazardous waste number;
- (iii) The type of discharge (continuous, batch, or other);
- (iv) An identification of the hazardous constituents contained in the wastes;
- (v) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month;
- (vi) An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months;
- (vii) Certification that the Industrial User has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical; and

- (viii) Signatory certification as required by GJMC 13.04.450(g).
 - (2) Within five (5) working days following such discharge, the Industrial User shall, unless waived by the City, submit a detailed written report that includes all of the information contained in (j)(1)(i) – (viii) above and any other information describing the cause(s) of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, penalties, or other liability which may be imposed pursuant to this Code.
 - (2) Any Industrial User shall notify the EPA Regional Waste Management Division City Manager, and state hazardous waste authorities, in writing, of the discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261 and meets the reporting criteria specified at 40 CFR 403.12(p). Notification to the State and EPA is the responsibility of the Industrial User and shall be made as required under 40 CFR Section 403.12(p). The Industrial User shall copy the City on all notifications made to the State and EPA.
 - (3) In the case of any new regulation under Section 3001 of the Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste, the Industrial User must notify the City, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
 - (4) This provision does not create a right to discharge any substance not otherwise approved by the City or allowed to be discharged by this Code, a permit issued hereunder, or any applicable federal or State law.
- (k) Requests for Information
- (1) A permittee shall furnish to the City, within the timeframe set by the City Manager, any information which the City may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating an Industrial Discharge Permit, or to determine compliance with the Industrial Discharge Permit or this Code. A permittee shall also, upon request, provide to the City, within the timeframe required by the City Manager, copies of any records that are required by the Industrial Discharge Permit or this Code. Failure to provide information within the timeframe specified shall be a violation of this Code.
 - (2) When requested by the City, any Industrial User shall submit information to the City Manager regarding industrial processes, nature and

characteristics of wastes and wastewaters generated at the industrial facility, method of disposal of wastes, or other information required by the City Manager to meet the responsibilities under this Code, State law and 40 CFR Part 403. Failure to provide information within the timeframe specified shall be a violation of this Code.

- (l) Confidential Information - Disclosure of Information and Availability to the Public.
 - (1) All records, reports, data or other information supplied by any person or Industrial User as a result of any disclosure required by this Code or information and data from inspections shall be available for public inspection except as otherwise provided in this section, 40 CFR Section 403.14 and the Colorado Open Records Act (C.R.S. 24-72-201, et. seq.).
 - (2) These provisions shall not be applicable to any information designated as a trade secret by the person supplying such information. Materials designated as a trade secret may include, but shall not be limited to, processes, operations, style of work or apparatus or confidential commercial or statistical data. Any information and data submitted by the Industrial User which is desired to be considered a trade secret shall have the words, "Confidential Business Information," stamped on each page containing such information. The Industrial User must demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Industrial User.

Information designated as a trade secret pursuant to this Section shall remain confidential and shall not be subject to public inspection. Such information shall be available only to officers, employees or authorized representatives of the City charged with implementing and enforcing the provisions of this Code and properly identified representatives of the U.S. Environmental Protection Agency, the Colorado Department of Public Health and Environment and the State of Colorado Attorney General's Office.

Effluent data from any Industrial User whether obtained by self-monitoring, monitoring by the City or monitoring by any state or federal agency, shall not be considered a trade secret or otherwise confidential. All such effluent data shall be available for public inspection.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04; Ord. 2892, 2-21-96. Code 1994 § 38-68; Code 1965 § 25-62)

13.04.460 Industrial Pretreatment Program – Sector Control Programs.

- (a) Authority.

The City may establish specific sector control programs for Industrial Users to control specific pollutants as necessary to meet the objectives of this Code. Pollutants subject to

these sector control programs shall generally be controlled using Best Management Practices (BMPs).

(b) Facility Identification and Compliance.

The City shall implement procedures to identify Industrial Users for inclusion into applicable sector control programs. Once identified and included into one or more sector control program, the facility shall be required to comply with the applicable sector control program requirements.

(c) Notification to the City by the Industrial User and Management Review.

The City shall review new construction and existing facilities undergoing any physical change, change in ownership, change in operations, or other change that could change the nature, properties, or volume of wastewater discharge, to ensure that current sector control program requirements are incorporated and implemented.

(d) The Industrial User subject to a Sector Control Program shall inform the City prior to:

- (1) Sale or transfer of ownership of the business; or
- (2) Change in the trade name under which the business is operated; or
- (3) Change in the nature of the services provided that affect the potential to discharge Sector Control Program pollutants; or
- (4) Remodeling of the facility that may result in an increase in flow or pollutant loading or that otherwise requires the facility to submit plans or specifications for approval through a building or zoning department, or any other formal approval process of a city, county or other jurisdiction.

(e) Inspections.

- (1) The City may conduct inspections of any facility with or without notice for the purpose of determining applicability and/or compliance with Sector Control Program requirements.
- (2) If any inspection reveals non-compliance with any provision of a Sector Control Program requirement, corrective action shall be required pursuant to the applicable Sector Control Program.
- (3) Inspection results will be provided in writing to the facility upon request.

(f) Closure.

The City may require closure of plumbing, treatment devices, storage components, containments, or other such physical structures that are no longer required for their

intended purpose. Closure may include the removal of equipment, the filling in and/or cementing, capping, plugging, etc.

(g) Enforcement and Compliance.

- (i) These requirements form a part of this Code. Enforcement of this regulation is governed by the express terms herein and the enforcement provisions of GJMC 13.04.480.
- (ii) Any extraordinary costs incurred by the City due to Interference, damage, Pass Through, or maintenance necessary in the treatment and/or collection system shall be paid by the Industrial User to the City. The direct costs of all labor, equipment and materials incurred in rectifying the Interference or damage, including reasonable attorney's fees, shall be billed directly to the owner or the Industrial User by the City, and such costs shall become part of the total charges due and owing to the City and shall constitute a lien on the Industrial User until paid in full.

13.04.470 Industrial Pretreatment Program – Fees.

- (a) There shall be a fee imposed by the City to provide for the payment to the sewer fund, by Industrial Users of the POTW, of all costs incurred in the implementation and administration of the Industrial Pretreatment Program. The applicable charges and fees shall be set forth in a schedule developed by the City Manager.
- (b) Applicable charges and fees include, but are not limited to:
 - (1) Industrial Discharge Permit applications;
 - (2) Industrial Discharge Permits;
 - (3) Reimbursement of costs of implementing the Industrial Pretreatment Program;
 - (4) Monitoring, inspection and surveillance activities;
 - (5) Fees as the City may deem necessary to carry out the requirements contained herein; and
 - (6) Fees to cover the added cost of handling or treating any wastes not covered by existing or regular monthly sewer service charges.

The charges and fees shall be established so that the permit application fee will cover the administrative costs of processing the permit. All other costs will be reviewed annually and established as part of the regular billing for each Industrial User.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 2892, 2-21-96. Code 1994 § 38-66; Code 1965 § 25-61)

13.04.480 Industrial Pretreatment Program – Compliance and Enforcement.

- (a) Enforcement Response Plan.

The City may adopt policies and procedures as set forth in the City's Enforcement Response Plan for carrying out the provisions of this Code.

(b) Publication of Industrial Users in Significant Noncompliance.

The City shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Significant Industrial Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. In addition, any Industrial User found to be in Significant Noncompliance with (3), (4) or (8) shall also be published in the newspaper.

The following criteria shall be used to define Significant Noncompliance:

- (1) Chronic violations of wastewater discharge limits, defined as those in which sixty-six (66) percent or more of all of the measurements taken during a six-month period exceed, by any magnitude, a numeric Pretreatment Standard or Requirement, including instantaneous limits;
- (2) Technical Review Criteria (TRC) violations, defined as those in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits multiplied by the applicable TRC (TRC = 1.4 for BOD₅, TSS, FOG and 1.2 for all other pollutants except pH);
- (3) Any other violation of a Pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the City Manager determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of City personnel or the general public;
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;
- (6) Failure to provide, within thirty (30) days after the due date, required reports such as Baseline Monitoring Reports, ninety-day Compliance Reports, periodic Self-Monitoring Reports and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations which may include a violation of Best Management Practices, which the City Manager determines may adversely affect the operation or implementation of the local pretreatment program.

(c) Administrative Enforcement Actions.

(1) Notice of Violation (NOV).

When the City finds that an Industrial User has violated, or continues to violate, any provision of this Code, an Industrial Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may serve upon the Industrial User a written Notice of Violation. Within ten (10) working days of the receipt of such notice, or at a time period specified by the City, an explanation of the violation and a plan for the satisfactory correction of prevention thereof, to include specific required actions, shall be submitted by the Industrial User to the City. Submission of such a plan in no way relieves the Industrial User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(2) Suspension of Service.

(i) Endangerment to Health or Welfare of the Community: The City, through other than a formal notice to the affected Industrial User, may immediately and effectively halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the City, any area under jurisdiction of the City, the POTW of the City or any wastewater system tributary thereto, by any means available to them, including physical disconnection from the wastewater system, whenever it reasonably appears that such discharge presents an imminent endangerment to the health or welfare of the community.

(ii) Endangerment to Environment or Treatment Works: The City, after written notice to the discharger may halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the City, any area under jurisdiction of the City, the POTW, wastewater system tributary thereto, by any means available to them, including physical disconnection from the wastewater system, whenever such discharge presents or may present an endangerment to the environment or threatens to interfere with the operation of the POTW.

(iii) Any Industrial User notified of a suspension of the wastewater treatment service and/or revocation of an Industrial Discharge Permit shall immediately stop or eliminate the contribution. In the

event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to individuals or the environment. The City may reinstate the Industrial Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

A detailed written statement submitted by the Industrial User describing the causes of the harmful contribution and the measure taken to prevent any future occurrence shall be provided to the City within five (5) days of the date of occurrence. Suspension of service shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User.

(3) Administrative Order.

When the City finds that an Industrial User has violated, or continues to violate, any provision of this Code, an Industrial Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or Requirement, the City may issue an Administrative Order to the Industrial User responsible for the discharge directing that the Industrial User come into compliance within a specific time. If the Industrial User does not come into compliance within the time provided, sewer service may be discontinued unless and until adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. An Order also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. An Administrative Order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does an Administrative Order relieve the Industrial User of liability for any violation, including any continuing violation. Issuance of an Administrative Order shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User.

(4) Consent Order.

The City may enter into a Consent Order, assurances of compliance, or other similar documents establishing an agreement with any Industrial User responsible for noncompliance. Such documents shall include specific actions to be taken by the Industrial User to correct the noncompliance within a time period specified by the document. A Consent Order may include penalties, supplemental environmental projects, or other conditions and requirements as agreed to by the City and the Industrial User. Issuance of a Consent Order shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User.

(5) Cease and Desist Order

- (i) When the City Manager finds that an Industrial User has violated, or continues to violate, any provision of this Code, an Industrial Discharge Permit, an Order issued hereunder or any other Pretreatment Standard or Requirement, or that the Industrial User's past compliance history indicates that violations are likely to recur, the City Manager may issue an Order to the Industrial User directing it to cease and desist all such violations and directing the Industrial User to:
 - (A) Immediately comply with all requirements;
 - (B) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- (ii) Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User.

(6) Administrative Fines.

- (i) When the City finds that an Industrial User has violated, or continues to violate, any provision of this Code, an Industrial Discharge Permit, Order issued hereunder, or any other Pretreatment Standard or Requirement, the City may fine such Industrial User in an amount not to exceed ten thousand dollars (\$10,000) per day per violation. Such fines shall be assessed on a per-violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- (ii) A lien against the Industrial User's property shall be sought for unpaid charges, fines, and penalties.
- (iii) Industrial Users desiring to appeal such fines must file a written request for the City to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Such notice or appeal shall set forth the nature of the Order or determination being appealed, the date of such Order or determination, the reason for the appeal, and request a hearing pursuant to procedures outlined in GJMC 13.04.480 paragraphs (h) and (i).

- (iv) Issuance of an administrative fine shall not be a bar against, or prerequisite for, taking any other action against the Industrial User.

(d) Judicial Enforcement Remedies.

(1) Injunctive Relief.

When the City finds that an Industrial User has violated, or continues to violate, any provision of this Code, an Industrial Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or Requirement, the City may petition a Court of competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Industrial Discharge Permit, Order, or other requirement imposed by this Code on activities of an Industrial User. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Industrial User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User.

(2) Civil Penalties.

- (i) An Industrial User who has violated, or continues to violate, any provision of this Code, an Industrial Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty not to exceed ten thousand dollars (\$10,000) per day per violation. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.
- (ii) The City may recover reasonable attorneys' fees (including the value of in-house counsel), court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- (iii) In determining the amount of civil liability, the Court shall take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the Industrial User's violation, corrective actions by the Industrial User, the compliance history of the Industrial User, and any other factor as justice requires.
- (iv) Actions for civil penalties shall be civil actions brought in the name of the City. The City must prove alleged violations by a preponderance of the evidence.

- (v) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User.

(3) Civil/Administrative Fine Pass Through.

In the event that an Industrial User discharges such pollutants which cause the City to violate any condition of its CPDS permit and the City is fined by the EPA or the State for such violation, then such Industrial User shall be fully liable for the total amount of the fine assessed against the City by the EPA and/or the State.

(4) Criminal Prosecution

- (i) Any Industrial User that willfully or negligently violates any provision of this Code, any Orders or an Industrial Discharge Permit issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed twenty-five thousand dollars (\$25,000) and be subject to imprisonment for not more than one (1) year or both. Each day in which any such violation occurs or persists shall be deemed a separate and distinct offense.
- (ii) Any Industrial User that knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed or required to be maintained pursuant to this Code, an Industrial Discharge Permit or order, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Code shall, upon conviction, be punishable by a fine not to exceed twenty-five thousand dollars (\$25,000) and be subject to imprisonment for not more than one (1) year, or both. In addition, these penalties may be sought for any person who maliciously, willfully, or negligently breaks, destroys, uncovers, defaces, tampers with, or otherwise destroys, or who prevents access to, any structure, appurtenance or equipment, or any part to the POTW. Each day in which any such violation occurs or persists shall be deemed a separate and distinct offense
- (iii) The City may refer violations that warrant criminal prosecution to the U.S. Attorney General's Office, State Attorney General's Office or USEPA Criminal Investigation Division or other appropriate agency. This referral shall not preclude the City from taking a parallel administrative or civil enforcement action.
- (iv) Upon proof of willful or intentional meter bypassing, meter tampering, or unauthorized metering, the City shall be entitled to recover as damages three times the amount of actual damages in addition to any other penalties assessed.

(e) Remedies Nonexclusive.

The remedies provided for in this Code are not exclusive of any other remedies that the City may have under the provisions of Colorado law. The City may take any, all, or any combination of these actions against a noncompliant Industrial User. Enforcement of pretreatment violations will generally be in accordance with the Enforcement Response Plan. However, the City may take other action against any Industrial User when the circumstances warrant and may take more than one enforcement action against any noncompliant Industrial User.

(f) Public Nuisance.

Any violation of this Code, an Industrial Discharge Permit, or order issued hereunder, is hereby declared a Public Nuisance and shall be corrected or abated as directed by the City Manager or their designee. Any person(s) creating a Public Nuisance shall be subject to the provisions of GJMC 8.08.010 of the City Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

(g) Duty to Halt or Reduce Activity. Upon reduction of efficiency of operation, or loss or failure of all or part of the pretreatment equipment, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the pretreatment equipment fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of its permit.

(h) Administrative Appeal Procedure.

An Industrial User may appeal the issuance of an Administrative Order and/or Administrative Fine within 10 working days of issuance of the Administrative Order or fine. Such appeal shall be filed with the City Manager and include written documentation setting forth in detail the factual and legal basis for the appeal by the Industrial User. The City Manager shall review the appeal within 10 working days of receipt. The City Manager may request further information from the Industrial User and/or City staff. The City Manager may, after review of the information, issue an Order requiring the Industrial User to comply, require modification to the existing enforcement action or hold a Show Cause Hearing as specified in GJMC 13.04.480(i). The enforcement action and/or fine shall remain in effect and fully enforceable during this administrative review process.

(i) Show Cause Hearing.

(1) The City Manager is authorized to order any Industrial User who violates any Pretreatment Standard or Requirement, an Industrial Discharge Permit, an enforcement action or any provision of this Code POTW to show cause why appropriate enforcement action should not be taken. In

such case, a notice shall be served on the Industrial User specifying the time and place of a hearing regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the Industrial User to show cause why the proposed enforcement action should not be taken.

- (2) The notice of the hearing shall be served upon the Industrial User personally or by certified mail, return receipt requested, at least 10 working days before the hearing. Service may be made on any agent or the Authorized Representative of the Industrial User.
- (3) The City Manager may conduct the Hearing or may appoint a Hearing Officer or may instead convene a Utility Hearing Board to conduct the hearing. The Board shall consist of a City Council member or designee, the City Manager, a County Commissioner or designee, an employee of the Department of Public Works, Utilities and Planning, and a connector district representative if the appellant or respondent Industrial User is located within the jurisdiction of that District.
- (4) The Hearing Officer or Utility Hearing Board shall have the power to:
 - (i) Issue in the name of the City Council notices of hearings requiring the attendance and testimony of witnesses and the production of evidence.
 - (ii) Hold a quasi-judiciary hearing, and receive relevant evidence relating to compliance with the requirements set forth in this Code. Hearings shall be conducted informally. Rules of civil procedure and evidence shall not solely determine the conduct of the hearing or the admissibility of evidence. All testimony shall be given under oath, and a tape recording or other evidence of the verbatim content of the hearing shall be made. The burden of persuasion shall be upon the Industrial User. The standard of proof to be utilized by the City Manager or Utility Hearing Board in making its findings or recommendations shall be a preponderance of the evidence.
 - (iii) Determine and find whether just cause exists for not taking the proposed enforcement actions, or whether the order or action appealed is unwarranted.
 - (iv) Transmit a report of the evidence and hearing, including transcripts, tapes, and copies of other evidence requested by any party, together with findings and recommendations to all parties to the hearing and to the City Council.
- (5) Effect of Hearing.

- (i) Findings and recommendations of the City Manager or Utility Hearing Board shall be final and binding upon the City Manager and parties to the hearing; provided, however, that if the City Council disapproves the recommendations of the City Manager or Utility Hearing Board within 30 days thereof, the City Council may conduct its own hearing, make its own findings, and issue its own Orders.
- (ii) An Order consistent with findings and recommendations of the City Manager or Utility Hearing Board, or the City Council, as the case may be, shall be issued by the City Manager. The Order may direct that sewer service to the Industrial User responsible for the violation be discontinued unless and until adequate treatment facilities or related devices have been installed and approved within a specified period of time and in compliance with all local, State and federal statutes and regulations. The Order may provide for imposition of appropriate charges for the cost to the City of the enforcement action, applicable liquidated damages and administrative fines. Further Orders and directives, as are necessary and appropriate to enforce Industrial Discharge Permits and provisions of this Code, may be issued by the City Manager.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3615, 4-7-04; Ord. 2892, 2-21-96. Code 1994 § 38-68; Code 1965 § 25-62)

13.04.490 Industrial Pretreatment Program – Pretreatment authority outside of City.

- (a) In order to achieve and maintain compliance with the Clean Water Act, federal Pretreatment Standards and Requirements, State regulations, sewage grant conditions, and WWTP discharge permit requirements, the City, as manager/operator of the Persigo WWTP, must possess and demonstrate a clear legal right to require compliance with Pretreatment Standards and Requirements by any Industrial User of the POTW located outside of the City's territorial jurisdiction. To that end, all governmental sewage connectors, including sanitation districts and the County, have been requested to adopt, and have adopted, by resolution, a regulatory pretreatment program either parallel to the one established by this Code or have incorporated by reference the provisions of this Code.
- (b) The connector districts and the County shall also be requested to approve necessary revisions to existing sewer service agreements, joint agreements or enter into an Industrial Pretreatment Program-only agreement granting the City the right to administer and enforce the connector's pretreatment program on behalf of and as agent for the connector district or County.

(Ord. 4358, 6-3-09; Ord. 4344, 4-15-09; Ord. 3722 § 5, 2-16-05; Ord. 3615, 4-7-04; Ord. 2892, 2-21-96. Code 1994 § 38-70; Code 1965 § 25-65)

13.04.500 Industrial Pretreatment Program – Affirmative Defenses to Discharge Violations.

(a) Upset.

- (1) For the purposes of this Code, *Upset* means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- (2) An Upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph (3) below are met.
- (3) An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (i) An Upset occurred and the Industrial User can identify the cause(s) of the Upset;
 - (ii) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (iii) The Industrial User has submitted the following information to the City within twenty-four (24) hours of becoming aware of the Upset. If this information is provided orally, a written submission must be provided within five (5) days:
 - (A) A description of the Indirect Discharge and cause of noncompliance;
 - (B) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (C) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- (4) In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an Upset shall have burden of proof.
- (5) Industrial Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.

(6) Industrial Users shall control (decrease) production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(b) Prohibited Discharge Standards.

An Industrial User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the specific prohibitions in any action brought against it alleging a violation of the Specific Prohibitions in GJMC 13.04.370, paragraphs (3), (4), (5), (6) or (7) where the Industrial User demonstrates that:

- (1) It did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference; and
- (2) The Industrial User had accurately disclosed the concentration of the pollutant(s) causing the Pass Through or Interference in applications, reports, or other required documents as required; and either:
 - (i) A local limit designed to prevent Pass Through and/or Interference, as the case may be was developed for each pollutant in the Industrial User's discharge that caused Pass Through or Interference, and the Industrial User was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or
 - (ii) If a local limit designed to prevent Pass Through and/or Interference, as the case may be, has not been developed for the pollutant(s) that caused the Pass Through or Interference, the Industrial User's discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the Industrial User's prior discharge activity when the POTW was regularly in compliance with the POTW's CPDS permit requirements and, in the case of Interference, applicable requirements for sewage sludge use or disposal.

(c) Bypass.

- (1) For purposes of this Subsection:
 - (i) Bypass means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
 - (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to

become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- (2) Bypass not violating applicable Pretreatment Standards or Requirements. An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this Section but are reportable under Section 13.040.450 (a), (c), (d), (i) and (j), as appropriate.
- (3) Notice.
 - (i) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the City Manager, if possible, at least ten (10) days before the date of the bypass.
 - (ii) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the City Manager within twenty four (24) hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.
- (4) Prohibition of Bypass.
 - (i) Bypass is prohibited, and the City Manager may take enforcement action against an Industrial User for a bypass, unless;
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (C) The Industrial User submitted notices as required under paragraph 3 of this Section.

- (ii) The City Manager may approve an anticipated bypass, after considering its adverse effects, if the City Manager determines that it will meet the three (3) conditions listed in paragraph (4)(i) of this Section.

2. Section 13.12.230, Appeals procedure, is hereby amended as follows:

13.12.230 Appeals procedure. Any decision rendered by the City Manager under this chapter may be appealed within 10 days by the permittee to the Utility Hearing Board in accordance with the rules and procedures established by GJMC 13.04.480.

3. Section 13.16.020, Definitions, is hereby amended as follows:

13.16.020 Definitions.

Industrial pretreatment. "Pretreatment" as defined in GJMC 13.04.360.

Industrial pretreatment program. Administration of uniform requirements to prevent the introduction of pollutants into the system pursuant to GJMC 13.04.350 through 13.04.500.

Permit. "Colorado Discharge Permit System" (CDPS permit CO-0040053), issued pursuant to Section 402 of the Federal Water Pollution Control Act, also known as the Clean Water Act, allowing discharge of pollutants into navigable waters of the United States or waters of the State of Colorado.

Persigo Wash Wastewater Treatment Plant or plant. The facility described in the current CDPS permit numbered CO-0040053.

Plant investment fee. A fee paid to the City to recover costs of construction of the system as outlined in GJMC 13.04.280 through 13.04.300, which sections describes payment, amount, and formula for computing the fee.

Service charge. Monthly sewer service charge or rental on each lot, parcel of land, building or premises having any connection to the system as set forth in GJMC 13.04.250 through 13.04.270 and 13.04.310 through 13.04.340, which sections describes such charges, their computation, and administration.

All other definitions contained within this section shall remain in full force and effect.

4. Section 13.16.030, Financial requirements and accounting, subsection (k) Rate setting, is hereby amended as follows:

13.16.030 Financial requirements and accounting.

(k) **Rate Setting.** The Manager shall establish rates, fees, and charges sufficient to generate annual revenues to meet the requirements of the bonds and to fulfill the policies and decisions as evidenced in the 10-year plan. The Manager will submit to the City Council for its review, approval, modification or denial, and shall submit to the County Commissioners, its recommended user charges, tap and plant investment fees to be charged within the system. The user charges and fees will be uniform for those similarly situated within the system as determined by the City Council.

The amount of plant investment fees is intended to recover the cost of construction of interceptor lines and sewage treatment works as described in the Grand Junction and Mesa County predesign report for wastewater treatment facilities and interceptor sewers dated August 1977 (GJMC 13.04.300).

Rates and fees sufficient to meet the obligations and financial requirements of the bonds and capital improvement needs of the system are projected in the 10-year plan. Rates shall be amended from time to time as deemed necessary by the Manager having considered the policy that annual incremental rate increases are preferred over larger increases implemented less frequently.¹

The Manager shall, in addition to the independent periodic rate analyses outlined below, annually review and recommend rates to meet system and bond requirements.

As outlined in Mesa County Resolution MCM 92-160, if the City or the County deem necessary, the Manager, not less than once every five years, will cause an independent professional engineer to prepare an analysis of the rates and fees. A rate analysis was completed in June of 1985 by ARIX Engineering. In May of 1991 another was completed by CH2M-Hill Engineers.

Sewer use charges and plant investment fees shall be charged on the basis of EQUs. An EQU is an "equivalent residential unit" as defined in the City Code.

GJMC 13.04.250 and 13.04.300 et seq. shall govern rate administration.
Introduced on first reading and ordered published in pamphlet form this _____ day of _____, 2013.

Passed, adopted and ordered published in pamphlet form this _____ day of _____, 2013.

President of the Council

ATTEST:

City Clerk



Date: February 5, 2013
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner / x1442
 Proposed Schedule: Annexation Referral and Land Use February 20, 2013; 1st Reading of Zoning March 20, 2013
 2nd Reading (if applicable): April 3, 2013
 File # (if applicable): ANX-2013-10

Attach 3
CITY COUNCIL AGENDA ITEM

Subject: Mesa County Workforce Annexation, Located at 512 29 ½ Road
Action Requested/Recommendation: Adopt a Resolution Referring the Petition for the Mesa County Workforce Annexation and Introduce a Proposed Ordinance and Set a Hearing for April 3, 2013
Presenters Name & Title: Senta Costello, Senior Planner

Executive Summary:

Request to annex 10.129 acres, located at 512 29 ½ Road. The Mesa County Workforce Annexation consists of 1 parcel and includes a portion of 29 ½ Road right-of-way.

Background, Analysis and Options:

The property requesting annexation into the City is located at 512 29 ½ Road. The property is anticipated to be developed as the new Mesa County Workforce Center in the near future. The property owners have requested annexation into the City, a Comprehensive Plan Future Land Use designation amendment via the adjacency rule from Residential Medium to Village Center and a zoning of C-1, (Light Commercial). Under the 1998 Persigo Agreement with Mesa County all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation and processing in the City.

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.

Policy A: City and County land use decisions will be consistent with the Comprehensive Plan Future Land Use Map

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

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

Policy A: To create large and small “centers” throughout the community that provides services and commercial areas.

Policy B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality

The proposed Annexation meets with Goals 1 and 3 of the Comprehensive Plan by implementing land use decisions that are consistent with the Comprehensive Plan and by the creation of “centers” throughout the community that provide services and commercial areas. Mesa County has found that many of their customers at the Workforce Center are also customers at the Human Services Division as well. Combining the two in a campus like setting would eliminate the need for multiple destinations, creating a “one-stop shopping” experience for the customer.

Board or Committee Recommendation:

The Planning Commission will consider the Zone of Annexation on February 26, 2013. Their recommendation will be forwarded for 1st Reading of the Zoning Ordinance on March 20, 2013.

Financial Impact/Budget:

N/A

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION			
Location:		512 29 ½ Road	
Applicants:		Mesa County	
Existing Land Use:		Vacant	
Proposed Land Use:		Construct new workforce center	
Surrounding Land Use:	North	Residential	
	South	Mesa County Health Dept & Human Services	
	East	Cemetery	
	West	Residential	
Existing Zoning:		County – RSF-R (Residential Single Family – Rural)	
Proposed Zoning:		C-1 (Light Commercial)	
Surrounding Zoning:	North	County RMF-5 (Residential Multi-Family 5 du/ac)	
	South	C-1 (Light Commercial)	
	East	County – RSF-R (Residential Single Family – Rural)	
	West	County RMF-8 (Residential Multi-Family 8 du/ac)	
Future Land Use Designation:		Residential Medium	
Requested Land Use Designation:		Village Center	
Zoning within density range?		<input checked="" type="checkbox"/> Yes, if amendment approved	<input type="checkbox"/> No

Staff Analysis:

ANNEXATION:

This annexation area consists of 10.129 acres of land and is comprised of 1 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 Mesa County Workforce Annexation is eligible to be annexed because of compliance with the following:

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

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

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
February 20, 2013	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
February 26, 2013	Planning Commission considers Zone of Annexation
March 20, 2013	Introduction Of A Proposed Ordinance on Zoning by City Council
April 3, 2013	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
May 5, 2013	Effective date of Annexation and Zoning

MESA COUNTY WORKFORCE ANNEXATION SUMMARY

File Number:	ANX-2013-10	
Location:	512 29 ½ Road	
Tax ID Number:	2943-084-23-931	
# of Parcels:	1	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	10.129	
Developable Acres Remaining:	9.217	
Right-of-way in Annexation:	0.986 acres (42,958 sf)	
Previous County Zoning:	RSF-R (Residential Single Family – Rural)	
Proposed City Zoning:	C-1 (Light Commercial)	
Current Land Use:	Vacant	
Future Land Use:	Future Mesa County New Workforce Center	
Values:	Assessed:	\$151,590
	Actual:	\$522,720
Address Ranges:	512 29 ½ Road	
Special Districts:	Water:	Ute Water
	Sewer:	City
	Fire:	Grand Junction Rural Fire District
	Irrigation/Drainage:	Grand Valley Irrigation / Grand Valley Drainage Dist.
	School:	Mesa Co School Dist #51
	Pest:	

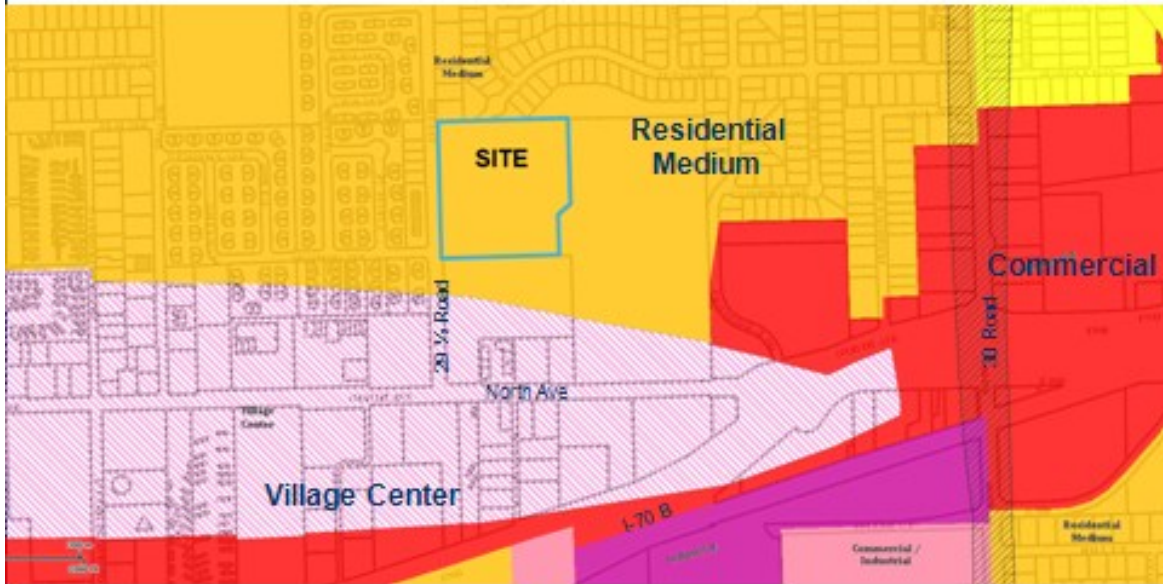
Site Location Map



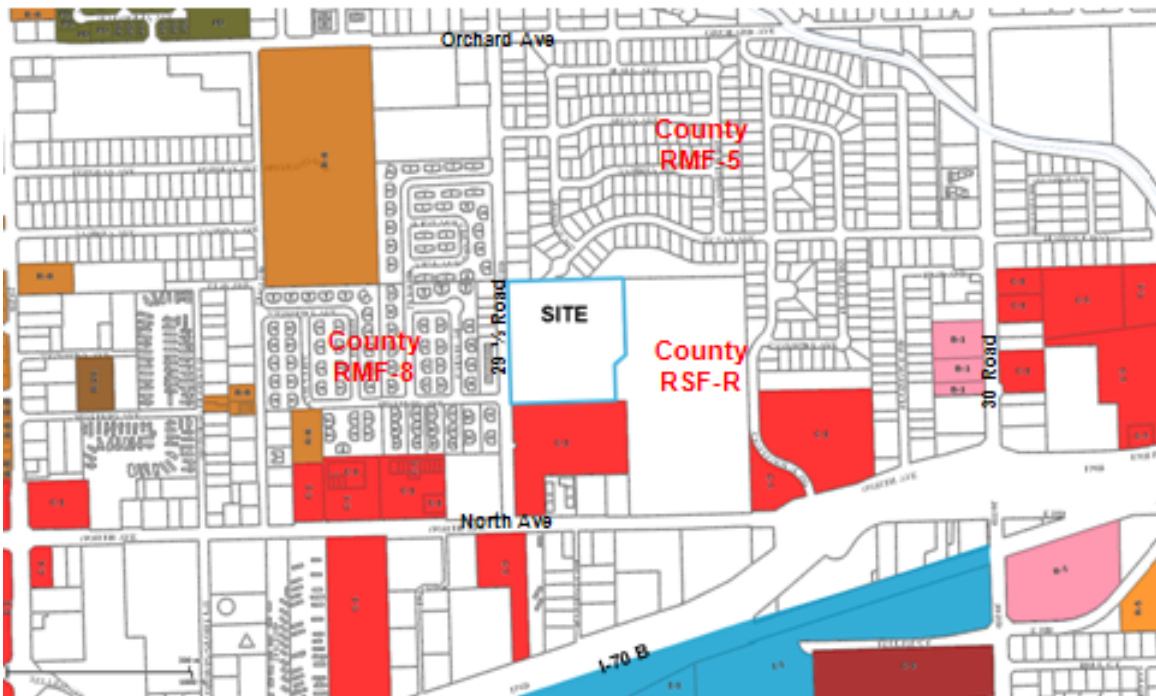
Aerial Photo Map



Comprehensive Plan Future Land Use Map



Existing Zoning Map



Aerial Photo Map

Closer look



**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 20th of February, 2013, 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**

MESA COUNTY WORKFORCE ANNEXATION

LOCATED AT 512 29 1/2 ROAD

WHEREAS, on the 20th day of February, 2013, 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:

MESA COUNTY WORKFORCE ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) and the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 8, 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 Northwest corner of the SW 1/4 SE 1/4 of said Section 8 and assuming the North line of the SW 1/4 SE 1/4 of said Section 8 bears S 89°55'43" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°55'43" E along the North line of the SW 1/4 SE 1/4 of said Section 8, also being the South line of Centennial '76 Filing No. Two, as same is recorded in Plat Book 11, Pages 228 and 229 and the North line of Lot 2, Memorial Gardens Minor Subdivision, as same is recorded in Plat Bok 19, Page 379, all in the Public Records of Mesa County, Colorado, a distance of 656.70 feet to a point being the Northeast corner of Lot 2 of said Memorial Gardens Minor Subdivision; thence S 00°03'39" E along the East line of said Lot 2, a distance of 415.07 feet; thence continuing along said East line, S 44°56'21" W, a distance of 82.02 feet; thence continuing along said East line, S 00°03'39" E, a distance of 187.55 feet, more or less, to a point being the Southeast corner of said Lot 2; thence N 89°56'42" W, along the South line of said Lot 2 and its Westerly extension, a distance of 628.62 feet; thence N 00°04'03" W, along a line 30.00 feet West of and parallel with, the East line of the SE 1/4 SW 1/4 of said Section 8, a distance of 660.88 feet to a point on the North line of the SE 1/4 SW 1/4 of said Section 8; thence N 89°58'35" E along the North line of the SE 1/4 SW 1/4 of said Section 8, a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 441,201 Square Feet or 10.129 Acres, more or less, as described above.

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 3rd day of April, 2013, 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 _____, 2013.

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>
February 22, 2013
March 1, 2013
March 8, 2013
March 15, 2013

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

MESA COUNTY WORKFORCE ANNEXATION

APPROXIMATELY 10.129 ACRES

LOCATED AT 512 29 1/2 ROAD

WHEREAS, on the 20th day of February, 2013, 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 3rd day of April, 2013; and

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

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

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

MESA COUTNY WORKFORCE ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) and the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 8, 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 Northwest corner of the SW 1/4 SE 1/4 of said Section 8 and assuming the North line of the SW 1/4 SE 1/4 of said Section 8 bears S 89°55'43" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°55'43" E along the North line of the SW 1/4 SE 1/4 of said Section 8, also being the South line of Centennial '76 Filing No. Two, as same is recorded in Plat Book 11, Pages 228 and 229 and the North line of Lot 2, Memorial Gardens Minor Subdivision, as same is recorded in Plat Bok 19, Page 379, all in the Public Records of Mesa County, Colorado, a distance of 656.70 feet to a point being the Northeast corner of Lot 2 of said Memorial Gardens Minor Subdivision; thence S 00°03'39" E along the East line of said Lot 2, a distance of 415.07 feet; thence continuing along said East line,

S 44°56'21" W, a distance of 82.02 feet; thence continuing along said East line, S 00°03'39" E, a distance of 187.55 feet, more or less, to a point being the Southeast corner of said Lot 2; thence N 89°56'42" W, along the South line of said Lot 2 and its Westerly extension, a distance of 628.62 feet; thence N 00°04'03" W, along a line 30.00 feet West of and parallel with, the East line of the SE 1/4 SW 1/4 of said Section 8, a distance of 660.88 feet to a point on the North line of the SE 1/4 SW 1/4 of said Section 8; thence N 89°58'35" E along the North line of the SE 1/4 SW 1/4 of said Section 8, a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 441,201 Square Feet or 10.129 Acres, more or less, as described above.

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

INTRODUCED on first reading on the ____ day of _____, 2013 and ordered published in pamphlet form.

ADOPTED on second reading the ____ day of _____, 2013 and ordered published in pamphlet form.

Attest:

President of the Council

City Clerk

Date: 2-12-13
Author: Tim Moore
Title/ Phone Ext: Deputy City
Manager / 1557
Proposed Schedule:
First Reading 2-20-13
2nd Reading : 3-6-13
File # (if applicable): _____

Attach 4

CITY COUNCIL AGENDA ITEM

Subject: Amending the Policy Concerning Transportation Capacity Payments (TCP)

Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for March 6, 2013

Presenter(s) Name & Title: Tim Moore, Deputy City Manager
Greg Trainor, Utilities, Streets and Planning Director

Executive Summary:

An Ordinance amending Section 21.06.010(b)(2) eliminating the TCP for a change of use.

Background, Analysis and Options:

The City requires new development to pay a Transportation Capacity Payment (TCP) to help defray the cost to the City for the impact of development on City Streets. In 2008 the City Council increased the TCP base rate for residential uses to \$2,554 but did not increase the non-residential base rate which remains at \$1,589. At the February 4, 2013 Workshop and at the January 11, 2013 Retreat, Council directed staff to develop additional data and options to increase the non-residential base rate to \$2,554 over the next 3 years. This item will be brought before Council, as a resolution, on March 6, 2013.

During the Workshop discussion, members of the Council raised the concern of whether an increase to the non-residential base rate could be a disincentive to future development. Council agreed that, included with the increase to the non-residential base rate, options should also be presented that might mitigate the base rate increase and encourage future development within certain areas of the City.

In 2004, Ordinance No. 3641 was approved repealing Ordinance No. 2750. The adoption of Ordinance No. 3641 amended the Zoning and Development Code concerning Transportation Capacity Payments (TCP). The Ordinance included calculations, credits and methodologies to fairly evaluate individual developments and the impacts they would have on the transportation system. In addition, the Ordinance also stated the need for such a payment. First, it was determined that safe and efficient streets are one of the most important services provided by the City. Second, that sales and use tax revenues were not sufficient to provide for the necessary road improvements required by a growing community. Finally, that a specific financing mechanism was needed to help pay for all the needed road improvements.

When reviewing the options, Staff wanted to make sure that the elimination or reduction of the TCP requirement would not go against these declarations. Staff also wanted to make sure that any new policy would not unduly increase traffic on an existing transportation system thereby placing a financial burden on an already tight budget.

Therefore, it is the opinion of staff that there are three options that will not place a financial burden on the City or the existing transportation system. Furthermore, it is Staff's opinion that the proposed options provide the following objectives:

- More efficient use of existing infrastructure including streets, water and sewer lines and other public facilities and services;
- Opportunities to reduce commuting distance/automobile dependency;
- May help with the development of affordable housing; and
- Reduces the demand for and impact from "end of the road" suburban sprawl.

The proposed options are as follows:

- Eliminate the TCP requirement for any change of use that does not increase the size of an existing building (contained within the attached Ordinance);
- Reduce the area surrounded by the Redevelopment Boundary, thereby, making sure that any development that occurs within the Boundary meets the above stated objectives. This option will be brought before City Council, as a resolution, on March 6, 2013;
- Reduce the TCP requirement for new development within the Redevelopment Boundary using a specific calculation. This option will be brought before City Council, as a resolution, on March 6, 2013.

Eliminate the TCP for a change of use.

Section 21.06.010(b) requires that any person who applies for a building permit for an impact-generating development shall pay a transportation impact fee in accordance with the most recent fee schedule prior to issuance of a building permit. This includes a change of use within an existing building from a less intensive to a more intensive use. This requirement can be difficult to manage as it can be challenging to determine the previous use. It is proposed that this section of the Code be amended to exempt changes of use from the TCP requirement (see the attached Ordinance).

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

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

The TCP was established to ensure new and re-development projects participated in the cost to construct and improve the local transportation system. By increasing the TCP base rate of non-residential to \$2554 over the next three years, new development

projects will pay approximately 37% of the costs to improve the transportation system.

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

The options proposed to reduce or eliminate the TCP for changes of use and new developments within certain areas of the community would encourage future development in the City Center, North Avenue and throughout the City.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

Varies with options

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

The TCP was discussed at the February Workshop and at the January 2013 Retreat. This topic was also discussed at the Workshop in June 2012, the June 3-4 2011 Retreat and at the September 2011 Council meeting.

Attachments:

Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING SECTION 21.06.010(b)(2)
OF THE GRAND JUNCTION MUNICIPAL CODE CONCERNING THE APPLICATION
OF TRANSPORTATION CAPACITY PAYMENTS FOR A CHANGE IN USE**

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 21.06.010(b) mandates that any development requiring a building permit for an impact-generating development shall pay a transportation impact fee in accordance with the most recent fee schedule prior to issuance of a building permit.

The City Council finds that encouraging the reuse of existing buildings:

- Makes more efficient use of existing infrastructure including streets, water and sewer lines and other public facilities and services;
- Provides opportunities to reduce commuting distance/automobile dependency;
- May help to provide affordable housing within the City; and
- Reduces the demand for and impact from "end of the road" suburban sprawl.

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that an amendment to eliminate the Transportation Capacity Payment for a change of use of an existing building 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 21.06.010(b)(2) is amended as follows:

- (2) Transportation Capacity Payment (TCP) and Right-of-Way Improvements.
 - (i) The developer shall pay to the City a transportation capacity payment (TCP) and construct right-of-way improvements as required by the Director.
 - (ii) The Director may require that the developer pay for and/or construct

improvements necessary for the safe ingress and/or egress of traffic to the development. Those improvements are defined as minimum street access improvements. Minimum street access improvements shall be defined by the most recent version of the City's growth and development related street policy and/or TEDS (GJMC Title 24). The growth and development related street policy shall be reviewed by City Staff and adopted periodically by Council resolution.

(iii) No planning clearance for a building permit for any use or activity requiring payment of the TCP shall be issued until the TCP has been paid and minimum street access improvements have been constructed, paid for or adequately secured as determined by the Director. Adequate security shall be that allowed or required for a development improvement agreement (DIA) under GJMC 21.02.070(m).

(iv) The amount of the TCP shall be as set forth annually by the City Council in its adopted fee resolution. The TCP is minimally subject to annual adjustment for inflation based on the Consumer Price Index for All Urban Consumers (CPI-U), Western Region, size B/C, published monthly by the United States Department of Labor (this information can be found at the Internet site of <http://data.bls.gov/labjava/outside.jsp?survey=cu>).

(v) The TCP shall be used by the Director to make capital improvements to the transportation facilities in the City in accordance with the City's growth and development related street policy, this section, and other applicable provisions of the Zoning and Development Code.

(A) To pay debt service on any portion of any current or future general obligation bond or revenue bond issued after July 6, 2004, and used to finance major road system improvements.

(B) For the reconstruction and replacement of existing roads, the construction of new major road systems and improvements and/or for the payment of reimbursable street expenses (as that term is defined from time to time by the City's growth and development related street policy) that are integral to and that add capacity to the street system.

(C) Traffic capacity improvements do not include ongoing operational costs or debt service for any past general obligation bond or revenue bond issued prior to July 6, 2004, or any portion of any current or future bond issued after July 6, 2004, and not used to finance major road system improvements.

(D) Capital spending decisions shall be guided by the principles, among others, that TCP funds shall be used to make capacity and safety improvements but not used to upgrade existing deficiencies

except incidentally in the course of making improvements; TCP fund expenditures which provide improvements which are near in time and/or distance to the development from which the funds are collected are preferred over expenditures for improvements which are more distant in time and/or distance.

(E) No TCP funds shall be used for maintenance.

(F) TCP funds will be accounted for separately but may be commingled with other funds of the City.

(G) The Director shall determine when and where TCP funds shall be spent:

- a. As part of the two-year budget process.
- b. As required to keep pace with development.

(H) The TCP shall not be payable if the Director is shown by clear and convincing evidence that at least one of the following applies:

- a. Alteration or expansion of an existing structure will not create additional trips;
- b. The construction of an accessory structure will not create additional trips produced by the principal building or use of the land. A garage is an example of an accessory structure which does not create additional trips;
- c. The replacement of a destroyed or partially destroyed structure with a new building or structure of the same size and use that does not create additional trips;
- d. A structure is constructed in a development for which a TCP fee has been paid within the prior 84 months or the structure is in a development with respect to which the developer constructed street access improvements and the City accepted such improvements and the warranties have been satisfied.

(vi) If the type of impact-generating development for which a building permit is requested is for ~~a change of land use or for~~ the expansion, redevelopment or modification of an existing development, the fee shall be based on the net increase in the fee for the new land use type as compared to the previous land use type.

(vii) In the event that the proposed ~~change of land use~~ expansion,

redevelopment or modification results in a net decrease in the fee for the new use or development as compared to the previous use or development, the developer may apply for a refund of fees previously paid with the consent of the previous person having made the payment and/or constructed the improvements.

(viii) A request for a change of use permit that does not propose the expansion of an existing structure, shall not require the payment of the TCP. If, however, a request for a change of use permit does propose the expansion of an existing structure, the TCP shall only be applied to the expansion and not the existing structure.

(viii) For fees expressed per 1,000 square feet, the square footage shall be determined according to gross floor area, measured from the outside surface of exterior walls and excluding unfinished basements and enclosed parking areas. The fees shall be prorated and assessed based on actual floor area, not on the floor area rounded to the nearest 1,000 square feet.

(ix) Any claim for credit shall be made not later than the time of application or request for a planning clearance. Any claim not so made shall be deemed waived. Credits shall not be transferable from one project or development to another nor otherwise assignable or transferable.

(xi) Minimum street access improvements include street and road improvements required to provide for the safe ingress and egress needs of the development as determined by the Director.

(A) Quality of service for any new development and/or for traffic capacity improvements shall be determined by the Director. The Director shall determine the acceptable quality of service taking into consideration existing traffic, streets and proposed development.

(B) Required right-of-way dedications shall be at no cost to the City.

(xii) Definitions. The following terms and words shall have the meanings set forth for this section:

(A) "Average trip length" means the average length of a vehicle trip as determined by the limits of the City, the distance between principal trip generators and as modeled by the City's, the County's, the State's or MPO's computer program. In the event that the models are inconsistent, the most advantageous to the City shall be used.

(B) "Convenience store," "hotel/motel," "retail," and other terms contained in and with the meaning set forth in the Trip Generation Manual.

(C) "Lane-mile" means one paved lane of a right-of-way mile in length 14 feet in width, including curb and gutter, sidewalk, storm sewers, traffic control devices, earthwork, engineering, and construction management including inspections. The value of right-of-way is not included.

(D) "Percentage of new trips" is based on the most current version of the ITE Transportation and Land Development Manual, and the ITE Trip Generation Manual.

(E) "Unimproved/under-improved floor area" has the meaning as defined in the adopted building codes.

(xiii) Calculation of Fee.

(A) Any person who applies for a building permit for an impact-generating development shall pay a transportation impact fee in accordance with the most recent fee schedule prior to issuance of a building permit. If any credit is due pursuant to subsection (b)(2)(ix) of this section, the amount of such credit shall be deducted from the amount of the fee to be paid.

(B) If the type of impact-generating development for which a building permit is requested is not specified on the fee schedule, then the Director shall determine the fee on the basis of the fee applicable to the most nearly comparable land use on the fee schedule. The Director shall determine comparable land use by the trip generation rates contained in the most current edition of the ITE Trip Generation Manual.

(C) In many instances, a building may include secondary or accessory uses to the principal use. For example, in addition to the production of goods, manufacturing facilities usually also have office, warehouse, research and other associated functions. The TCP fee shall generally be assessed based on the principal use. If the applicant can show the Director in writing by clear and convincing evidence that a secondary land use accounts for over 25 percent of the gross floor area of the building and that the secondary use is not assumed in the trip generation for the principal use, then the TCP may be calculated on the separate uses.

(D) TCP Fee Calculation Study. At the election of the applicant or upon the request of the Director, for any proposed development activity, for a use that is not on the fee schedule or for which no comparable use can be determined and agreed to by the applicant and the Director or for any proposed development for which the Director

concludes the nature, timing or location of the proposed development makes it likely to generate impacts costing substantially more to mitigate than the amount of the fee that would be generated by the use of the fee schedule, a TCP fee calculation study may be performed.

(E) The cost and responsibility for preparation of a fee calculation study shall be determined in advance by the applicant and the Director.

(F) The Director may charge a review fee and/or collect the cost for rendering a decision on such study. The Director's decision on a fee or a fee calculation study may be appealed to the Zoning Board of Appeals in accordance with GJMC [21.02.210\(b\)](#).

(G) The TCP fee calculation study shall be based on the same formula, quality of service standards and unit costs used in the Impact Fee Study. The Fee Study Report shall document the methodologies and all assumptions.

(H) The TCP fee calculation study shall be calculated according to the following formula:

FEE	=	VMT x NET COST/VMT x RF
VMT	=	TRIPS x % NEW x LENGTH ÷ 2
TRIPS	=	DAILY TRIP ENDS GENERATED BY THE DEVELOPMENT DURING THE WORK WEEK
% NEW	=	PERCENT OF TRIPS THAT ARE PRIMARY, AS OPPOSED TO PASSBY OR DIVERTED-LINK TRIPS
LENGTH	=	AVERAGE LENGTH OF A TRIP ON THE MAJOR ROAD SYSTEM
÷ 2	=	AVOIDS DOUBLE-COUNTING TRIPS FOR ORIGIN AND DESTINATION
NET COST/VMT	=	COST/VMT – CREDIT/VMT
COST/VMT	=	COST/VMC x VMC/VMT
COST/VMC	=	AVERAGE COST TO CREATE A NEW VMC BASED ON HISTORICAL OR PLANNED PROJECTS (\$306.00 EXCLUDING MAJOR STRUCTURES FEES SET BY CITY COUNCIL)
VMC/VMT	=	THE SYSTEM-WIDE RATIO OF CAPACITY TO DEMAND IN THE MAJOR ROAD SYSTEM (1.0 ASSUMED)
CREDIT/VMT	=	CREDIT PER VMT, BASED ON REVENUES TO BE GENERATED BY NEW DEVELOPMENT (\$82.00 FEES SET BY CITY COUNCIL)
RF	=	REDUCTION FACTOR ADOPTED BY POLICY AT 52.6%

(I) A TCP fee calculation study submitted for the purpose of calculating a transportation impact fee may be based on data information and assumptions that are from:

- a. An accepted standard source of transportation engineering or planning data; or
- b. A local study on trip characteristics performed by a qualified transportation planner or engineer pursuant to an accepted methodology of transportation planning or engineering that has been approved by the Director.

INTRODUCED on first reading the ___ day of _____, 2013 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: 2/7/2013
 Author: Jerod Timothy
 Title/ Phone Ext: Project
 Manager/ 1565
 Proposed Schedule: 2/20/13
 2nd Reading (if applicable): NA
 File # (if applicable): _____

Attach 5
CITY COUNCIL AGENDA ITEM

Subject: 6 th Street Pedestrian Safety and Parking Improvements and Sewer Realignment Project, Along 6 th Street between Grand and Ouray Avenues
Action Requested/Recommendation: Authorize the City Purchasing Division to Sign a Contract with Sorter Construction, Inc. in the Amount of \$83,500 for the 6 th Street Pedestrian and Parking Improvements and Sewer Realignment Project
Presenter(s) Name & Title: Greg Trainor, Public Works, Utilities, and Planning Director Jay Valentine, Internal Services Manager

Executive Summary:

This request is to award a construction contract for the 6th Street Pedestrian and Parking Improvements and Sewer Realignment Project. The scope of the project consists of the construction of on-street diagonal parking, landscaping, new curb, gutter and sidewalk, and the realignment of sanitary sewer. The work shall be in conjunction with the Mesa County Library remodel. All improvements are located along the west side of 6th Street between Grand Avenue and Ouray Avenue.

Background, Analysis and Options:

The Mesa County Central Library redevelopment project includes a 9,000 s.f. addition and complete remodel of the existing site. As a part of the City’s commitment to the library project, \$88,036 of 2012 CDBG funds were allocated for adjacent public improvements on 6th Street (\$27,500 for the sewer portion of the project and \$60,536 for the 6th Street parking and pedestrian improvements). The funds were allocated to the City for oversight and completion. The design drawings were completed by the library design consultant team.

A public sewer line currently runs under the existing library building. The sewer line, which serves the Hawthorne Park neighborhood, will be realigned into the Grand Avenue right-of-way. The proposed 6th Street improvements, adjacent to the library block, will close existing curb cuts, provide a continuous sidewalk, provide landscaping, and increase on-street parking.

A formal solicitation was advertised in the Daily Sentinel, posted on the City’s website and sent to the Western Colorado Contractors Association. Five companies responded as summarized on the table on the following page.

Company	Location	Amount
Sorter Construction, Inc.	Grand Junction	\$ 83,500.00
All Concrete Solutions, LLC	Grand Junction	\$ 96,856.85
Clarke & CO., Inc.	Grand Junction	\$104,804.00
Skyline Contracting, Inc.	Grand Junction	\$105,745.00
J & K Trucking, LLC	Grand Junction	\$131,665.17

This project is scheduled to begin in mid-March with a completion date the first week in May.

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

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

Providing an additional designated safety features that will help control pedestrian traffic, making it safer for both pedestrians and motorists.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

Transfers from the Community Development Block Grant (CDBG) of \$88,036 will be made to the following two funds as shown below:

Transfer from CDBG Fund to Joint Sewer Fund -	\$27,500
Transfer from CDBG Fund to Sales Tax CIP Fund -	<u>\$60,536</u>
Total Project Funding	
\$88,036	

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

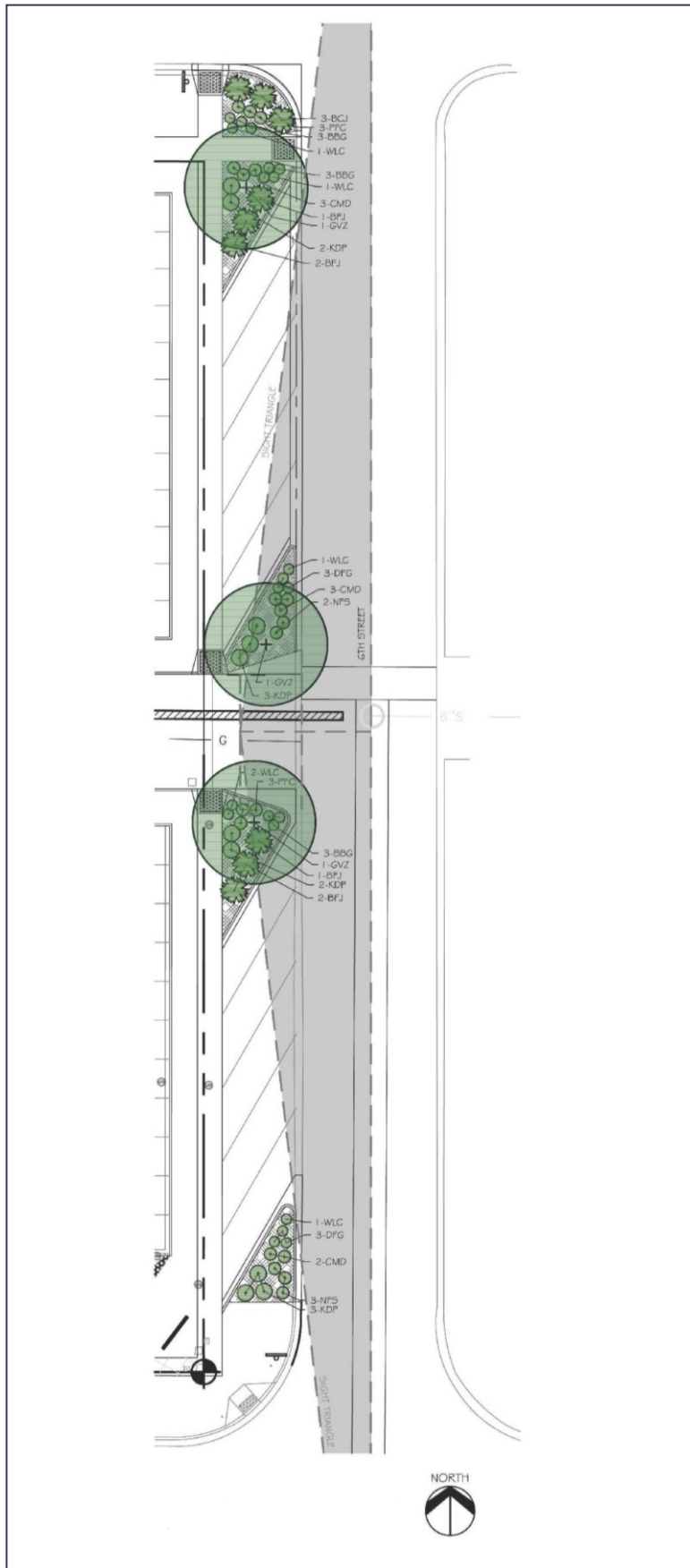
N/A

Attachments:

- 1) Map of Proposed Sewer Realignment
- 2) Plan of Proposed 6th Street Improvements



Proposed Sewer Realignment



6th Street Landscape and Parking Improvements
 West Side Grand Avenue to Ouray Avenue



Date: February 1, 2013
 Author: Jody Kliska
 Title/ Phone Ext: Transportation Engineer, ext. 1591
 Proposed Schedule: February 20, 2013
 2nd Reading (if applicable): N/A
 File # (if applicable): N/A

**Attach 6
 CITY COUNCIL AGENDA ITEM**

Subject: Purchase of Traffic Striping Paint for 2013
Action Requested/Recommendation: Authorize the City Purchasing Division to Enter into a Purchase Order with Ennis Paint, Dallas, TX for the 2013 Traffic Striping Paint in the Amount of \$69,880
Presenter(s) Name & Title: Greg Trainor, Public Works, Utilities, and Planning Director

Executive Summary:

The City’s Transportation Engineering Division is responsible for applying 8000 gallons of white and yellow paint to the City’s streets each year, striping centerlines on 400+ miles of streets and state highways. Utilizing the CDOT contract prices, the City is able to obtain the same unit prices as last year.

Background, Analysis and Options:

In addition to striping City streets, the Division also stripes several state highways under contract to CDOT and will continue with this activity. Striping objectives include:

- Striping 400+ centerline miles of streets twice each year to maintain lines with good visibility and reflectivity for night driving.
- Stripe and mark new city construction projects.
- Re-striping chip sealed streets and pavement overlays as soon as possible to provide positive guidance for motorists.
- Maintaining city parking lot striping as needed.
- Conduct striping and marking activities in a safe and efficient manner that protects the traffic staff and the public.

The 2013 traffic striping paint includes 4000 gallons of yellow paint and 4000 gallons of white paint.

In order to take advantage of volume discounts, the City of Grand Junction purchases white and yellow traffic paint through the Colorado Department of Transportation (CDOT) contract. The price for white paint is \$8.99 per gallon and \$8.48 per gallon for yellow paint.

The City purchases approximately 8000 gallons of paint per year, 4000 gallons of each color. The paint is bid in 300 gallon tote units. The City typically receives delivery in 250 gallon totes.

Striping activity is tentatively scheduled to begin by the end of April and continues through September, depending on chip seal and construction projects.

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

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

Street striping provides positive guidance and information to street users by delineating lanes and providing good visibility and retroreflectivity for night and adverse weather conditions.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

The funding for this material is budgeted in the General Fund, Transportation Engineering Division.

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

None



Date: February 4, 2013
 Author: Kristen Ashbeck
 Title/ Phone Ext: Senior Planner / 1491
 Proposed Schedule: Approval 2/20/2013; Execute agreement following approval
 File #: CDBG 2012-10

Attach 7

CITY COUNCIL AGENDA ITEM

<p>Subject: CDBG Subrecipient Contract with Strive (formerly Mesa Developmental Services) for Previously Allocated Funds within the 2012 Community Development Block Grant (CDBG) Program Year</p>
<p>Action Requested/Recommendation: Authorize the City Manager to Sign the Subrecipient Contract with Strive for the City’s 2012 Program Year Funds</p>
<p>Presenter(s) Name & Title: Kristen Ashbeck, Senior Planner/CDBG Administrator</p>

Executive Summary:

The Subrecipient Contract formalizes the City’s award of \$14,080 to Strive allocated from the City’s 2012 CDBG Program as previously approved by Council.

Background, Analysis and Options:

In May 2012, City Council approved allocation of its 2012 CDBG funding. The Parenting Place was awarded \$14,080 to be used towards energy upgrades to its main program office at 1505 North 15th Street. Since then, The Parenting Place and its operations have been absorbed by Strive (formerly Mesa Developmental Services). Thus, the 2012 CDBG grant will now be administered by Strive rather than the Parenting Place directly. The scope of work of the proposed project will remain unchanged and the services provided by The Parenting Place in the building will continue as currently programmed.

The Parenting Place provides programs that serve low-income families with special needs, with prenatal education, parenting classes and information, and child abuse prevention. The Parenting Place purchased the property at 1505 Chipeta Avenue for its program office. CDBG funds in the amount of \$14,080 will be used for a new roof and siding on one of the buildings.

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

The projects funded through the 2012 CDBG grant year allocation will include steps toward the City’s Comprehensive Plan Goals as listed below:

Goal 12: Goods and Services that Enhance a Healthy, Diverse Economy: The CDBG project discussed above provides services that enhance our community including improved services for families and youth.

Board or Committee Recommendation:

NA

Financial Impact/Budget:

There is currently \$14,080 budgeted in the Community Development Block Grant (CDBG) Fund for this project.

Legal issues:

NA

Other issues:

None

Previously presented or discussed:

City Council discussed and approved the allocation of CDBG funding to this project at its May 16, 2012 meeting.

Attachments:

1. Exhibit A, Subrecipient Contract – Strive

ATTACHMENT 1
2012 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
WITH STRIVE

EXHIBIT "A"
SCOPE OF SERVICES

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, \$14,080.00 from its 2012 Program Year CDBG Entitlement Funds for the rehabilitation of the Parenting Place program building operated by Strive located at 516 North 15th Street in Grand Junction, Colorado ("Property") primarily to improve energy efficiency of the building. The Parenting Place provides a multitude of programs that serve low-income and other families with special needs, while providing a safe non-threatening environment addressing prenatal education, parenting classes and information, and child abuse prevention.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income clientele benefit (570.201(c)). It shall meet this objective by providing the above-referenced services to low/moderate income persons in Grand Junction, Colorado. In addition, this project meets CDBG eligibility requirements under section 570.201(e), Public Services.
3. The project consists of capital construction/improvement to the existing main program office located in the building at 516 North 15th Street. The building was originally constructed as a house in 1919 with an addition for a neighborhood grocery store in 1940 but has been remodeled and used for a variety of community functions for approximately 50 years and is in need of updating. CDBG funds will be used to increase energy efficiency of the building by replacing roofing and siding materials. The Property is currently owned by The Parenting Place which continues to operate the facility as a service provided under Strive. It is understood that the City's grant of \$14,080 in CDBG funds shall be used only for the remodel improvements described in this agreement. Costs associated with any other elements of the project shall be paid for by other funding sources obtained by the Subrecipient.
4. This project shall commence upon the full and proper execution of the 2012 Subrecipient Agreement and the completion of all appropriate environmental, Code, State and Local permit review and approval and compliance. The project shall be completed on or before June 30, 2013.
5. The total project budget for the project is estimated to be \$21,500. The specific improvements to the 516 North 15th Street building to be funded with CDBG include: new siding and new roof.

_____ Strive

_____ City of Grand Junction

6. The Parenting Place serves all families raising children from the prenatal stage through teen

years, with a strong emphasis on serving young parents and those of low income. In the past year, 1,300 families were provided services and The Parenting Place anticipates a 10 percent or greater increase in clients in the coming year.

7. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.
8. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.
9. During a period of five (5) years following the date of completion of the project the use of the Properties improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the City's \$14,080 CDBG contribution. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Properties shall be in effect.
10. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.
11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
12. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

_____ Strive

_____ City of Grand Junction



Date: January 31, 2013
 Author: Traci Wieland
 Title/ Phone Ext: 254-3846
 Proposed Schedule: February 20, 2013
 2nd Reading
 (if applicable): _____
 File # (if applicable): _____

Attach 8
CITY COUNCIL AGENDA ITEM

Subject: Grant from Great Outdoors Colorado for Matchett Park Planning
Action Requested/Recommendation: Adopt Resolution Supporting the Application for GOCO Planning Grant Funds for Matchett Park
Presenter(s) Name & Title: Rob Schoeber, Parks and Recreation Director

Executive Summary:

Parks and Recreation is seeking approval to apply for a \$75,000 Great Outdoors Colorado (GOCO) planning grant to assist with funding the Matchett Park master planning process. A resolution from the governing body with primary jurisdiction must be attached to all grant applications. The spring cycle of grants is due on March 6 with an award decision on June 11.

Background, Analysis and Options:

City Council directed Parks and Recreation to master plan both Las Colonias and Matchett Park. Las Colonias Park has had two previous master plans, so current efforts are on updating the existing plan from 2007. Matchett Park has never been master planned and will require a much more extensive process, so GOCO funds are being sought to assist in the effort. The process will begin in the summer of 2013 upon grant notification in June and will continue into the spring of 2014.

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.

Any suggested improvements at the currently undeveloped site would enhance the existing visual appeal of the park itself and the surrounding neighborhood.

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

Once developed, Matchett Park will be the City's largest park serving as a neighborhood and regional park. The park would provide amenities not found in any other park and additional amenities desperately needed.

Board or Committee Recommendation:

Parks and Recreation Advisory Board has reviewed this project and is recommending application for a GOCO grant.

Financial Impact/Budget:

The budget for this project is currently in the Parkland Expansion Fund in the amount of \$50,000 in both 2013 and 2014 for a total of \$100,000.

If the grant is received, the \$75,000 in added project funds will be used to complete the community recreation center master plan concurrently with the park master plan and to begin initial development of construction documents. The reallocated project budget would be as follows:

	<u>2013</u>	<u>2014</u>
GOCO Funds	\$37,500	\$37,500
City-GOCO match	\$12,500	\$12,500
City-Community Center plan	\$25,000	\$25,000
City-construction documents	\$12,500	\$12,500

GOCO grants do not cover any indoor amenities, hence the need to use City funds for the community center master plan.

Legal issues:

NA

Other issues:

NA

Previously presented or discussed:

The master plan and GOCO application were discussed throughout the 2013 budget process and during the January 11, 2013 City Council workshop.

Attachments:

Proposed Resolution

RESOLUTION NO. _____-13

A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A PLANNING GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND FOR MATCHETT PARK

WHEREAS, the City of Grand Junction supports the Great Outdoors Colorado to planning grant application for Matchett Park. If the grant is awarded, the City of Grand Junction supports the completion of the project.

WHEREAS, the City of Grand Junction has requested \$75,000 from Great Outdoors Colorado to fund a planning grant for Matchett Park.

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

- Section 1: The City Council of the City of Grand Junction strongly supports the application and has appropriated matching funds for a grant with Great Outdoors Colorado.
- Section 2: If the grant is awarded, the City Council of the City of Grand Junction strongly supports the completion of the project.
- Section 3: The City Council of the City of Grand Junction acknowledges that the grant application includes matching funds which the City of Grand Junction is solely responsible to provide if a grant is awarded.
- Section 3: The City Council of the City of Grand Junction authorizes the expenditure of funds necessary to meet the terms and obligations of any Grant awarded.
- Section 6: If the grant is awarded, the City Council of the City of Grand Junction authorizes the Grand Junction City Manager to sign the grant agreement with Great Outdoors Colorado.
- Section 7: This resolution to be in full force and effect from and after its passage and approval.

Adopted this _____ day of _____, 2013.

Bill Pitts, President of the City Council

Date

ATTEST:

Stephanie Tuin, City Clerk

Date



Date: February 7, 2013
 Author: Stephanie Tuin
 Title/ Phone Ext: City Clerk, X1511
 Proposed Schedule: February 20, 2013
 2nd Reading
 (if applicable): NA
 File # (if applicable): NA

Attach 9
CITY COUNCIL AGENDA ITEM

Subject: Election Notice for the Regular Election April 2, 2013
Action Requested/Recommendation: Adopt Proposed Resolution
Presenter(s) Name & Title: Stephanie Tuin, City Clerk

Executive Summary:

Both the Charter and the Municipal Election Code have specific content and publication requirements for the election notice. The proposed notice contained within the resolution being presented meets those requirements.

Background, Analysis and Options:

The Charter, Section 17, requires that a notice of election be published three times within the ten days prior to the election. The Mail Ballot Election Act requires that such notice be published at least twenty days prior to the election and that the contents include the voter qualifications. The notice will be published February 23, and in March on March 13, 23, 24, and 25. The proposed notice contained within the resolution includes the pertinent information specific to this election.

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

This action is needed to continue to meet the plan goals and policies.

Board or Committee Recommendation:

NA

Financial Impact/Budget:

Publication of these notices is estimated at \$1,800 which is in the budget.

Legal issues:

The notice meets the legal requirements.

Other issues:

None.

Previously presented or discussed:

This has not been presented previously.

Attachments:

Proposed Resolution which contains the notice.

RESOLUTION NO. __-13

**A RESOLUTION SETTING FORTH THE NOTICE OF ELECTION
FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD
ON APRIL 2, 2013 IN THE CITY OF GRAND JUNCTION**

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

The Election Notice hereinafter be the Notice of the Regular Municipal Election to be held in the City on April 2, 2013 and further that the same be published in accordance with election procedures:

“ELECTION NOTICE

**CITY OF GRAND JUNCTION, COLORADO
NOTICE OF REGULAR MUNICIPAL ELECTION
TO BE HELD ON TUESDAY, THE 2ND DAY OF APRIL, 2013**

PUBLIC NOTICE IS HEREBY GIVEN THAT A REGULAR MUNICIPAL ELECTION WILL BE HELD BY MAIL-IN BALLOT ON TUESDAY, THE 2ND DAY OF APRIL, 2013, IN THE CITY OF GRAND JUNCTION, COLORADO.

That said Regular Municipal Election will be held by mail-in ballot with ballots mailed to all active registered voters in said City of Grand Junction. Ballot packages will be mailed no later than March 15, 2013 and must be returned to the Mesa County Clerk no later than 7:00 p.m. on Election Day, Tuesday, April 2, 2013. Voted ballots may be mailed with proper postage affixed and received by Mesa County Clerk no later than 7:00 p.m. Election Day, or returned to the following locations, also no later than 7:00 p.m. Election Day:

City Clerk's Office
City Hall
250 N. 5th Street
Grand Junction, CO 81501

Mesa County Elections Office
200 S. Spruce Street
Grand Junction, CO 81501

Mesa County Motor Vehicle Office
200 S. Spruce Street
Grand Junction, CO 81501

On April 2, 2013, the places designated will be open until the hour of 7:00 p.m. NO voting devices will be provided at any location. The election will be held and conducted as prescribed by law.

The Mesa County Elections Division at 200 S. Spruce Street will be open for issue of ballots to “inactive voters”, or the reissue of ballots to those who have spoiled, lost, moved, or for some reason did not receive a ballot, for the period 25 days prior to

the election, Monday through Friday, from 7:30 a.m. to 5:00 p.m. and on Tuesday, April 2, 2013 from 7:00 a.m. to 7:00 p.m. (Election Day).

Registered voters within the city limits of Grand Junction are qualified to vote. Registration of voters for the said election has taken place in the time and manner provided by law.

Candidates are:

DISTRICT A
Four-Year Term
(Vote for One)

Tom Kenyon

Phyllis Norris

DISTRICT D
Four-Year Term
(Vote for One)

Bonnie J. Beckstein

Martin Chazen

Laura L. Luke

DISTRICT E
Four-Year Term
(Vote for One)

Harry Butler

Duncan McArthur

Robert Noble

AT-LARGE
Four-Year Term
(Vote for One)

Rick Brainard

Bill Pitts

Questions on the Ballot:

CITY OF GRAND JUNCTION REFERRED MEASURE A

Shall Ordinance No. 4295 zoning property located at 347 27 1/2 Road to I-1, Light Industrial, and zoning property located at 348 27 1/2 Road and 2757 C 1/2 Road to I-O, Industrial Office, with certain conditions, including but not limited to the dedication of a public trail easement 50 feet wide adjacent to the Colorado River along the entire southern property boundary; dedication of a public trail easement 50 feet wide along the east property boundary and installation of a landscape buffer 25 feet wide and a screen wall along the west, north and south property boundaries be adopted?

YES, FOR THE ORDINANCE

NO, AGAINST THE ORDINANCE

CITY OF GRAND JUNCTION REFERRED MEASURE B

WITHOUT ANY INCREASE IN TAXES OR DEBT (UNLESS THE VOTERS AUTHORIZE ANY INCREASE IN THE FUTURE), SHALL THE CITY OF GRAND JUNCTION, COLORADO BE AUTHORIZED TO RETAIN ALL REVENUES OVER THE AMOUNTS WHICH THE CITY IS PERMITTED TO COLLECT UNDER ARTICLE X, SECTION 20 (ALSO KNOWN AS THE TABOR AMENDMENT) OF THE COLORADO CONSTITUTION TO PAY ALL OR ANY PORTION OF THE COSTS OF THE DESIGN AND CONSTRUCTION OF STREET, SIDEWALK, PATH AND HIGHWAY TRANSPORTATION IMPROVEMENTS KNOWN AND REFERRED TO AS THE BELTWAY, THE INTERCHANGE AT I-70 AND 29 ROAD, 29 ROAD, 24 ROAD AND HORIZON DRIVE FROM 27 1/2 ROAD TO THE AIRPORT AND NORTH AVENUE FROM 1ST STREET TO 29 ROAD; PROVIDED THAT ONCE THE COSTS OF SUCH TRANSPORTATION IMPROVEMENTS HAVE BEEN PAID IN FULL THE REVENUE LIMITS OF TABOR SHALL AGAIN APPLY TO THE CITY?

YES

NO

BY ORDER OF THE CITY COUNCIL

Stephanie Tuin, City Clerk”

PASSED and ADOPTED this ____ day of _____, 2013.

President of the Council

ATTEST:

City Clerk



Attach 10

CITY COUNCIL AGENDA ITEM

Date: February 8, 2012
Author: Dave Thornton, AICP
Title/ Phone Ext: Principal
Planner/ Ext: 1450
Proposed Schedule:
1st Reading: Feb. 6, 2013
2nd Reading: Feb 20, 2013
File Number ZCA-2012-572

Subject: Amendment to Section 21.07 of the Grand Junction Municipal Code to Add a Section 21.07.070, North Avenue Overlay Zone District
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: Dave Thornton, Principal Planner

Executive Summary:

This amendment to Section 21.07 will add an Overlay Zone District establishing zoning standards specific to properties abutting North Avenue from First Street east to I-70 Business Loop. The North Avenue Overlay Zone District contains three areas of emphasis including 1) Mandatory Standards required of all new development along the corridor; 2) “Opt In” Standards for new development that chooses to develop under this section; and 3) the “Site Upgrade Point System” standards that provides a vehicle for a future incentive program when funding becomes available. The point system will be part of a financial incentive to property owners to improve the streetscape and their property along the corridor and implements the vision and goals of the City’s adopted North Avenue Corridor Plans and this North Avenue Overlay Zone District.

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 to the Code an overlay zoning that will apply to all property within the City abutting North Avenue from 1st Street on the west to I-70 Business loop on the east. The overlay is primarily incentive-based and encourages redevelopment and revitalization of North Avenue that furthers the vision and goals of the North Avenue corridor plans.

The vision for the North Avenue corridor was established in the 2007 and 2011 North Avenue Corridor Plans (“the Plans”). The North Avenue Overlay Zone encourages development features considered critical to implementing the Plans by establishing guidelines, standards, development incentives and alternative approaches for development and redevelopment. The Plans envision buildings located near the street,

front doors that are inviting and readily accessible, signage on the building rather than pole signs, more and safer pedestrian facilities, and an inviting streetscape, which will create an environment of vitality and livability.

The “streetscape” is the area between the street curb and the building façade. The combination of the adjacent land use and the public space of the streetscape can create a dynamic and inviting space. Streetscape features that create a visually interesting corridor and a safer pedestrian and transit experience create a dynamic sense of place inviting activity. The overlay also includes development incentives to encourage design and development of an attractive streetscape.

Advisory Committee Formed

In February of 2012 City Council appointed an Advisory Committee made up of business owners along the corridor. The Committee also included a representative from Planning Commission (Ebe Eslami) and City Council (Sam Susuras). The purpose of the Committee was to seek ways to implement the 2007 North Avenue Corridor Plan and the 2011 North Avenue West Corridor Plan and help to revitalize this corridor that has been in decline for many years. The Committee has been meeting monthly discussing ways to revitalize the corridor and giving planning staff input on overlay options. The Corridor Plans recommend establishing a Zoning Overlay district that will support the goals and vision of the North Avenue Corridor and provide incentives for business owners to take advantage of the overlay thereby improving their properties and bring additional life and vitality to the corridor.

The North Avenue Corridor Plan identifies the need for a multi-modal approach to transportation for North Avenue. With a large pedestrian population already using the corridor especially at key areas around Colorado Mesa University, near Grand Junction High School and Lincoln Park and Stadium facilities, existing pedestrian facilities are lacking. In some areas of North Avenue sidewalk does not currently exist. An overwhelming desire from the advisory committee is to improve the pedestrian facilities up and down the North Avenue corridor and create a streetscape that supports pedestrian activity. This and other provisions of the Overlay will help to revitalize the corridor, further the goals of the Comprehensive Plan and implement the North Avenue Corridor Plans.

Public Process

In addition to the advisory committee, a public open house was held September 18, 2012 at 2817 North Avenue. Notice of the open house was sent to all property owners/business owners that had frontage along North Avenue. In addition the local newspaper and television media picked up the story and broadcasted news regarding the open house and planning the City was conducting regarding the overlay and revitalization of the corridor. Approximately 90 people came to the open house and reviewed the draft overlay concepts.

Shortly after the North Avenue Advisory Committee was formed and met for the first time, area businesses on their own met to determine what they could do in the effort of revitalizing and promoting North Avenue as a business corridor. From these initial and subsequent meetings, the North Avenue Owners Association (NAOA) was formed. This owners association established itself as a nonprofit that continues to add to its

membership today. One of their goals is to become a voice for North Avenue, one voice that will represent the property and business owners on North Avenue, working with the City of Grand Junction and each other to promote and revitalize the North Avenue corridor. This group supports what the North Avenue Advisory Committee and City Staff are doing regarding this proposed overlay zone district.

The overlay zone district work of the advisory committee and city staff is complete and the North Avenue Overlay Zone District is ready for review and approval through a public hearing before Planning Commission. Following Planning Commission consideration, City Council will hold a public hearing and be asked to incorporate the North Avenue Overlay Zone District into the Grand Junction Municipal Code as part of Title 21.

This proposed amendment would add Section 21.07 (a subsection of Special Regulations of the Development Regulations) entitled “North Avenue Overlay Zone District” and thereby incorporate standards and guidelines for development within the North Avenue Overlay Zone District boundaries. The proposed amendment provides specific standards intended to implement the 2007 North Avenue Corridor Plan and the 2011 North Avenue West Corridor Plan, elements of the Grand Junction Comprehensive Plan.

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 6: Land use decisions will encourage preservation of existing buildings and their appropriate reuse.

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

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

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

Policy B. Construct streets in the City Center, Village Centers, and Neighborhood Centers to include enhanced pedestrian amenities;

Policy C. Enhance and accentuate the City ‘gateways’ including interstate interchanges, and other major arterial streets leading into the City;

Policy E. Encourage the use of xeriscape landscaping;

Policy F. Encourage the revitalization of existing commercial and industrial areas.

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

Policy E. When improving existing streets or constructing new streets in residential neighborhoods, the City and County will balance access and circulation in neighborhoods with the community’s need to maintain a street system which safely and efficiently moves traffic throughout the community.

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

Policy A. The City and County will plan for 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.

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

Policy A. Through the Comprehensive Plan's policies the City and County will improve as a regional center of commerce, culture and tourism.

Policy B. The City and County will provide appropriate commercial and industrial development opportunities.

The proposed Code amendment supports the vision and goals of the Comprehensive Plan by creating an implementation tool which establishes specific requirements including mandatory standards for all new development; opt-in standards incentivizing new development to occur in a way that implements the vision of the North Avenue Corridor Plans; and creating a site upgrade point system that all property/business owners can participate in when they improve their site.

CONSISTENCY WITH THE ZONING AND DEVELOPMENT CODE:

21.02.140 Code amendment and rezoning.

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

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

Response: Recent growth trends in Grand Junction have brought new commercial growth to the west side of the City and downtown, whereas North Avenue has seen a decline in commercial businesses over the same time period. The City's 2010 Comprehensive Plan and 2007/2011 North Avenue Corridor Plans have identified a new vision and direction for the North Avenue Corridor. The North Avenue Overlay Zone will be an implementation tool for these long range plans in meeting the vision and goals of the community for North Avenue.

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

Response: The amendment is consistent with the Comprehensive Plan and the two North Avenue Corridor Plans. It encourages development features considered critical to implementing the Plans by establishing guidelines, standards, development incentives and alternative approaches for development and redevelopment. The Overlay District amendment allows buildings located near the street, front doors that are inviting and readily accessible, signage on the building

rather than pole signs, more and safer pedestrian facilities, and an inviting streetscape, which will create an environment of vitality and livability.

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

Response: The North Avenue Corridor is a major roadway that traverses the City Center area of Grand Junction, an area that the Comprehensive Plan has targeted for major growth and development in the community. It is a corridor that has existing utilities and infrastructure and is ready for developing a new streetscape and accommodates new business and residential development as part of that vision.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

Response: This criterion does not apply to this amendment.

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

Response: The North Avenue Corridor including businesses and residents will benefit the most from this proposed amendment. The Overlay District includes an "Opt In" standard where a property/business owner can decide for themselves if they want to develop under the overlay standards or develop under the base zoning of their property. Opting in provides some incentives that the base zone development does not provide.

Board or Committee Recommendation:

The Planning Commission voted (7-0) to recommend approval of the proposed amendment at its January 22, 2013 meeting with the following findings of fact and conclusions:

1. The proposed amendment will help implement the vision, goals and policies of the Comprehensive Plan which includes the 2007 North Avenue Corridor Plan and the 2011 North Avenue West Corridor Plan.
2. The proposed amendment is consistent with the approval criteria found in Section 21.02.040 of the Zoning and Development Code (Municipal Code).

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:

Staff presented information to City Council from the North Avenue Advisory Committee, their progress of work on the North Avenue Overlay planning at two Council workshops held July 16th and November 19th in 2012.

Attachments:

Planning Commission January 22, 2013 Hearing – Draft Minutes
Proposed Ordinance

**GRAND JUNCTION PLANNING COMMISSION
JANUARY 22, 2013 MINUTES
6:00 p.m. to 7:18 p.m.**

DRAFT

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Wall. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Reginald Wall (Chairman), Ebe Eslami (Vice Chairman), Gregory Williams, Keith Leonard, Jon Buschhorn, Christian Reece and Steve Tolle (1st Alternate). Commissioner Loren Couch was absent.

In attendance, representing the City's Public Works and Planning Department – Lisa Cox (Planning Manager), Scott Peterson (Senior Planner) and Dave Thornton (Principal Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 17 interested citizens present during the course of the hearing.

Public Hearing Items

5. North Avenue Overlay Zone District – Zoning Code Amendment

Request a recommendation of approval to City Council of a text amendment to the Zoning and Development Code (Title 21, Grand Junction Municipal Code) to add the North Avenue Overlay Zone District.

FILE #: ZCA-2012-572
APPLICANT: City of Grand Junction
LOCATION: North Avenue between 1st Street to east I-70 Business Loop
STAFF: Dave Thornton

Staff's Presentation

Dave Thornton, Principal Planner, Public Works, Utilities and Planning Department, said that they had been working on the North Avenue Overlay for close to a year. He said that the overlay would cover the area from 1st Street to I-70 Business Loop on the east and all properties that touched North Avenue would be within the overlay district boundary. The City has adopted two different corridor plans that encompassed that area. In 2007 the first plan was adopted by City Council which comprised the area from 12th Street east to I-70 Business Loop and in 2011 the North Avenue West Corridor Plan was adopted which planned the rest of the corridor from 12th Street west to the Business Loop.

A survey had been conducted of the community regarding commercial vacancy rates and provided a snapshot and comparison of the amount of office and retail space available within the City limits. He stated that there was currently an 11.7% vacancy rate on North Avenue versus 5.9% City-wide and stated that it was the City's desire to revitalize North Avenue and believed the overlay district helped that revitalization effort and would be beneficial for the community. An advisory committee was formed and appointed by City Council in February 2012 and was made up of various property and business owners along the corridor. The Committee met nearly monthly, took a walking/bus tour of the corridor and held an open house in September to seek feedback from other business and property owners on the corridor regarding the draft zoning overlay concepts.

Elements of the proposed overlay district include a pedestrian scale streetscape; promoting site design with more building and less landscaping; accommodating all modes of transportation and users within the right-of-way; providing incentives to encourage new development and redevelopment; removing barriers to development; and creating safer access to North Avenue businesses.

The overlay district consists of three areas of emphasis. 1. Mandatory standards that include right-of-way dedication, construction for streetscape improvements including 8 ft detached sidewalk and 8 ft wide "park strip" improvements that are required for all new development and redevelopment regardless of the underlying "base" zone. 2. "Opt in" standards that are optional, but incentivized to encourage the developer to develop under these standards by choice. The overlay standards for landscaping (50% less) and setback (zero setbacks) are reduced as incentives to opt in. A maximum setback of 10 ft. (with exceptions for pedestrian spaces like outdoor dining areas, etc.) is proposed to create the building form and vision the North Avenue Corridor Plans established. This vision includes construction of buildings that are built closer to the street, requiring a front door to face North Avenue, in addition to pedestrian amenities enhancing the visual and human scale of the corridor. 3. A "Site Upgrade Point System" is included within the North Avenue Overlay Zone district to create a vehicle that can be the structure to implement an incentive grant program in the future as money becomes available from any source.

Mr. Thornton noted that there were areas where an existing building was within the required right-of-way, closer than 16 feet from the curb and the Committee was not suggesting that those portions of the buildings within that area be demolished in order to meet the standards. He mentioned that a higher priority was to keep the sidewalk as wide as possible and lessen the amount of distance between the sidewalk and the curb. He said the multi-purpose easement required in all areas of Grand Junction wasn't needed along North Avenue as utilities were either in an alley or already installed in the roadway. He added that ultimately North Avenue would have 11' travel lanes with an optional bike path, but the bike path wouldn't occur until it was deemed that traffic conditions along the corridor would be safe enough to accommodate them, occurring at a future time when access and other safety improvements have been completed. The streetscape improvements placed in the area between the curb and the sidewalk could include things such as bike racks, shelters for the buses and trash cans. Long-term the entire corridor would see detached sidewalks and pedestrian lighting. By example, the sidewalk in front of Colorado Mesa University fell within inches of the proposed

standard for sidewalk and park strip widths and is an example of what one could see throughout the corridor when developed to the standards.

Mr. Thornton identified another area of interest where the overlay standards try to emphasize a more urban streetscape and meet the goals and visions of the corridor plans to bring new development up closer to the street. Because some areas of the corridor were built in a suburban fashion, there is an opportunity to increase intensity and density of development by using the overlay standards. He clarified the opt-in standards were set up that if a developer wanted to opt-in, they would have to abide by the vision of the corridor plans – to bring the buildings closer to the street – the setbacks had been reduced and because the buildings would be closer to the street, there would not be a need for a landscaping strip required under the traditional suburban development of a commercial zone district. The design of the overlay was to reduce landscaping, screening and buffering so the overlay would allow for the ability to create a decorative wall instead of a landscaping strip similar to what was allowed in downtown Grand Junction for parking lots abutting North Avenue. This would allow a property owner to better utilize more of their property. He said that under the vision of the corridor, parking would be either to the rear or the side of the building.

Mr. Thornton next gave a comparison of setbacks and gave various examples in various zone districts. The corridor plan encourages a pedestrian emphasis especially areas around CMU and the high school that had a tremendous amount of pedestrian traffic. He identified other standards of the overlay which included the location of drive-thru lanes, no parking lots in front of buildings, awning/portico-type treatments on buildings and improving access.

Next, in order to emphasize the corridor streetscape feel that tries to create interest in the buildings, the overlay provides guidelines to try to create visual interest along the corridor that would enhance the building's architecture. If a building was built within the maximum setback up to the property line, a front door facing North Avenue would also be required creating a visual impression that welcomes passing traffic and identifies the business with the building. If one opted-in, setbacks and landscaping would be reduced. Mr. Thornton provided some examples of existing Grand Junction businesses on minor arterial streets (24 ½ Road and Horizon Drive) where the front door to the street was part of their image and which he felt was advantageous. He also discussed minimization of access points that were not needed, creating safer access. He reminded the Commission that landscaping would be reduced by approximately fifty percent under the opt-in standards.

Another area of emphasis was the sign upgrade point system and Mr. Thornton clarified that this was just setting the stage for a future funding source to create a hierarchy of priorities and a point system whereas if money was available, the point system would determine how much of a project would be funded.

It is hoped that people would take advantage of the opt-in standards where they could save money on landscaping and use more of their site. In cases where new development or redevelopment of a site was not proposed the North Avenue Advisory Committee wanted to try to encourage North Avenue property owners to take steps to bring their existing structures and sites more into the vision of the corridor. The

committee wanted a system that would provide incentives and they talked about various ways of accomplishing that vision. The “Site Upgrade Point System” Improvement Table is a priority list that provides a point system based on today’s costs and was established so that when the incentive program was funded, the amount of a grant would be based on the points accrued. The committee continues to work on how to administer the point system, but that is not a part of this proposed Overlay Zone.

Staff found that the proposed Zoning Code amendment to include the North Avenue Overlay Zone, met the vision, goals and policies of the Comprehensive Plan and is consistent with the applicable approval criteria.

Questions

Commissioner Williams raised a question regarding mandatory standards and whether fences and walls would be included if a building was in the right-of-way. Mr. Thornton said that it was strictly buildings, most of them existing along the west end of the corridor, where it would be necessary to adjust the improvements along the front of the building. Although any fence or wall as part of the reconstruction would be expected to be removed and brought into conformance.

Commissioner Eslami asked if there was any plan (design) in place for this project. Mr. Thornton said there wasn’t a design for the corridor at this time, but one was anticipated this year as part of a federal grant the City was awarded by the Federal Highways Administration which would design three miles, on both sides, from 1st Street to 29 Road.

Commissioner Reece asked if the remaining areas outside of the three miles identified would have the same consistency in design. Mr. Thornton said that they hoped it would but it was too soon to determine whether they would have the funds to follow through to the I-70 Business Loop with this design project.

Chairman Wall asked as far as remodeling, in order to trigger the mandatory standards would that only be an external remodel. Mr. Thornton confirmed that it would be for new development or redevelopment that already requires such mandatory requirements of right-of-way dedication and landscaping the right-of-way areas which is required in all nonresidential zoning districts in the City as per city policies and would not include minor interior remodels.

Chairman Wall raised a question where businesses may share an entrance or an exit and the front door was on North Avenue. He gave the example if one had to walk from the back parking lot to the front so that one had to walk through the entrance or exit way. He asked if there was a standard for a sidewalk or something else so that people did not have to walk through the entrance and/or exit. Mr. Thornton said that the opt-in standards really deal with frontage and the parking lot standards would still have to be adhered to. The standards are already in the Code to minimize conflicts which would force people to have to walk through a parking lot.

Commissioner Leonard raised a question regarding building design standards and saw the building orientation toward the street but didn’t see any guide to what the façade

should look like. Mr. Thornton said that the opt-in did not require a certain architectural standard.

Commissioner Leonard talked about a longer range view of development and believed that people remembered buildings, but not necessarily landscaping. He would like to see architectural standards implemented city-wide. Mr. Thornton said that they encouraged people to do the right thing by reducing some of the requirements such as landscaping and setbacks which would increase the amount of buildable area for more of an urban standard versus a suburban standard. He added that if it was found that this over time did not work, staff could go back to the community to see where the support was and modify the overlay to include some architectural features.

Commissioner Eslami asked if there was an architectural committee for the new buildings. Mr. Thornton said there was not a review committee. He confirmed that the 24 Road corridor guidelines provided some articulation and various requirements for development and, furthermore, Horizon Drive had a business district but no architectural requirements.

Commissioner Reece asked if the incentive program improvement table was amendable. Mr. Thornton said that it was amendable. If there was any additional emphasis that the Planning Commission wanted to add, that could be amended. Also, if the business community didn't respond in a way that made sense architecturally, staff and/or the Advisory Committee could go back to the community. The Planning Commission could request that be looked at for inclusion in the overlay.

Commissioner Eslami asked why not include some restrictions now. Chairman Wall interjected that he believed there was a lot more time for some of these items to be discussed more fully, but felt the overlay as it was now, with the understanding that there would be opportunity to amend or add to it at a later date, was adequate as presented.

Public Comment

Kevin Bray, appeared as a member of the North Avenue Advisory Committee, and gave a little history. He said that the committee was created almost a year ago with 15 to 20 members of primarily business owners, City staff have attended as needed, two commercial real estate experts and the committee had benefited from Councilman Susuras (City Council) and Commissioner Eslami (Planning Commission). He reiterated that the mandatory standards were a result of the marriage between the 2007 East Plan and the 2011 West Plan and the right-of-way requirement was a previous requirement and pointed out that there was really no new regulation being requested. He said that the opt-in standards provided flexibility in design and would provide property and business owners a reason to reinvest in their properties. The site upgrade point system really gave people a way to upgrade their site without going through a full redevelopment and gave them options to upgrade the corridor. As the priorities were developed, the main focus of the steering committee was having a safe, cohesive look along the corridor and the public infrastructure. The focus was the ability to redevelop infrastructure and provide incentives for property and business owners to invest in the public side. Mr. Bray encouraged the Committee to approve this document. He also

pointed out that this was a joint process between the business community, the property owners and the City.

Discussion

Commissioner Eslami thanked all of the people involved and the City staff for their time they had invested in this project. In order to successfully do this giant and complicated project, two things were needed – lots of money and a miracle. He felt that with the cooperation of the citizens who can envision the future, this miracle could be accomplished. He stressed that those people could not give up and hoped that the City would not give up on them.

Commissioner Williams agreed with the plan and believed it was a good plan for North Avenue's development and redevelopment. He liked the options it provided to the business owners and thought the direction that this plan took offered less traffic conflicts. He said that he was fully in favor of this plan.

Commissioner Leonard said that he thought it was a good start and reiterated that he would like to see more consideration by the City for the architectural design. He too thanked the people for their work and time put into this.

Chairman Wall stated that he liked the plan and thought a lot of work had been put into it. He added that the overlay projects were more challenging as there were a lot more things to consider. He went back to a statement made previously by Mr. Bray that this was a public infrastructure project that dealt with safety.

MOTION: (Commissioner Williams) "Mr. Chairman, on File ZCA-2012-572, an amendment to the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code), to add an overlay zone district for North Avenue, I move that the Planning Commission forward a recommendation of approval of the proposed amendment with findings, facts and conclusions listed in the staff report."

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

General Discussion/Other Business

None.

Nonscheduled Citizens and/or Visitors

None.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 7:18 p.m.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING SECTION 21.07
OF THE GRAND JUNCTION MUNICIPAL CODE
TO ADD AN OVERLAY ZONE DISTRICT
FOR PROPERTY ABUTTING NORTH AVENUE
BETWEEN FIRST STREET ON THE WEST AND I-70 B ON THE EAST**

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 21.07 provides special regulations in the Code to address zoning requirements that are specific to a defined boundary within the City limits.

The City Council finds that this amendment promotes the health, safety and welfare of the community, implements the North Avenue corridor plans, and contributes to the revitalization of the North Avenue corridor.

The City Council also finds that the amendment is consistent with reasonable business owner, property owner, the community and 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:

A new Section 21.07.070 is added follows:

North Avenue Overlay Zone District

010 Background and Intent

Overlay Zoning

Overlay zoning creates a special zoning district over a base zone. An overlay adds to or changes the regulations, standards or requirements of the base zone in order to protect or guide development within a specific area or corridor to meet specific needs or objectives. While the base zone determines the permitted land uses, the overlay zone establishes design or other standards that meet the overlay's purposes.

The overlay zone for North Avenue provides direction, vision and incentives for development in the corridor. The purpose of the overlay is to stimulate new development, redevelopment and business and other human activity along the corridor. The overlay supports and implements the Comprehensive Plan goal of making the City a more livable place. The overlay's standards and guidelines are intended to stimulate commercial, pedestrian and other activity in the corridor.

(a) The Vision

The vision for the North Avenue corridor was established in the 2007 and 2011 North Avenue Corridor Plans ("the Plans"). The North Avenue Overlay Zone encourages development features considered critical to implementing the Plans by establishing guidelines, standards, development incentives and alternative approaches for development and redevelopment. The Plans envision buildings located near the street, front doors that are inviting and readily accessible, signage on the building rather than pole signs, more and safer pedestrian facilities, and an inviting streetscape, which will create an environment of vitality and livability.



The "streetscape" is the area between the street curb and the building façade. The combination of the adjacent land use and the public space of the streetscape can create a dynamic and inviting space. Streetscape features that create a visually interesting corridor and a safer

pedestrian and transit experience create a dynamic sense of place inviting activity. The overlay also includes development incentives to encourage design and development of an attractive streetscape.

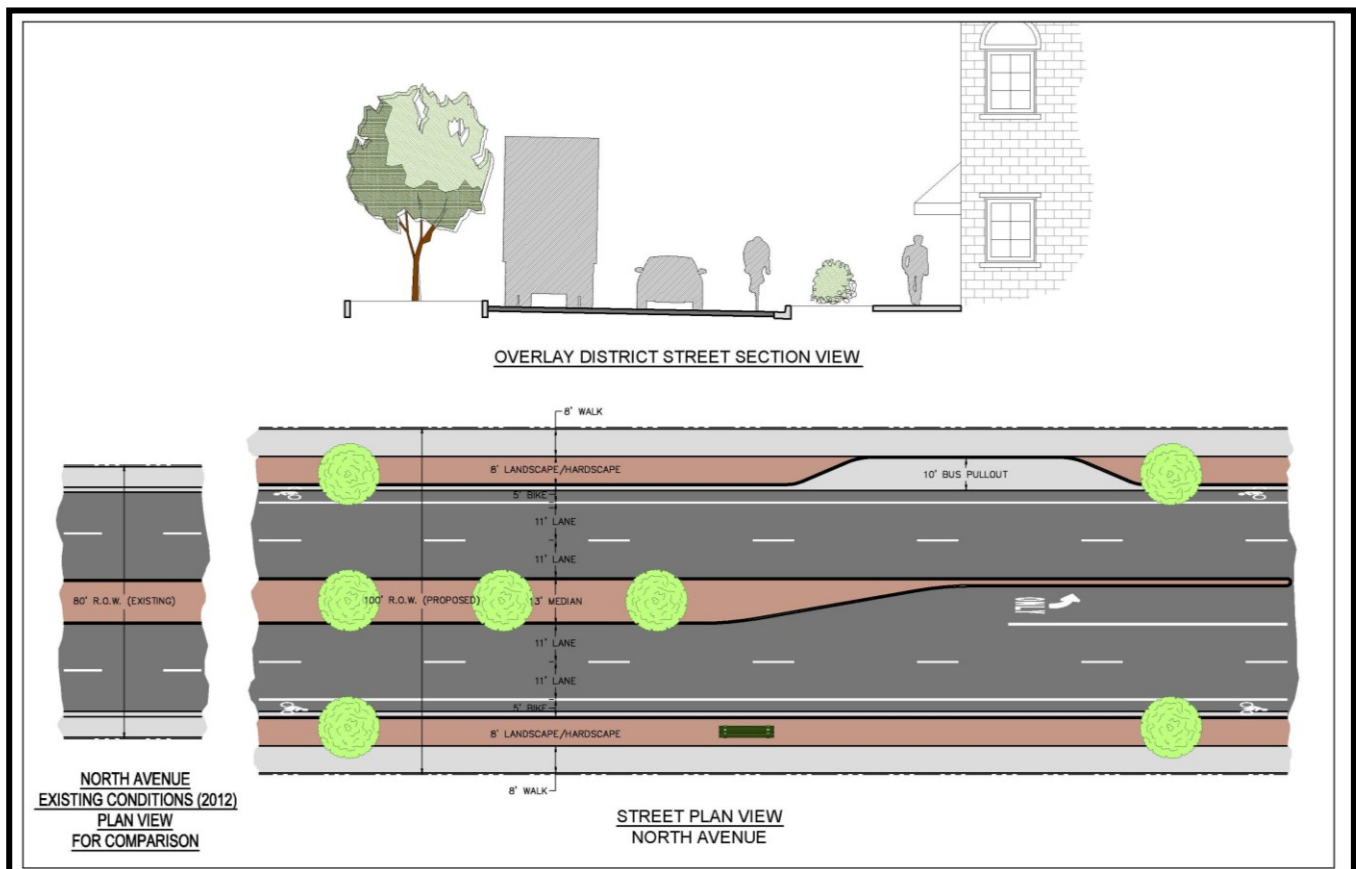
(b) Revitalize North Avenue by establishing it as a “Complete Street”

Development is encouraged to be designed and built according to the Plans, which establish a “Complete Street” vision for North Avenue.

The North Avenue “Complete Street” concept includes:

- A multi-modal corridor designed for not only the vehicle, but also for the pedestrian, bicyclist and the transit user.
- Wide sidewalks detached from the roadway.
- Buildings located close to the street with pedestrian access to the building at the streetscape.
- Safe access to businesses from the street and sidewalks and parcel interconnectivity to minimize multiple access points to North Avenue.
- Safe and efficient transit stops.
- Adequate lighting creating a safer vehicle and pedestrian experience.
- Landscaping, street furniture and other hardscape features and amenities that enhance the pedestrian and motoring public’s experience, but still allow buildings to be near the street.

The diagram below establishes the right-of-way standards for the overlay district.



(c) Definitions

The following definitions apply to this Overlay:

Abutting means directly touching. For example, parcels across a public right-of-way from one another would not be abutting, but would be adjacent to one another.

Adjacent to something means lying within a 100-foot radius of it. For purposes of adjacency, public right-of-way, easements, canals, waste ditches and waterways are not included in the 100-foot calculation.

020 Options for Development within the District

The North Avenue Zoning Overlay establishes mandatory standards, “opt-in” standards, and a point-system for specific site upgrades. Any and all property development within the District must adhere to the mandatory standards, and in addition must choose among the following three options:

- (1) follow all of the “opt-in” standards,
- (2) develop according to the “base” zone standards, or
- (3) upgrade a site using the point system.

The mandatory standards of the Overlay Zone establish the right-of-way width and streetscape features for the corridor. The opt-in standards include incentives which relax some of the base-zone standards (landscaping requirements, for example) in exchange for meeting specified standards which will shape the desired character of the built environment. The point system allows a landowner to improve the site in specific ways which will help create the desired character of the built environment and provides framework for distribution of financial incentives that may become available. (The Overlay Zone does not establish those financial incentives, but merely establishes a point system for accessing such funds if and when they become available.)



030 Boundaries of the Overlay District

The North Avenue Overlay District applies to all properties abutting the North Avenue right-of-way from First Street on the west to I-70 Business Loop on the east.



040 Overlay Zone District Standards and Guidelines

(a) **Applicability/conflicts.** Where the standards or requirements of this Overlay Zone conflict with another overlay zone, area plan or the balance of the Zoning and Development Code, this Overlay shall control. Where another overlay zone or area plan gives the Director authority to waive, vary or diverge from a development standard, a requirement of a zone district or another land use regulation, that authority shall not apply to property within the boundaries of this Overlay District. The variance procedure and criteria set forth in Section 21.02.200 shall apply.

(b) Mandatory Standards

(1) Right-of-way Standards

All development in the Overlay District shall include dedication of sufficient right-of-way so that there are 50 feet of half right-of-way for North Avenue.

(2) Pedestrian / Sidewalk Standards

The North Avenue standard for public sidewalks is an 8 ft. detached sidewalk with an 8 ft. park strip separating the sidewalk from the street. In connection with any development in the Overlay District, the landowner shall dedicate the appropriate amount of land to meet those standards, and the landowner/developer shall construct the sidewalk and park strip areas to City specifications. Exception: The sidewalk and/or park strip widths may be adjusted if a building existing on the property that is not being demolished or substantially remodeled encumbers all or part of the area 16' from the back of curb of North Avenue, provided that the adjustment is the minimum necessary to accommodate the building. Neither the sidewalk nor the park strip, however, can be eliminated altogether, and the sidewalk shall be the higher priority between the two.

The park strip is part of the streetscape and shall include pedestrian and transit amenities including landscaping and hardscape features. It shall include different features which distinguish it from the sidewalk; in other words, the park strip cannot be solid concrete pavement like the sidewalk.

Hardscape features and materials include, but are not limited to the following:

Benches	Bike Racks	Pedestrian lighting
Transit pullouts	Transit shelters	Trash cans
Planters	Water features	Art / sculptures
News Stands	Mail boxes	Banners, hanging baskets

Landowner/developer may select among these and other appropriate (as approved by the Director) hardscape features to install in the park strip. A minimum of two such features shall be installed in the park strip in front of the parcel being developed, improved or re-developed.

(3) Multipurpose easement

No multi-purpose easement is required along the North Avenue frontage. Utilities shall be located in the street right-of-way, to the rear of the property, in an alley, or in another appropriate location. If public utilities are located on private property, an easement shall be granted or dedicated for those utilities.

All other development standards of the Zoning and Development Code relating to right-of-way, sidewalk and park strip shall apply. Development of property within the District shall in all other respects not addressed in this Overlay meet the requirements of the balance of the Zoning and Development Code.

(c) Opt-In Standards

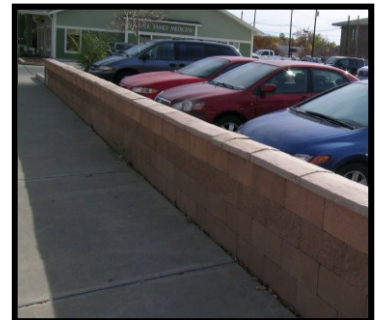
The Opt-In Section includes guidelines and standards. Guidelines are permissive recommendations for development; standards are mandatory requirements once the developer/landowner has opted in.

- (1) Benefits/incentives. There are significant benefits to opting in to the standards of this section. Opting into **all** these standards entitle a landowner/developer to the following reductions to the base-zone and other Zoning and Development Code standards:

(i) Landscaping and Buffering:

Landscaping is required only in parking areas.

- No landscaping / screening buffer is required between adjacent properties.
- No street-frontage landscaping is required.
- Where all parking is located behind a building, no landscaping along access from North Avenue is required.
- No street trees are required in front of buildings that abut or are within 10 ft. of North Avenue right-of-way. If a parking area abuts the North Avenue right-of-way, street trees are required along the North Avenue street frontage of the parking area.
- A 30 inch tall decorative screen wall may be substituted for the required parking lot screening between the parking lot located at the right-of-way / property line and North Avenue. Shrub planting in front of the wall is not required for this option.



All other landscaping regulations of the Grand Junction Municipal Code shall apply.

Purpose: North Avenue is a major commercial district located within the City Center. Historically its development pattern has been both urban and suburban in scale. The Comprehensive Plan identifies high growth in the City Center area through 2035 as the community nearly doubles in population. The Plans likewise emphasize urban growth along the North Avenue corridor, including more building mass, hardscape areas, less landscaping, and more pedestrian activity.

(ii) Setbacks

The building setback is reduced to zero.

- Minimum building setbacks:
Front = 0 ft.
Side = 0 ft.
Rear = 0 ft.

Purpose: Reducing the setbacks to zero creates more buildable area and creates a more urban built environment. This standard also encourages better site design and compliments the streetscape by emphasizing a pedestrian experience.

(iii) Parking space credits (See below).

(2) Standards:

(i) Maximum Building Setback = 10 ft.

The maximum building setback of 10 feet applies to all building construction including additions with exceptions for public plazas, outdoor seating areas and other pedestrian spaces.

Purpose: A maximum building setback of 10 feet supports the streetscape vision for North Avenue. Buildings close to the street enhance the pedestrian experience and create visual interest along the corridor.

(ii) Drive thru lanes

Drive thru lanes shall not be installed between the North Avenue right-of-way and the building.

Purpose: This standard will reduce conflict between vehicles and pedestrians entering the building from the front and therefore enhance pedestrian activity and safety. In the first two examples pictured below, there are potential conflicts between motorists and pedestrians because a drive lane interferes with pedestrian access from North Avenue. The third picture (Taco Bell) shows a drive thru lane that does not interfere with the front door access into the restaurant reducing pedestrian/vehicle conflicts and making pedestrian access to the building safer.



(iii) Parking

(A) Parking shall not be permitted between the building and the North Avenue right-of-way.

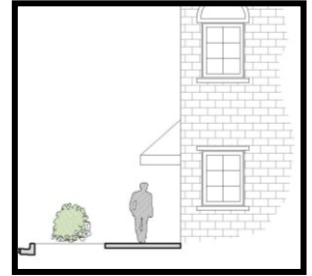
Purpose: The purpose of this standard is to reduce the amount of parking along the North Avenue frontage and to emphasize the buildings and pedestrian friendly streetscape.

(B) All development shall meet the parking requirements established for the use and the base zone with the following exception. Parking space credit shall be allowed under the following conditions:

- a. Providing shared parking between two abutting properties through a recorded, permanent shared parking easement.
- b. When on-street parking is available (for corner lot development only), two on-street spaces may count as one onsite parking space.

(iv) Awning Standards

Awnings and other façade enhancements are encouraged. One or more awnings extending from the building may be erected. Awnings shall be at least 8 feet above the sidewalk and shall be at least 4 feet wide, along the building frontage on North Avenue, and shall not overhang into the right-of-way more than 6 ft. Awnings shall otherwise meet with the requirements of the Grand Junction Municipal Code and Colorado Department of Transportation (CDOT) regulations.



Purpose: Awnings provide visual interest to the corridor and enhance the pedestrian experience.

(v) Building Entry Standards

The main entrance to the building shall be on the North Avenue face of the building. Additional entrance(s) may be provided on the side and/or rear of the building to parking areas or other pedestrian facilities. A front door may be constructed anywhere along the front façade of the building including at the corner of the front façade as shown in the two examples pictured to the right.



Purpose: When an entrance is visible from the North Avenue corridor, it invites in the pedestrian and motorist alike. A front door also provides direct pedestrian access from the public sidewalk within the streetscape, supporting the revitalization of North Avenue as envisioned by the Plans.

(vi) Development of property within the District shall in all other respects not addressed in this Overlay meet the requirements of the balance of the Zoning and Development Code.

(3) Guidelines

Whenever possible North Avenue development/redevelopment should:

- (i) Minimize the number of traffic conflict points into and out of a business.
- (ii) Create pedestrian, bike and transit friendly amenities.
- (iii) Better define and consolidate driveways into businesses and access between/among businesses to minimize vehicle access points onto North Avenue.
- (iv) Provide turn lanes where appropriate.

- (v) Maximize the use of existing local streets and alleys for access to eliminate vehicle access points onto North Avenue.
- (vi) Include awnings or other visually interesting building features on the front of the building to provide visual interest and enhance the pedestrian experience.
- (vii) Include living landscaping within the parkstrip. The use of xeric landscape is encouraged.

Purpose: These guidelines promote pedestrian safety and efficient vehicle movement and provide visual interest along the corridor.

(d) Site Upgrade Point System

- (1) This section is known and may be cited as the “Site Upgrade Point System for the North Avenue Overlay Zone District.” It establishes a rating system whereby points are awarded in the development review process when a developer/owner upgrades a site or structure to meet the standards established by the North Avenue Overlay Zone and/or to achieve the vision of the Plans. An owner may choose to develop under this section in lieu of the “opt-in” section of the Overlay District. Also, an owner who “opts in” can receive points for those aspects of the development that are listed in the “Improvement Table”.
- (2) Purpose. The purpose of this Site Upgrade Point System is to encourage property owners along North Avenue to take steps that will bring their existing structures and sites more into alignment with the vision for the corridor as established by the Plans and by this Overlay.
- (3) Use with nonconformities. When installing only one or more specific site upgrade(s) selected from table below, without making other site improvements, a landowner with a nonconforming use, site or structure is not required to bring the site or structure into conformance with the Code as prescribed in the “non-conformities” section of the Zoning and Development Code. However, if such landowner undertakes a site or structure remodel that includes improvements not listed in the table below, the non-conforming section of the Zoning and Development Code applies, or, if the developer/owner has opted in, the opt-in standards apply.
- (4) Validity of points. Points may be awarded by the Director according to the table below. The points are assignable (subject to any expiration date or time established in the program), but may only be assigned one time. Points can also be shared by two or more landowners (for example, where adjacent owners agree to consolidate and eliminate access points and establish cross-access between or among parcels). If points are shared, the owners must agree in writing to the allocation of points between/among themselves.
- (5) Improvement Table and Point Values. The Improvement Table below establishes the improvements to the right-of-way, streetscape and private property that are encouraged by the Plans and by this Overlay and the points that will accrue upon completion of said improvements. The Improvement

Table may be amended by the City Council by resolution. Regardless of the point values in the Improvement Table, no points shall be awarded for improvements to private property or to right-of-way that are part of a capital improvement program or project of any governmental entity, including but not limited to the City, the County or the Colorado Department of Transportation.

Improvement Table

First Priorities	Points
<p>Construction of detached sidewalk/parkstrip running the entire length of the property along North Avenue and meeting the overlay standards. Total points are determined by dividing proposed streetscape area sq ft by 1600 sq. ft. and multiplying by 30 pts. Benefit: Aesthetics and Pedestrian Safety</p>	30
<p>Right-of-way dedicated along North Avenue for entire frontage sufficient to allow 8 ft. detached sidewalk and 8 ft. park strip. Total points are determined by dividing the dedicated ROW area sq ft by 1000 sq. ft. and multiplying by 30 pts. Benefit: Pedestrian Safety</p>	30
<p>Elimination of a North Avenue street access point¹, including construction of curb and gutter and removing the driveway apron and must include dedication of all required North Avenue right-of-way. Benefit: Pedestrian and Vehicle Safety</p>	20
Second Priorities	Points
<p>Pole or free-standing sign removed and sign placed on building façade Benefit: Aesthetic Value</p>	7
<p>Addition of plaza, fountain or outdoor dining in front of building along North Avenue Benefit: Pedestrian Access and Aesthetic Values</p>	7
<p>Construction of an addition to building that meets maximum setback (10 or fewer feet from property line); shall include the addition of a front door facing North Avenue; and 50 ft. half right-of-way must be dedicated. Benefit: Pedestrian and Aesthetic Values</p>	6
<p>Elimination of parking along North Avenue frontage and placing all parking behind building(s) Benefit: Pedestrian Safety and Aesthetic Values</p>	5
<p>Pole sign removed and replaced with a monument sign Benefit: Aesthetic Value</p>	5
<p>Elimination of parking along North Avenue in front of the building(s) and all parking placed along the side and/or behind the building(s) Benefit: Pedestrian Safety and Aesthetic Values</p>	3
<p>Parking shared with adjacent properties² Benefit: Aesthetic Value</p>	3
<p>Permanent elimination of front yard display or storage³ Benefit: Aesthetic Value</p>	2
<p>Two hardscape features installed in park strip (maximum for point system) Benefit: Aesthetic Value</p>	2

One hardscape feature installed in park strip

Benefit: Aesthetic Value

1

¹Can be accomplished by sharing access point with neighbor by a cross access easement (which must be reviewed and approved by the City Attorney), or by one property taking access from a lower order street.

²Must be established by recorded permanent easement appurtenant, not by shared parking agreement.

³Must be established by amended site plan, CUP or other land use approval.

- (6) Incentive program. If and when funding becomes available, the Director shall develop a program and process for allocating funds to points under the Improvement Table.
- (7) Appeals. Any person aggrieved by a decision of the Director regarding an award of points or incentive funds under this section may appeal that decision to the City Council within 30 days of the decision.

All other provisions of Section 21.07 shall remain in full force and effect.

INTRODUCED on first reading the 6th day of February, 2013 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2013 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Date: February 7, 2013
Author: Scott D. Peterson
Title/ Phone Ext: Senior Planner/1447
Proposed Schedule: 1st Reading:
February 6, 2013
2nd Reading: February 20, 2013
File #: ODP-2008-154

Attach 11

CITY COUNCIL AGENDA ITEM

Subject: Approval of a Five Year Extension of the Previously Approved Colorado Mesa University Outline Development Plan for Property Located at 2899 D ½ Road

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: Scott D. Peterson, Senior Planner

Executive Summary:

A request for a five year extension from December 15, 2012 to December 15, 2017, for the previously approved Colorado Mesa University Outline Development Plan (ODP). The previously approved ODP allows multifamily residential, commercial, and industrial uses within four pods.

Background, Analysis and Options:

The property was annexed into the City in 2007 but was not zoned pending a decision on a requested Growth Plan Amendment. On March 5, 2008 the City Council amended the Growth Plan – Future Land Use Map from Public to a Mixed Use designation. On December 15, 2008, the City Council approved the Mesa State Development Outline Development Plan (ODP) effectively rezoning the property to Planned Development (PD). The property is now known as the Colorado Mesa Development. In 2010, a new Comprehensive Future Land Use Map was adopted by the City and changed the designation for this property from Mixed Use to Village Center, Residential Medium High (8 – 16 du/ac), Urban Residential Mixed Use (24+ du/ac) and Commercial/Industrial to correspond to the general areas of the different Pods identified on the approved ODP.

The ODP allows multifamily residential, commercial and industrial uses within four pods. The uses for each Pod are defined by Ordinance No. 4314 (see attached). Pod A allows only commercial and industrial uses and does not allow residential uses. Pods B and C will contain a maximum of 450,000 square feet and 115,000 square feet of commercial respectively. The overall proposed residential density of the development is 1,124 dwelling units. These multifamily units can be located within Pods B, C, and D. Pod B allows a maximum 370 dwelling units and Pod D allows a maximum 754 dwelling units. A maximum density for Pod C has not been established therefore any units located in Pod C would be subject to the maximum overall density and would have

to be subtracted from the total 1,124 units. The maximum density of Pods B, C and D is 10.9 dwelling units per acre.

The ODP was approved prior to adoption of the Comprehensive Plan. The Comprehensive Plan Future Land Use Map designations allow additional residential density on the property. To take advantage of the additional density, the applicant would have to amend the Outline Development Plan. No amendment is proposed at this time. The current Comprehensive Plan Future Land Use Map was changed to match the approved ODP for this property and the different Pod configuration, therefore the ODP is consistent with the Comprehensive Plan.

This is the applicant's second request for an extension. In 2010, the City Council approved a two-year extension through December 15, 2012. No development proposal has been submitted to date. The applicant is requesting a second extension until December 15, 2017 in the hopes the market and economy will improve and that development of the property becomes more feasible. The owner is committed to completing the project and the existing ODP will continue to provide public benefits for additional residential and commercial mixed use opportunities within the next five years (see attached letter).

The applicant is also requesting that the ODP be brought under the current 2010 Zoning and Development Code. The only major change between the zoning codes is that an applicant does not have to submit a Preliminary Plan under the current 2010 Zoning Code, because the ODP serves as the preliminary application and therefore can go right to final design. The existing ODP has sufficient detail to comply with the current ODP requirements and approval criteria as identified in the Zoning and Development Code.

The Transportation Engineering Design Standards require street stubs to adjacent properties (lots/parcels). Requirements for an outline development plan are more conceptual; details such as interior lot lines, exact location of streets, access points and internal site circulation, are not required at the ODP stage. Therefore this ODP does not show stub streets. Nonetheless, when the property develops, street stubs to adjacent properties, including but not limited to the railroad property to the north, will be required in accordance with the Zoning and Development Code.

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

The proposed ODP extension request implements the future land use designations of Village Center, Residential Medium High (8 – 16 du/ac), Urban Residential Mixed Use (24+ du/ac) and Commercial/Industrial and meets the following goals from the Comprehensive Plan:

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

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

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

The proposed mixed use development will create additional housing and commercial, light industrial opportunities identified for this area of the City by the Comprehensive Plan. The property contains 150 acres of land and is adjacent to the Riverside Parkway and could potentially help spur the current and anticipated multi-family, commercial and light industrial development identified for this area of the City, for the creation of jobs, housing and maintaining a healthy and diverse economy.

Board or Committee Recommendation:

The Planning Commission recommended approval of the requested 5 year extension for the previously approved ODP at their January 22, 2013 meeting.

Financial Impact/Budget:

None.

Legal issues:

None.

Other issues:

None.

Previously presented or discussed:

City Council approved original ODP for this application on December 15, 2008 and granted a two year extension on April 19, 2010. Consideration and First Reading of the Ordinance was held on February 6, 2013.

Attachments:

Background Information / Staff Report
Letter of Extension Request from Applicant
Location Map / Aerial Photo Map
Future Land Use Map / City and County Zoning Map
Letter from Colorado Mesa University Real Estate Foundation
Ordinance No. 4314
Previously Approved Outline Development Plan drawing
Previously Approved Buffering Design Requirement adjacent to Veteran's Cemetery
Proposed Ordinance

BACKGROUND INFORMATION					
Location:		2899 D ½ Road			
Applicant:		Owner: Colorado Mesa University Real Estate Foundation Representative: Derek Wagner, Colorado Mesa University			
Existing Land Use:		Agriculture/Vacant/CSU Facility/Electrical Lineman School			
Proposed Land Use:		Mixed Use: Residential/Commercial/Industrial			
Surrounding Land Use:	North	Vacant land – Railroad Right-of-Way			
	South	Single Family Residential and vacant land			
	East	Single Family Residential			
	West	State of Colorado Offices/Veterans Cemetery			
Existing Zoning:		PD (Planned Development)			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	I-1 (Light Industrial)			
	South	County RSF-R (Residential Single Family – Rural), County PUD (Planned Unit Development), City R-4 (Residential - 4 du/ac) City PD (Planned Development) and City C-1 (Light Commercial)			
	East	County RSF-R (Residential Single Family – Rural) and County PUD (Planned Unit Development)			
	West	CSR (Community Services and Recreation)			
Growth Plan Designation:		Village Center, Residential Medium High (8 – 16 du/ac), Urban Residential Mixed Use (24+ du/ac) and Commercial/Industrial			
Zoning within density range?		X	Yes		No

Phasing Schedule:

A Preliminary Development Plan was to be submitted within 4 years after approval of the ODP or by December 15, 2012. The Applicant is requesting that the approved schedule be extended from December 15, 2012 to December 15, 2017.

The Developer is only requesting that the submittal schedule be amended. All other conditions, criteria and standards contained within Ordinance 4314 will remain in effect.

Section 21.02.150 (e) (2) of the Zoning and Development Code states:

Outline Development Plan. The approved outline development plan may be amended only by the same process by which it was approved, except for minor amendments.....

Because the above schedule is part of the approved ODP, the ODP must be amended by the same process by which it was approved. Therefore the Developer requests that the Planning Commission forward a recommendation of approval to City Council.

PLANNING COMMISSION RECOMMENDATION:

After reviewing the Colorado Mesa University Outline Development Plan application, file number ODP-2008-154, a request for a five-year extension to the approved development schedule, the Planning Commission makes the following findings of fact and conclusions:

1. The requested Planned Development, Outline Development Plan is consistent with the Comprehensive Plan as the Comprehensive Plan Future Land Use Map was changed to match the Pod configuration of the ODP.
2. The Outline Development Plan review criteria in Section 21.02.150 (b) (2) of the Zoning and Development Code have all been met as the criteria has not changed from the previous Zoning and Development Code.
3. The Rezoning review criteria in Section 21.02.140 (a) of the Zoning and Development Code have all been met as the criteria has not changed from the previous Zoning and Development Code.



REAL ESTATE FOUNDATION

1100 North Avenue • Grand Junction, CO 81501-3122
970.248.1533 (o) • 970.248.1903 (f)

December 3, 2012

Ms. Lisa Cox, Planning Director
City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501

Dear Ms. Cox:

Thank you for taking time recently to visit with us about the status of the CMU Real Estate Foundation's property at the corner of 29 and D Roads. As you know, the City of Grand Junction has been very helpful to our organization in developing our Outline Development Plan (ODP) for the property.

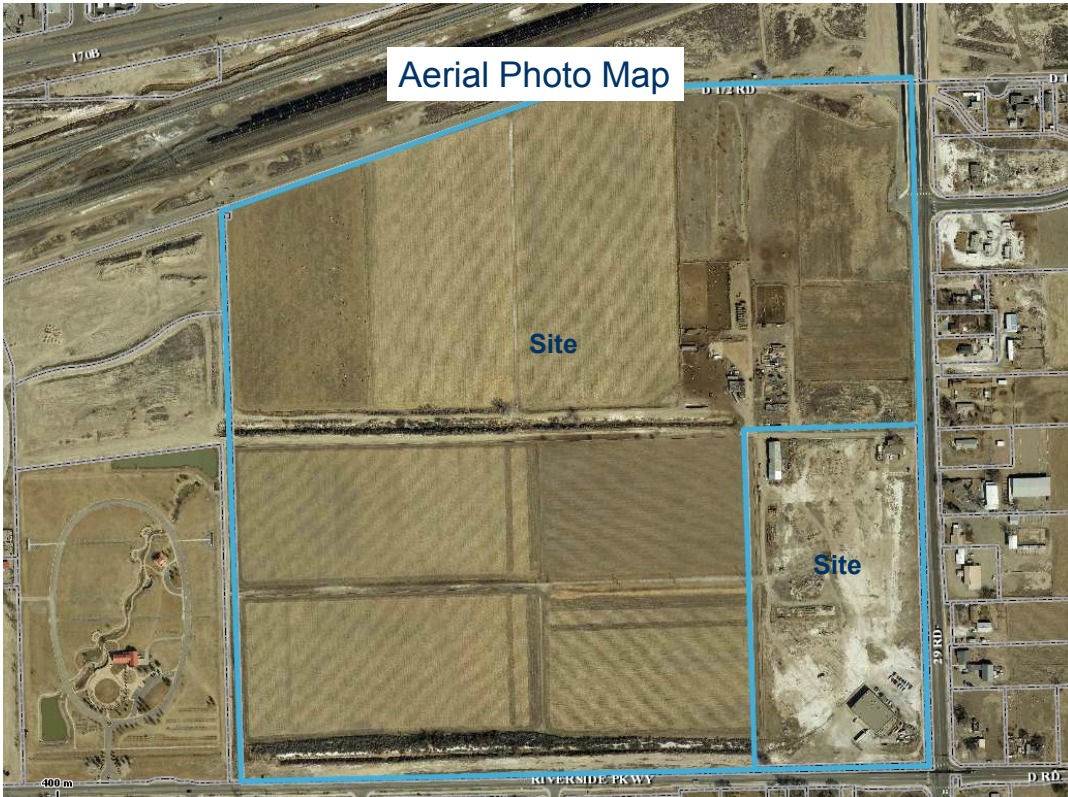
It has come to my attention that the current ODP for the property is set to expire this month. It is the sense of our Board that we would like to extend the current ODP for a period of five more years as we wait for market conditions to improve to the point that development of the property becomes feasible.

We would welcome the opportunity to visit with you about the process needed to accomplish this extension. Please coordinate with Derek Wagner at: 970-248-1553 or via e-mail at: dawagner@coloradomesa.edu.

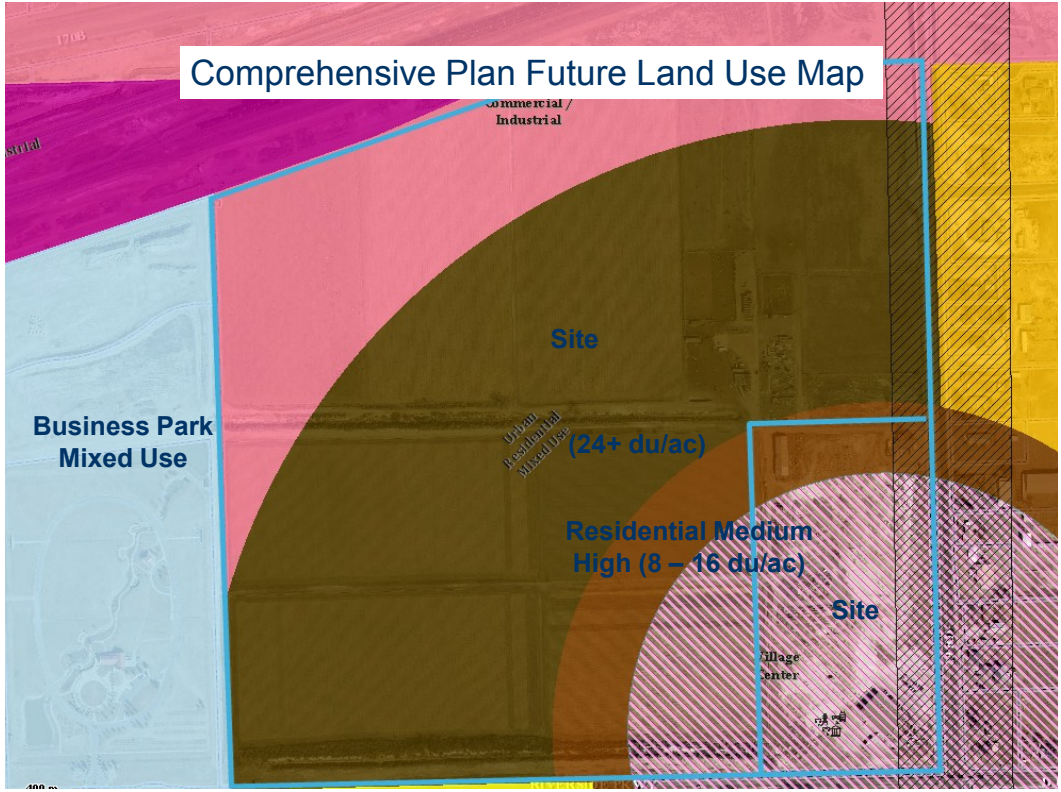
Thank you again for your assistance and I look forward to visiting with you.

Sincerely,

R. Arnold Butler, Chairman
Colorado Mesa University Real Estate Foundation



Comprehensive Plan Future Land Use Map



Existing Zoning Map





REAL ESTATE FOUNDATION

1100 North Avenue • Grand Junction, CO 81501-3122
970.248.1533 (o) • 970.248.1903 (f)

January 11, 2013

Ms. Lisa Cox, Planning Director
City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501

RECEIVED
JAN 11 2013
COMMUNITY DEVELOPMENT
DEPT.

Dear Ms. Cox:

I would like to thank you and Scott Peterson for taking time to visit with us yesterday about the issues surrounding our pending application for an extension of the Outline Development Plan (ODP) for our Foundation's property at 29 and D Roads. As always, we appreciate your open-door policy and your willingness to spend some time with us.

Based on your assurances that the only change associated with approving our extension request under the 2010 Code vs. the 2008 Code is a simplification of the process and the elimination of the need for a preliminary hearing before the Planning Commission once we come forward with an actual project, we are comfortable proceeding with an approval under the new Code.

Thank you again for your assistance and I look forward to seeing you at the Planning Commission meeting on January 22nd.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Arnold Butler".

R. Arnold Butler, Chairman
Colorado Mesa University Real Estate Foundation

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4314

AN ORDINANCE TO ZONE THE MESA STATE DEVELOPMENT TO PD (PLANNED DEVELOPMENT) ZONE, BY APPROVING AN OUTLINE DEVELOPMENT PLAN WITH A DEFAULT M-U (MIXED USE) ZONE FOR THE DEVELOPMENT OF A MIXED USE DEVELOPMENT

LOCATED AT 2899 D 1/2 ROAD

Recitals:

A request to zone 154.05 acres to PD (Planned Development) by approval of an Outline Development Plan (Plan) with a default M-U (Mixed Use) zone has been submitted in accordance with the Zoning and Development Code (Code).

This Planned Development zoning ordinance will establish the standards, default zoning (M-U) and adopt the Outline Development Plan for the Mesa State Development. If this approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards of the M-U zone district.

In public hearings, the Planning Commission and City Council reviewed the request for the proposed Outline Development Plan approval and determined that the Plan satisfied the criteria of the Code and is consistent with the purpose and intent of the Growth Plan. Furthermore, it was determined that the proposed Plan has achieved "long-term community benefits" by proposing more effective infrastructure, needed housing types and innovative design.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS ZONED TO PLANNED DEVELOPMENT WITH THE FOLLOWING DEFAULT ZONE AND STANDARDS:

- A. A certain parcel of land located in the Southeast Quarter of (SE 1/4) of Section 18, 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 Southeast corner of said Section 18 and assuming the South line of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 18 bears N89°40'51"W with all other bearings contained herein being relative thereto; thence N89°40'51"W along said South line a distance of 1319.50 feet to the Southwest corner of said SE 1/4 SE 1/4; thence N00°21'19"W along the West line of said SE 1/4 SE 1/4 a distance of 30.00 feet to a point on the North line of Riverside Parkway (also known as D Road); thence N89°37'59"W along said North line a distance of 1328.65 feet to a point on the West line of the Southwest Quarter of the Southeast Quarter (SW 1/4 SE

1/4) of said Section 18, said North line also being the North line of the Darren Davidson Annexation, City of Grand Junction, Ordinance No. 3205; thence N00°06'35"W along said West line a distance of 1288.69 feet to the Northwest corner of said SW 1/4 SE 1/4; thence N00°25'09"W along the West line of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of said Section 18 a distance of 903.48 feet to a point on the South line of the Southern Pacific Railroad Annexation, City of Grand Junction, Ordinance No. 3158; thence N73°01'14"E along said South line a distance of 1415.51 feet to a point on the North line of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of said Section 18; thence N00°15'05"E a distance of 30.00 feet; thence N89°35'13"E along a line being 30.00 feet North of and parallel with the North line of said NE 1/4 SE 1/4 a distance of 1292.57 feet; thence S00°13'55"E along the East line of said NE 1/4 SE 1/4 a distance of 1350.87 feet to the Northeast corner of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 18; thence S00°13'09"E along the East line of said SE 1/4 SE 1/4, a distance of 1321.23 feet, more or less to the POINT OF BEGINNING.

Said parcel contains 154.05 acres (6,710,387 square feet), more or less, as described.

- B. Mesa State Development Outline Development Plan is approved with the Findings of Fact and Conclusions listed in the Staff Reports dated November 10, 2008 and November 17, 2008 including attachments and Exhibits.
- C. The default zone is M-U (Mixed Use) with deviations contained within this Ordinance.
- D. Unified Development

The project should be developed in a unified manner with similar architectural styles and themes throughout. Detached trails along the arterial frontages are intended to provide for safe multi-modal transportation haven and provide access to uses within the development. These detached trails will also provide connectivity from the development to other points of interest adjacent to the subject property including the Colorado River Front trail.

- E. Purpose

The proposed development will provide for a mix of light manufacturing, office park employment centers, retail, service and multifamily residential uses with appropriate screening, buffering and open space, enhancement of natural features and other amenities such as trails, shared drainage facilities, and common landscape and streetscape character.

- F. Intensity

1. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 2.0.
2. Nonresidential minimum lot size shall be one (1) acre, except commercial lots within a retail center.
3. Maximum building size of a retail commercial use shall be 250,000 square feet.
4. Maximum overall gross residential density shall not exceed twenty-four (24) units per acre.
5. Minimum overall net residential density shall be eight (8) units per acres.
6. The minimum and maximum density shall be calculated utilizing Pods B, C and D. Individual lots or sites do not have to be density compliant.

G. Performance Standards

1. Any applicable overlay zone district and/or corridor design standards and guidelines shall apply, unless otherwise approved by the City, to encourage design flexibility and coordination of uses.
2. Loading docks and trash areas or other service areas when located in the side or rear yards must be screened from adjacent right-of-ways with either a wall or landscaping. Front façade loading docks shall be recessed a minimum of 20 feet behind the front façade of the building.
3. Vibration, Smoke, Odor Noise, Glare, Wastes, Fire Hazards and Hazardous Materials. No person shall occupy, maintain or allow any use in an M-U zone without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials.
 - a. Vibration: Except during construction or as authorized by the City, activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel shall not be permitted.
 - b. Noise: The owner and / or occupant shall regulate uses and activities on a lot so that the Day-Night Average Sound Level does not exceed sixty-five decibels (65 dB) at any point along the property line. This sound level is not intended apply to limited periods of landscape maintenance activity for the subject property.
 - c. Glare: Lights, spotlights, high temperatures processes or otherwise, whether direct or reflected, shall not be visible from any other lot, parcel or any right-of-way.

- d. Solid and Liquid Waste: All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor(s). Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
- e. Hazardous Materials: Information and materials to be used or located on the site whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including the site plan. Such information regarding the activity shall be provided to the Director at the time of any proposed change, use or expansion, even for existing uses.
- f. Outdoor Storage and Display: Outdoor storage and permanent display areas shall only be located in the rear half of the lot beside or behind the principal structure. Portable display or retail merchandise may be permitted as provided in Chapter four of the Zoning and Development Code.

H. Pod Character

The property will be developed into three distinct areas within the development that have a character similar to the following uses:

1. Pod A – Light Industrial (Commercial is allowed)
2. Pods B and C – Commercial (Multifamily residential is allowed)
3. Pod D – Multifamily Residential (Ground floor commercial is allowed)

I. Authorized Uses

1. The list of authorized uses allowed within the M-U zone is hereby amended to include and exclude the following. The following uses are allowed without the need for approval of a conditional use permit.

a) POD A – LIGHT INDUSTRIAL

- 1) All other community service
- 2) Golf Driving Ranges
- 3) Utility Basic (indoor or outdoor)
- 4) General Offices
- 5) Office with Drive-through
- 6) Commercial Parking
- 7) Skating Rink
- 8) Shooting Range, Indoor
- 9) All other indoor recreation

- 10) Animal Care / Boarding / Sales, Indoor
- 11) Delivery and Dispatch Services
- 12) Fuel Sales, automotive/appliance
- 13) General Retail Sales, outdoor operations, display and storage
- 14) Landscaping Materials Sales/Greenhouse/Nursery
- 15) All other sales and services
- 16) Auto and Light Truck Mechanical Repair
- 17) Body shop
- 18) Car wash
- 19) Gasoline Service Station
- 20) Quick Lube
- 21) All other vehicle service, limited
- 22) Indoor Operations and Storage
 - i. Assembly
 - ii. Food Products
 - iii. Manufacturing/Processing
- 23) Indoor Operations with Outdoor Storage
 - i. Assembly
 - ii. Food Products
 - iii. Manufacturing/Processing
- 24) Outdoor Operations and Storage
 - i. Assembly
 - ii. Food Products
 - iii. Manufacturing/Processing
- 25) Contractors and Trade Shops
- 26) Indoor operations and outdoor storage (heavy vehicles)
- 27) Warehouse and Freight Movement
- 28) Indoor Storage with Outdoor Loading Docks
 - i. Outdoor Storage or Loading
- 29) Sand or Gravel Storage
- 30) Wholesale Sales – allowed
 - i. Wholesale Business
 - ii. Agricultural Products
 - iii. All other Wholesale Uses
- 31) Telecommunications Facilities

b) PODS B & C – COMMERCIAL

- 1) Community Service
- 2) Cultural Uses
- 3) Multi-family residential
- 4) General Day Care
- 5) Entertainment Event,
 - i. Indoor Facilities
 - ii. Outdoor Facilities
- 6) Hotels / Motels
- 7) General Offices

- 8) Office with drive-through
- 9) Commercial Parking
- 10) Health Club
- 11) Movie Theater
- 12) Skating Rink
- 13) Arcade
- 14) Bar / Nightclub
- 15) Alcohol Sales
- 16) Drive-through Uses (restaurants)
- 17) Drive-through Uses (retail)
- 18) Food Service, Catering
- 19) Food Service, Restaurant (including alcohol sales)
- 20) Farmers Market
- 21) General Retail Sales, Indoor Operations, display and storage
- 22) Gasoline Service Station
- 23) Repair, small appliance
- 24) Repair, large appliance
- 25) Personal Service
- 26) All other retails sales and service
- 27) Utility Service Facilities (underground)
- 28) All other Utility, Basic
- 29) Transmission Lines, (above ground)
- 30) Transmission Lines, (underground)

c) POD D – RESIDENTIAL

- 1) Multifamily residential
- 2) Non-residential uses are limited to a combined total of 10,000 square feet in POD D.
 - i. Large Group Living Facilities
 - ii. Unlimited Group Living Facilities
 - iii. General Day Care
 - iv. Bar / Nightclub
 - v. Food Service, Restaurant (including alcohol sales)
 - vi. Farmers Market
 - vii. General Retail Sales, Indoor Operations, display and storage

d) Restricted Uses

The uses below are not allowed within any of the Pods.

- 1) Cemetery
- 2) Golf Course
- 3) Religious Assembly
- 4) Funeral Homes/Mortuaries/Crematories
- 5) Schools – Boarding, Elementary, Secondary
- 6) Transmission Lines (above ground)

- 7) Bed and Breakfast (1 – 3 guest rooms)
- 8) Bed and Breakfast (4 or more guest rooms)
- 9) Amusement Park
- 10) Miniature Golf
- 11) All other outdoor recreation
- 12) Adult Entertainment
- 13) Farm Implement / Equipment Sales / Service
- 14) Fuel Sales, heavy vehicle
- 15) Mini warehouse
- 16) Agriculture
- 17) Winery
- 18) Aviation
- 19) Helipads

J. Dimensional Standards

Minimum Lot Area	
Pod A	1 acre minimum
Pods B and C	No minimum when part of a retail center 1 acre when stand alone
Pod D	No minimum

Minimum Lot Width	
Pod A	100' Minimum
Pods B and C	No minimum when part of a retail center 100' when stand alone use
Pod D	No minimum

Minimum Street Frontage	
Pod A	100' Minimum
Pods B and C	No minimum when part of a retail center 100' when stand alone use
Pod D	No minimum

Pod A Minimum Setbacks	Principle Structure / Accessory Structure
Front	15' / 25'
Side	5' / 5'
Rear	25' / 5' ^a

Pods B and C Minimum Setbacks	Principle Structure / Accessory Structure
Front	15' / 25'
Side	0' / 0'
Rear	10' / 10'

Pod D Minimum Setbacks	Principle Structure / Accessory Structure
Front	15' / 20'
Side	5' / 3'
Rear	10' / 5'

Maximum Lot Coverage	
Pod A	N/A
Pods B and C	N/A
Pod D	N/A

Maximum FAR	
Pod A	2.0 FAR
Pods B and C	2.0 FAR
Pod D	N/A

Maximum Height	
Pod A	40'
Pods B and C / Mixed Use Buildings	40'/65'
Pod D	65'

1. Footnotes: The applicable footnotes in Table 3.2 of the Zoning and Development Code shall be referenced including the following:
 - a. A 50 foot wide building setback is required along the western property line of the development adjacent to the Department of Military and Veterans Affairs Cemetery.

K. Other Regulations

1. Fencing: A fence is required along the western most boundary of the property (adjacent to the Department of Military and Veterans Affairs Cemetery).
2. Construction Cessation: During military funerals, services or veterans ceremonies, construction on any and all projects will cease until these funerals, service or ceremonies have ended. Each general contractor will contact the Department of Military and Veterans Affairs to work out details for construction cessation during the requested periods of time.
3. Landscape Buffer:
 - a. A 25 foot wide landscape buffer, including a six (6) foot fence, is required along the western property line of the development. The landscape buffer will count towards the overall landscape requirements of each site.

- b. A 50 foot wide building setback is required along the western property line of the development adjacent to the Department of Military and Veterans Affairs Cemetery.
4. Parking per Section 6.6 of the Zoning and Development Code with the following modifications:
 - a. Commercial – Per Shopping Center Calculations (1 parking space per every 250 square feet of gross floor area).
 - b. Mixed-use structures – parking calculated per use per floor of structure (Shopping center parking calculation can be used for ground floor commercial uses at 1 parking space per every 250 square feet of gross floor area).
5. Landscaping shall meet Section 6.5 of the Zoning and Development Code.
6. Buildings shall meet Section 4.3 M. of the Zoning and Development Code.
7. Sign Regulations shall meet Section 4.2 with the following exceptions:
 - a. Freestanding signs shall be limited to monument type signage.
 - b. Freestanding signs shall not exceed 8' in height – sign face calculated per Section 4.2.
 - c. Only one freestanding monument sign shall be allowed at each intersection along Riverside Parkway and 29 Road.
 - d. A sign package will be required as part of each Preliminary Development Plan.
8. Hours of Operation:
 - a. Pod A – unrestricted
 - b. Pods B and C – unrestricted
 - c. Pod D – non-residential uses shall be restricted from 5 am to 11 pm.
9. Mixed-Use Development
 - a. The maximum residential densities within Pod C shall not exceed twenty-four (24) dwelling units per acre, minus (1) dwelling unit per 2,000 square feet of nonresidential development or portion thereof. In Pod C, residential uses shall not constitute more than seventy-five percent (75%) of the total

floor area. In no case shall the total number of dwelling units in Pod C exceed 370 dwelling units.

- b. The total number of residential dwelling units on the project shall not exceed 24 dwelling units per acre.
- c. Mixed-use development in Pod D shall not exceed the plan density minus one (1) dwelling unit per 1,000 square feet of nonresidential development or portion thereof. No more than ten percent (10%) of the land area may be dedicated to commercial uses.
- d. Multifamily residential development in Pod D is eligible for density bonuses pursuant to Chapter 3.6.B.10.

10. Definitions

- a. Mixed-use structure: Any mix of residential and nonresidential uses in the same building.

INTRODUCED on first reading on the 1st day of December, 2008 and ordered published.

ADOPTED on second reading this 15th day of December, 2008.

ATTEST:

/s/: Gregg Palmer
President of the Council

/s/: Stephanie Tuin
City Clerk

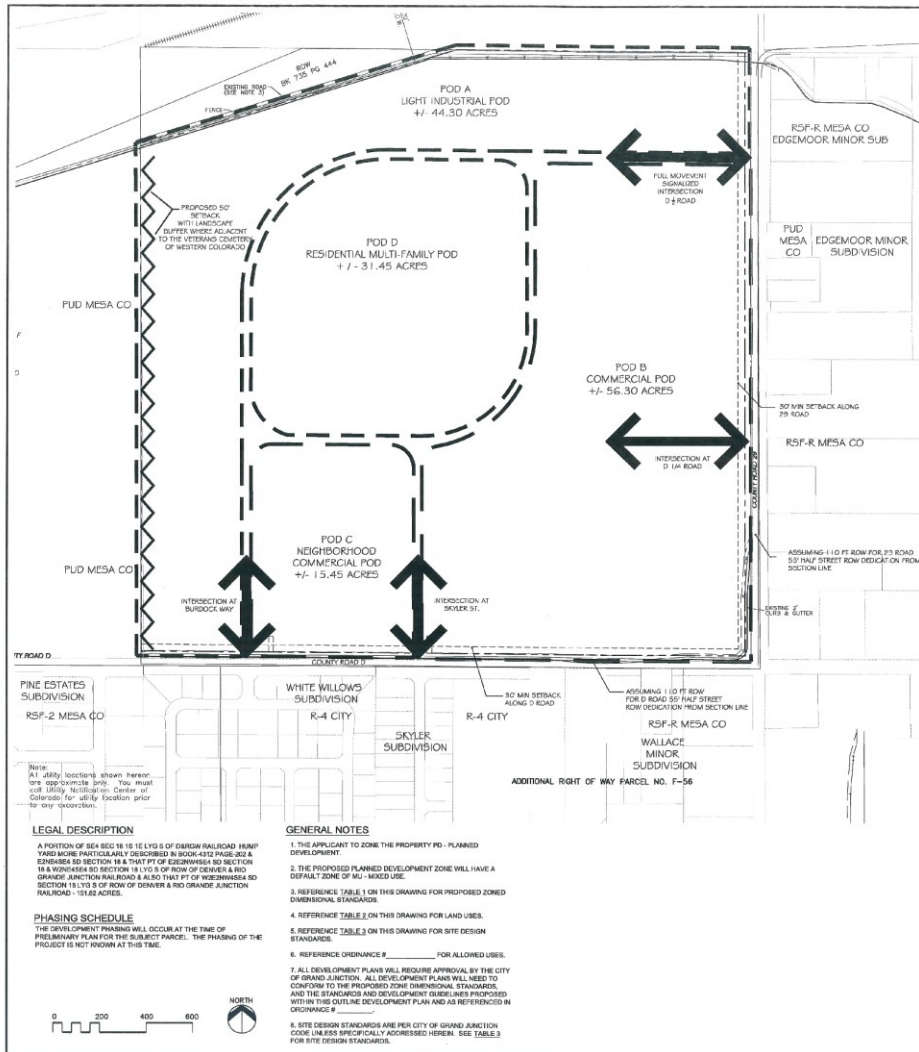


TABLE 1
PROPOSED ZONE DIMENSIONAL STANDARDS (Table 3.2 ZDC)

POD	DEFAULT ZONING DISTRICT	MIN LOT SIZE (SQ. FT.)	MIN STREET FRONTAGE (FT.)	MIN FRONT SETBACK (FT.)	MIN SIDE SETBACK (FT.)	MIN REAR SETBACK (FT.)	MIN MAX. LOT COVERAGE (%)	MIN MAX. F.A.R. (%)	MIN MAX. HEIGHT (FT.)	
POD A	MU	1 AC	100	N/A	15/25	5/5	25/5	N/A	2.0	40'
POD B	MU	N/A	N/A	N/A	15/25	0/0	10/0	N/A	2.0	40'/60'
POD C	MU	N/A	N/A	N/A	15/25	0/0	10/0	N/A	2.0	40'/60'
POD D	MU	N/A	N/A	N/A	15/20	0/3	10/5	80%	N/A	60'

- (1) PRINCIPAL / ACCESSORY BUILDING
- (2) NON-RESIDENTIAL BUILDINGS SHALL BE SETBACK A MINIMUM OF 30' FROM THE RIGHT-OF-WAY OF 39 ROAD AND D ROAD
- (3) NON-RESIDENTIAL BUILDINGS SHALL BE SETBACK A MINIMUM OF 10' FROM THE RIGHT-OF-WAY OF ALL NON-ARTERIAL STREETS.
- (4) UNDERGROUND PARKING OR PARKING UNDER BUILDINGS IS EXCLUDED FROM MAX. F.A.R. CALCULATIONS.
- (5) IN COMMERCIAL PODS A COMMERCIAL USE BUILDING HEIGHT CAN BE LESS THAN OR EQUAL TO 40' IN HEIGHT. A MIXED-USE BUILDING IN COMMERCIAL PODS CAN BE LESS THAN OR EQUAL TO 60' IN HEIGHT. A MULTI-FAMILY RESIDENTIAL BUILDING IN ANY POD CAN BE LESS THAN OR EQUAL TO 60' IN HEIGHT.
- (6) REAR YARD SETBACKS IN POD D THAT ARE LOCATED ALONG THE WESTERN PROPERTY LINE ADJACENT TO THE VETERANS CEMETERY OF WESTERN COLORADO SHALL BE FIFTY FEET (50').

TABLE 2
LAND USE TABLE

LAND USE	AREA	% OF SITE	USES	ESTIMATED INTENSITY/DENSITY
INDUSTRIAL				
POD A	± 44.30 ACRES	29%	LIGHT INDUSTRIAL	N/A
COMMERCIAL				
POD B	± 56.30 ACRES	37%	RETAIL/GEN/RESTAURANT ALL 3 FAMILY DWELLINGS	± 450,000 SQ FEET
POD C (1)	± 15.45 ACRES	10%	RETAIL/GEN/RESTAURANT ALL 3 FAMILY DWELLINGS	± 150,000 SQ FEET / RESIDENTIAL DENSITY RANGE 40-140 PER ACRE (100 TO 375 DWELLING UNITS)
RESIDENTIAL (2)				
POD D (1)	± 31.45 ACRES	20%	MULTI-FAMILY DWELLINGS WITH 15-20 UNITS PER LOT / RETAIL/GEN/RESTAURANT ALL 3 FAMILY DWELLINGS	RESIDENTIAL DENSITY RANGE ALLOWING BETWEEN 28 TO 250 DWELLING UNITS PER ACRE UP TO 6000 SQ FEET OF GROUND USE / COMMERCIAL USE IN AUTO-USE BUILDINGS
ARTERIAL RIGHT OF WAYS	± 6.88 ACRES	4%	N/A	N/A
GROSS SITE AREA	± 164.88 ACRES	100%	100%	100%

- NOTE (1) NON-RESIDENTIAL INTENSITY CAN BE CONVERTED TO RESIDENTIAL DENSITY. SEE ORDINANCE FOR DETAILS OR CONVERSION RATES.
- NOTE (2) DEVELOPMENT DENSITY: MINIMUM OF 8 DWELLING UNITS PER ACRE AND A MAXIMUM OF 24 DWELLING UNITS PER ACRE FOR PODS WITH RESIDENTIAL USES ALLOWED. DENSITY CAN BE AVERAGE ACROSS THE PODS.
- NOTE (3) THE MAXIMUM NUMBER OF RESIDENTIAL UNITS ALLOWED ON THE PROPERTY IS 1124.
- NOTE (4) ADDITIONAL COMMERCIAL SQUARE FOOTAGE CAN BE CONSTRUCTED WITHIN PODS B AND C IF IT CAN BE ACCOMMODATED BY ADJACENT ARTERIAL STREETS. THE TRAFFIC IMPACT STUDY SHALL ADDRESS ANY ADDITIONAL COMMERCIAL SQUARE FOOTAGE REQUEST.

TABLE 3
SITE DESIGN STANDARDS

- (1) THE DESIGN REVIEW COMMITTEE MUST APPROVE ALL ARCHITECTURE PRIOR TO SUBMITTAL TO THE CITY OF GRAND JUNCTION.
- (2) IN PODS B AND C ALL ROOF TOP AND GROUND MOUNTED MECHANICAL AND HVAC EQUIPMENT SHALL BE SCREENED FROM ON-SITE PARKING LOTS.
- (3) ALL UTILITY METERS AND ABOVE GROUND MECHANICAL EQUIPMENT SHALL BE PAINTED THE SAME COLOR AS THE BUILDING OR BLENDED FROM VIEW.
- (4) IN POD D ALL HVAC EQUIPMENT LOCATED ON THE GROUND SHALL BE SCREENED FROM VIEW. LATTICE OR PLANT MATERIAL IS A SUFFICIENT SCREEN.
- (5) UNIFIED DEVELOPMENT
- (6) THE PROJECT SHALL BE DEVELOPED IN A UNIFIED MANNER WITH SIMILAR ARCHITECTURAL STYLES AND THEMES THROUGHOUT. DETACHED TRAILS ALONG THE ARTERIAL FRONTAGES ARE INTENDED TO PROVIDE A SAFE MULTIMODAL TRANSPORTATION HAVEN AND PROVIDE ACCESS WITHIN THE DEVELOPMENT. THESE DETACHED TRAILS WILL ALSO PROVIDE CONNECTIVITY FROM THE DEVELOPMENT TO OTHER PORTALS OF INTEREST ADJACENT TO THE SUBJECT PROPERTY INCLUDING THE COLORADO RIVER FRONT TRAIL.
- (7) SIDE AND REAR YARD LOADING AREAS SHALL BE SCREENED FROM VIEW FROM ARTERIAL ROADWAYS. FRONT FACADE LOADING DOCKS SHALL BE RECEIVED A MINIMUM OF 20' BEHIND THE FRONT FACADE OF THE BUILDING.
- (8) AN OPEN 8X FOOT (8') FENCE IS REQUIRED ALONG THE WESTERN BOUNDARY PROPERTY LINE OF POD D WHERE ADJACENT TO VETERANS CEMETERY OF WESTERN COLORADO.

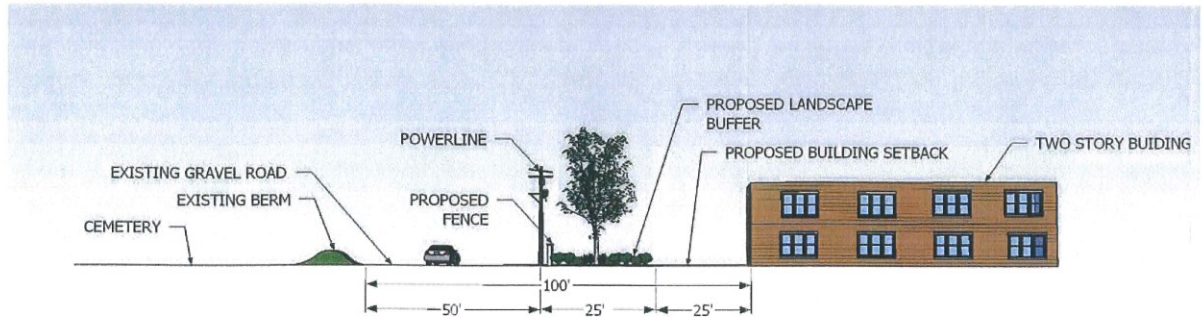
MESA STATE COLLEGE
REAL ESTATE FOUNDATION
29 & D ROAD MIXED-USE DEVELOPMENT

DRAWN BY: J.C.
CHECKED: T.C.
JOB NO.: 8729
DATE: 08-21-20
REVISIONS:
08-18-20 Comments
11-03-20 Comments
12-30-20 Comments
DRAWING NO.: 0729_15-30-08

SHEET NO.: 1
STATUS:
● DDP & REZONE
○ PRELIMINARY PLAN
○ FINAL PLAN

OUTLINE
DEVELOPMENT
PLAN

CIAVONNE ROBERTS & ASSOC., INC.
LANDSCAPE AND PLANNING ARCHITECTS
222 NORTH 7TH STREET
GRAND JUNCTION, CO 81501
PH: 970-241-0745
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EMAIL: info@ciavonne.com



PREFERRED OPTION

DRAWN BY	AS
CHECKED	JC
JOB NO.	5000
DATE	8-10-08
REVISIONS	

MSC FOUNDATION
GRAND JUNCTION, COLORADO



MSC FOUNDATION
GRAND JUNCTION,
COLORADO

PRELIMINARY
SUBMITTAL

SHEET NO.

L01

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

AN ORDINANCE AMENDING ORDINANCE NO. 4314 ZONING THE COLORADO MESA UNIVERSITY DEVELOPMENT TO PD (PLANNED DEVELOPMENT) TO EXTEND THE DEVELOPMENT SCHEDULE UNTIL DECEMBER 15, 2017

LOCATED AT 2899 D 1/2 ROAD

Recitals:

On December 15, 2008 the City Council approved Ordinance No. 4314 zoning 154.05 +/- acres known as the Mesa State Development to PD (Planned Development) with an Outline Development Plan (ODP) (Plan) and a default M-U (Mixed Use) zone district. The property is now known as the Colorado Mesa University Development. On April 19, 2010 the City Council approved Ordinance 4421 to extend the development schedule for an additional two years through December 15, 2012.

Ordinance No. 4314 is referred to and incorporated by reference the "Findings of Fact and Conclusions" listed in the Planning Commission staff report dated November 10, 2008 and City Council staff report dated November 17, 2008 including attachments and exhibits. One of the findings of fact and conclusions in the staff reports was a development schedule for the project.

Due to the downturn in the economy and the applicant's desire to delay the project, the applicant has requested that the development schedule for the project be amended. The applicant also desires to bring the adopted ODP under the 2010 Zoning and Development Code.

Planning Staff and the Planning Commission have reviewed the applicant's request to extend the development schedule for an additional five years, to wit, to and through December 15, 2017, and supports the request.

All other aspects of Ordinance No. 4314 shall remain in effect.

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

The development schedule approved by reference in Ordinance No. 4314 is amended to provide for and allow an additional five (5) years to December 15, 2017 for the development of the project/land described in said Ordinance. The existing ODP shall also be subject to the 2010 Zoning and Development Code.

All other approvals made by and in accordance with Ordinance No. 4314 shall remain the same.

INTRODUCED on first reading on the 6th day of February, 2013 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2013 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Attach 12

CITY COUNCIL AGENDA ITEM

Date: February 7, 2013
Author: Scott D. Peterson
Title/ Phone Ext: Senior Planner/1447
Proposed Schedule: (1st Reading): January 16, 2013 and February 6, 2013
2nd Reading: February 20, 2013
File #: ANX-2012-518

Subject: Feuerborn Annexation and Zoning, Located at 2902 and 2906 D Road
Action Requested/Recommendation: Adopt a Resolution Accepting the Petition for the Feuerborn Annexation, Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Annexation and Zoning Ordinances
Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

A request to annex and zone 2.69 acres, located at 2902 and 2906 D Road. The Feuerborn Annexation consists of two parcels, including portions of the 29 Road and D Road rights-of-way. The total annexation area contains 3.40 acres of which 0.71 acres or 30,826 sq. ft. is right-of-way. The requested zoning for the 3.40 acre Feuerborn Annexation is a C-1 (Light Commercial) zone district.

Background, Analysis and Options:

The two properties requesting annexation into the City are located at 2902 and 2906 D Road. The properties have recently been sold and are anticipated to be developed as a Maverik convenience store in the near future. The property owners have requested annexation into the City and a zoning of C-1, (Light Commercial). Under the 1998 Persigo Agreement with Mesa County all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation and processing in the City.

Under the 1998 Persigo Agreement, the City shall zone newly annexed areas with a zone that is either identical to current County zoning or with a zone that implements the City’s Comprehensive Plan Future Land Use Map. The proposed zoning of C-1 (Light Commercial) implements the Comprehensive Plan Future Land Use Map which has designated the properties as Village Center.

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

The proposed Annexation and Zoning meets with Goals 1, 3, and 12 of the Comprehensive Plan by implementing land use decisions that are consistent with the Comprehensive Plan designation of Village Center by the creation of “centers” throughout the community that provide services and commercial areas. The proposed zoning will also provide appropriate commercial development opportunities.

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

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

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

The proposed zoning will provide the opportunity for a range of commercial development that supports the Comprehensive Plan designation of Village Center. The Village Center is intended to provide a broad mix of commercial and higher density residential land uses such as those allowed by the C-1 zone district.

Board or Committee Recommendation:

The Planning Commission recommended approval of the requested Zone of Annexation at their January 22, 2013 meeting.

Financial Impact/Budget:

None.

Legal issues:

None.

Other issues:

N/A.

Previously presented or discussed:

Resolution Referring the Petition for Annexation was adopted on January 16, 2013. First Reading of the Zoning Ordinance was February 6, 2013.

Attachments:

1. Staff Report/Background Information
2. Annexation – Site Location Map / Aerial Photo Map
3. Comprehensive Plan Future Land Use Map / Existing City and County Zoning Map
4. Acceptance Resolution
5. Annexation Ordinance
6. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION

Location:		2902 and 2906 D Road			
Applicants:		Maverik, Inc., Owners Don Lilyquist, Maverik, Inc., Representative			
Existing Land Use:		Single-family detached home and vacant land			
Proposed Land Use:		Maverik convenience store			
Surrounding Land Use:	North	Single-family detached home			
	South	Single-family detached home large acreage			
	East	Single-family detached home			
	West	Colorado Mesa University owned property, large acreage			
Existing Zoning:		RSF-R, (Residential Single Family – Rural) (County)			
Proposed Zoning:		C-1, (Light Commercial)			
Surrounding Zoning:	North	RSF-R, (Residential Single Family – Rural) (County)			
	South	RSF-R, (Residential Single Family – Rural) (County)			
	East	RSF-R, (Residential Single Family – Rural) (County)			
	West	PD, (Planned Development) (City)			
Future Land Use Designation:		Village Center and Mixed Use Corridor along 29 Road			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 3.40 acres of land and is comprised of two parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement with Mesa County all proposed development within the Persigo Wastewater Treatment Facility 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 Feuerborn 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>ANNEXATION SCHEDULE</u>	
January 16, 2013	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
January 22, 2013	Planning Commission considers Zone of Annexation
February 6, 2013	Introduction of a Proposed Ordinance on Zoning by City Council
February 20, 2013	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
March 24, 2013	Effective date of Annexation and Zoning

FEUERBORN ANNEXATION SUMMARY		
File Number:		ANX-2012-518
Location:		2902 and 2906 D Road
Tax ID Number:		2943-173-00-136 and 2943-173-00-099
# of Parcels:		2
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		1
Acres land annexed:		3.40
Developable Acres Remaining:		2.69
Right-of-way in Annexation:		0.71
Previous County Zoning:		RSF-R, (Residential Single Family – Rural)
Proposed City Zoning:		C-1, (Light Commercial)
Current Land Use:		Single-family detached and vacant land
Future Land Use:		Maverik convenience store
Values:	Assessed:	\$5,480
	Actual:	\$65,420
Address Ranges:		2902 and 2906 D Road
Special Districts:	Water:	Ute Water Conservancy District
	Sewer:	Persigo 201
	Fire:	Grand Junction Fire
	Irrigation/Drainage:	Grand Valley Irrigation Company/ Grand Valley Drainage District
	School:	District 51
	Pest:	N/A

ZONE OF ANNEXATION:

Section 21.02.140 (a) of the Grand Junction Zoning and Development Code:

Zone of Annexation: The requested zone of annexation to the C-1 (Light Commercial) zone district is consistent with the Comprehensive Plan Future Land Use Map designation of Village Center. The existing County zoning is RSF-R (Residential Single Family - Rural). Section 21.02.160 (f) of the Grand Junction Zoning and Development Code states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. Generally, future development should be at a density equal to or greater than the allowed density of the applicable County zoning district.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Grand Junction Zoning and Development Code must be made per Section 21.02.140 (a) as follows:

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

Subsequent events have not invalidated the original premises and findings. The requested annexation is triggered by the Persigo Agreement between Mesa County and the City of Grand Junction in anticipation of development. The Persigo Agreement states that new development requires annexation of land from unincorporated Mesa County into the City prior to development. Through the zone of annexation the City will apply a zone district that implements the Comprehensive Plan Future Land Map designation of Village Center. The property owner wishes to develop the two properties in the near future for a commercial use which is appropriate development for the Village Center land use designation.

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

The applicant is requesting a zone district that will implement the Comprehensive Plan Future Land Use Map designation of Village Center. The Village Center anticipates a mix of uses to provide a broad range of commercial uses and higher density residential uses. The character or conditions of the area near the intersection of 29 Road and Riverside Parkway/D Road will change in the future as more properties begin to annex and develop with a mix of commercial and high density residential uses that are anticipated by the Comprehensive Plan Village Center. The existing land uses of large acreage, single-family detached homes are not supported by the Comprehensive Plan.

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

Adequate public and community facilities and services are available, or could be provided at the time of development, to serve the range of allowed commercial and residential uses that are anticipated by the Comprehensive Plan. Ute Water and City Sanitary Sewer facilities are presently located in D Road and 29 Road. The existing street and road network support high traffic commercial land uses as anticipated by the Comprehensive Plan and allowed in the proposed zone district.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

There is an inadequate supply of suitably designated land in this area to meet the commercial and high density residential development anticipated by the

Comprehensive Plan (Village Center). The request to zone the subject property C-1 is consistent with the Village Center land use designation.

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

The requested zoning supports the following goals of the Comprehensive Plan:

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

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

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

The community will derive benefits from the proposed zoning by implementing land use decisions that are consistent with, and support, the Comprehensive Plan by the creation of “centers” throughout the community that provide services and commercial areas. The proposed zoning will provide the opportunity for a range of commercial development that supports the Comprehensive Plan designation of Village Center. The Village Center is intended to provide a broad mix of commercial and higher density residential land uses such as those allowed by the C-1 zone district.

Alternative zone district options. In addition to the C-1 zone district, the following zone districts would also implement the Comprehensive Plan designation of Village Center:

- a. B-1, (Neighborhood Business)
- b. MXG, (Mixed Use General – 3, 5)
- c. M-U (Mixed Use)
 - d. R-8, (Residential – 8 du/ac)
 - e. R-12, (Residential – 12 du/ac)
 - f. R-16, (Residential – 16 du/ac)
 - g. R-24, (Residential – 24 du/ac)
 - h. R-O, (Residential Office)
 - i. MXR – (Mixed Use Residential – 3, 5)
 - j. MXS – (Mixed Use Shop – 3, 5)

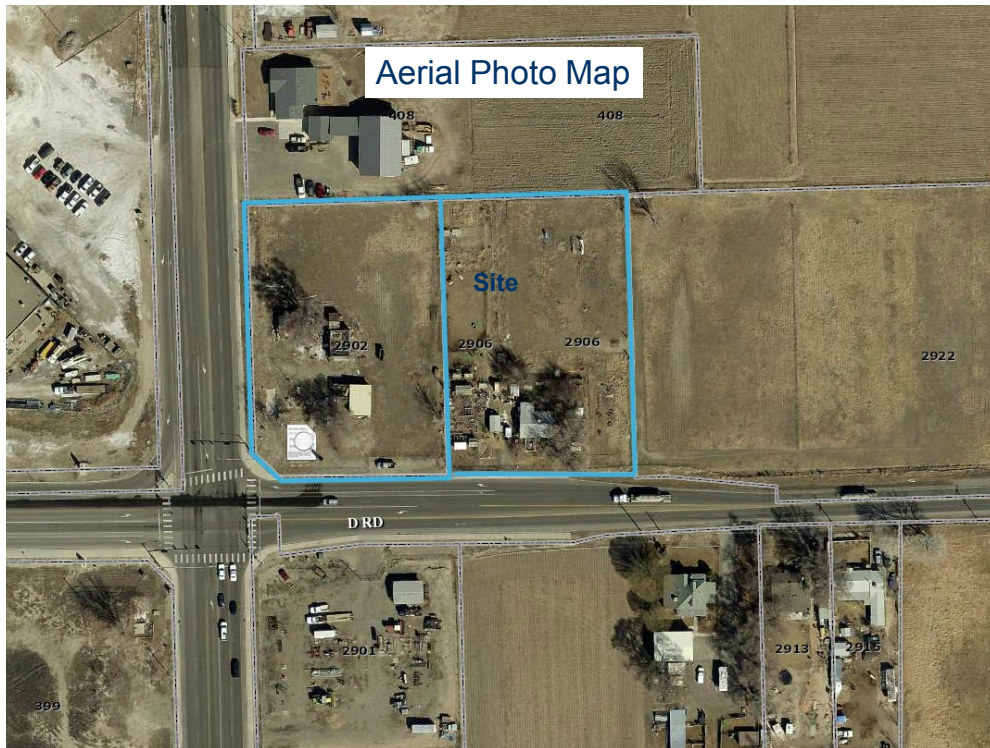
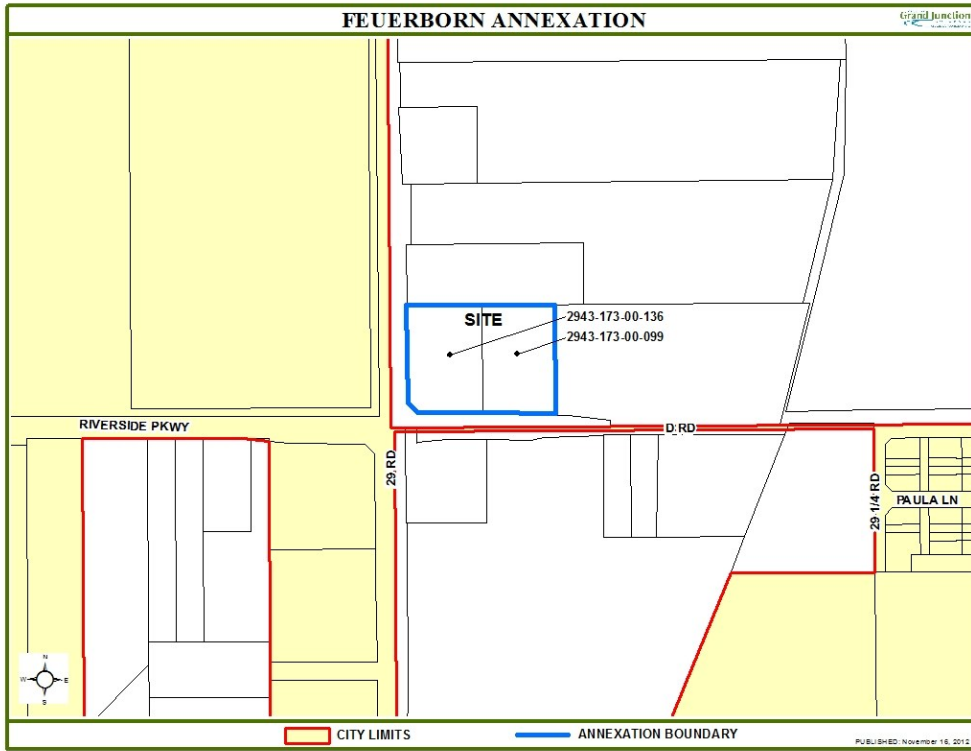
Options d through j are zone districts that implement the Village Center designation, however they do not permit the type of proposed commercial land use that is permitted in the C-1, B-1, MXG 3,5 or MU zone districts.

If the City Council chooses to approve an alternative zone designation, specific alternative findings must be made as to why the City Council is choosing an alternative zone designation.

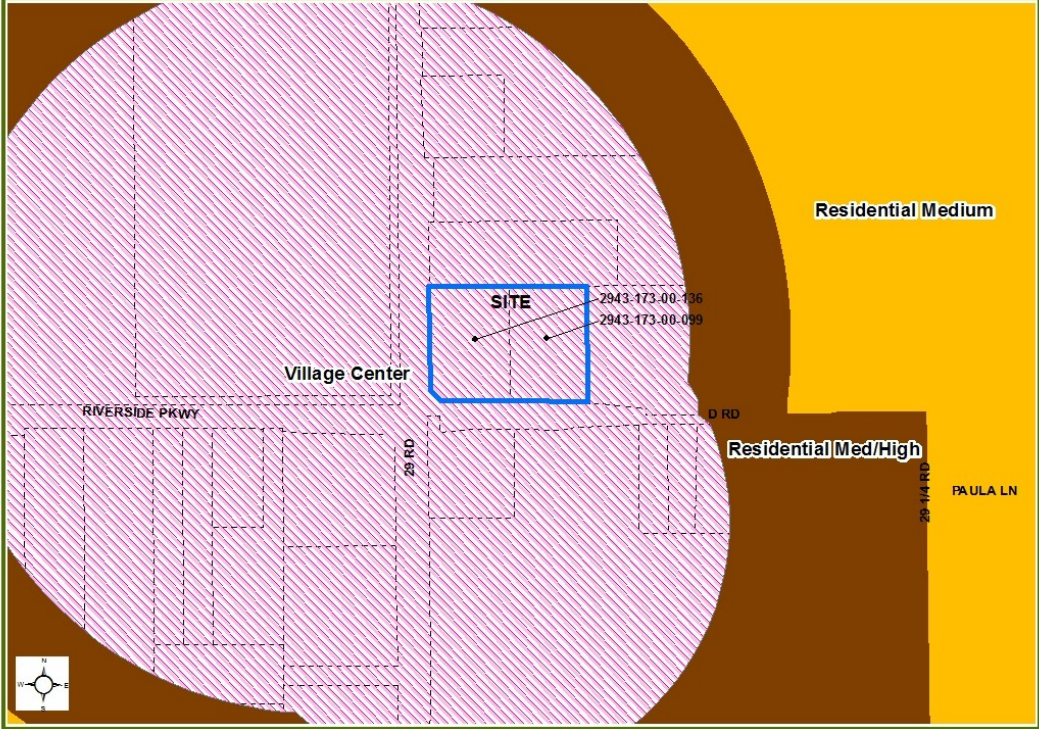
PLANNING COMMISSION RECOMMENDATION:

After reviewing the Feuerborn Annexation, ANX-2012-518, for a Zone of Annexation, the Planning Commission made the following findings of fact and conclusions:

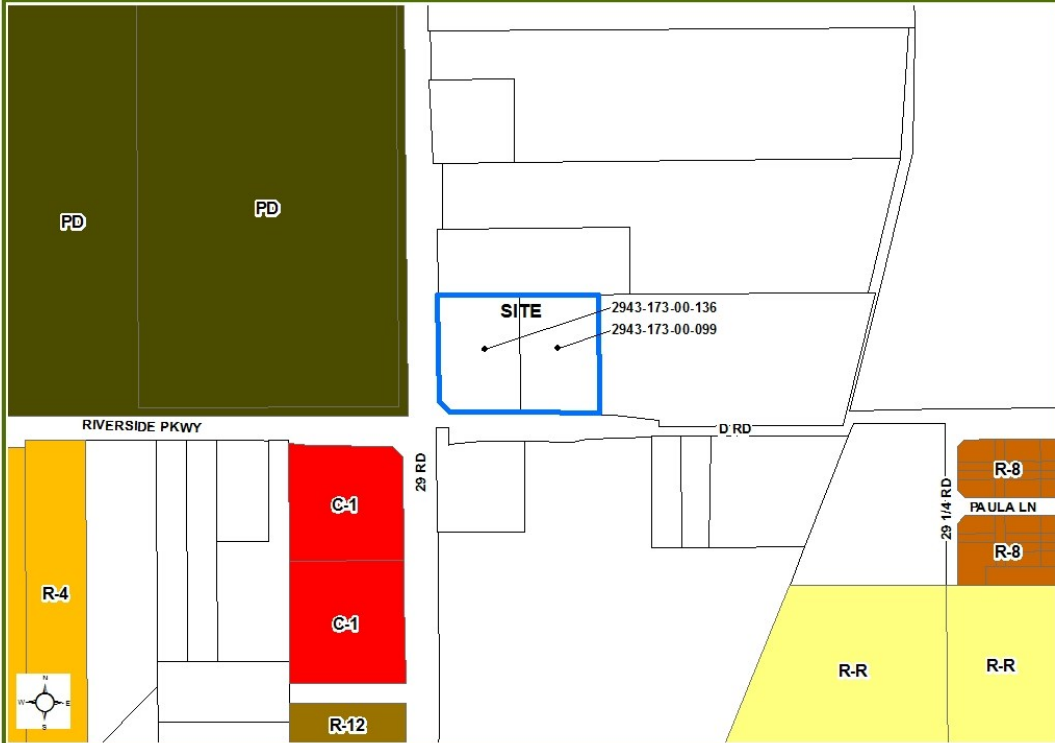
4. The requested zone district of C-1 (Light Commercial) is consistent with the goals and policies of the Comprehensive Plan and implements the Village Center land use designation.
5. The review criteria in Section 21.02.140 (a) of the Grand Junction Zoning and Development Code have all been met for items (2) through (5). Item number (1) of the review criteria has not been met for this application.



FEUERBORN ANNEXATION: FUTURE LAND USE



FEUERBORN ANNEXATION: ZONING



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE
FEUERBORN ANNEXATION**

**LOCATED AT 2902 AND 2906 D ROAD AND INCLUDING PORTIONS OF THE
29 ROAD AND D ROAD RIGHTS-OF-WAY**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 16th day of January, 2013, a petition was submitted 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:

FEUERBORN ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 17, 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 Southwest corner of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian and assuming the West line of the SW 1/4 SW 1/4 of said Section 17 bears S 00°13'10" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°13'10" W along the West line of the SW 1/4 SW 1/4 of said Section 17, also being the East line of the Mesa State College Property Annexation, City of Grand Junction Ordinance No. 4081, as same is recorded in Book 4454, Page 809, Public Records of Mesa County, Colorado, a distance of 330.00 feet; thence N 89°58'45" E, a distance of 449.14 feet; thence S 00°01'15" E, a distance of 330.00 feet to a point on the South line of the SW 1/4 SW 1/4 of said Section 17; thence S 89°58'45" W, along the South line of the SW 1/4 SW 1/4 of said Section 17, also being the North line of Ephemeral Resources Annexation No. 2, City of Grand Junction Ordinance No. 3298, as same is recorded in Book 2765, Page 672, Public Records of Mesa County, Colorado, a distance of 448.00 feet, more or less, to the Point of Beginning.

CONTAINING 148,029 Square Feet or 3.40 Acres, more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 20th day of February, 2013; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

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

ADOPTED this _____ day of _____, 2013.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

FEUERBORN ANNEXATION

APPROXIMATELY 3.40 ACRES

LOCATED AT 2902 AND 2906 D ROAD

WHEREAS, on the 16th day of January, 2013, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 20th day of February, 2013; and

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

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

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

FEUERBORN ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 17, 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 Southwest corner of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian and assuming the West line of the SW 1/4 SW 1/4 of said Section 17 bears S 00°13'10" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°13'10" W along the West line of the SW 1/4 SW 1/4 of said Section 17, also being the East line of the Mesa State College Property Annexation, City of Grand Junction Ordinance No. 4081, as same is recorded in Book 4454, Page 809, Public Records of Mesa County, Colorado, a distance of 330.00 feet; thence N 89°58'45" E, a distance of 449.14 feet; thence S 00°01'15" E, a distance of 330.00 feet to a point on the South line of the SW 1/4 SW 1/4 of said Section 17; thence S 89°58'45" W, along the South line of the SW 1/4 SW 1/4 of said Section 17, also being the North line of Ephemeral Resources Annexation No. 2, City of

Grand Junction Ordinance No. 3298, as same is recorded in Book 2765, Page 672, Public Records of Mesa County, Colorado, a distance of 448.00 feet, more or less, to the Point of Beginning.

CONTAINING 148,029 Square Feet or 3.40 Acres, more or less, as described

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

INTRODUCED on first reading on the 16th day of January, 2013 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2013 and ordered published in pamphlet form.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE FEUERBORN ANNEXATION
TO C-1 (LIGHT COMMERCIAL)**

LOCATED AT 2902 AND 2906 D ROAD

Recitals

The 3.40 acre Feuerborn Annexation consists of two parcels located at 2902 and 2906 D Road. The property owners have requested annexation into the City and a zoning of C-1 (Light Commercial). Under the 1998 Persigo Agreement between the City and Mesa County, all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation and processing in the City.

Under the 1998 Persigo Agreement, the City shall zone newly annexed areas with a zone that is either identical to the current County zoning or with a zone that implements the City's Comprehensive Plan Future Land Use Map. The proposed zone district of C-1, (Light Commercial) implements the Comprehensive Plan Future Land Use Map, which has designated the properties as Village Center.

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Feuerborn Annexation to the C-1, (Light Commercial) zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Comprehensive Plan and the Comprehensive Plan's goals and policies. The zone district meets the criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the C-1, (Light Commercial) zone district is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property be zoned C-1, (Light Commercial).

FEUERBORN ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 17, 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 Southwest corner of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian and assuming the West line of the SW 1/4 SW 1/4 of said

Section 17 bears S 00°13'10" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°13'10" W along the West line of the SW 1/4 SW 1/4 of said Section 17, also being the East line of the Mesa State College Property Annexation, City of Grand Junction Ordinance No. 4081, as same is recorded in Book 4454, Page 809, Public Records of Mesa County, Colorado, a distance of 330.00 feet; thence N 89°58'45" E, a distance of 449.14 feet; thence S 00°01'15" E, a distance of 330.00 feet to a point on the South line of the SW 1/4 SW 1/4 of said Section 17; thence S 89°58'45" W, along the South line of the SW 1/4 SW 1/4 of said Section 17, also being the North line of Ephemeral Resources Annexation No. 2, City of Grand Junction Ordinance No. 3298, as same is recorded in Book 2765, Page 672, Public Records of Mesa County, Colorado, a distance of 448.00 feet, more or less, to the Point of Beginning.

CONTAINING 148,029 Square Feet or 3.40 Acres, more or less, as described.

INTRODUCED on first reading the 6th day of February, 2013 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2013 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Attach 13

CITY COUNCIL AGENDA ITEM

Date: February 6, 2013
 Author: Scott D. Peterson
 Title/ Phone Ext: Senior Planner/1447
 Proposed Schedule: 1st Reading February 6, 2013
Second Reading: February 20, 2013
 File #: CPA-2012-584

Subject: Request to Amend the Grand Valley Circulation Plan, a Part of the Comprehensive Plan, Located Generally North of I-70 Business Loop Between 28 and 28 ¼ Roads
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: Trent Prall, Engineering Manager

Executive Summary:

A request to amend the Grand Valley Circulation Plan on and near the property (35.8 acres) located generally north of I-70 Business Loop between 28 and 28 ¼ Roads to add two future collector streets and an unclassified street in the area to improve future capacity, connectivity, and circulation.

Background, Analysis and Options:

The City’s home rule powers and Section 212 of Article 23 of Title 31 of the Colorado Revised Statutes grants authority to the City to make and adopt a plan for the physical development of streets and roads located within the legal boundaries of the municipality and all lands lying within three miles of the municipal boundary. This proposed amendment to the Plan lies within the incorporated boundaries of the City of Grand Junction and the unincorporated areas of Mesa County.

The proposed amendment was requested by representatives of the property owners of a 35+ acre parcel of land located at the northeast corner of Grand Avenue and 28 Road (parcel #2943-182-00-046) to provide guidance in developing the transportation infrastructure for future planning and development of the property. City and Regional Transportation Planning Office (RTPO) staff reviewed the existing circulation plan, existing street rights-of-way and potential development scenarios and determined that amendments to the existing circulation plan would be beneficial at this time.

The capacity of the future street network was analyzed by the RTPO utilizing the Transcad Model that exists for Mesa County for the year 2035 projected traffic volumes. The modeling work indicates there is no capacity issue with the existing circulation plan; however, the addition of the proposed collector streets and unclassified street on

the property presents a validation of the need for the future major collector streets as the property develops per the identified densities of the Comprehensive Plan.

The proposed major collector streets are Gunnison Avenue from 28 Road east to 28 1/2 Road and the extension of Grand Avenue east to 28 1/4 Road at Ouray Avenue right-of-way, as well as an unclassified street that runs generally north-south between the two collectors. These proposed streets would provide connectivity and circulation for the development of the parcel and to surrounding properties.

Mesa County staff has also reviewed the proposed changes to the circulation plan and is supportive of the proposed request.

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

The proposed Amendment to the Grand Valley Circulation Plan meets with Goal 9 of the Comprehensive Plan by identification of future transit corridors to be reserved during development review and consider functional classification in terms of regional travel, area circulation and local access.

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:

The Planning Commission recommended approval of the proposed Amendment to the Grand Valley Circulation Plan at their January 8, 2013 meeting.

Financial Impact/Budget:

None.

Legal issues:

None.

Other issues:

None.

Previously presented or discussed:

Consideration and First Reading of the Ordinance was February 6, 2013.

Attachments:

Staff Report Excerpt
Site Location Map / Aerial Photo Map
Future Land Use Map / Existing Zoning Map
Grand Valley Circulation Plan
Existing Circulation Plan
Proposed Circulation Plan
Proposed Ordinance

Section 21.02.130 (c) (2) of the Zoning and Development Code:

The City and County shall amend the Grand Valley Circulation Plan and Urban Trails Master Plan if:

(i) There was an error such that then-existing facts, projects, or trends that were reasonably foreseeable were not accounted for; or

There was no error. The proposed Grand Valley Circulation Plan is being amended to anticipate and accommodate future growth patterns for the subject area and also the community at large.

(ii) Subsequent events have invalidated the original premises and findings;

As this central core area of the City grows in the future, City and RTPPO (Regional Transportation Planning Office) staff finds that the community and area will benefit with a more safe and efficient circulation and interconnectivity around and through the property with the anticipated development of the subject 35+ acre parcel of land. The City's Comprehensive Plan has identified the property for high density (16 – 24 dwelling units per acre) residential development. Such development will require good access and connectivity to surrounding streets. Streets such as Grand Avenue and Gunnison Avenue need to continue through this property providing a better circulation plan for the community as well as for future residents and commercial opportunities of this property.

(iii) The character and/or condition of the area have changed enough that the amendment is acceptable;

The existing Grand Valley Circulation Plan predates the adopted 2010 Comprehensive Plan, therefore, the Circulation Plan is being updated to what the Comprehensive Plan anticipates how future development will be taking place for this growing area of the community as identified on the Comprehensive Plan Future Land Use Map for the anticipated higher residential densities and possible commercial development.

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

The benefits to the area include a more safe and efficient circulation and street interconnectivity around and through the property.

(v) The change will facilitate safe and efficient access for all modes of transportation; and

The change will provide good access and circulation for users of the transportation system with multiple ways to travel through the area and connect to the larger transportation network, and will facilitate safe and efficient vehicular access.

(vi) The change furthers the goals for circulation and interconnectivity.

Good access to and through this large property will guide development to provide the appropriate street network for all users.

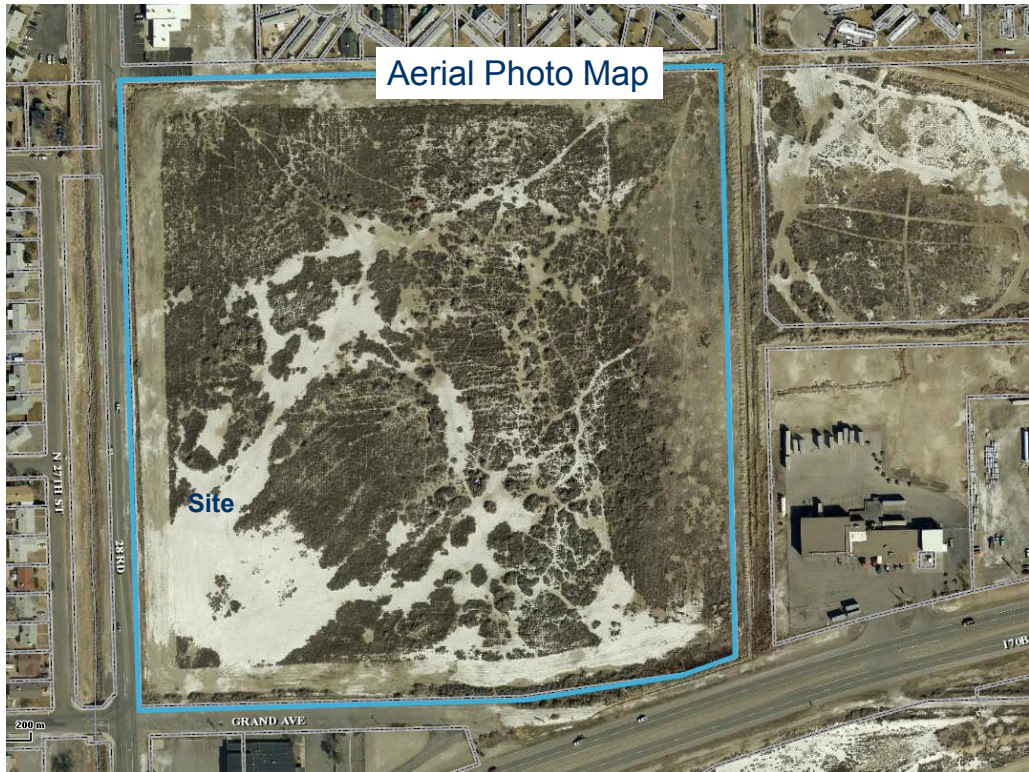
PLANNING COMMISSION RECOMMENDATION:

After reviewing the application, CPA-2012-584 for a Comprehensive Plan Amendment to amend the Grand Valley Circulation Plan for the area generally located north of I-70 Business Loop between 28 and 28 1/4 Roads located north of I-70 Business Loop, the Planning Commission makes the following findings of fact and conclusions:

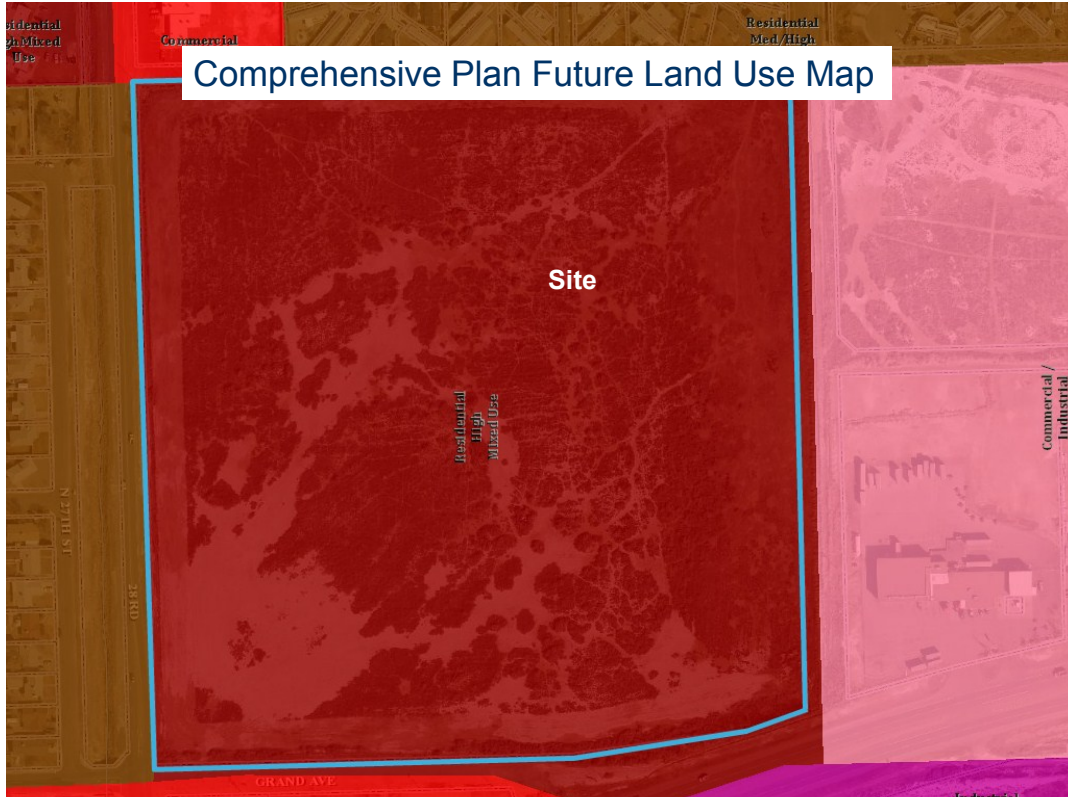
1. The proposed Grand Valley Circulation Plan amendment is consistent with the goals and policies of the Comprehensive Plan by anticipating future development of the area as identified by the residential and commercial densities on the Comprehensive Plan Future Land Use Map.
2. The review criteria in Section 21.02.130 (c) (2) of the Zoning and Development Code have been met or addressed.



Site Location Map



Aerial Photo Map



Comprehensive Plan Future Land Use Map



Existing Zoning Map

Grand Valley Circulation Plan

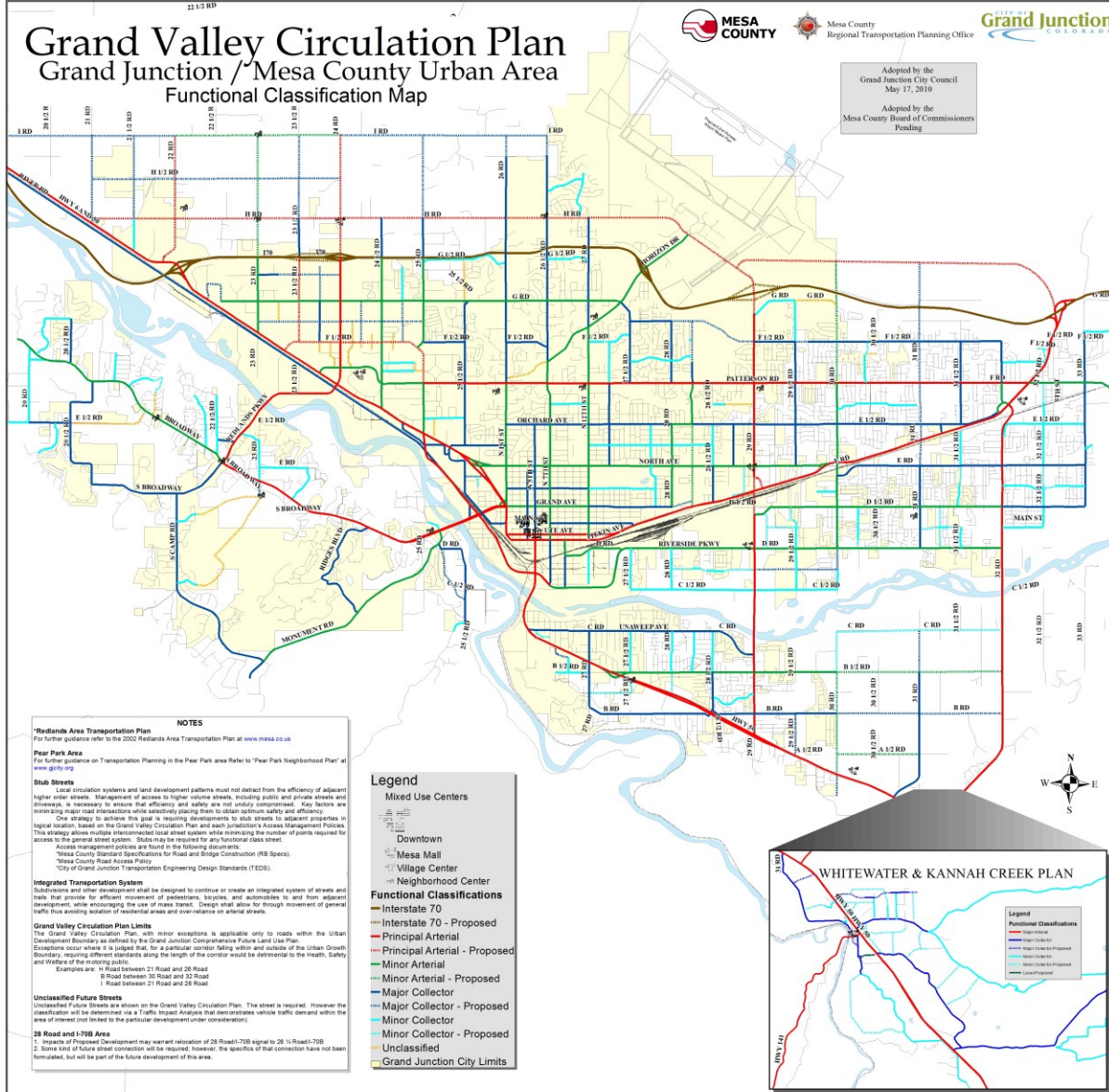
Grand Junction / Mesa County Urban Area

Functional Classification Map



Adopted by the Grand Junction City Council
May 17, 2010

Adopted by the Mesa County Board of Commissioners
Pending



Redlands Area Transportation Plan
For further guidance refer to the 2002 Redlands Area Transportation Plan at www.mesa.co.us

Pear Park Area
For further guidance on Transportation Planning in the Pear Park area refer to "Pear Park Neighborhood Plan" at www.gcity.org

Sub Streets
Local circulation systems and land development patterns must not detract from the efficiency of adjacent higher order streets. Management of access to higher volume streets, including public and private streets and alleys, is necessary to ensure that efficiency and safety are not unduly compromised. Key factors are minimizing major road intersections while selectively placing them to obtain optimum safety and efficiency. One strategy to achieve this goal is requiring developments to sub streets to adjacent properties in logical locations, based on the Grand Valley Circulation Plan and each jurisdiction's Access Management Policies. This strategy allows multiple interconnected local street systems while minimizing the number of points required for access to the general street system. Sub streets may be required for any functional class street.
Access management policies are found in the following documents:
- Mesa County Standard Specifications for Road and Bridge Construction (RS Specs).
- Mesa County Road Access Policy
- City of Grand Junction Transportation Engineering Design Standards (TEDS).

Integrated Transportation System
Subdivisions and other developments should be designed to continue or create an integrated system of streets and trails that provide or attract convenient pedestrian, bicycle, and automobile to and from adjacent development, while encouraging the use of mass transit. Design shall allow for through movement of general traffic from existing location of residential areas and over-reliance on arterial streets.

Grand Valley Circulation Plan Limits
The Grand Valley Circulation Plan, with minor exceptions is applicable only to roads within the Urban Development Boundary as defined by the Grand Junction Comprehensive Future Land Use Plan. Exceptions occur where it is judged that, for a particular corridor falling within and outside of the Urban Growth Boundary, requiring different standards along the length of the corridor would be detrimental to the health, safety and welfare of the motoring public.
Examples are: A Road between 21 Road and 26 Road
B Road between 30 Road and 32 Road
C Road between 21 Road and 28 Road

Unclassified Future Streets
Unclassified Future Streets are shown on the Grand Valley Circulation Plan. The street is required. However the classification will be determined via a Traffic Impact Analysis that demonstrates vehicle traffic demand within the area of interest (not limited to the particular development under consideration).

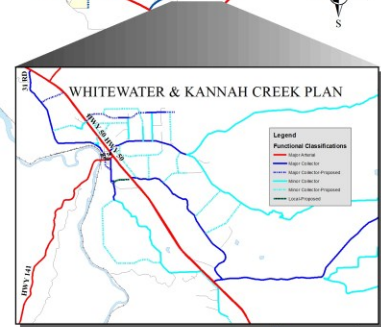
28 Road and I-70 Area
1. Impacts of Proposed Development may warrant relocation of 28 Road's 70th signal to 28 1/2 Road's 70th
2. Some kind of future street connection will be required; however, the specifics of that connection have not been formulated, but will be part of the future development of this area.

Legend

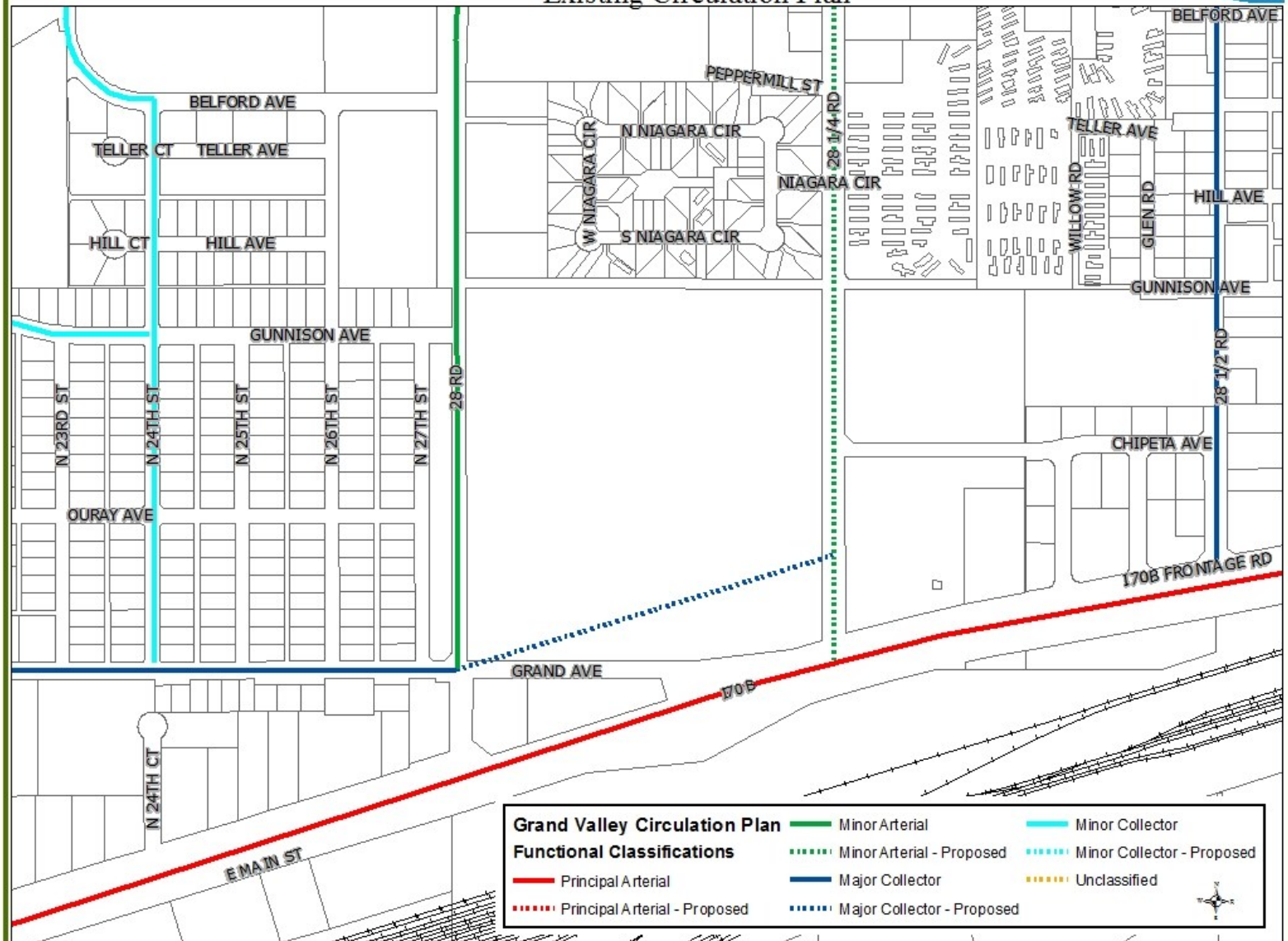
- Mixed Use Centers
- Downtown
- Mesa Mall
- Village Center
- Neighborhood Center

Functional Classifications

- Interstate 70
- Principal Arterial - Proposed
- Principal Arterial - Proposed
- Minor Arterial
- Minor Arterial - Proposed
- Major Collector
- Major Collector - Proposed
- Minor Collector
- Minor Collector - Proposed
- Unclassified
- Grand Junction City Limits

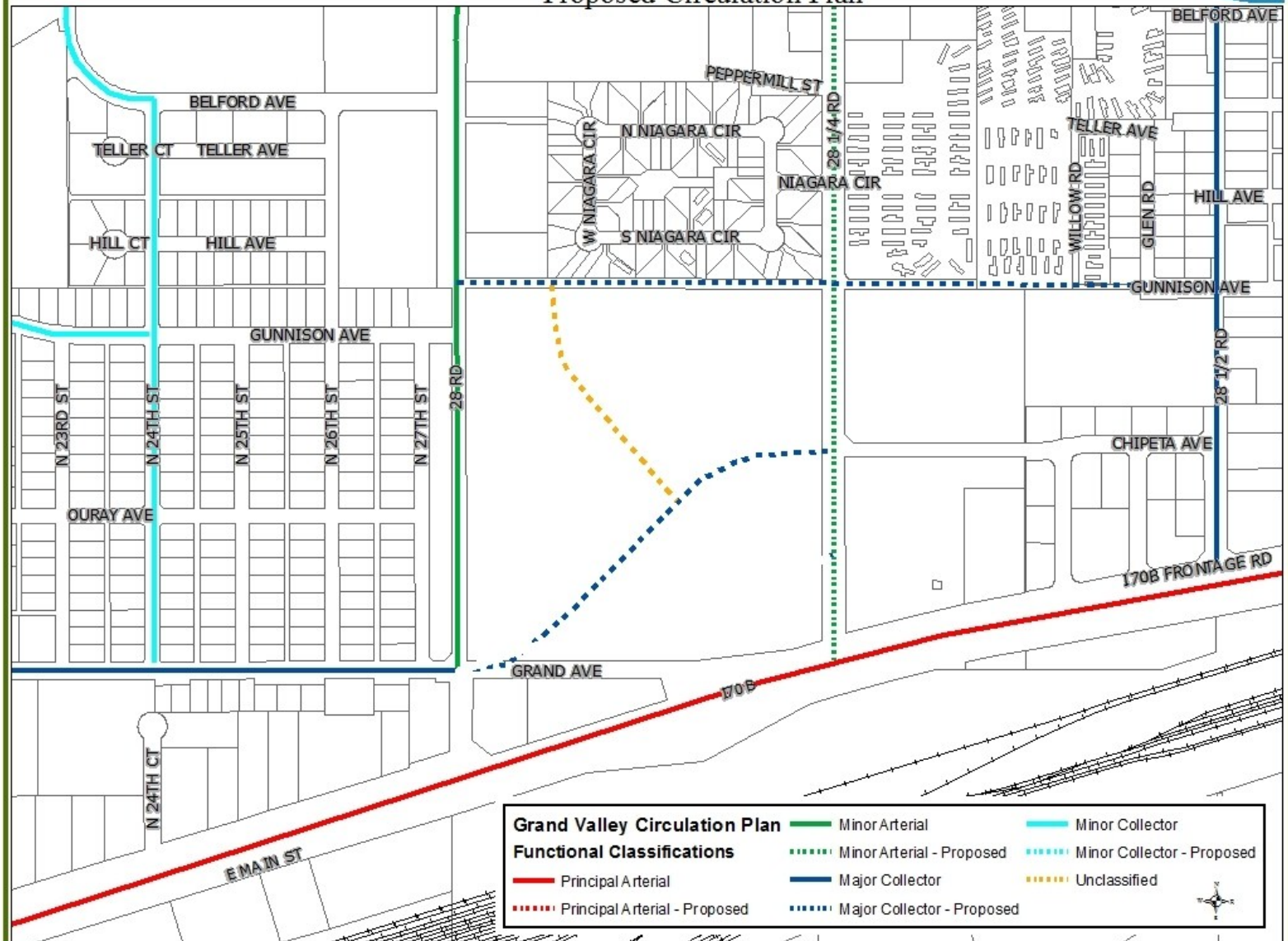


Existing Circulation Plan



Grand Valley Circulation Plan		
Functional Classifications	Minor Arterial	Minor Collector
Principal Arterial	Major Collector	Unclassified
Principal Arterial - Proposed	Minor Arterial - Proposed	Minor Collector - Proposed
	Major Collector - Proposed	

Proposed Circulation Plan



Grand Valley Circulation Plan			
	Minor Arterial		Minor Collector
	Principal Arterial		Major Collector
	Minor Arterial - Proposed		Minor Collector - Proposed
	Principal Arterial - Proposed		Major Collector - Proposed
			Unclassified



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF GRAND JUNCTION TO AMEND THE GRAND VALLEY CIRCULATION PLAN FOR THE AREA LOCATED GENERALLY NORTH OF I-70 BUSINESS LOOP BETWEEN 28 AND 28 1/4 ROADS

Recitals:

A request for a Comprehensive Plan Amendment to amend the Grand Valley Circulation Plan has been submitted in accordance with the Zoning and Development Code. The applicant has requested that the area generally located north of the I-70 Business Loop between 28 and 28 1/4 Road, be amended as identified on Exhibit A to include Gunnison Avenue and a rerouted Grand Avenue as a Proposed Major Collector along with an Unclassified new street that will connect Gunnison Avenue with Grand Avenue to improve future capacity, connectivity and circulation.

In a public hearing, the City Council reviewed the request for the proposed Comprehensive Plan Amendment to amend the Grand Valley Circulation Plan and determined that it satisfied the criteria as set forth and established in Section 21.02.130 (c) (2) of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE GRAND VALLEY CIRCULATION PLAN BE AMENDED AS IDENTIFIED ON EXHIBIT A.

INTRODUCED on first reading the 6th day of February, 2013, and ordered published in pamphlet form.

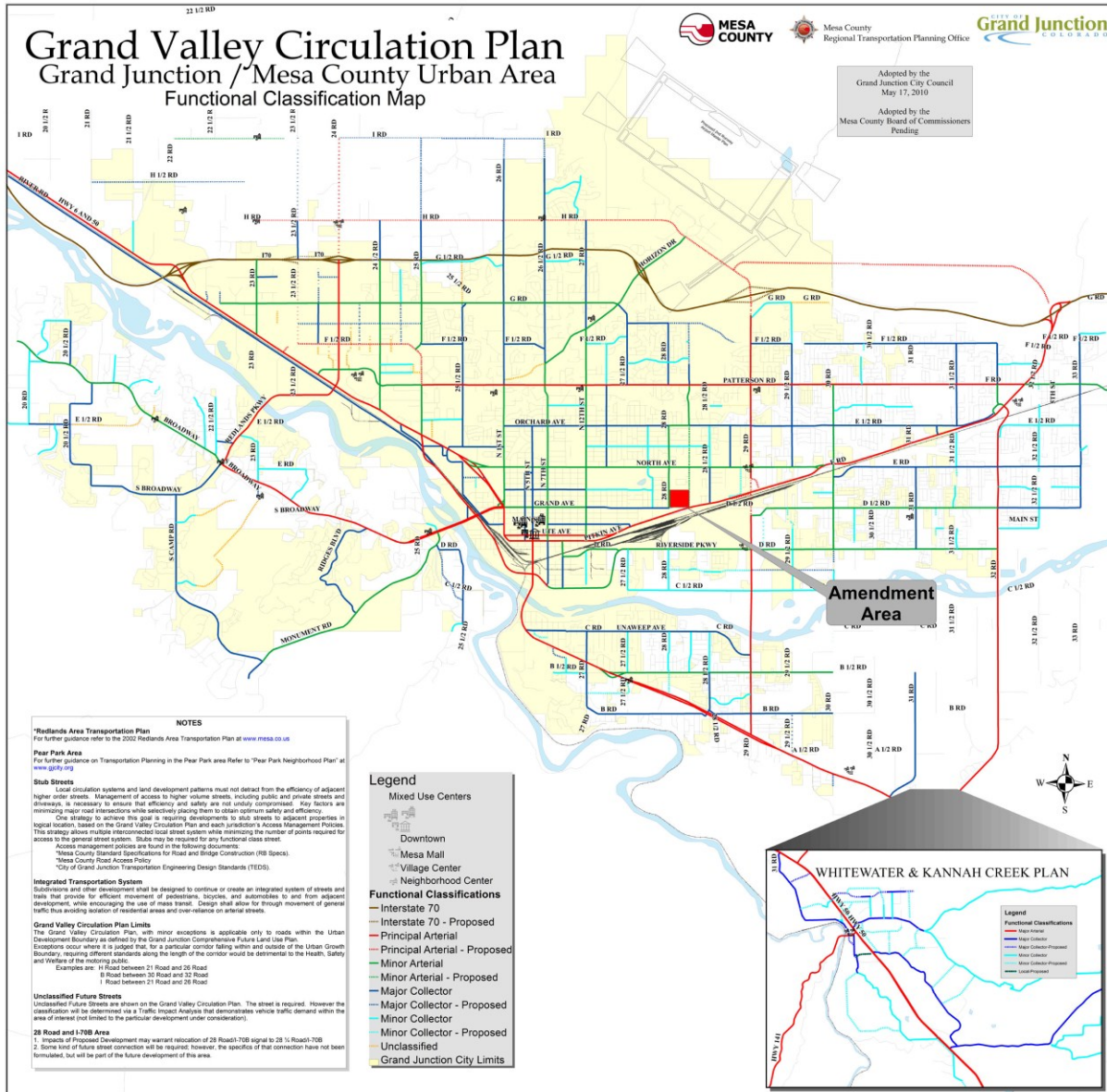
ADOPTED on second reading the _____ day of _____, 2013, and ordered published in pamphlet form.

ATTEST:

City Clerk

President of Council

Exhibit "A"



Circulation Plan

