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**CITY COUNCIL AGENDA  
WEDNESDAY, APRIL 17, 2013  
250 NORTH 5<sup>TH</sup> 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  
A Moment of Silence

**Presentation**

Grand Junction Fire Department Medal Presentation to Firefighter Ryan Jordan

**Proclamation**

Proclaiming April 20, 2013 as “Arbor Day” in the City of Grand Junction

Proclaiming April 20, 2013 as “Lady Mavs Day” in the City of Grand Junction

Proclaiming April 21 – 27, 2013 as “National Crime Victims’ Week” in the City of Grand Junction

Proclaiming April 21 - 27, 2013 as “Administrative Professionals Week” and April 24, 2013 as “Administrative Professionals Day” in the City of Grand Junction

*Revised April 17, 2013*

*\*\* Indicates Changed Item*

*\*\*\* Indicates New Item*

*® Requires Roll Call Vote*

**REVISED**

**Appointments**

To the Horizon Drive Association Business Improvement District Board

**Certificates of Appointment**

To the Commission on Arts and Culture

To the Visitor and Convention Bureau Board of Directors

**Council Comments**

**Citizen Comments**

**\*\*\* CONSENT CALENDAR \*\*\*®**

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

*Action: Approve the Minutes of the April 3, 2013 Regular Meeting*

2. **Setting a Hearing on the 1941 Palisade Street Rezone, Located at 1941 Palisade Street** [File #RZN-2013-77] [Attach 2](#)

Request to rezone 0.24 acres from R-8 (Residential – 8 units per acre) to R-12 (Residential -12 units per acre) zone district. The applicant would like to rezone their property to R-12, which would allow a greater density on their property and thereby allow conversion of the larger house into a duplex.

Proposed Ordinance Rezoning 1941 Palisade Street from R-8 (Residential – 8 Units Per Acre) to R-12 (Residential – 12 Units Per Acre)

*Action: Introduce a Proposed Ordinance and Set a Hearing for May 1, 2013*

Staff presentation: Lori V. Bowers, Senior Planner  
Bret Guillory, Utility Engineer/Floodplain Manager

3. **Setting a Hearing on the Peony Heights Annexation, Located at 612 Peony Drive** [File # ANX-2013-96] [Attach 3](#)

A request to annex 0.92 acres, located at 612 Peony Drive. The Peony Heights Annexation consists of one parcel, including portions of the Peony Drive and Broadway (Hwy. 340) rights-of-way. The total annexation area contains 1.12 acres of which 0.20 acres or 8,818 sq. ft. is right-of-way.

Resolution No. 23-13—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, Peony Heights Annexation, Located at 612 Peony Drive

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Peony Heights Annexation, Approximately 1.12 Acres, Located at 612 Peony Drive and Including Portions of the Peony Drive and Broadway (HWY 340) Rights-of-Way

*®Action: Adopt Resolution No. 23-13 and Introduce a Proposed Ordinance and Set a Hearing for June 5, 2013*

Staff presentation: Scott D. Peterson, Senior Planner

4. **Purchase One Total Containment Trap for Police Firing Range** [Attach 4](#)

The Police firing range has been in use for over 50 years with no lead clean up. Once the lead is remediated, this bullet trap will be installed to prevent future noncompliance with EPA standards.

*Action: Authorize the City Purchasing Division to Purchase a Total Containment Trap from Action Target of Provo, UT in the Amount of \$127,338.16*

Staff presentation: John Camper, Police Chief  
Jay Valentine, Internal Services Manager

5. **Purchase 70 Tasers for Police** [Attach 5](#)

The Tasers currently being used by the Police Department are no longer supported by the manufacturer, Taser International. Therefore, the Police Department has budgeted funds to replace a portion of its Tasers in 2013 and will budget funds for the remaining Tasers in 2014.

*Action: Authorize the City Purchasing Division to Purchase Tasers from ProForce Law Enforcement of Prescott, AZ in the Amount of \$75,938.80*

Staff presentation: John Camper, Police Chief  
Jay Valentine, Internal Services Manager

6. **Street Lighting on the 22 Road Realignment at Highway 6 Project** [Attach 6](#)

The 22 Road Realignment at Highway 6 project will reconstruct the intersection of 22 Road with Highway 6 along with a one-third mile long section of 22 Road. A key component of an urban street is adequate street lighting. This purchase order with Grand Valley Power will pay for the materials and installation of the street lights.

*Action: Authorize the City Purchasing Division to Sign a Purchase Order with Grand Valley Power to Provide Street Lighting for the 22 Road Realignment at Highway 6 Project in the Amount of \$266,827*

Staff presentation: Trent Prall, Engineering Manager

7. **Authorize the Use of 1% Funds for the Underground Conversion of Overhead Power at the 22 Road and at the 22 Road Intersection with Highway 6** [Attach 7](#)

The 22 Road Realignment at Highway 6 Project will reconstruct the intersection of 22 Road with Highway 6 along with a one-third mile long section of 22 Road. As part of the project, the City proposes to use Grand Valley Power 1% funds to move the aerial power lines underground. Grand Valley Power would complete the work at a net impact to the fund of \$113,674.

Resolution No. 24-13—A Resolution Authorizing Grand Valley Power to Use the City of Grand Junction Overhead to Underground One Percent (1%) Funds as Established in the Franchise Agreement for the 22 Road Realignment at Highway 6 Project

*®Action: Adopt Resolution No. 24-13*

Staff presentation: Trent Prall, Engineering Manager

- \*\*\*8. **Letters of Support for the Pre-application to CDOT's RAMP Grant Program for 29 Road/I70 Interchange Project and the Horizon Drive/I70 Interchange Project** [Attach 8](#)

CDOT has developed a one-time program called the Responsible Acceleration of Maintenance and Partnerships (RAMP). They are seeking applications by May 1<sup>st</sup> for potential projects over the next 5 years. The City has been requested to partner on two projects: Mesa County with the 29 Road/I-70 Interchange and the Horizon Drive Business Improvement District on the Horizon Drive/I-70 Interchange Improvements.

*Action: Authorize the President of the Council to Sign the Letters of Support for Pre-Application for the Two Projects*

Staff presentation: Tim Moore, Deputy City Manager

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

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

9. **Purchase of One Rear Load Refuse Truck** [Attach 9](#)

This purchase request is for one Mack Compressed Natural Gas (CNG) Rear Load Refuse Truck to replace one 13 year old diesel unit currently in the City's fleet. Budgeted funds for this purchase have been accrued in the Fleet Replacement Internal Service Fund.

*Action: Authorize the City Purchasing Division to Award a Contract to Purchase One 2014 Mack CNG Refuse Truck with Leach Rear Load Body from Western Colorado Truck Center in the Amount of \$218,921*

Staff presentation: Jay Valentine, Internal Services Manager  
Greg Trainor, Public Works, Utilities, and Planning Director  
Darren Starr, Manager, Streets, Storm Water, and Solid Waste

10. **Microwave Link Purchase for Spruce Point to Grand Mesa Radio Sites** [Attach 10](#)

This request is to purchase the equipment necessary to connect a microwave link from the proposed Spruce Point radio site to the existing Grand Mesa radio

site. The purchase will include radio equipment, microwave dishes, and associated equipment.

*Action: Authorize Sole Source Purchase with Alcatel-Lucent in the Amount of \$79,274*

Staff presentation: John Camper, Police Chief  
Mike Nordine, Deputy Police Chief  
Jay Valentine, Internal Services Manager

11. **Public Hearing—Amending Sections 21.07.010 and 21.10.020 of the Grand Junction Municipal Code Adopting Changes to the Rules and Regulations for the Floodplain within the City of Grand Junction** [Attach 11](#)

The proposed ordinance amends Section 21.07.010, Flood Damage Prevention, and Section 21.10.020, Terms Defined, to update the floodplain regulations to be in compliance with State requirements.

Ordinance No. 4583—An Ordinance Amending Section 21.07.010, Flood Damage Prevention, and Section 21.10.020, Terms Defined, of the Grand Junction Municipal Code Concerning Floodplain Regulations

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4583*

Staff presentation: Greg Trainor, Public Works, Utilities, and Planning Director  
Bret Guillory, Utility Engineer/Floodplain Manager

12. **Public Hearing—Amending Chapter 6.12 of the Grand Junction Municipal Code Adopting Rules and Regulations Regarding Animals within the City of Grand Junction** [Attach 12](#)

The proposed ordinance amends Chapter 6.12 of the Grand Junction Municipal Code (“GJMC”) to require a permit for rehoming of a dog or cat under certain conditions, allow for impoundment of the dog(s) and cat(s) when there is no permit as required, and disposition of the animals after impoundment due to no permit or due to an animal having been abused and/or neglected.

Ordinance No. 4584—An Ordinance Amending Parts of Chapter 6.12 of the Grand Junction Municipal Code Relating to Permits for Rehoming of Pets in the Public and Disposition of Animals

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4584*

Staff presentation: John Shaver, City Attorney  
Jamie Beard, Assistant City Attorney

13. **Non-Scheduled Citizens & Visitors**

14. **Other Business**

15. **Adjournment**

## **Minutes**

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

**April 3, 2013**

The City Council of the City of Grand Junction convened into regular session on the 3<sup>rd</sup> day of April, 2013 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Tom Kenyon, Sam Susuras, and Council President Bill Pitts. Councilmember Laura Luke was 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. Councilmember Coons led the Pledge of Allegiance, followed by a moment of silence.

#### **Proclamations**

##### **Proclaiming the Month of April as “Month of the Young Child” in the City of Grand Junction**

Councilmember Boeschstein read the proclamation. Laura Stanfield Roman with Mesa County Partnership for Families, on behalf of Christian Community Schools and the Mesa County Colorado District Association for the Education of Children, accepted the proclamation. She specified that this group advocates for young children and their well-being. She thanked the City Council for their time.

##### **Proclaiming the Month of April as “Child Abuse Prevention Month” in the City of Grand Junction**

Councilmember Doody read the proclamation. Megan Bentley from the Western Slope Center for Children and Scott Aker from Department of Human Services (DHS) were present to receive the proclamation. Ms. Bentley explained what they do at the Western Slope Center for Children and how they partner with DHS. She thanked the City Council for the proclamation. Mr. Aker said “amen” for every one of the “whereas” statements, and noted there is way too much child abuse in this community. He provided some statistics. The only way to get ahead of child abuse is with prevention. He also thanked the City Council.

##### **Proclaiming the Week of April 7 – 14, 2013 as “Days of Remembrance” in the City of Grand Junction**



Councilmember Coons read the proclamation. David Eisner was present to receive the proclamation in remembrance of the Holocaust victims. Mr. Eisner said this is the fourth year this has been proclaimed and unfortunately even with revisiting it every year, persecution continues. He described some of the programs associated with the remembrance.

### **Proclaiming the Week of April 7 – 13, 2013 as “Barbershop Harmony Week” in the City of Grand Junction**

Councilmember Susuras read the proclamation. Jim Witt and Dave Woodward were present to receive the proclamation. Mr. Witt expressed appreciation for the proclamation and the City Council’s support of the arts. This week starts the day after their spring show this Saturday at the Avalon Theatre. They look forward to the renewed Avalon Theatre. He described some of their other events including the education of young people about barbershop music, and their efforts to return funds raised in the community back to the community. Mr. Woodward noted that the funds raised go into some of the vocal programs for Middle and High Schools. He said they love acapella music. He said that a song was written for the City in 2006, called “Grand Junction, My Home Town”.

### **Proclaiming April 9, 2013 as “Mayors Day of Recognition of National Service” in the City of Grand Junction**

Councilmember Kenyon read the proclamation. Angie Bertram, with Americorps, was present to receive the proclamation. She thanked the City Council for the proclamation and acknowledged all the work volunteers do to help the community. She announced an event on April 9, 2013 where the proclamation will again be read on the front plaza of City Hall.

Councilmember Coons testified that the Americorps volunteers and the Recruiting Seniors for Volunteer Positions (RSVP) volunteers are critical to what they do at the Math and Science Center.

### **Proclaiming April 16, 2013 as “National Health Care Decisions Day” in the City of Grand Junction**

Councilmember Coons read the proclamation. Martha Jones, Advance Care Planning Task Force member, was present to receive the proclamation. Ms. Jones described how the Task Force is made up, and the purpose of the Task Force. She said end of life decisions can be difficult and many families face challenges and unexpected decisions without ever having a conversation and deciding who should make decisions in such situations. The Task Force recommends that those conversations happen in advance when one is healthy and will provide peace of mind to the family. She

provided an Advance Care Planning packet for the City Council. The Advance Care Planning Task Force is having a public forum on April 17, 2013 and it is free to the public in return for a donation of canned food.

### **Appointments**

Councilmember Kenyon moved to appoint Darcy Johnson to the Commission on Arts and Culture for a three year term expiring February 2016. Councilmember Coons seconded the motion. Motion carried.

Councilmember Kenyon moved to appoint Sharon Woelfle to the Visitor and Convention Bureau Board of Directors for a partial term expiring December 2013. (No second.) Motion carried by roll call vote.

### **Canvass Results of City of Grand Junction Regular Election**

City Clerk Stephanie Tuin said that by City Charter, the City Council serves as the Canvassing Board, who reviews the election returns and either accepts or rejects them. Ms. Tuin noted that 11,665 voters cast their ballot yesterday, a 38.9% turnout. She asked that the City Clerk's Office Staff who are notary publics sit in for the City Councilmembers who stood for election in order to certify the 2013 Regular Municipal Election results. Ms. Tuin specified the results of the election, which included the approval of four Council members: District A, Phyllis Norris; District D, Marty Chazen; District E, Harry Butler; and At Large, Rick Brainard. For the two questions on the ballot, Referred Measure A was adopted, and Referred Measure B was denied.

Councilmember Doody moved to accept the canvassing results of the Regular Municipal Election April 2, 2013. Councilmember Susuras seconded. Motion carried by the four seated Councilmembers on the canvassing board.

Ms. Tuin thanked City Clerk Staff and the Mesa County Elections Office for the collaboration during the election and how smoothly, fairly, and competently it was conducted.

### **Council Comments**

Councilmember Coons stated this will be her last official Council meeting due to scheduling conflicts. She thanked the community for the opportunity of serving for the last eight years, and expressed her gratitude in serving with current and past Councilmembers. She said the experience has been educational and gratifying. She also thanked City Staff. Lastly, Councilmember Coons thanked her husband for his loyalty and support while she served on Council.

Councilmember Susuras thanked Councilmember Coons for her eight years of service, saying she is a class act.

Councilmember Boeschstein also thanked her for a wonderful time, her dedication, background, and her contribution.

Council President Pitts also thanked Councilmember Coons for her service.

Councilmember Doody expressed his appreciation of her service, noting she made a difference in Grand Junction and served the community well.

Councilmember Kenyon said the last four years have been very educational and he lauded Councilmember Coons' expertise, especially in the science arena, and her ability to explain complex concepts in a way lay people can understand. He hopes she will continue to share her expertise. She is well respected. She has shared her school and her students and asked Councilmembers to participate there. He thanked her for everything she has done.

### **Citizen Comments**

Charlie Kodis, 2529 Westwood Drive, present on behalf of his neighbors. As a former public employee, he knows times are tough. He said there currently is no City Code Enforcement and he and his neighbors are putting up with a Recreation Vehicle (RV) violation. Today is the fifteenth day they have been tolerating it. He knows there is a hiring process that is ongoing for a Code Enforcement Officer right now, but he feels that if a citizen calls in, the violation may not be addressed for a number of months. He questioned, once someone is hired, will violators be fined retroactively? In the meantime, the violator faces no consequences and the neighborhood suffers. He asked for advice on being pointed in the right direction.

Council President Pitts said the City Manager has heard his comments and they will be in touch.

### **CONSENT CALENDAR**

Councilmember Susuras moved to approve and then read Consent Calendar items #1-9. Councilmember Coons seconded the motion. Motion carried.

1. **Minutes of Previous Meetings**

*Action: Approve the Minutes of the March 11, 2013 Special Meeting and the March 20, 2013 Regular Meeting*

2. **Setting a Hearing on Amending Sections 21.07.010 and 21.10.020 of the Grand Junction Municipal Code Adopting Changes to the Rules and Regulations for the Floodplain within the City** [File #ZCA-2013-107]

The proposed ordinance amends Section 21.07.010, Flood Damage Prevention, and Section 21.10.020, Terms Defined, to update the floodplain regulations to be in compliance with State requirements.

Proposed Ordinance Amending Section 21.07.010, Flood Damage Prevention, and Section 21.10.020, Terms Defined, of the Grand Junction Municipal Code

*Action: Introduce a Proposed Ordinance and Set a Hearing for April 17, 2013*

3. **Setting a Hearing Amending Chapter 6.12 of the Grand Junction Municipal Code Adopting Rules and Regulations Regarding Animals within the City**

The proposed ordinance amends Chapter 6.12 of the Grand Junction Municipal Code ("GJMC") to require a permit for rehoming of a dog or cat under certain conditions, allow for impoundment of the dog(s) and cat(s) when there is no permit as required, and disposition of the animals after impoundment due to no permit or due to an animal having been abused and/or neglected.

Proposed Ordinance Amending Parts of Chapter 6.12 of the Grand Junction Municipal Code Relating to Permits for Rehoming of Pets in the Public and Disposition of Animals

*Action: Introduce a Proposed Ordinance and Set a Hearing for April 17, 2013*

4. **Janitorial Products, Supplies and Green Cleaning Program**

This request is for the negotiation of a contract for the products, supplies, services, and training required to successfully maintain the City's Green Cleaning Program, with three additional, one year renewal options.

*Action: Authorize the Purchasing Division to Negotiate a Contract with Sanitary Supply Corporation, Grand Junction, to Provide Janitorial Products, Supplies, and Green Cleaning Program for the City's Facilities, for an Estimated Annual Amount of \$79,400*

5. **Aggregate and Road Materials for the Streets Division for 2013**

This request is for the purchase of 3/8" aggregate for the City's Streets Division for 2013. This aggregate will be used as chips for the 2013 Chip Seal project.

*Action: Authorize the Streets Division to Enter into a Contract with Grand Junction Concrete and Pipe to Provide Aggregate and Road Materials for the Streets Division for an Estimated Amount of \$100,750*

6. **Hot Mix Asphalt for Streets Division for 2013**

This request is for the purchase up to 1,200 tons of hot mix asphalt for the Streets Division to be used for road work and repairs in 2013.

*Action: Authorize the Purchasing Division to Purchase Approximately 1,200 Tons of Hot Mix Asphalt, on Behalf of the Streets Division, from Elam Construction, Inc. for an Amount not to Exceed \$90,000*

7. **One Truck Mounted Jet Vacuum Unit**

This purchase will provide a combination Jetter/Vacuum sewerline maintenance truck for the Persigo Collections Division. This vehicle is a replacement to the fleet.

*Action: Authorize the City Purchasing Division to Purchase a Truck Mounted Jetter/Vacuum Unit from Faris Machinery of Grand Junction, CO in the Amount of \$294,552*

8. **Dump Truck Rentals with Drivers for the City Spring Cleanup Program 2013**

This request is for the award of a contract for the rental of dump trucks with drivers to haul debris and refuse to designated collection sites as part of the City's Annual Spring Cleanup Program for 2013.

*Action: Authorize the Purchasing Division to Enter into a Contract with Upland Companies to Provide Thirteen Dump Trucks with Drivers for the Duration of the Two Weeks for the City Spring Cleanup Program, for an Estimated Amount of \$65,000*

9. **Storage Area Network Systems (SANS) Replacement Purchase for City Hall and Public Safety Facility**

As part of the City's planned replacement program, the IT Division is requesting authorization to replace two (2) Xiotech Magnitude 3D 4000 SANS that have been in use at City Hall and the Public Safety data centers since 2008. Both systems are beyond their recommended capacity and at the end of their expected life. This upgrade will provide all departments in the City with a modern, centralized storage environment that provides highly scalable storage

capacity and performance, robust fault tolerance, high availability and reliability and that is compatible with the City's existing network and server environment.

*Action: Authorize the City Purchasing Division to Negotiate a Contract with ISC of Englewood, Colorado for an Estimated Amount of \$987,000 to Provide and Install Two New Storage Area Network Systems*

## **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

### **Public Hearing—Amending Wastewater and Industrial Pretreatment Regulations in Title 13 of the Grand Junction Municipal Code**

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.

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

John Shaver, City Attorney, introduced this item. This is the second reading and public hearing to amend the Industrial Pretreatment Code. He introduced Eileen List, Industrial Pretreatment Supervisor, and Dan Tonello, Wastewater Services Manager, who are the subject matter experts.

City Attorney Shaver explained the reason behind the proposal. Every few years, the federal rules are changed, through the Environmental Protection Agency (EPA), and that Agency ensures that the City's discharges into the river meets those regulations. It also ensures that the levels do not damage the wastewater treatment plant. The proposed revision segregates the wastewater regulations from the industrial pre-treatment regulations. One benefit is that the few permitted users for which the industrial pre-treatment regulations apply will have an easier job of compliance. The amendments also make sure the City rules are fully compliant with federal law which is important in terms of the City's discharge permit.

One procedural item is that there may be some testimony from one user on the standards. The City has been working with this user however the user has some objections. It is appropriate that they may testify, but City Attorney Shaver cautioned the City Council from delving into the details as it does have an affect on the City's permitting process. City Attorney Shaver recommended adoption of this amendment.

Councilmember Kenyon asked if there is equality in County law. City Attorney Shaver answered yes. Anything that comes through the plant will fall under this ordinance. Councilmember Kenyon also asked about growth and future capacity. City Attorney Shaver said the capacity is continually addressed and that the ordinance would be able

to address any future industry that comes to the valley and protect the plant and the river.

Councilmember Susuras asked if the fees are set by the City Manager or set by the City Council. City Attorney Shaver said they are set by resolution and that is not a change to the ordinance.

Dan Tonello, Wastewater Services Manager, said the fee is revisited on an annual basis and explained how the fee is calculated. The revenues from the plant investment fee are for growth related projects. The fees were agreed to at a Persigo Board meeting by the City Council and the County Commissioners. The City Manager only implements the fee as approved by the Persigo Board.

Councilmember Boeschstein inquired about regulating industries in Clifton. Mr. Tonello said they would be regulated by Clifton Sanitation; that is their jurisdiction and responsibility.

Councilmember Susuras referred to the letter from AlSCO and noted they are in violation. Mr. Tonello said there were intermittent violations, it was not a consistent violation and they are in compliance now. Mr. Tonello described some of their sources of grease. Councilmember Susuras questioned how are they to get into compliance and stay in business? Mr. Tonello said City Staff works with the industry and has worked with AlSCO. If it gets to a certain point, they may have to install additional equipment, however, they are not there yet.

City Attorney Shaver said the character of these oils must be regulated. The Staff has assisted AlSCO to obtain compliance. Process changes can occur without significant investment. If AlSCO got out of compliance, then it may require additional equipment. The program does try to work with the industries to get them in compliance.

There were no public comments.

The public hearing was closed at 8:14 p.m.

Ordinance No. 4574—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

Councilmember Susuras moved to adopt Ordinance No. 4574 and ordered it published in pamphlet form. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

**Public Hearing—Amend the Sales and Use Tax Code Exempting Subscription Magazines Produced and Distributed in Colorado from Sales and Use Tax**

This is an amendment to the Grand Junction Municipal Code concerning the exemption of the sale, storage and use of magazines sold by subscription, produced and distributed in Colorado from sales and use tax.

The public hearing was opened 8:15 p.m.

Jodi Romero, Financial Operations Director, introduced this item and the next two items. She explained how these came before the City for consideration; two were requests from the community, and the third is a housekeeping item. She then asked Revenue Supervisor Elizabeth Tice-Janda to explain them in more detail.

Elizabeth Tice-Janda, Revenue Supervisor, described the request and what magazine this request came from, the Grand Valley Magazine, and how this might be compared with community newspapers which are already exempt. For the amount of money to be collected, the cost of collection is not economically reasonable.

Councilmember Coons asked if there are other magazines or publications that might benefit from this exemption. Ms. Tice-Janda said 5280 is another magazine produced and distributed in the State and there are a handful of others that would benefit.

Councilmember Susuras said he thinks it is a good idea and asked if there is a two year review period. Ms. Tice-Janda said there currently is no sunset provision, but that could be added; three years is typical. Councilmember Susuras recommended review in three years.

Kristin Hartmann, publisher of Grand Valley Magazine, thanked the City Council for considering this exemption. She was pleased the City Council sees their small business as valuable enough to change the ordinance.

There were no other public comments.  
The public hearing was closed at 8:23 p.m.

Ordinance No. 4575—An Ordinance Amending Title 3, Section 3.12, Sales and Use Tax, of the Grand Junction Municipal Code Concerning Sales and Use Tax Exemptions for the Sale and Use of Magazines Sold by Subscription Produced and Distributed in Colorado

Councilmember Susuras moved to adopt Ordinance No. 4575 and ordered it published in pamphlet form. Councilmember Boeschenstein seconded the motion.



Councilmember Kenyon said he first heard about this in the Legislative Video Conference. The City Council has directed the City Manager to bring forward any changes that could help small business when the regulation does not make sense. He said this a relatively small amount of income and is a good investment in business.

Councilmember Boeschstein complimented the Grand Valley Magazine and said it is an asset to the community.

Motion carried by roll call vote.

**Public Hearing—Amend the Sales and Use Tax Code Exempting Sales Made by Schools, School Activity Booster Organizations, and Student Classes or Organizations from Sales Tax**

This is an amendment to the Grand Junction Municipal Code concerning the exemption of sales made by schools, school activity booster organizations, and student classes or organizations from sales tax.

The public hearing was opened at 8:26 p.m.

Elizabeth Tice-Janda, Revenue Supervisor, explained this request and noted that many of these sales are already exempt under the “Occasional Sales” part of the Sales and Use Tax Code but the School District has a career center that runs year round. The School District has requested the exemption; the State already exempts these sales.

Councilmember Susuras noted the loss of \$5,000 a year for the City in revenues.

Chief Operations and Finance Officer for School District 51 Melissa Callahan-DeVita thanked the City Council for considering the ordinance. The sales tax remittance does put a burden on the School District. The cost for remittance is more than the amount of the remittance.

There were no other public comments.

Councilmember Susuras said he would like the ordinance to be reviewed in three years.

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

Ordinance No. 4576—An Ordinance Amending Title 3, Section 3.12, Sales and Use Tax, of the Grand Junction Municipal Code Concerning Sales Tax Exemptions for Sales Made by Schools, School Activity Booster Organizations, and Student Classes or Organizations

Councilmember Doody moved to adopt Ordinance No. 4576, reviewed in three years, and ordered it published in pamphlet form. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

**Public Hearing—Amend the Sales and Use Tax Code Exempting Manufacturing Equipment from Sales Tax**

This is an amendment to the Grand Junction Municipal Code concerning the exemption of the sale of manufacturing equipment from sales tax.

The public hearing was opened at 8:30 p.m.

Elizabeth Tice-Janda, Revenue Supervisor, explained the request is a housekeeping provision as manufacturing equipment is currently exempt from use tax, but not from sales tax. City Staff has operated as this ordinance already applies; this ordinance would clarify this particular exemption.

Councilmember Coons ask for clarification that sales tax has not been collected for manufacturing equipment. Ms. Tice-Janda confirmed that sales tax has not been collected for these sales.

There was no public comment.

The public hearing was closed at 8:31 p.m.

Ordinance No. 4577—An Ordinance Amending Title 3, Section 3.12, Sales and Use Tax, of the Grand Junction Municipal Code Concerning Sales Tax Exemptions for the Sale of Manufacturing Equipment

Councilmember Coons moved to adopt Ordinance No. 4577 and ordered it published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

**Public Hearing—Mesa County Workforce Annexation, Comprehensive Plan Future Land Use Designation Amendment, and Zoning, Located at 512 29 1/2 Road [File #ANX-2013-10]**

Request to annex 10.29 acres consisting of 1 parcel which includes a portion of 29 1/2 Road right-of-way. Recommend to City Council a Comprehensive Plan Future Land Use designation amendment from Residential Medium to Village Center, and a zoning of C-1 (Light Commercial) for property located at 512 29 1/2 Road.

The public hearing was opened at 8:32 p.m.

Senta Costello, Senior Planner, presented this item. She described the site, the location, and the request. Ms. Costello described the surrounding land use and zoning. The adjacency review allows the City Council to consider amending the Comprehensive Plan for property that is adjacent to the new land use designation in this case, a Village Center. With that change, the applicant requests a C-1 zone designation.

Councilmember Susuras asked if there was a neighborhood meeting. Ms. Costello said yes, about six citizens showed up and they were concerned that the property not be turned into a campsite for the homeless or low income housing. No one submitted anything in writing. There were a few inquiries about the effect on property values.

Councilmember Boeschstein asked if the applicant was present. Dave Detwiler with Mesa County Facilities and Parks was present representing Mesa County.

Councilmember Boeschstein asked why they are moving from their current location on North Avenue. Mr. Detwiler said the property is now more valuable with the new 29 Road Overpass and the property is leased from Hilltop. It was agreed that the County would look for a new location and they determined this location was the most beneficial, the lowest cost, and the closest to other services for the clients.

Councilmember Boeschstein asked if there will be a buffering from the surrounding residential area. Mr. Detwiler said all lighting will be downlit per City Codes. There will be some events in the evening but not past 8:00 p.m. or 9:00 p.m. Landscaping will also meet City Code; it will be an attractive addition to the campus.

There was no public comment.

The public hearing was closed at 8:40 p.m.

Resolution No. 22-13—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Mesa County Workforce Annexation, Located at 512 29 1/2 Road and Including a Portion of the 29 1/2 Road Right-of-way, is Eligible for Annexation

Ordinance No. 4578—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 and Including a Portion of 29 1/2 Road Right-of-Way

Ordinance No. 4579—An Ordinance Amending the Comprehensive Plan from Residential Medium (4-8 DU/AC) to Village Center and Zoning the Mesa County Workforce Annexation to C-1 (Light Commercial), Located at 512 29 1/2 Road

Councilmember Susuras moved to adopt Resolution No. 22-13, and Ordinance Nos. 4578 and 4579 and ordered them published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

**Public Hearing—Rock Shop Enclave Annexation and Zoning, Located South of D Road, East of S. 15<sup>th</sup> Street, and South of the Riverside Parkway, on both sides of 27 1/2 Road, North of Las Colonias Park** [File # ANX-2012-574]

A request to annex 53.66 acres of enclaved property, located south of D Road, east of S. 15th Street and south of the Riverside Parkway on both sides of 27 1/2 Road north of Las Colonias Park, and to zone the annexation, consisting of 68 parcels, to an I-1 (Light Industrial) zone district.

The public hearing was opened at 8:42 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. The enclave was created by the annexation of the Brady Trucking property. There is one application in process and pending the results of this meeting. A neighborhood meeting was held on February 19, 2013. The zoning requested is I-1 which is consistent with the Comprehensive Plan and meets the Zoning and Development Code requirements. Three areas are included. In the Amelang Subdivision, existing residences would be permitted limited expansion. In Pleasant View Subdivision, properties currently have an I-2 zoning in Mesa County; many are non-conforming but could come into conformance with minor site plan improvements. The third area is the Rock Shop business. He described the uses and activities on those properties and their existing zoning. The Riverside Parkway Industrial Corridor zone is within this area but those requirements only apply to new development. I-1 zoning provides the greatest amount of flexibility in the future land uses. Mr. Rusche listed all the existing properties and their current uses; all will remain legal non-conforming. The I-1 zone for the residential portion will allow for redevelopment but won't affect the existing residential use. Mr. Rusche addressed a portion of the property that is in the floodplain. In conclusion, the Staff finds all zoning criteria and requirements have been met, and are consistent with the goals of the Comprehensive Plan.

Councilmember Coons asked about two properties that seem out of sync with the rest of the properties. Mr. Rusche said those two properties annexed voluntarily in 2007 as they were planning some future redevelopment. That redevelopment has not yet occurred.

Councilmember Susuras asked if all owners are aware they are being annexed and zoned. Mr. Rusche said the owners have been contacted at every point in this process. Councilmember Susuras asked if the Rock Shop will be able to continue their outdoor storage. Mr. Rusche said they can, and conveyance of the property will not affect the

use. If there were a change of use, then they would have to comply with the new zoning requirements.

Councilmember Boeschstein asked whether, with the zone change, will the existing residential uses be non-conforming. Mr. Rusche said they will be legal non-conforming, they will be allowed limited expansion, and if destroyed, they could rebuild within a certain time frame. All existing residences can continue as residences. Councilmember Boeschstein said they will not be able to get a home improvement loan because of the zoning. Mr. Rusche explained the City could write letters about their legal non-conforming status, and the decision would be left to the bank.

Councilmember Boeschstein asked about utilities; are they sufficient? Mr. Rusche said they are City utilities, except for Ute Water. Fire flows would be analyzed if there is any future development; there is no reason to believe there is insufficient infrastructure.

Councilmember Boeschstein said outdoor storage will not be allowed so there could not be any expansion of the Rock Shop. Mr. Rusche outdoor storage is allowed, but design criteria must be met for any expansion. The existing use does not have to meet that but there is no possible expansion as it already covers the entire property.

There was no public comment.

The public hearing was closed at 8:58 p.m.

Ordinance No. 4580—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rock Shop Enclave Annexation, Located South of D Road East of S. 15<sup>th</sup> Street, and South of the Riverside Parkway on Both Sides of 27 1/2 Road North of Las Colonias Park, Consisting of Approximately 53.66 Acres

Ordinance No. 4581—An Ordinance Zoning the Rock Shop Enclave Annexation to I-1 (Light Industrial) South of D Road, East of S. 15<sup>th</sup> Street and South of the Riverside Parkway on Both Sides of 27 1/2 Road, North of Las Colonias Park

Councilmember Susuras moved to adopt Ordinance Nos. 4580 and 4581 and ordered them published in pamphlet form. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing—Rezoning a Portion of Heritage Estates, Located at the Southeast Corner of Property near 24 3/4 Road and North of the Future F 1/2 Road Alignment, the 2.78 Acres Directly West of and Abutting 651, 653 1/2, 653, and 655 25 Road** [File #RZN-2012-578]

Request to rezone 2.78 acres, located at the southeast corner of property near 24 3/4 Road and north of the future F 1/2 Road alignment, directly west of and abutting 651,

653 1/2, 653, and 655 25 Road referred to herein as a portion of Heritage Estates Subdivision, from R-8 (Residential – 8 du/ac) zone district to R-12 (Residential – 12 du/ac) zone district.

The public hearing was opened at 8:59 p.m.

Lori V. Bowers, Senior Planner, presented this item. She described the site, the location, and the request. She described the surrounding land uses and zoning. The existing R-8 zoning is at the low end of the zoning allowed in the land use designation of Residential Medium. Some of the areas have already been platted for single family dwellings, so the only way to attain the overall minimum density of five units per acre is to allow for R-12 zoning in this portion of the property. Staff has found this rezone meets four of the five goals of the Comprehensive Plan and will be beneficial to the community.

The applicants were present to answer questions, but did not have a presentation.

Councilmember Susuras asked if there was a neighborhood meeting. Ms. Bowers said three people attended the meeting and there were no real concerns.

Council President Pitts asked how the property is accessed. Ms. Bowers said this is a future filing and the road is yet to be constructed but access will be from F 1/2 and 24 Roads.

Councilmember Boeschstein asked if the petitioner was present to explain the development.

Robert Jones II, 2394 Patterson Road, Suite 201, with Vortex Engineering, representing the developer, explained that Heritage Estates Subdivision is being developed in increments of fifteen homes. Filing 1 is built out and Filing 2 is ready to begin. The multifamily development to the east will be a combination of duplexes and condominiums.

Councilmember Boeschstein asked when they will see a site plan. Mr. Jones said it is being processed as a major subdivision application; the townhomes will be platted separately from the condominiums.

There was no public comment.

The public hearing was closed at 9:10 p.m.

Ordinance No. 4582—An Ordinance Rezoning a Portion of Lot 100 of the Heritage Estates Subdivision, Filing 1 from R-8 (Residential – 8 Units Per Acre) to R-12 (Residential – 12 Units Per Acre) Located at the Southeast Corner of Property Near 24 3/4 Road and North of the Future F 1/2 Road Alignment, Specifically the 2.78 Acres Immediately West of and Abutting 651, 653 1/2, 653, and 655 25 Road

Councilmember Boeschstein moved to adopt Ordinance No. 4582 and ordered it published in pamphlet form. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

**Non-Scheduled Citizens & Visitors**

There were none.

**Other Business**

There was none.

**Adjournment**

The meeting adjourned at 9:11 p.m.

Stephanie Tuin, MMC  
City Clerk



Date: March 27, 2013  
 Author: Lori V. Bowers  
 Title/ Phone Ext: Senior Planner / 4033  
 Proposed Schedule: 1<sup>st</sup> reading, April 17, 2013  
 2nd Reading: May 1, 2013  
 File #: RZN-2013-77

**Attach 2**

**CITY COUNCIL AGENDA ITEM**

|                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------|
| <b>Subject:</b> 1941 Palisade Street Rezone, Located at 1941 Palisade Street                                               |
| <b>Action Requested/Recommendation:</b> Introduce a Proposed Ordinance and Set a Public Hearing for May 1, 2013            |
| <b>Presenter(s) Name &amp; Title:</b> Lori V. Bowers, Senior Planner<br>Bret Guillory, Utility Engineer/Floodplain Manager |

**Executive Summary:**

Request to rezone 0.24 acres from R-8 (Residential – 8 units per acre) to R-12 (Residential -12 units per acre) zone district. The applicant would like to rezone their property to R-12, which would allow a greater density on their property and thereby allow conversion of the larger house into a duplex.

**Background, Analysis and Options:**

The subject parcel is located in the Orchard Mesa Heights Subdivision which was platted in 1890. This area was annexed into the City in 1973 as part of the Central Orchard Mesa Annexation. There are two residences located on the property. The original house was constructed in 1926. An additional dwelling unit was constructed in 1938. The Assessor’s office classifies the uses on this property as a single-family residence and a townhouse.

The applicant purchased the property in November 2012. The older front house is currently a rental house. The larger house, which is located behind the older home, is currently vacant and is in desperate need of repair and renovation. It has two very large bedrooms and two midsized bedrooms with only one bathroom and one kitchen which are not sufficient for such a large dwelling. The applicant would like to convert the larger house into a duplex with two bedrooms in each unit. This will create a third dwelling unit on the property.

The property currently exceeds the maximum number of allowed dwelling units in the R-8 zone district because it is only 0.243 acres. The applicant would like to rezone their property to R-12, which would allow a greater density on their property and thereby allow conversion of the larger house into a duplex.



The Comprehensive Plan Future Land Use Map designates this area as Residential Medium which allows zoning up to R-8. This is the maximum zoning permitted under the current land use designation.

### **Blended Residential Land Use Categories Map and Rezone Request**

The purpose of the Blended Residential Land Use Categories Map (“Blended Map”) which was established by City ordinance in 2010 as part of the Comprehensive Plan (found within Title 31.04 of the Grand Junction Municipal Code) is to allow an appropriate mix of density for a specific area without being limited to a specific Comprehensive Plan Future Land Use Map designation. It takes into account a range of housing densities that would be compatible with adjacent development.

The Blended Map “blends” compatible densities into three land use categories of Residential Low, Residential Medium and Residential High. In the Residential Low category the expected housing type is a single family detached house. In the Residential Medium category which is the category established on the Blended Map for the proposed rezone area, the type of housing would range from single family small lot with a detached residence to a multi-family development including small apartment buildings. In the Residential High category large condominium and apartment complexes would be allowed. Establishing residential housing ranges using these three categories allows for flexibility in the residential market, helps streamline the development process and supports the Comprehensive Plan’s vision and commitment to creating more housing variety which provides housing choice and price points to citizens. It also encourages the establishment of the residential component of Neighborhood Centers, Village Centers and concentrating compact growth in the City Center.

The Blended Map allows a property owner to request a rezone of their property to a zone district that implements the broader land use category identified on the Blended Map. For example, the Residential Medium category allows a compatible range of densities from four dwelling units per acre up to sixteen dwelling units per acre. A property owner with R-8 zoning could use the Blended Map to request a rezone to R-16. Creating a wider variety in housing type helps the housing market respond to housing needs. The Comprehensive Plan identified the need for more housing variety specifically in the multi-family market. The Blended Map is a tool the Comprehensive Plan established to encourage and support housing choice throughout the City. The broader range of densities and mix of housing types will occur within the same land use category such as Residential Medium Density (4 du/ac to 16 du/ac).

Utilizing the Comprehensive Plan’s Blended Map, the applicant is requesting a rezone to R-12, which will allow for the additional residential dwelling unit they are seeking and create a higher density than currently exists. The Blended Map has established a broader range of compatibility (4 to 16 dwelling units per acre) for this area of the City which supports the request to rezone to R-12 with a maximum of 12 dwelling units per acre. The adoption of the proposed zoning ordinance to R-12 would allow the applicant to proceed with an interior remodel to provide a third dwelling unit. Since no exterior expansion or additions are proposed, the neighborhood appearance remains the same

helping to reinforce adjacent residential compatibility even though one additional dwelling unit will be added.

### **Floodplain**

The subject property is located in a non-FEMA flood plain that was identified by the Ayers Engineering Study in 2009. The 5-2-1 Drainage Authority commissioned the study for the Orchard Mesa area realizing there were potential flooding problems in this area. The potential for flooding has been created over time as the agricultural drain system was sized and built for irrigation tail water. As the area has become more urbanized, these agricultural drains have also been used for storm drains. The Ayers Study has been submitted to FEMA. If approved, the City anticipates that the floodplain areas of the Ayers Study will be identified on future FIRM map(s). A Floodplain Elevation Certificate will not be required if there is no new external building construction and the proposed remodel will be less than 50% of the value of the structure.

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

This project is consistent with the following Goals and Policies of the Comprehensive Plan:

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.

By renovating the property and separating the larger house into a duplex, a mix of housing types will be obtained on this property. The single-family residence remains and two, two bedroom duplex type units will be added. In today's emerging market, two bedroom units seem to be more desirable than a traditional large four bedroom unit with only one bathroom.

Goal 6: Land use decisions will encourage preservation and appropriate reuse.

The creation of the additional dwelling unit by an interior remodel will not increase the size or the footprint of the house. This is an appropriate reuse and preservation of the original house that also creates an additional needed housing type which is consistent with the Comprehensive Plan.

The Comprehensive Plan states that market conditions will help establish appropriate residential densities creating a wider mix of housing types and densities all within the same land use designation. The Blended Map Residential Medium category allows a range of compatible densities between four dwelling units per acre and sixteen dwelling units per acre that support a broad range of housing types.

**Board or Committee Recommendation:**

The Planning Commission recommended approval of the requested rezone at their March 26, 2013 meeting.

**Financial Impact/Budget:**

N/A

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

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

**Attachments:**

Site Location Map / Aerial Photo Map  
Comprehensive Plan Map / Existing City Zoning Map  
Blended Residential Map / Ayres 100 Year Floodplain Map  
Ordinance

| BACKGROUND INFORMATION                      |       |                                                                |     |   |    |
|---------------------------------------------|-------|----------------------------------------------------------------|-----|---|----|
| Location:                                   |       | 1941 Palisade Street                                           |     |   |    |
| Applicants:                                 |       | Rhonda Christensen, owner                                      |     |   |    |
| Existing Land Use:                          |       | Residential                                                    |     |   |    |
| Proposed Land Use:                          |       | Residential                                                    |     |   |    |
| Surrounding Land Use:                       | North | Residential                                                    |     |   |    |
|                                             | South | Vacant commercial land                                         |     |   |    |
|                                             | East  | Vacant land and credit union                                   |     |   |    |
|                                             | West  | Residential and warehouse                                      |     |   |    |
| Existing Zoning:                            |       | R-8 (Residential – 8 units per acre)                           |     |   |    |
| Proposed Zoning:                            |       | R-12 (Residential – 12 units per acre)                         |     |   |    |
| Surrounding Zoning:                         | North | R-8 (Residential – 8 units per acre)                           |     |   |    |
|                                             | South | C-1(Light Commercial)                                          |     |   |    |
|                                             | East  | R-8 (Residential – 8 units per acre) and C-1(Light Commercial) |     |   |    |
|                                             | West  | R-8 (Residential – 8 units per acre) and C-1(Light Commercial) |     |   |    |
| Future Land Use Designation:                |       | Residential Medium (4-8 units)                                 |     |   |    |
| Blended Residential Land Use Categories Map |       | Residential Medium (4-16 units)                                |     |   |    |
| Zoning within density range?                |       | X                                                              | Yes | X | No |

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

Zone requests must meet at least one of the following criteria for approval:

*(1) Subsequent events have invalidated the original premise and findings;*

Response: The original premises and findings are still valid.

This criterion has not been met.

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

Response: The character of the area has changed due to the aging of older, inefficient homes built in the 1900's, 1930's, 1940's, and 1950's through 1996. This is an eclectic neighborhood, with some properties well cared for and others not as much. The condition of the subject parcel has become rundown and in need of renovation. The Comprehensive Plan predicts that market conditions will help establish appropriate residential densities creating a wider mix of housing types and densities all within the same land use designation as reflected

on the Blended Map. Dividing the larger house into two separate units (each unit with their own bathroom and kitchen) makes the housing more desirable, affordable and creates a needed housing type. Rezoning to R-12 will allow the interior remodel to create two separate dwelling units.

This criterion has been met.

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

Response: The two existing houses currently are served by City water and sewer. There is a six inch water line in Palisade Street and an eight inch sanitary sewer line located in the alley on the west side of the property. Existing water and sewer lines have adequate capacity for the new water tap and a new sanitary sewer tap required for the conversion of the house to a duplex. The Fire Flow form shows there is adequate capacity to support an additional dwelling unit. The alley is un-improved. Palisade Street is a local street with no curb, gutter or sidewalk. A signed Power of Attorney per Section 21.06.010(b)(3)(i)(G) of the Zoning and Development Code, committing the property to participation in any future Street and/or Alley Improvement District would be required as a condition of receiving a planning clearance for a building permit; and new water and new sanitary sewer taps would be required for the conversion of the house to a duplex and shall be obtained by the applicant prior to issuance of the planning clearance.

Although community facilities are impacted by a new dwelling unit, these impacts are mitigated by the collection of a Transportation Capacity Payment (TCP) fee, School Impact fee and a Parks and Open Space fee. All required development fees are due and would be paid upon issuance of a Planning Clearance.

This criterion has been met.

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

Response: There is an inadequate supply of land in the community designated for higher density that supports a range of housing types. Use of the Blended Map allows a range of compatible densities that support a mix of housing types and supports the applicant's request to rezone to a higher zone district to create a needed housing type.

This criterion has been met.

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

Response: The Blended Map allows the applicant to request a rezone to the R-12 which supports Goals 5 and 6 of the Comprehensive Plan (as stated above under Consistency with the Comprehensive Plan). The benefit to the

neighborhood will be a renovated and improved structure that will provide a clean and desirable place to live, and creation of a broader mix of needed housing types.

This criterion has been met.

### **Alternative Zone Districts**

Although the Residential Medium category of the Blended Map would allow densities that range from four dwelling units per acre to sixteen dwelling units per acre, the only zone district that would increase density for the subject property is R-12. The property is too small to meet the density requirements of the R-16 zone district and the density requirement of R-16 is too much for this area without a better transition between existing density and new development.

The RO zone district is a transitional zone that is suitable for residential areas that are transitioning from residential to commercial land uses. This area is not experiencing that type of transition.

The R-4 and R-5 zone districts implement the Residential Medium category but do not support the mix of housing types that the Comprehensive Plan encourages.

In my opinion the most appropriate zone district that supports the Comprehensive Plan goals and policies is the R-12 zone district.

In addition to the zoning that the applicant has requested, the following zone districts also implement the Blended Map Residential Medium category for the subject property:

- a. R-16 (Residential – 16 units per acre)
- b. R-O (Residential – Office)
- c. R-4 (Residential 4 dwelling units per acre)
- d. R-5 (Residential 5 dwelling units per acre)

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

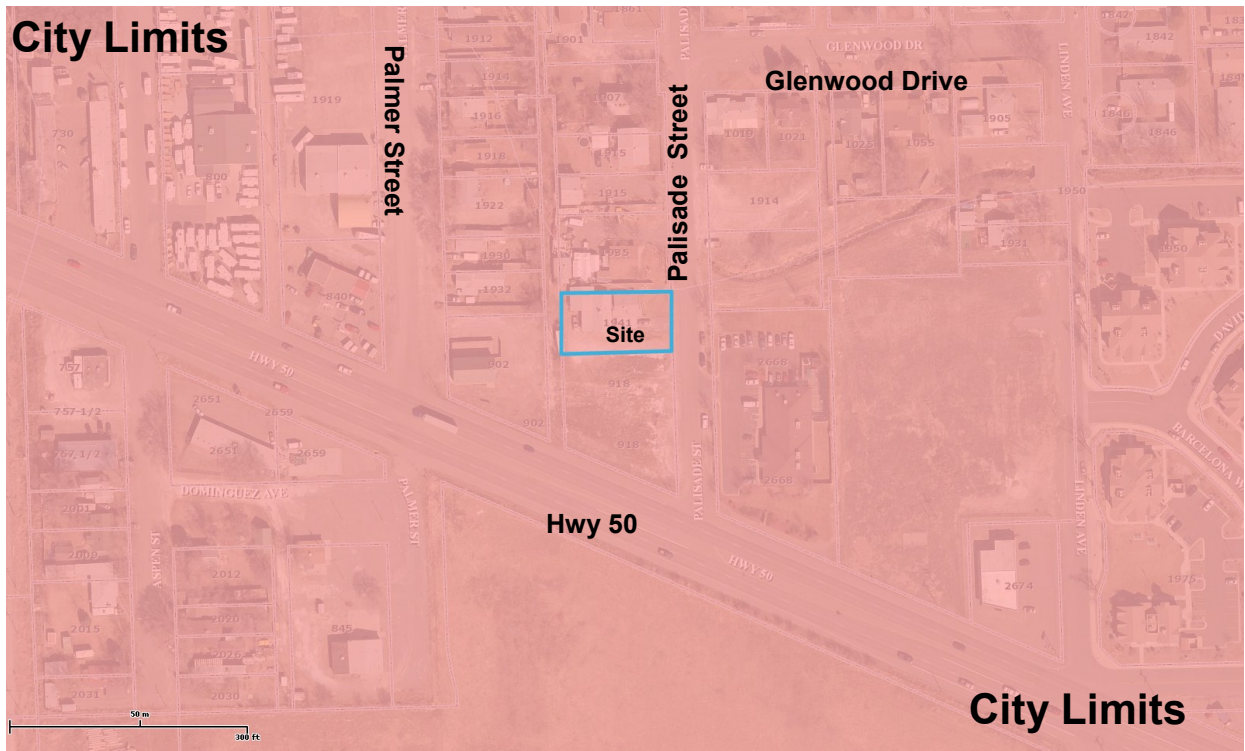
### **FINDINGS OF FACT/CONCLUSIONS/CONDITIONS:**

After reviewing the 1941 Palisade Street Rezone, RZN-2013-77, a request to rezone the property from R-8 (Residential – 8 units per acre) to R-12 (Residential – 12 units per acre), the following findings of fact and conclusions have been determined:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan.
2. The review criteria in Section 21.02.140(a), specifically criteria 2, 3, 4 and 5 of the Grand Junction Municipal Code have been met.

# Site Location Map

## 1941 Palisade



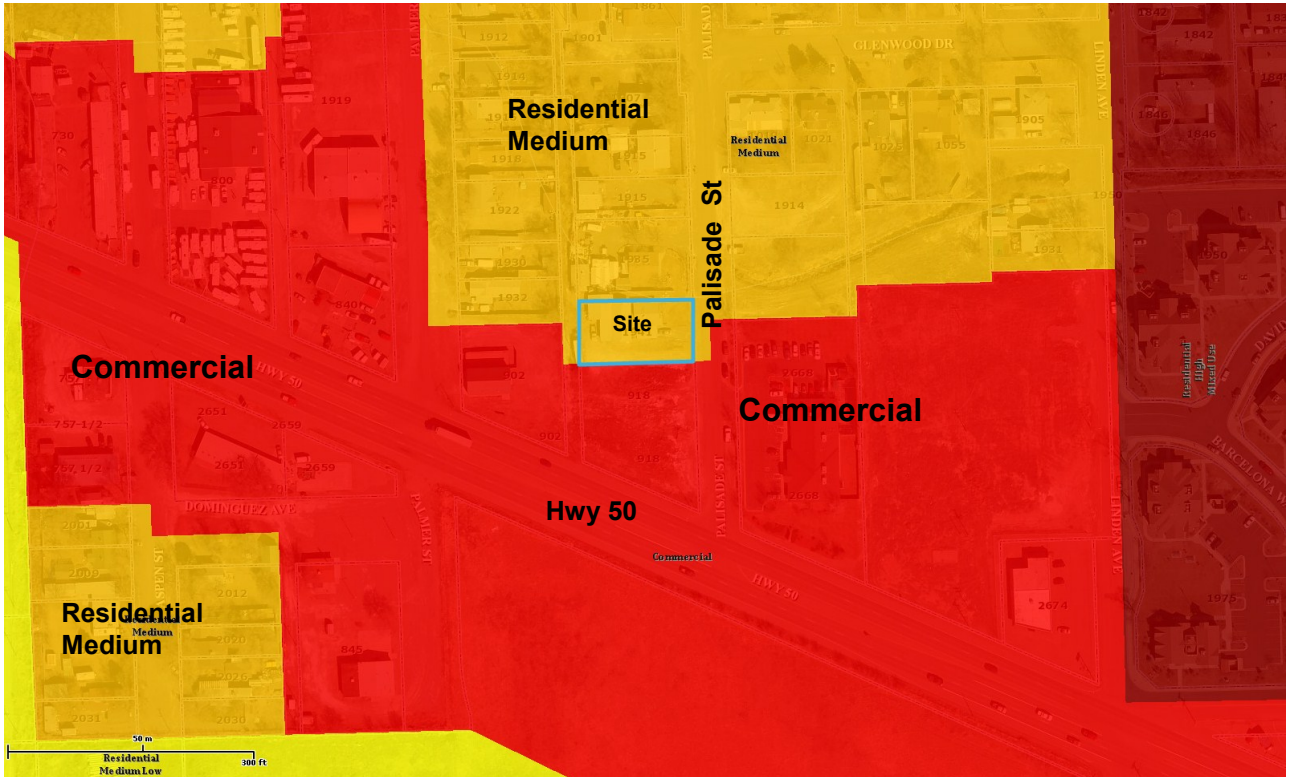
# Aerial Photo Map

## 1941 Palisade Street



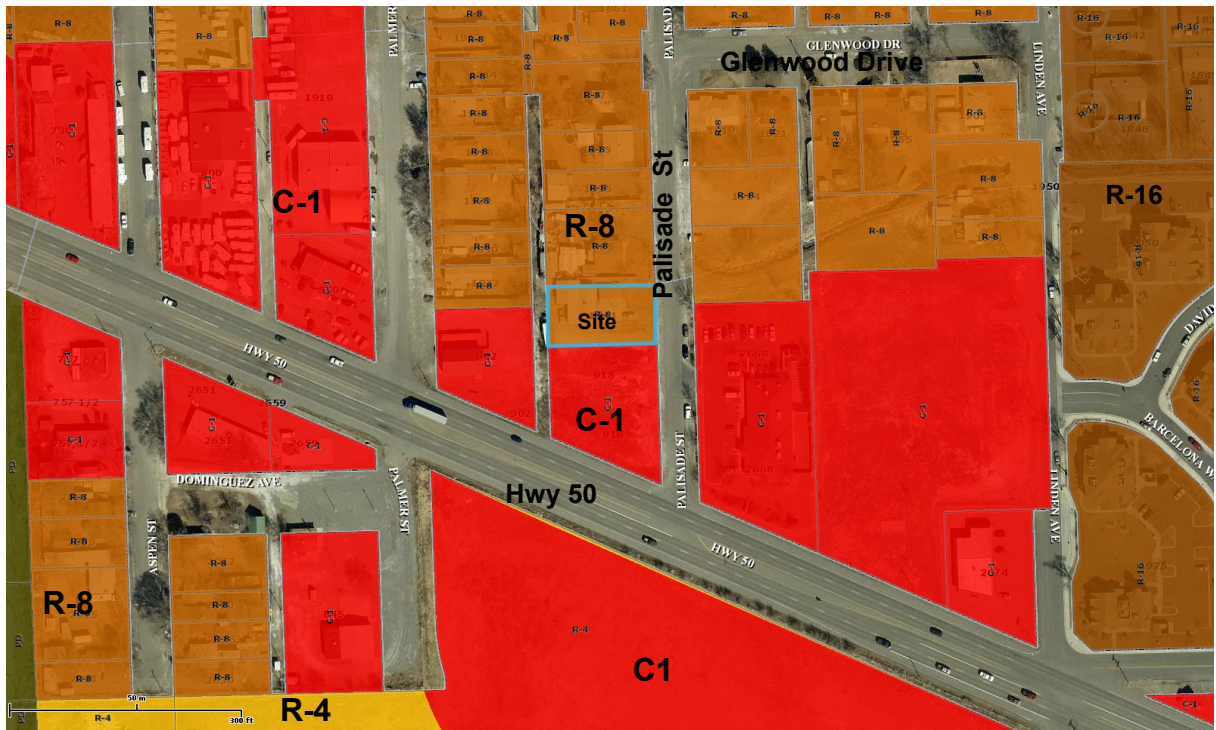
# Comprehensive Plan Map

## 1941 Palisade Street



# Existing City Zoning Map

## 1941 Palisade





# Blended Residential Map



# AYRES 100 YEAR FLOODPLAIN MAP



# CITY OF GRAND JUNCTION, COLORADO

## ORDINANCE NO.

### **AN ORDINANCE REZONING 1941 PALISADE STREET FROM R-8 (RESIDENTIAL – 8 UNITS PER ACRE) TO R-12 (RESIDENTIAL – 12 UNITS PER ACRE)**

#### Recitals:

The applicant purchased the property in November 2012. The older front house is currently a rental house. The larger house, which is located behind the older home, is currently vacant and is in desperate need of repair and renovation. The house has two very large bedrooms and two midsized bedrooms with only one bathroom and one kitchen which are not sufficient for such a large dwelling. The applicant would like to convert the larger house into a duplex with two bedrooms in each unit. This will create a third dwelling unit on the property.

The property currently exceeds the maximum number of allowed dwelling units in the R-8 zone district because it is only 0.243 acres. The applicant would like to rezone their property to R-12, which would allow greater density on their property and thereby allow conversion of the larger house into a duplex.

The Comprehensive Plan Future Land Use Map designates this area as Residential Medium which allows zoning up to R-8. This is the maximum zoning permitted under the current land use designation.

The Comprehensive Plan Blended Map allows a property owner to request a rezone of their property to a zone district that implements the broader land use category identified on the Blended Map. The Blended Map has established a broader range of compatibility (4 to 16 dwelling units per acre) for this area of the City which supports the request to rezone to R-12 with a maximum of 12 dwelling units per acre.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the 1941 Palisade Street property from R-8 (Residential – 8 units per acre) to the R-12 (Residential – 12 units per acre) zone district for the following reasons:

1) The R-12 zone district is supported by the Residential Medium category of the Blended Map. The purpose of the Blended Map is to allow an appropriate mix of density for a specific area without being limited to a specific land use designation.

2) 1941 Palisade Street Rezone meets the Comprehensive Plan's goals and policies and is generally compatible with appropriate land uses located in the surrounding area.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the R-12 zone district to be established.

The Planning Commission and City Council find that the R-12 zoning is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property shall be rezoned R-12 (Residential – 12 units per acre).

2945-261-16-005

1941 PALISADE STREET

Lots 11, 12 and 13 in Block 21 of Orchard Mesa Heights, as same is recorded in Plat Book 1 Page 16, Public Records of Mesa County, Colorado, and, Beginning at the Southeast corner of said Lot 13 of said Block 21; thence East 15 feet; thence North to a point 15 feet East of the Northeast corner of said Lot 11; thence West 15 feet to the Northeast corner of said Lot 11, thence South to the Point of Beginning, As vacated by Order recorded April 21, 1949 in Book 503 at Page 70, County of Mesa, State of Colorado.

Introduced on first reading this \_\_\_ day of \_\_\_\_\_, 2013 and ordered published in pamphlet form.

Adopted on second reading and ordered published in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor



Date: April 2, 2013  
 Author: Scott D. Peterson  
 Title/ Phone Ext: Senior Planner/1447  
 Proposed Schedule: Resolution Referring Petition, April 17, 2013.  
1<sup>st</sup> Reading Zoning: May 1, 2013  
 2nd Reading: June 5, 2013  
 File #: ANX-2013-96

**Attach 3**

**CITY COUNCIL AGENDA ITEM**

|                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject:</b> Peony Heights Annexation Located at 612 Peony Drive                                                                                                                                                   |
| <b>Action Requested/Recommendation:</b> Adopt a Resolution Referring the Petition and Exercising Land Use Control for the Peony Heights Annexation, Introduce a Proposed Ordinance and Set a Hearing for June 5, 2013 |
| <b>Presenters Name &amp; Title:</b> Scott D. Peterson, Senior Planner                                                                                                                                                 |

**Executive Summary:**

A request to annex 0.92 acres, located at 612 Peony Drive. The Peony Heights Annexation consists of one parcel, including portions of the Peony Drive and Broadway (Hwy. 340) rights-of-way. The total annexation area contains 1.12 acres of which 0.20 acres or 8,818 sq. ft. is right-of-way.

**Background, Analysis and Options:**

The existing property requesting annexation into the City is located at 612 Peony Drive in the Redlands. The current property owner is anticipating developing the property for a residential subdivision of 3 to 4 single-family detached homes in the near future. The property owner is requesting annexation into the City and a zoning of R-5, (Residential – 5 du/ac). 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:**

The proposed Annexation meets Goals 1, 3 and 5 of the Comprehensive Plan by implementing land use decisions that are consistent with the Comprehensive Plan, spreading future growth throughout the community and by providing a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

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

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

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

**Board or Committee Recommendation:**

The Planning Commission will consider the Zone of Annexation on April 23, 2013. Their recommendation will be forwarded for 1<sup>st</sup> Reading of the Zoning Ordinance on May 1, 2013.

**Financial Impact/Budget:**

None.

**Legal issues:**

There are none.

**Other issues:**

None.

**Previously presented or discussed:**

N/A.

**Attachments:**

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

| STAFF REPORT / BACKGROUND INFORMATION |              |                                                                                                  |            |  |           |
|---------------------------------------|--------------|--------------------------------------------------------------------------------------------------|------------|--|-----------|
| <b>Location:</b>                      |              | 612 Peony Drive                                                                                  |            |  |           |
| <b>Applicant:</b>                     |              | Chaparral West, Inc. Owner                                                                       |            |  |           |
| <b>Existing Land Use:</b>             |              | Vacant lot                                                                                       |            |  |           |
| <b>Proposed Land Use:</b>             |              | Residential single-family detached subdivision                                                   |            |  |           |
| <b>Surrounding Land Use:</b>          | <b>North</b> | Two-family dwelling                                                                              |            |  |           |
|                                       | <b>South</b> | Two-family dwelling                                                                              |            |  |           |
|                                       | <b>East</b>  | Single-family detached                                                                           |            |  |           |
|                                       | <b>West</b>  | Single-family detached                                                                           |            |  |           |
| <b>Existing Zoning:</b>               |              | RSF-4 (Residential Single Family – 4 du/ac)<br>(County)                                          |            |  |           |
| <b>Proposed Zoning:</b>               |              | R-5, (Residential – 5 du/ac)                                                                     |            |  |           |
| <b>Surrounding Zoning:</b>            | <b>North</b> | RSF-4, (Residential Single Family – 4 du/ac)<br>(County)                                         |            |  |           |
|                                       | <b>South</b> | RSF-4, (Residential Single Family – 4 du/ac)<br>(County)                                         |            |  |           |
|                                       | <b>East</b>  | RSF-4, (Residential Single Family – 4 du/ac)<br>(County)                                         |            |  |           |
|                                       | <b>West</b>  | RSF-4, (Residential Single Family – 4 du/ac)<br>(County)                                         |            |  |           |
| <b>Future Land Use Designation:</b>   |              | Residential Medium Low (2 – 4 du/ac)<br>Blended Land Use Map - Residential Low (Rural – 5 du/ac) |            |  |           |
| <b>Zoning within density range?</b>   |              | <b>X</b>                                                                                         | <b>Yes</b> |  | <b>No</b> |

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 1.12 acres (of which 0.20 acres or 8,818 sq. ft. is right-of-way) and is comprised of one parcel. The property owner has 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 Peony Heights 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.

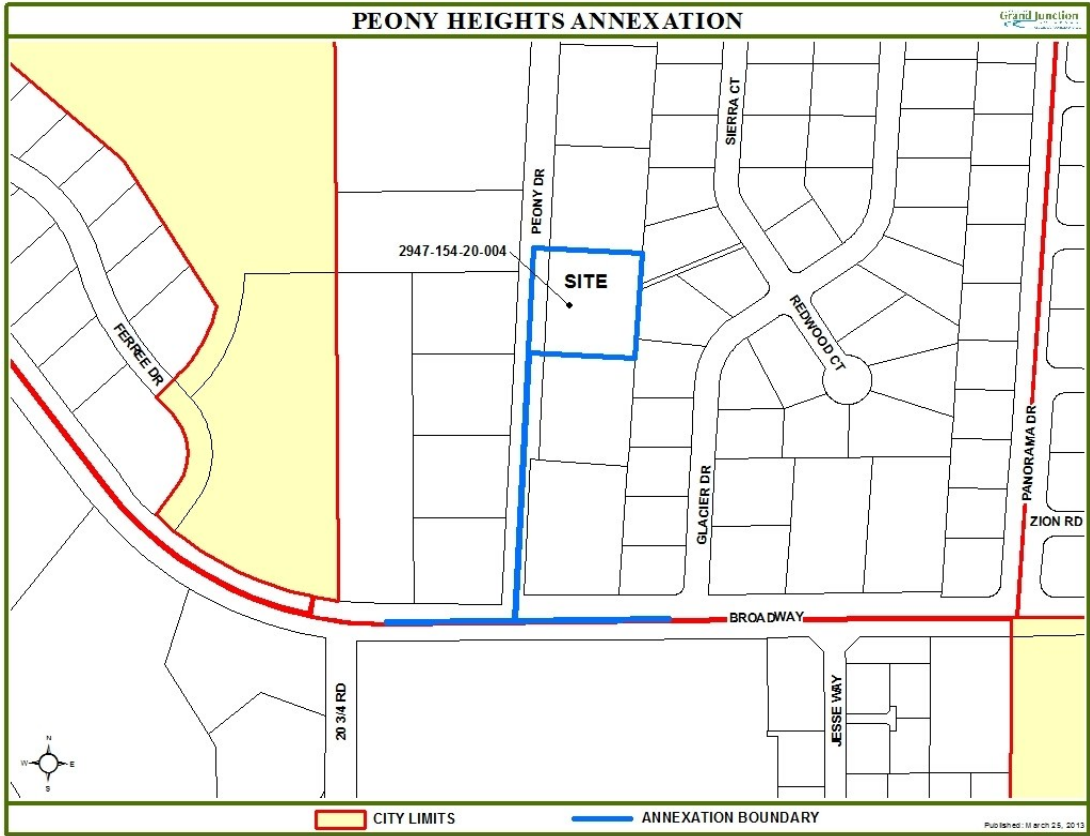
The following annexation and zoning schedule is being proposed.

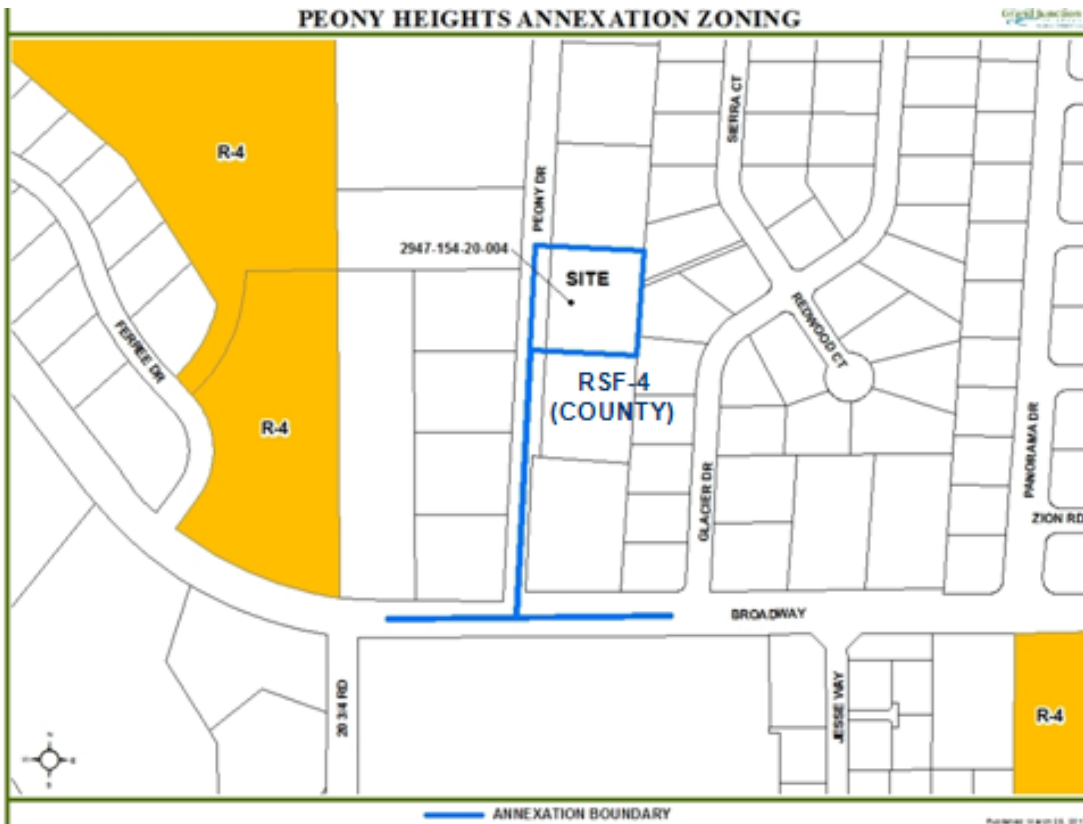
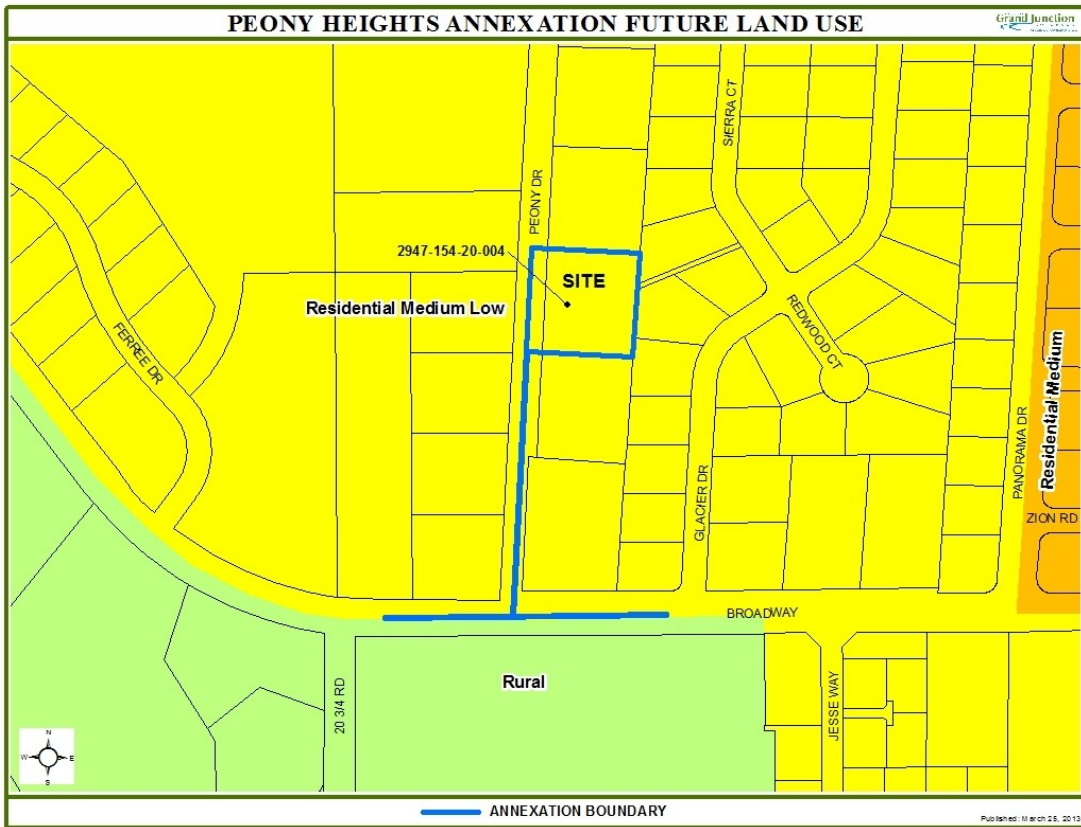
| <b><i>ANNEXATION SCHEDULE</i></b> |                                                                                                 |
|-----------------------------------|-------------------------------------------------------------------------------------------------|
| <b>April 17, 2013</b>             | Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use |
| <b>April 23, 2013</b>             | Planning Commission considers Zone of Annexation                                                |
| <b>May 1, 2013</b>                | Introduction of A Proposed Ordinance on Zoning by City Council                                  |
| <b>June 5, 2013</b>               | Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council              |
| <b>July 7, 2013</b>               | Effective date of Annexation and Zoning                                                         |

**PEONY HEIGHTS ANNEXATION SUMMARY**

|                                       |                                  |                                                                                                  |
|---------------------------------------|----------------------------------|--------------------------------------------------------------------------------------------------|
| <b>File Number:</b>                   |                                  | ANX-2013-96                                                                                      |
| <b>Location:</b>                      |                                  | 612 Peony Drive                                                                                  |
| <b>Tax ID Number:</b>                 |                                  | 2947-154-20-004                                                                                  |
| <b># of Parcels:</b>                  |                                  | 1                                                                                                |
| <b>Estimated Population:</b>          |                                  | 0                                                                                                |
| <b># of Parcels (owner occupied):</b> |                                  | 0                                                                                                |
| <b># of Dwelling Units:</b>           |                                  | 0                                                                                                |
| <b>Acres land annexed:</b>            |                                  | 1.12                                                                                             |
| <b>Developable Acres Remaining:</b>   |                                  | 0.92                                                                                             |
| <b>Right-of-way in Annexation:</b>    |                                  | 0.20                                                                                             |
| <b>Previous County Zoning:</b>        |                                  | RSF-4, (Residential Single Family – 4 du/ac)                                                     |
| <b>Proposed City Zoning:</b>          |                                  | R-5, (Residential – 5 du/ac)                                                                     |
| <b>Current Land Use:</b>              |                                  | Vacant lot                                                                                       |
| <b>Future Land Use:</b>               |                                  | Residential Medium Low (2 - 4 du/ac)<br>Blended Land Use Map - Residential Low (Rural – 5 du/ac) |
| <b>Values:</b>                        | <b>Assessed:</b>                 | \$32,630                                                                                         |
|                                       | <b>Actual:</b>                   | \$112,500                                                                                        |
| <b>Address Ranges:</b>                |                                  | 612                                                                                              |
| <b>Special Districts:</b>             | <b>Water:</b>                    | Ute Water Conservancy District                                                                   |
|                                       | <b>Sewer:</b>                    | Persigo 201                                                                                      |
|                                       | <b>Fire:</b>                     | Grand Junction Rural Fire                                                                        |
|                                       | <b>Irrigation/<br/>Drainage:</b> | Redlands Water and Power Company                                                                 |
|                                       | <b>School:</b>                   | District 51                                                                                      |
|                                       | <b>Pest:</b>                     | Grand River Mosquito Control District                                                            |







# Blended Residential Map



*Residential Low*  
(Rural - 5 du/ac)

Site

Residential Medium  
(4 - 16 du/ac)

BROADWAY

**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 17<sup>th</sup> of April 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**

**PEONY HEIGHTS ANNEXATION**

**LOCATED AT 612 PEONY DRIVE**

WHEREAS, on the 17<sup>th</sup> day of April, 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:

**PEONY HEIGHTS ANNEXATION**

A certain parcel of land lying in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE1/4) of Section 15 and the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 22, all in Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 4, Peony Subdivision, as same is recorded in Plat Book 14, Page 369, Public Records of Mesa County, Colorado and assuming the South line of the Southeast Quarter (SE 1/4) of said Section 15 bears S 89°26'44" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 04°20'36" W along the East line of said Lot 4, a distance of 214.96 feet to a point being the Southeast corner of said Lot 4; thence N 86°32'19" W, along the South line and the Westerly extension thereof of said Lot 4, a distance of 214.47 feet to a point within the right of way for Peony Drive; thence S 03°21'34" W, through said right of way, a distance of 542.17 feet; thence N 89°47'50" E along a line 2.00 feet North of and parallel with the North line of Panorama Point Annexation No. 1, Ordinance No. 4283, as same is recorded in Book 4731, Page 827, Public Records of Mesa County, Colorado, a distance of 312.18 feet; thence S 00°12'10" E, a distance of 2.00 feet to a point on the North line of said Panorama Point Annexation No. 1; thence S 89°47'50" W, along the North line of said Panorama Point Annexation No. 1, a distance of 575.50 feet; thence N 00° 12'10" W, a distance of 2.00 feet; thence N 89°47'50" E, along a line 2.00 feet North of and parallel with, the North line of said Panorama Point Annexation No. 1, a distance of 261.32 feet; thence N 03°21'34" E a distance of 754.47 feet to a point intersecting the Westerly extension of the North line of said Lot 4, Peony Subdivision;

thence S 87°15'28" E, along said North line and its Westerly extension, a distance of 220.18 feet, more or less, to the Point of Beginning.

CONTAINING 48,855 Square Feet or 1.122 Acres, more or less, as described.

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

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

1. That a hearing will be held on the 5<sup>th</sup> day of June, 2013, in the City Hall auditorium, located at 250 North 5<sup>th</sup> 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, Utilities 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> |
|------------------------|
| <b>April 19, 2013</b>  |
| <b>April 26, 2013</b>  |
| <b>May 3, 2013</b>     |
| <b>May 10, 2013</b>    |

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**PEONY HEIGHTS ANNEXATION**

**APPROXIMATELY 1.12 ACRES**

**LOCATED AT 612 PEONY DRIVE AND INCLUDING PORTIONS  
OF THE PEONY DRIVE AND BROADWAY (HWY 340) RIGHTS-OF-WAY**

**WHEREAS**, on the 17<sup>th</sup> day of April, 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 5<sup>th</sup> day of June, 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:

**PEONY HEIGHTS ANNEXATION**

A certain parcel of land lying in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE1/4) of Section 15 and the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 22, all in Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 4, Peony Subdivision, as same is recorded in Plat Book 14, Page 369, Public Records of Mesa County, Colorado and assuming the South line of the Southeast Quarter (SE 1/4) of said Section 15 bears S 89°26'44" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 04°20'36" W along the East line of said Lot 4, a distance of 214.96 feet to a point being the Southeast corner of said Lot 4; thence N 86°32'19" W, along the South line and the Westerly extension thereof of said Lot 4, a distance of 214.47 feet to a point within the right of way for Peony Drive; thence S 03°21'34" W, through said right of way, a distance of 542.17 feet; thence N 89°47'50" E along a line 2.00 feet North of



and parallel with the North line of Panorama Point Annexation No. 1, Ordinance No. 4283, as same is recorded in Book 4731, Page 827, Public Records of Mesa County, Colorado, a distance of 312.18 feet; thence S 00°12'10" E, a distance of 2.00 feet to a point on the North line of said Panorama Point Annexation No. 1; thence S 89°47'50" W, along the North line of said Panorama Point Annexation No. 1, a distance of 575.50 feet; thence N 00° 12'10" W, a distance of 2.00 feet; thence N 89°47'50" E, along a line 2.00 feet North of and parallel with, the North line of said Panorama Point Annexation No. 1, a distance of 261.32 feet; thence N 03°21'34" E a distance of 754.47 feet to a point intersecting the Westerly extension of the North line of said Lot 4, Peony Subdivision; thence S 87°15'28" E, along said North line and its Westerly extension, a distance of 220.18 feet, more or less, to the Point of Beginning.

CONTAINING 48,855 Square Feet or 1.122 Acres, more or less, as described.

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

**INTRODUCED** on first reading on the \_\_\_\_ day of \_\_\_\_\_, 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: 03/25/2013

Author: Paul Quimby

Title/ Phone Ext: Police Commander

x 5112

Proposed Schedule: April 17, 2013

2nd Reading

(if applicable): \_\_\_\_\_

File # (if applicable): \_\_\_\_\_

**Attach 4  
CITY COUNCIL AGENDA ITEM**

|                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject:</b> Purchase One Total Containment Trap for Police Firing Range                                                                                                        |
| <b>Action Requested/Recommendation:</b> Authorize the City Purchasing Division to Purchase a Total Containment Trap from Action Target of Provo, UT in the Amount of \$127,338.16. |
| <b>Presenter(s) Name &amp; Title:</b> John Camper, Police Chief<br>Jay Valentine, Internal Services Manager                                                                        |

**Executive Summary:**

The Police firing range has been in use for over 50 years with no lead clean up. Once the lead is remediated, this bullet trap will be installed to prevent future noncompliance with EPA standards.

**Background, Analysis and Options:**

The range has been in use for over 50 years with no lead ever being removed from the earth backstop. In some agencies, failure to remediate has resulted in EPA fines for violation and closure of the range. The remediation of the lead and the installation of a lead trap will prevent potential EPA violations. Currently, there are 27 agencies that utilize the range for practice, training and qualifications. Agency users include Federal, State, County and Local law enforcement. There is an existing turning target system at the range purchased from Action Target. The new Total Containment System is designed to be compatible with this turning target system.

The Federal U.S. General Services Administration (GSA) establishes contracts on a federal level that are available to state and local governments. By utilizing these Federal GSA contracts we can save money based on economies of scale and at the same time fulfill the competition requirement. GSA contract number GS-02F-9301C has been established with Action Target for a Total Containment System in the amount of \$127,388.16.

It is the recommendation of the Police Department to utilize this cooperative agreement and purchase the system needed at the Firing Range.

**Board or Committee Recommendation:**

N/A

**Financial Impact/Budget:**

This project is budgeted in the General Fund as detailed below:

**Source of Funds**

Contribution Mesa County Forfeiture Board     \$ 70,000

**Use of Funds**

|                                         |                  |
|-----------------------------------------|------------------|
| <b>Containment Trap (Action Target)</b> | <b>\$127,338</b> |
| Lead Remediation                        | \$ 8,450         |
| Concrete Work                           | <u>\$ 4,212</u>  |
| <b>Total Project Budget</b>             | <b>\$140,000</b> |

|                                 |                  |
|---------------------------------|------------------|
| <b><i>Net Budget Impact</i></b> | <b>\$ 70,000</b> |
|---------------------------------|------------------|

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

N/A



Date: 04/2/2013  
 Author: Kimberly Swindle  
 Title/ Phone Ext: Police Financial  
 Analyst x 5119  
 Proposed Schedule: April 17, 2013  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 \_\_\_\_\_  
 File # (if applicable):

**Attach 5  
 CITY COUNCIL AGENDA ITEM**

|                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject:</b> Purchase 70 Tasers for Police                                                                                                                                 |
| <b>Action Requested/Recommendation:</b> Authorize the City Purchasing Division to Purchase Tasers from ProForce Law Enforcement of Prescott, AZ in the Amount of \$75,938.80. |
| <b>Presenter(s) Name &amp; Title:</b> John Camper, Police Chief<br>Jay Valentine, Internal Services Manager                                                                   |

**Executive Summary:**

The Tasers currently being used by the Police Department are no longer supported by the manufacturer, Taser International. Therefore, the Police Department has budgeted funds to replace a portion of its Tasers in 2013 and will budget funds for the remaining Tasers in 2014.

**Background, Analysis and Options:**

A majority of the Police Department’s Tasers were purchased in 2006. Taser International, the manufacturer, will not service any Tasers that are more than 5 years old. If there is a malfunction, the Police Department must purchase a new Taser. (In addition, whatever data is on the Taser is lost.) At a little over \$1,000 per Taser, replacement without planning could have a negative impact on the budget. Therefore, in order to prevent future problems with both data and budget, the Police Department is replacing the 70 oldest Tasers in 2013 and the remainder will be replaced in 2014.

This product is only manufactured by Taser International and there is only one authorized Distributor that covers this geographical area: ProForce Law Enforcement. Therefore, the police department is requesting authorization to complete a Sole Source purchase for Tasers. Obtaining quotes from competitors is not an option. Future purchases will be made from the same manufacturer using the same distributor.

**Board or Committee Recommendation:**

N/A

**Financial Impact/Budget:**

The funds for this purchase have been budgeted and approved in the General Fund.

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

N/A



Date: 4-10-2013  
 Author: Trent Prall  
 Title/ Phone Ext: Engineering Manager, 970-256-4047  
 Proposed Schedule: Wednesday, April 17, 2013  
 2nd Reading  
 (if applicable): N/A

**Attach 6  
 CITY COUNCIL AGENDA ITEM**

|                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject:</b> Street Lighting on the 22 Road Realignment at Highway 6 Project                                                                                                                                                        |
| <b>Action Requested/Recommendation:</b> Authorize the City Purchasing Division to Sign a Purchase Order with Grand Valley Power to Provide Street Lighting for the 22 Road Realignment at Highway 6 Project in the Amount of \$266,827 |
| <b>Presenter(s) Name &amp; Title:</b> Trent Prall, Engineering Manager                                                                                                                                                                 |

**Executive Summary:**

The 22 Road Realignment at Highway 6 project will reconstruct the intersection of 22 Road with Highway 6 along with a one-third mile long section of 22 Road. A key component of an urban street is adequate street lighting. This purchase order with Grand Valley Power will pay for the materials and installation of the street lights.

**Background, Analysis and Options:**

The Grand Valley Power proposal provides for 50 LED “cobra” head street lights installed on 40 foot steel poles. This proposal also includes 4 LED cobra head streetlights to be installed on the traffic light poles. The cost for the proposed work is \$266,827.

Street lights increase visibility and thus increase road safety for drivers traveling at night. The presence of lighting not only reduces the risk of traffic accidents, but also their severity. Studies have shown that darkness results in a large number of crashes and fatalities, especially those involving pedestrians; pedestrian fatalities are 3 to 6.75 times more likely in the dark than in daylight. Street lighting has been found to reduce pedestrian crashes by approximately 50%. Furthermore, lighted intersections and highway interchanges tend to have fewer crashes than unlighted intersections and interchanges.

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

The Comprehensive Plan calls for Commercial Industrial (CI) development along the 22 Road corridor, and shows 22 Road as a proposed Arterial Street with a Neighborhood Center located to the north of Highway 6 at 22 and H Roads. This street improvement

project will contribute to future development and improve the safety and efficiency of the intersection. The streetlights help transition the area from rural to urban and improves safety as more light is provided to the roadway and adjacent pedestrian facilities.

**Board or Committee Recommendation:**

N/A

**Financial Impact/Budget:**

The funding for this project is budgeted in Transportation Capacity Project (TCP) fund however; the amount that was budgeted but unspent in 2012 will need to be re-appropriated in the 2013 supplemental budget approval process. The 22 Road Realignment project budget is shown below.

**Sources**

|                                   |                    |
|-----------------------------------|--------------------|
| 2013 Project Budget               | \$3,400,000        |
| 2012 Project Budget Carry Forward | 324,384            |
| Pilot Construction Reimbursement  | 285,000            |
| 2013 Use of TCP Funds             | <u>300,000</u>     |
| <b>Total Project Sources</b>      | <b>\$4,309,384</b> |

**Expenditures (as of 4/8/13)**

|                                           |                            |
|-------------------------------------------|----------------------------|
| Construction Contract M.A. Concrete       | \$3,882,458                |
| Ute Water Line Relocation                 | 28,800                     |
| Remaining Right of Way Acquisition        | 63,662                     |
| <b>Grand Valley Power Street Lighting</b> | <b>266,827 (this item)</b> |
| Wetlands Mitigation                       | 37,402                     |
| Traffic Signal Relocation                 | 10,000                     |
| Consultant Services                       | <u>20,235</u>              |
| <b>Total 2013 Expenditures</b>            | <b>\$4,309,384</b>         |

**Legal issues:**

None

**Other issues:**

N/A

**Previously presented or discussed:**

A Resolution was adopted at the December 19, 2012 City Council meeting authorizing the purchase of property at 760 Valley Court for Right-Of-Way and easements necessary to construct the project.

A construction contract was awarded March 20, 2013 to construct the project.

**Attachments:**

N/A





Date: April 9, 2013  
 Author: Trent Prall  
 Title/ Phone Ext: Engineering  
Manager / 256-4047  
 Proposed Schedule: Wednesday,  
April 17, 2013  
 2nd Reading  
 (if applicable): N/A

**Attach 7  
 CITY COUNCIL AGENDA ITEM**

|                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject:</b> Authorize the Use of 1% Funds for the Underground Conversion of Overhead Power along 22 Road and at the 22 Road intersection with Highway 6.                                                                 |
| <b>Action Requested/Recommendation:</b> Adopt a Resolution Authorizing Grand Valley Power to Use the City of Grand Junction Overhead to Underground One Percent (1%) Funds for the 22 Road Realignment at Highway 6 Project. |
| <b>Presenter(s) Name &amp; Title:</b> Trent Prall, Engineering Manager                                                                                                                                                       |

**Executive Summary:**

The 22 Road Realignment at Highway 6 Project will reconstruct the intersection of 22 Road with Highway 6 along with a one-third mile long section of 22 Road. As part of the project, the City proposes to use Grand Valley Power 1% funds to move the aerial power lines underground. Grand Valley Power would complete the work at a net impact to the fund of \$113,674.

**Background, Analysis and Options:**

Grand Valley Power has a 1% surcharge that is applied on all utility bills that is placed into a fund as part of its franchise agreement with the City of Grand Junction. This fund is used to pay for undergrounding of electric utilities as part of City capital projects.

Grand Valley Power proposes to remove the overhead line and replace it with a new underground line. This proposal includes crossing the Persigo Wash on the north end of the project with an overhead line and the underground line originating line originating at the south side of the Persigo Wash and proceeding south to the west side of 22 Road at Highway 6. The cost for undergrounding work is estimated at \$182,000. Minus the credit for the overhead line option of \$68,326 leaves a balance of \$113,674 to be funded out of the 1% funds.

There is approximately \$750,000 in the 1% fund as of the end of March 2013. Subtracting the project cost of \$113,674 will leave a balance of \$636,326 for future projects within the GVP service area.

Construction of the project is scheduled to begin on April 8, 2013, with completion by October 4, 2013. CDOT's adjacent road project, the I-70 Exit 26 Diverging Diamond

Interchange is anticipated to start construction in June of 2013 with completion by December 2013. Grand Valley Power undergrounding work will be completed in the first three months of the project.

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

The Comprehensive Plan calls for Commercial Industrial (CI) development along the 22 Road corridor, and shows 22 Road as a proposed Arterial Street with a Neighborhood Center located to the north of Highway 6 at 22 and H Roads. This street improvement project will contribute to future development and improve the safety and efficiency of the intersection. The undergrounding effort helps transition the area from rural to urban, improves safety as power poles are removed, as well as improve aesthetics.

**Board or Committee Recommendation:**

N/A

**Financial Impact/Budget:**

The project funded by the City of Grand Junction's Grand Valley Power 1% fund that is held by the GVP. There is no financial impact to the City of Grand Junction budget so no appropriations need to be made. A City Council resolution authorizing the GVP to use the funds is required.

**Legal issues:**

None

**Other issues:**

N/A

**Previously presented or discussed:**

A Resolution was adopted at the December 19, 2012 City Council meeting authorizing the purchase of property at 760 Valley Court for Right-Of-Way and easements necessary to construct the project.

A construction contract was awarded March 20, 2013 to construct the project.

**Attachments:**

Resolution

**RESOLUTION NO.**

**A RESOLUTION AUTHORIZING GRAND VALLEY POWER TO USE THE CITY OF GRAND JUNCTION OVERHEAD TO UNDERGROUND ONE PERCENT (1%) FUNDS AS ESTABLISHED IN THE FRANCHISE AGREEMENT FOR THE 22 ROAD REALIGNMENT AT HIGHWAY 6 PROJECT**

WHEREAS, the City of Grand Junction is planning to realign, widen and improve 22 Road and Highway 6. There are overhead power facilities immediately adjacent to the intersection; and

WHEREAS, the City Council believes the relocation of these existing power lines from overhead to underground is necessary for the overall upgrade of the intersection and 22 Road corridor; and

WHEREAS, the existing overhead power facilities are located in the City limits, and

WHEREAS, under the Grand Valley Power franchise, funds are allotted for such purposes.

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

That the use of overhead to underground one percent (1%) funds for the 22 Road Realignment at Highway 6 Project is hereby approved for \$113,674.

ADOPTED AND APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of City Council



Date: 2/12/13  
 Author: Darren Starr  
 Title/ Phone Ext: 1493  
 Proposed Schedule: 4/3/13  
 \_\_\_\_\_  
 2nd Reading  
 (if applicable): \_\_\_\_\_

**Attach 9  
 CITY COUNCIL AGENDA ITEM**

|                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject:</b> Purchase of One Rear Load Refuse Truck                                                                                                                                                                                |
| <b>Action Requested/Recommendation:</b> Authorize the City Purchasing Division to Award a Contract to Purchase One 2014 Mack CNG Refuse Truck with Leach Rear Load Body from Western Colorado Truck Center in the Amount of \$218,921 |
| <b>Presenter(s) Name &amp; Title:</b> Jay Valentine, Internal Services Manager<br>Greg Trainor, Public Works, Utilities, and Planning Director<br>Darren Starr, Manager, Streets, Storm Water, and Solid Waste                        |

**Executive Summary:**

This purchase request is for one Mack Compressed Natural Gas (CNG) Rear Load Refuse Truck to replace one 13 year old diesel unit currently in the City's fleet. Budgeted funds for this purchase have been accrued in the Fleet Replacement Internal Service Fund.

**Background, Analysis and Options:**

A formal solicitation was advertised in the Daily Sentinel and sent to a source list of manufacturers and dealers capable of providing complete refuse trucks per our specifications.

The following firms responded to the Request for Proposal and the prices listed are net of the trade-in allowance and reflect the cost of the truck:

| <b>FIRM</b>                                  | <b>LOCATION</b>           | <b>COST W/Trade-In</b> |
|----------------------------------------------|---------------------------|------------------------|
| GJ Peterbilt – Leach                         | Grand Junction, CO        | \$208,410.00           |
| <b>Western Colorado Truck Center – Leach</b> | <b>Grand Junction, CO</b> | <b>\$218,921.00</b>    |
| GJ Peterbilt – Heil                          | Grand Junction, CO        | \$219,009.00           |

|                                            |                    |              |
|--------------------------------------------|--------------------|--------------|
| Western Colorado Truck Center – Heil       | Grand Junction, CO | \$222,520.00 |
| GJ Peterbilt – McNeilus                    | Grand Junction, CO | \$231,175.00 |
| Western Colorado Truck Center – Loadmaster | Grand Junction, CO | \$231,694.00 |

After review, Western Colorado Truck Center offering a Mack Chassis and a Leach body was chosen because:

(A.) The Mack Low Entry unit (LEU) is a true low entry cab design. Access is lower to the ground and easier for the workers to enter and exit the cab. In addition, the City has seven other Mack LEUs in our fleet. Compatibility of the chassis makes it easier and more familiar for the drivers and more cost effective for maintenance as parts are interchangeable between chassis.

(B.) The Leach body was determined to be the best value based off the maintenance cost analysis provided in the bid package as well as the life cycle cost analysis on the current fleet of rear load sanitation trucks.

(C.) The Leach body provides a local vendor for warranty, where the Heil and McNeilus warranty centers are in Denver. New Way and Loadmaster warranty centers are out of state.

Both Fleet Services and the Solid Waste division agree on purchasing the Mack Low Entry unit (LEU) with Leach body.

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

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

This purchase will positively affect the environment by using CNG compared with diesel. Not only is CNG a cleaner burning fuel, it also currently cost much less than diesel on a per gallon basis.

**Board or Committee Recommendation:**

N/A

**Financial Impact/Budget:**

Budgeted funds for this purchase have been accrued in the Fleet Replacement Internal Service Fund.

The purchase price for the CNG vehicle is approximately \$40,000 higher than that of the diesel engine; however this incremental cost is made up within the 10 year life expectancy of the vehicle as follows:

|                                             |                 |
|---------------------------------------------|-----------------|
| Expected Annual Vehicle Miles Driven        | 5,000           |
| Average Cost of Diesel Fuel YTD             | \$3.53          |
| Average Cost of CNG YTD                     | <u>\$1.07</u>   |
| Difference                                  | \$2.46          |
| Calculated Annual Savings (\$2.46 x 5000)   | \$12,300        |
| Calculated Payback (\$40,000 / \$12,300)    | 3.25 years      |
| <b>Total Estimated Savings (CNG Option)</b> | <b>\$83,300</b> |

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

N/A



Date: April 3, 2013  
 Author: Paula Creasy  
 Title/ Phone Ext: Project Manager,  
5450  
 Proposed Schedule: \_\_\_\_\_  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Attach 10  
 CITY COUNCIL AGENDA ITEM**

|                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject:</b> Microwave Link Purchase for Spruce Point to Grand Mesa radio sites                                                               |
| <b>Action Requested/Recommendation:</b> Authorize sole source purchase with Alcatel-Lucent in the amount of \$79,274                             |
| <b>Presenter(s) Name &amp; Title:</b> John Camper, Police Chief<br>Mike Nordine, Deputy Police Chief<br>Jay Valentine, Internal Services Manager |

**Executive Summary:**

This request is to purchase the equipment necessary to connect a microwave link from the proposed Spruce Point radio site to the existing Grand Mesa radio site. The purchase will include radio equipment, microwave dishes, and associated equipment.

**Background, Analysis and Options:**

The Grand Junction Regional Communications Center is expanding radio coverage in the Collbran area and surrounding mountaintops by adding the ninth, of eleven sites, to the digital trunked radio system infrastructure. This radio site will be located in the area of the Spruce Point. The equipment mentioned in this request is for the microwave link that will connect Spruce Point to Grand Mesa.

The Alcatel-Lucent microwave radio equipment is currently installed at the other eight radio sites, which are the Grand Junction 911 center, Water Plant, Black Ridge, Rabbit Valley, Mesa Point, U-Butte, Lee’s Point, and Grand Mesa. Purchasing the same equipment will allow spare parts to be shared among all radio sites. It will also make it easier for our radio technicians to troubleshoot and maintain. We have been using this type of radio equipment for all the other sites. Alcatel-Lucent is the only manufacturer for this equipment.

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

Adding the Spruce Point radio site to this system will improve radio coverage for our first responders in the Collbran area or the surrounding the mountaintops. This will be extremely beneficial during critical incidents such as forest fires or search and rescue

operations. They will have a way to communicate with each other and to their dispatcher so as conditions change, they can react quickly.

**Board or Committee Recommendation:**

N/A

**Financial Impact/Budget:**

This project is budgeted in the Communications Center 911 Fund as part of the Spruce Point Radio Site Project.

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

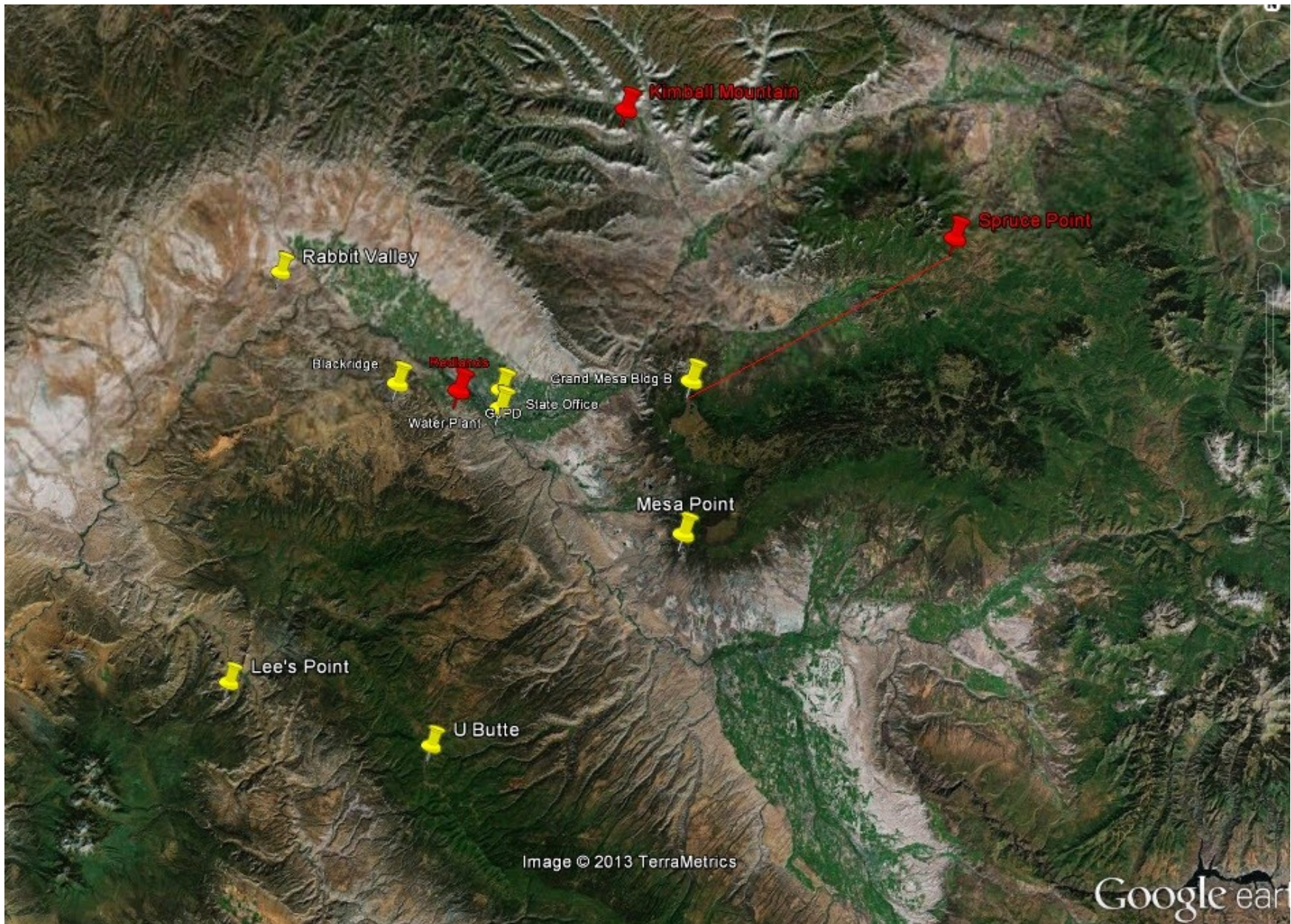
**Attachments:**

Map of all the Grand Junction Regional Communications Center radio sites, which include the eight existing and three proposed

Map of the radio coverage at the Spruce Point area without the tower

Map of the radio coverage at Spruce Point with the tower





Kimball Mountain

Spruce Point

Rabbit Valley

Blackridge

Redlands

Grand Mesa Bldg B

State Office

Water Plant

G.P.D

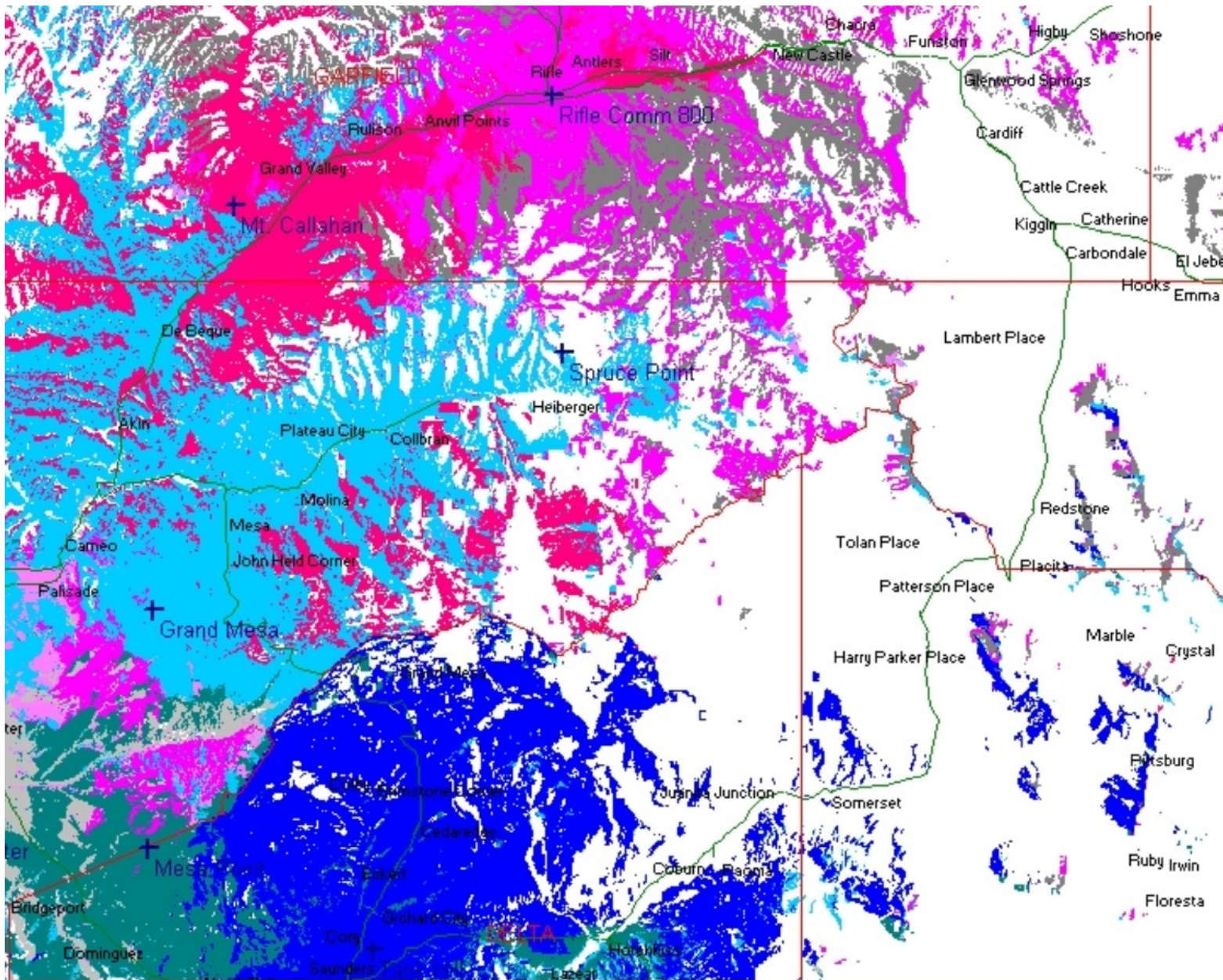
Mesa Point

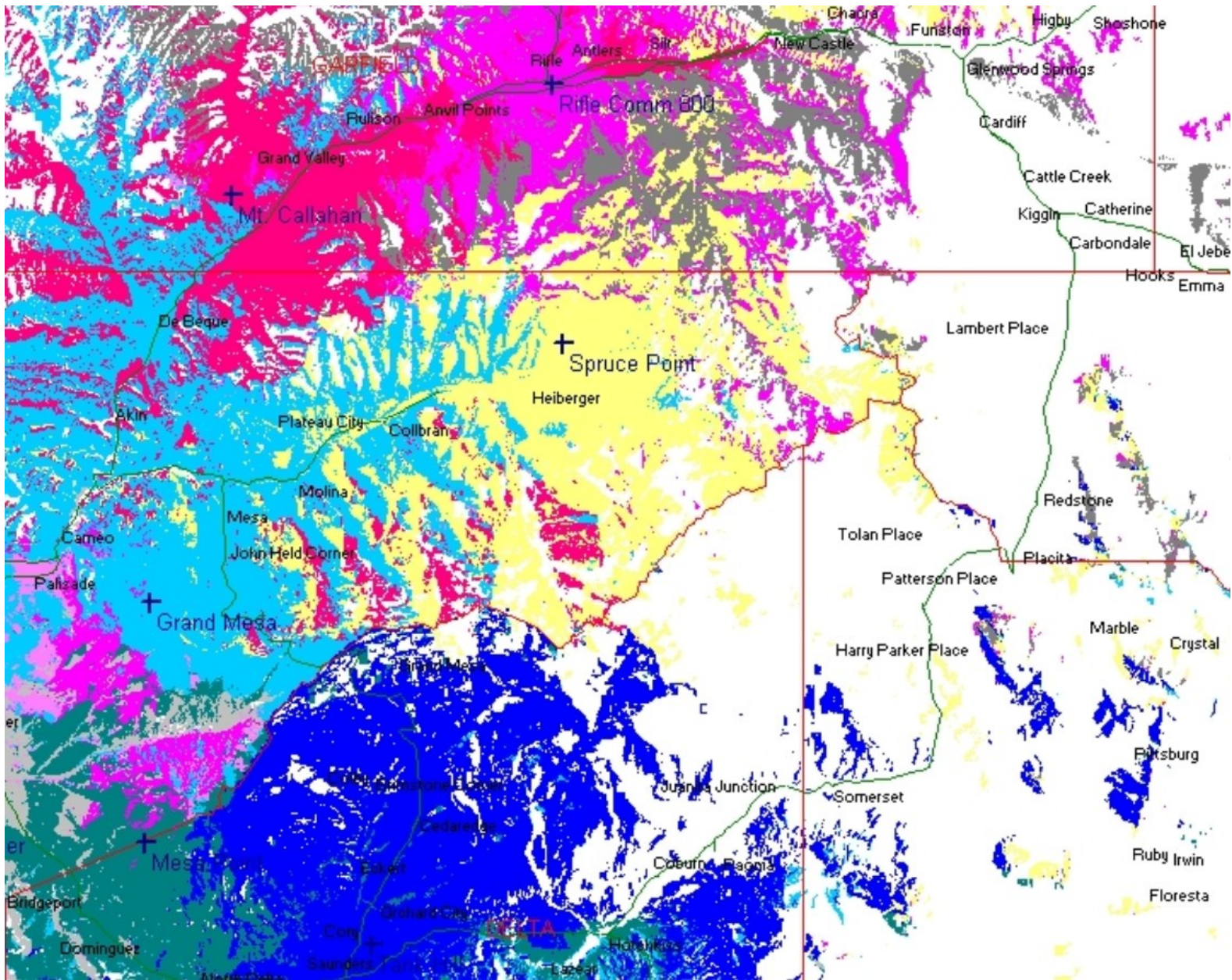
Lee's Point

U Butte

Image © 2013 TerraMetrics

Google earth







**Attach 11  
CITY COUNCIL AGENDA ITEM**

Date: 03-21-13  
Author: Jamie B. Beard  
Title/ Phone Ext: Assistant City Attorney/4032  
Proposed Schedule: April 3, 2013  
2nd Reading  
(if applicable): April 17, 2013  
File # (if applicable): ZCA-2013-107

|                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject:</b> Amending Sections 21.07.010 and 21.10.020 of the Grand Junction Municipal Code Adopting Changes to the Rules and Regulations for the Floodplain within the City |
| <b>Action Requested/Recommendation:</b> Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Ordinance                       |
| <b>Presenter(s) Name &amp; Title:</b> Greg Trainor, Public Works, Utilities, and Planning Director<br>Bret Guillory, Utility Engineer/Floodplain Manager                        |

**Executive Summary:**

The proposed ordinance amends Section 21.07.010, Flood Damage Prevention, and Section 21.10.020, Terms Defined, to update the floodplain regulations to be in compliance with State requirements.

**Background, Analysis and Options:**

The Colorado Water Conservation Board (CWCB) is the agency responsible for administering the National Flood Insurance Program (NFIP) in the State of Colorado. In 2010, the CWCB adopted revised Rules and Regulations for Floodplains in Colorado (Rules). The Rules became effective as of January 14, 2011. The Rules provide higher floodplain management standards that will help Colorado communities to reduce the risks to people and property caused by flooding.

All Colorado Communities that participate in the NFIP are required to adopt the new Rules by January 14, 2014. The City has been an active participant in the NFIP since 1983.

Mesa County adopted the new Rules and Regulations in October of 2012.

Changes are proposed to the Zoning and Development Code (“Code”) to include the Rules and are set forth in Exhibit A with strikethroughs being deletions from the sections indicated and the new additional language shown as underlined.

The main changes are to the following:

1. The “floodway” shall be defined with a one-half foot rise above the base flood elevation. This is a change from current definition with a one foot rise above the base flood elevation.
2. The addition of the definition for “Critical Facilities” and standards for critical facilities.
3. Additional terms are added in the definition section to define terms for easier understanding of the requirements.
4. Modification to Section 21.07.010(c)(5) to clarify restricted use of recreational vehicles for temporary dwellings within a special flood hazard area.

An Open House was held on March 7, 2013, for an opportunity to inform the community of the proposed changes and the need for the changes.

Please refer to Attachment A which shows the sections of Title 21 to be amended. Strikethroughs indicate deletions and additions are shown underlined.

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

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

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

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

Mesa County adopted the Rules in October 2012.

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

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

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

Policy:

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

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

These Rules will help determine if development can be completed without creating too much risk, particularly along the river. Areas that are not appropriate for development or more intense development due to the greater risk of damage due to flooding can be better utilized in manners such as open space.

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

Policy:

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

The Rules regarding development of flood hazard areas provide relevant information in determining where public facilities and services may be best located for efficiencies and effectiveness.

Critical Facilities are those that are necessary at times when flooding has created public health, safety, and welfare issues. Following the standards set forth will reduce the likelihood that the facilities would not be available and/or ineffective during a flood.

The proposed Code amendment supports the vision and goals of the Comprehensive Plan by providing additional relevant information to be considered as the City grows and develops.

**Board or Committee Recommendation:**

None

**Financial Impact/Budget:**

Nominal costs for printed materials.

**Legal issues:**

The City Attorney has prepared the ordinance, reviewed and approved the proposed amendments.

**Other issues:**

NA.

**Previously presented or discussed:**

No

**Attachments:**

Exhibit A - Illustrated Changes to GJMC Sections 21.07.010 and 21.10.020  
Proposed Ordinance

## Exhibit A

### Proposed changes:

Deletions shown with strikethroughs and additions are underlined.

#### 21.07.010 Flood damage prevention.

(a) **Purpose.** Flood damage prevention regulations promote the public health, safety and general welfare and minimize public and private losses due to flooding. The regulations are designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to critical facilities, infrastructure and other public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas of special flood hazard so as to minimize future flood blight areas;
- (7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

*[Section (b) is intentionally not included as no changes are proposed to this section.]*

#### (c) **General Provisions.**

- (1) This chapter applies to all areas of special flood hazard areas and areas removed from the floodplain by the issuance of a Federal Emergency Management Agency (FEMA) Letter of Map Revision Based on Fill (LOMR-F) within the City.
- (2) Basis for Establishing the Areas of Special Flood Hazard. The Federal Emergency Management Agency has identified areas of special flood hazard in a scientific and engineering report entitled, "The Flood Insurance Study for Mesa county and Incorporated AreasGrand Junction," dated October 16, 2012. The study together with the Flood Insurance Rate Maps (FIRMs) are hereby adopted by reference and declared to be a part of this code. The FIRMs may be superseded by local engineering studies



approved by the Director, provided such studies fully describe and analyze, based on the FIRMs and generally accepted engineering practice, design floodwater build-out conditions.

(3) Compliance. No structure shall be constructed, located, extended, converted or altered without full compliance with the terms of this section and other applicable regulations. No land shall be developed without full compliance with the terms of this section and other applicable regulations. For waterways with base flood elevations (BFEs) for which a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City's FIRMs, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the City. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, The City may approve certain development in Zones A1-30, AE, AH, on the City's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

(4) This section does not and it is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. If this section and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions on use and development shall prevail and be applied.

(5) All terms and provisions of this section shall be:

- (i) Considered as minimum requirements;
- (ii) Liberally construed in favor of the City; and
- (iii) Deemed neither to limit nor repeal any other powers granted or reasonably construed or interpreted under law, charter, rule or regulation.

(6) Warning and Disclaimer of Liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased because of manmade or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City, or any officer or employee thereof, or the ~~Federal Emergency Management Agency~~ for any flood damage that results from reliance on this section or any administrative decision lawfully made hereunder.

(7) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

(8) The Director ~~of Public Works and Planning~~ shall maintain records obtained as part of a floodplain development permit, including but not limited to the lowest floor and floodproofing elevations for new and substantially improved construction.

(9) In riverine situations, notice shall be given by the Director ~~of Public Works and Planning~~ to an adjacent community(ies) prior to any alteration or relocation of a watercourse.

(d) **Provisions for Flood Hazard Reduction.**

(1) General Standards. The following standards shall apply to all property located in special flood hazard areas:

(i) Anchoring.

(A) All new construction and substantial improvement shall be anchored to prevent flotation, collapse or lateral movement of the structure and as anchored must be capable of resisting the hydrostatic and hydrodynamic loads.

(B) All manufactured homes shall be elevated and anchored to resist flotation, collapse or lateral movement and as anchored is capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, over the top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:

a. Over the top ties provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;

b. Frame ties provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;

c. Each component of the anchoring system shall be capable of carrying a force of 4,800 pounds; and

d. Any addition to the manufactured home shall be similarly anchored.

(ii) Construction Materials and Methods.

(A) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(C) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding.

(iii) Utilities.

(A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood-waters into the system;

(B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood-waters into the systems and discharge from the systems into flood-waters; and

(C) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(iv) Subdivision Proposals.

(A) All subdivision proposals shall be consistent with the need to minimize flood damage;

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(D) ~~BFE~~~~base-flood-elevation~~ data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).

(2) Specific Standards. The following provisions, as determined from ~~BFE~~~~base-flood-elevation~~ data, are required for all special flood hazard areas:

(i) New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one foot above the ~~BFE~~~~base-flood-elevation~~.

(ii) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated at least one foot above the level of the ~~BFE~~~~base-flood-elevation~~; or, together with attendant utility and sanitary facilities, shall:

- (A) Be flood-proofed so that below the ~~BFEbase flood elevation~~ the structure is watertight with walls being substantially impermeable to the passage of water;
  - (B) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - (C) Be certified by a Colorado registered professional engineer. The certification shall state that the design and methods of construction are in accordance with accepted standards of practice and meet the minimum provisions of this code. Such certifications shall be provided to and reviewed by the Director.
- (iii) Openings in Enclosures Below the Lowest Floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall be certified by either a Colorado registered professional engineer or architect and must meet or exceed the following minimum criteria:
- (A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
  - (B) The bottom of all openings shall be no higher than one foot above grade;
  - (C) Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.
- (iv) Manufactured Homes.
- (A) All manufactured homes that are placed and/or substantially improved on a site:
    - a. Outside of a manufactured home subdivision;
    - b. In a new manufactured home park or manufactured home subdivision;
    - c. In an expansion to an existing manufactured home park or manufactured home subdivision; or
    - d. On an existing manufactured home park or manufactured home subdivision on which a manufactured home has incurred substantial damage as a result of a flood;
  - (B) Shall be anchored and elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the ~~BFEbase flood elevation~~;
  - (C) The manufactured home shall be securely anchored to an anchored foundation system in order to resist flotation, collapse and lateral movement; and

(D) Manufactured homes that are placed or substantially improved on sites in existing manufactured home parks or manufactured home subdivisions that are not subject to the provisions of this subsection shall be elevated so that either:

a. The lowest floor of the manufactured home is at least one foot above the ~~BFE~~base flood elevation; or

b. The manufactured home frame or chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and securely anchored to an anchored foundation system in order to resist flotation, collapse and lateral movement.

(v) Recreational Vehicles. Recreational vehicles occupied as a temporary dwelling in a special flood hazard area shall:

(A) Be permitted only where allowed in appropriate zone districts according to Section 21.04.010;

(B) Be authorized by an appropriate land use approval(s) from the City in accordance with the balance of this Code (if no appropriate land use approval has been granted, the use is not allowed);

(C) Not be on the site between April 1 and June 30 of each year;

(D) Be on the site for fewer than 180 consecutive days;

(E) Be fully licensed and ready for highway use;

(F) Be attached to the site only by quick disconnect type utilities and security devices;

(G) Include no permanently attached additions; and

(H) Meet the permit requirements, elevation and anchoring requirements for resisting wind forces as required for manufactured homes.

(3) Specific Standards for Areas of Shallow Flooding. Specific standards are required for special flood hazard areas associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(i) Residential Construction. All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the City's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer.

(ii) Nonresidential Construction. With the exception of critical facilities, all new construction and substantial improvements of nonresidential structures, must have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the City's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado professional engineer or architect shall submit a certification which shall state that the design and methods of construction are in accordance with accepted standards of practice and meet the minimum provisions of this code.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

(43) Specific Standards for Floodways. A floodway is an area within a special flood hazard area. The floodway is extremely hazardous due to the velocity of floodwaters, debris and erosion potential. To mitigate those hazards the following provisions apply:

(i) Encroachments, including fill, new construction, substantial improvements and other development are prohibited unless a Colorado registered professional engineer or architect certifies in writing with a No-Rise Certificate that encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge. The supporting technical data for the No-Rise Certificate shall be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), unless otherwise approved by the Director.

~~(ii) All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.~~

(5) Specific Standards for Alteration of a Watercourse. For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

(i) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

(ii) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

(iii) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.

(iv) Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.

(v) All activities within the regulatory floodplain shall meet all applicable Federal, State and City floodplain requirements and regulations.

(vi) Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a No-Rise Certification.

(vii) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

(6) Specific Standards for Properties Removed From the Floodplain by Fill. A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), with a lowest floor elevation placed below the Base Flood Elevation with one foot of freeboard that existed prior to the placement of fill.

(7) Specific Standards for Critical Facilities. A critical facility is a structure or related infrastructure, but not the land on which it is situated, as classified below, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the City at any time before, during and after a flood.

(i) Classification of Critical Facilities. Critical facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.

(A) Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

These facilities consist of:

- a. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
- b. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and nonambulatory surgical structures but excluding clinics, doctors offices, and nonurgent care medical structures that do not provide these functions);
- c. Designated emergency shelters;
- d. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
- e. Public utility plant facilities for generation and distribution ( hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
- f. Air transportation lifelines [airports (municipal and larger)], helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), nonpotable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it is demonstrated to the satisfaction of the Director that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are otherwise compliant with all floodplain regulations, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. A development approval includes the condition that evidence of ongoing redundancy be provided to the Director upon the Director's request.



(B) Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

These facilities include:

a. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

b. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

c. Refineries;

d. Hazardous waste storage and disposal sites; and

e. Above ground gasoline or propane storage or sales centers.

Hazardous materials facilities shall be determined by the Director to be critical facilities if they produce or store materials in excess of threshold limits. If the owner and/or operator of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, and the chemical(s) is stored in quantities equal to or greater than the threshold planning quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as extremely hazardous substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence as of (*insert date of effective ordinance*), but exclude later amendments to or editions of the regulations.

Specific exemptions to this category include:

a. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the Director by hazard assessment and certification by a qualified professional as determined by the Director that a release of the subject hazardous material does not pose a major threat to the public.

b. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as critical facilities otherwise.

(C) At-risk population facilities include medical care, congregate care, and schools.

These facilities consist of:

a. Elder care (nursing homes);

b. Congregate care serving 12 or more individuals (day care and assisted living);

c. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

(D) Facilities vital to restoring normal services including government operations.

These facilities consist of:

a. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);

b. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the Director that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are otherwise compliant with all floodplain regulations and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Director on an as-needed basis as determined by the Director upon request.

(ii) Protection for Critical Facilities. All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of critical facilities, protection shall include one of the following:

(A) Location outside the special flood hazard area; or

(B) Elevation or floodproofing of the structure to at least two feet above the BFE.

(iii) Ingress and Egress for New Critical Facilities. New critical facilities shall, when practicable as determined by the Director, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

The following additions and deletions are made to the Terms Defined in Section 21.10.020:

Area of shallow flooding means a designated Zone AO or AH on the City's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base flood elevation (BFE) means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement means any area of a building having its floor subgrade (below ground level) on all sides.

Conditional letter of map revision (CLOMR) is FEMA's comment on a proposed project which does not revise an effective floodplain map that would upon construction affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical facility means a structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the City at any time before, during and after a flood.

Five-hundred-year (500-year) flood means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood).

Five-hundred-year (500-year) floodplain means an area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source. (See graphic.)

(3) Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood control structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than ~~one foot~~ a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). (See graphic.)

Freeboard means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Material Safety Data Sheet (MSDS) – A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

No-Rise Certification is a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado professional engineer.

One-hundred-year (100 year) flood means a flood having a recurrence interval that has a one percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood).

One-hundred-year (100-year) floodplain means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood, including the low land near a watercourse which has been, or may be, covered by water of a flood of 100-year frequency, as established by engineering practices of the U.S. Army Corps of

Engineers and/or the Colorado Water Conservation Board. ~~It shall also mean that a flood of this magnitude may have a one percent chance of occurring in any given year.~~

Special flood hazard area means the land in the floodplain within the City subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Threshold planning quantity (TPQ) – A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING SECTION 21.07.010, FLOOD DAMAGE PREVENTION,  
AND SECTION 21.10.020, TERMS DEFINED,  
OF THE GRAND JUNCTION MUNICIPAL CODE CONCERNING FLOODPLAIN  
REGULATIONS**

**Recitals:**

The Colorado Water Conservation Board (CWCB) is the agency responsible for administering the National Flood Insurance Program (NFIP) in the state of Colorado. In 2010, the CWCB adopted revised Rules and Regulations for Floodplains in Colorado (Rules). The Rules became effective as of January 14, 2011. The Rules provide higher floodplain management standards that will help Colorado communities to reduce the risks to people and property caused by flooding.

All Colorado Communities that participate in the NFIP are required to adopt the new Rules by January 14, 2014. The City has been an active participant in the NFIP since 1983.

Mesa County adopted the new Rules and Regulations in October of 2012.

On March 26, 2013 the Grand Junction Planning Commission reviewed the proposed changes and recommended that the City Council adopt the changes as presented.

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.

The City Council finds that adoption of the proposed amendments promotes the health, safety and welfare of the community.

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

Section 21.070.010(a) shall read as follows:

(a) **Purpose.** Flood damage prevention regulations promote the public health, safety and general welfare and minimize public and private losses due to flooding. The regulations are designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding;

- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to critical facilities, infrastructure and other public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas of special flood hazard so as to minimize future flood blight areas;
- (7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Section 21.070.010(c) shall read as follows:

(c) **General Provisions.**

- (1) This chapter applies to all areas of special flood hazard areas and areas removed from the floodplain by the issuance of a Federal Emergency Management Agency (FEMA) Letter of Map Revision Based on Fill (LOMR-F) within the City.
- (2) **Basis for Establishing the Areas of Special Flood Hazard.** FEMA has identified areas of special flood hazard in a scientific and engineering report entitled, "The Flood Insurance Study for Mesa County and Incorporated Areas," dated October 16, 2012. The study together with the Flood Insurance Rate Maps (FIRMs) are hereby adopted by reference and declared to be a part of this code. The FIRMs may be superseded by local engineering studies approved by the Director, provided such studies fully describe and analyze, based on the FIRMs and generally accepted engineering practice, design floodwater build-out conditions.
- (3) **Compliance.** No structure shall be constructed, located, extended, converted or altered without full compliance with the terms of this section and other applicable regulations. No land shall be developed without full compliance with the terms of this section and other applicable regulations. For waterways with base flood elevations (BFEs) for which a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City's FIRMs, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the City. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the NFIP regulations. The City may approve certain development in Zones A1-30, AE, AH, on the City's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

(4) This section does not and it is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. If this section and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions on use and development shall prevail and be applied.

(5) All terms and provisions of this section shall be:

(i) Considered as minimum requirements;

(ii) Liberally construed in favor of the City; and

(iii) Deemed neither to limit nor repeal any other powers granted or reasonably construed or interpreted under law, charter, rule or regulation.

(6) **Warning and Disclaimer of Liability.** The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased because of manmade or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City, or any officer or employee thereof, or FEMA for any flood damage that results from reliance on this section or any administrative decision lawfully made hereunder.

(7) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

(8) The Director shall maintain records obtained as part of a floodplain development permit, including but not limited to the lowest floor and floodproofing elevations for new and substantially improved construction.

(9) In riverine situations, notice shall be given by the Director to an adjacent community(ies) prior to any alteration or relocation of a watercourse.

Section 21.070.010(d) shall read as follows:

(d) **Provisions for Flood Hazard Reduction.**

(1) **General Standards.** The following standards shall apply to all property located in special flood hazard areas:

(i) **Anchoring.**

(A) All new construction and substantial improvement shall be anchored to prevent flotation, collapse or lateral movement of the structure and as anchored must be capable of resisting the hydrostatic and hydrodynamic loads.



(B) All manufactured homes shall be elevated and anchored to resist flotation, collapse or lateral movement and as anchored is capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, over the top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:

a. Over the top ties provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;

b. Frame ties provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;

c. Each component of the anchoring system shall be capable of carrying a force of 4,800 pounds; and

d. Any addition to the manufactured home shall be similarly anchored.

(ii) Construction Materials and Methods.

(A) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(C) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding.

(iii) Utilities.

(A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

(C) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(iv) Subdivision Proposals.

(A) All subdivision proposals shall be consistent with the need to minimize flood damage;

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(D) BFE data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).

(2) Specific Standards. The following provisions, as determined from BFE data, are required for all special flood hazard areas:

(i) New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one foot above the BFE.

(ii) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated at least one foot above the level of the BFE; or, together with attendant utility and sanitary facilities, shall:

(A) Be flood-proofed so that below the BFE the structure is watertight with walls being substantially impermeable to the passage of water;

(B) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(C) Be certified by a Colorado registered professional engineer. The certification shall state that the design and methods of construction are in accordance with accepted standards of practice and meet the minimum provisions of this code. Such certifications shall be provided to and reviewed by the Director.

(iii) Openings in Enclosures Below the Lowest Floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall be certified by either a Colorado registered professional engineer or architect and must meet or exceed the following minimum criteria:

(A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(B) The bottom of all openings shall be no higher than one foot above grade;

(C) Openings may be equipped with screens, louvers, or other coverings or devices; provided that they permit the automatic entry and exit of floodwaters.

(iv) Manufactured Homes.

(A) All manufactured homes that are placed and/or substantially improved on a site:

- a. Outside of a manufactured home subdivision;
  - b. In a new manufactured home park or manufactured home subdivision;
  - c. In an expansion to an existing manufactured home park or manufactured home subdivision; or
  - d. On an existing manufactured home park or manufactured home subdivision on which a manufactured home has incurred substantial damage as a result of a flood;  
(B) Shall be anchored and elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the BFE;
- (C) The manufactured home shall be securely anchored to an anchored foundation system in order to resist flotation, collapse and lateral movement; and
- (D) Manufactured homes that are placed or substantially improved on sites in existing manufactured home parks or manufactured home subdivisions that are not subject to the provisions of this subsection shall be elevated so that either:
- a. The lowest floor of the manufactured home is at least one foot above the BFE; or
  - b. The manufactured home frame or chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and securely anchored to an anchored foundation system in order to resist flotation, collapse and lateral movement.
- (v) Recreational Vehicles. Recreational vehicles occupied as a temporary dwelling in a special flood hazard area shall:
- (A) Be permitted only where allowed in appropriate zone districts according to Section 21.04.010;
  - (B) Be authorized by an appropriate land use approval(s) from the City in accordance with the balance of this Code (if no appropriate land use approval has been granted, the use is not allowed);
  - (C) Not be on the site between April 1 and June 30 of each year;
  - (D) Be on the site for fewer than 180 consecutive days;
  - (E) Be fully licensed and ready for highway use;
  - (F) Be attached to the site only by quick disconnect type utilities and security devices;
  - (G) Include no permanently attached additions; and
  - (H) Meet the permit requirements, elevation and anchoring requirements for resisting wind forces as required for manufactured homes.

(3) Specific Standards for Areas of Shallow Flooding. Specific standards are required for special flood hazard areas associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(i) Residential Construction. All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the City's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer.

(ii) Nonresidential Construction. With the exception of critical facilities, all new construction and substantial improvements of nonresidential structures, must have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the City's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado professional engineer or architect shall submit a certification which shall state that the design and methods of construction are in accordance with accepted standards of practice and meet the minimum provisions of this code.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures.

(4) Specific Standards for Floodways. A floodway is an area within a special flood hazard area. The floodway is extremely hazardous due to the velocity of floodwaters, debris and erosion potential. To mitigate those hazards the following provisions apply:

(i) Encroachments, including fill, new construction, substantial improvements and other development are prohibited unless a Colorado registered professional engineer certifies in writing with a No-Rise Certificate that encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge. The supporting technical data for the No-Rise Certificate shall be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the FIRM or Flood Boundary and Floodway Map (FBFM), unless otherwise approved by the Director.

(ii) All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

(5) Specific Standards for Alteration of a Watercourse. For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

- (i) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
- (ii) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
- (iii) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.
- (iv) Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.
- (v) All activities within the regulatory floodplain shall meet all applicable Federal, State and City floodplain requirements and regulations.
- (vi) Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a No-Rise Certification.
- (vii) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

(6) Specific Standards for Properties Removed From the Floodplain by Fill. A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), with a lowest floor elevation placed below the Base Flood Elevation with one foot of freeboard that existed prior to the placement of fill.

(7) Specific Standards for Critical Facilities. A critical facility is a structure or related infrastructure, but not the land on which it is situated, as classified below, that if flooded

may result in significant hazards to public health and safety or interrupt essential services and operations for the City at any time before, during and after a flood.

(i) Classification of Critical Facilities. Critical facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.

(A) Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

These facilities consist of:

- a. Public safety (police stations, fire and rescue stations, emergency -vehicle and equipment storage, and, emergency operation centers);
- b. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and nonambulatory surgical structures but excluding clinics, doctors offices, and nonurgent care medical structures that do not provide these functions);
- c. Designated emergency shelters;
- d. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
- e. Public utility plant facilities for generation and distribution ( hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
- f. Air transportation lifelines [airports (municipal and larger)], helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), nonpotable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it is demonstrated to the satisfaction of the Director that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are otherwise compliant with all floodplain regulations, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. A development approval includes the condition that evidence of ongoing redundancy be provided to the Director upon the Director's request.

(B) Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

These facilities include:

- a. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
- b. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- c. Refineries;
- d. Hazardous waste storage and disposal sites; and
- e. Above ground gasoline or propane storage or sales centers.

(C) At-risk population facilities include medical care, congregate care, and schools.

These facilities consist of:

- a. Elder care (nursing homes);
- b. Congregate care serving 12 or more individuals (day care and assisted living);
- c. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

(D) Facilities vital to restoring normal services including government operations.

These facilities consist of:

- a. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
- b. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the Director that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are otherwise compliant with all floodplain regulations and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Director on an as-needed basis as determined by the Director upon request.

(ii) Protection for Critical Facilities. All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of critical facilities, protection shall include one of the following:

- (A) Location outside the special flood hazard area; or
- (B) Elevation or floodproofing of the structure to at least two feet above the BFE.

(iii) Ingress and Egress for New Critical Facilities. New critical facilities shall, when practicable as determined by the Director, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

The following defined terms shall be changed to read as follows or added to Section 21.10.020:

*Area of shallow flooding* means a designated Zone AO or AH on the City's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Base flood elevation (BFE)* means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

*Basement* means any area of a building having its floor subgrade (below ground level) on all sides.



*Conditional letter of map revision (CLOMR)* is FEMA's comment on a proposed project which does not revise an effective floodplain map that would upon construction affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

*Critical facility* means a structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the City at any time before, during and after a flood.

*Five-hundred-year (500-year) flood* means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood).

*Five-hundred-year (500-year) floodplain* means an area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source. (See graphic.)
- (3) Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

*Flood control structure* means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

*Floodway* means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). (See graphic.)

*Freeboard* means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

*Material Safety Data Sheet (MSDS)* – A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace

safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

*No-Rise Certification* is a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado professional engineer.

*One-hundred-year (100 year) flood* means a flood having a recurrence interval that has a one percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood).

*One-hundred-year (100-year) floodplain* means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood, including the low land near a watercourse which has been, or may be, covered by water of a flood of 100-year frequency, as established by engineering practices of the U.S. Army Corps of Engineers and/or the Colorado Water Conservation Board.

*Special flood hazard area* means the land in the floodplain within the City subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

*Threshold planning quantity (TPQ)* – A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

*Water surface elevation* means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

All other provisions of Section 21.07.010 and 21.10.020 not specifically referred to herein shall remain in full force and effect.

INTRODUCED on first reading the 3<sup>rd</sup> day of April, 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



**Attach 12  
CITY COUNCIL AGENDA ITEM**

Date: 04-08-13  
Author: Jamie B. Beard  
  
Title/ Phone Ext: Assistant City Attorney/4032  
Proposed Schedule: April 3, 2013  
  
2nd Reading  
(if applicable): April 17, 2013

|                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject:</b> Amendment to Chapter 6.12 of the Grand Junction Municipal Code Adopting Rules and Regulations Regarding Animals within the City           |
| <b>Action Requested/Recommendation:</b> Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Ordinance |
| <b>Presenter(s) Name &amp; Title:</b> John Shaver, City Attorney<br>Jamie B. Beard, Assistant City Attorney                                               |

**Executive Summary:**

The proposed ordinance amends Chapter 6.12 of the Grand Junction Municipal Code (“GJMC”) to require a permit for rehoming of a dog or cat under certain conditions, allow for impoundment of the dog(s) and cat(s) when there is no permit as required, and disposition of the animals after impoundment due to no permit or due to an animal having been abused and/or neglected.

**Background, Analysis and Options:**

People sell, trade, barter, transfer and/or give away (“rehome”) dogs and cats within the City limits. Many of these activities take place in the front of retail establishments or in the City’s parks and rights-of-way. The activities can be disruptive to other lawful activities. Permission is often not obtained by the person before attempting to rehome an animal from the parking lot of a business. Some of the animals being sold under these conditions are not from Grand Junction and have not always been bred in a manner that is optimal for the animal’s health. Many calls are made to the Mesa County Animal Services (“Animal Services”) and to the Grand Junction Police Department concerning the trespass actions, the concerns for the conditions of the animals, and/or notice that an animal that has been purchased has medical conditions.

The requirement for a permit will not eliminate the rehoming from happening, but will insure that the person has the permission to be rehoming the animal where the animal is being sold and require at least minimal examination of the animals by a veterinarian. The permit is only required in those instances where various concerns as described above have arisen frequently in the past few years. Where the risks are less, such as selling the animal from a residence, then a permit is not required. There will not be a fee charged for the permit.

The proposed changes also included the ability of Animal Services to impound the animal(s) when a permit has not been obtained and to otherwise dispose of the animals when the owner has violated the permit requirement on more than one occasion.

An additional change is proposed regarding animals that have been abused or neglected. The change gives Animal Services the ability to retain an animal(s) during the criminal proceedings or until the court orders otherwise and clarifies that the court may enjoin a person from having an animal in the person's care and control if determined appropriate for the safety of an animal.

A few minor changes have been proposed regarding what is required on the penalty assessment or summons issued. With the changes proposed, the information required meets the standards for any other penalty assessments and/or summons required under the Code. The information eliminated is still available to the person charged and to the prosecution. The information is just not included on the citation itself when issued to the alleged violator.

Please refer to Attachment A which shows the sections of Chapter 6.12 of the GJMC to be amended. Strikethroughs indicate deletions and additions are shown underlined.

#### **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.

As the City and County have worked together to approve the same rules and regulations regarding animals, services may be provided more efficiently and the community has a clearer understanding of what is expected with the ownership of animals.

The County is expected to consider the same changes concerning the pet rehoming permits soon after the City has completed its consideration.

#### **Board or Committee Recommendation:**

The Board of Animal Control as the advisory board has reviewed and approved the substance of the changes.

#### **Financial Impact/Budget:**

Nominal costs for printed materials.

#### **Legal issues:**

The City Attorney has prepared the ordinance, reviewed and approved the proposed amendments.

#### **Other issues:**

**NA**

**Previously presented or discussed:**

The matter was discussed at the December 3, 2012 workshop,

**Attachments:**

Exhibit A - Illustrated Changes to GJMC Chapter 6.12  
Proposed Ordinance

## EXHIBIT A

**6.12.090 Permit Required for Public Pet Rehoming.** No person shall display any dog or cat for the purpose of selling, giving away, trading, bartering or adopting the animal without a Public Pet Rehoming Permit.

(a) A Public Pet Rehoming Permit is not required when:

(1) An owner is selling, giving away, trading, bartering or adopting an animal from a private residence; or

(2) An owner holds a current license issued by the Colorado Pet Animal Care and Facilities Act and is displaying the animals at that location; or

(3) The owner is a governmental or tax-exempt, not for profit animal welfare organization and is involved in an organized adoption event.

(b) The Public Pet Rehoming Permit can be obtained at Mesa County Animal Services. The permit process will require the following:

(1) The owner/applicant will complete and submit a Public Pet Rehoming Permit application no less than five business days prior to the date needed; and

(2) The owner/applicant will provide written documentation from a licensed veterinarian that the animals have been examined within seven days, are at least eight weeks old and current on all applicable vaccinations; and

(3) The owner/applicant will provide written authority and contact information from the owner of the property on which the animals will be displayed.

**6.12.1090 Seizure and impoundment.**

**(a) Impoundment of Dogs Authorized.**

(1) An Animal Services Officer may, in his discretion, seize and impound any dog which is:

(i) At large;

(ii) Off the owner's premises and not wearing a current license tag; or

(iii) An unconfined, unsplayed female dog in estrus.

(2) An Animal Services Officer may, in his discretion, seize and impound any animal which:

(i) Is required to be observed for rabies symptoms;

(ii) Is, or appears to be, abandoned, abused or neglected;

(iii) Is a domestic animal, appears to be or is sick or injured, and whose owner cannot be identified or located; or

(iv) Is being kept or maintained contrary to the provisions of this chapter.

If a dog found running at large is properly licensed, the Animal Services Officer shall return the dog to its owner in lieu of impounding the dog upon payment of any seizure or release fee which may be required.

(b) **Impoundment of Dangerous Dogs.** An Animal Services Officer shall forthwith investigate any credible complaint that a dog is dangerous. If the officer reasonably believes the dog is dangerous or that the dog has previously been found to be a dangerous dog by any court and the dog is found to be confined in a manner inconsistent with the court's order or in violation of GJMC [6.12.060\(c\)](#), it shall be immediately seized and impounded. If impoundment of a dangerous dog cannot be made with safety to the Animal Services Officer or other persons, the dangerous dog may be summarily destroyed without notice to its owner, and the Animal Services Officer shall not be held liable for such action.

(c) **Impoundment of Habitual Offender Dogs.** An Animal Services Officer shall forthwith investigate any credible complaint that a dog is a habitual offender. In the event that the officer reasonably believes the dog is a public safety risk, it shall be immediately seized and impounded.

(d) **Impoundment of Animals for Violation of Public Pet Rehoming Permit.** An Animal Services Officer shall forthwith investigate any credible complaint that a person is in violation of the Permit Required for Public Rehoming. In the event that the officer reasonably believes that this is the second offense or more of GJMC 6.12.090, the animal(s) shall be immediately seized and impounded.

(ed) **Notice of Impoundment and Disposition Alternatives.** When any animal has been impounded, Animal Services personnel shall as soon as practicable give notice in person, by letter, telephone, or service of a citation upon the owner of the animal's impoundment and disposition alternatives. If the animal's owner is unknown at the time of impoundment, Animal Services personnel shall take all reasonable steps to identify the owner and provide such notification. If the animal's owner still cannot be established, Animal Services personnel may proceed with any disposition authorized by this chapter. Animal Services personnel shall maintain records of the times, dates and manner of any notification or attempts at notification. Such records shall constitute prima facie evidence of notification or attempted notification.

(fe) **Length of Impoundment.**

(1) **Minimum Period.** Any animal impounded at Animal Services which is not reclaimed by the owner shall be held by Animal Services for a minimum of five days after acquisition by Animal Services, before it may become available for adoption or otherwise disposed of at the discretion of Animal Services, except that the Director may determine that an animal without identification, including but not limited to a microchip or collar, may be disposed of in three days if the Director determines the shelter has insufficient resources for such animal or determines that such animal is dangerous. For purposes of this section, "days" means days during which the shelter is open to

the public. If the owner does not properly claim and redeem the animal within this period of impoundment, the animal may be subject to disposition under GJMC [6.12.1190](#).

(2) Sick or Injured Animal. An impounded animal which is sick or injured and in pain or contagious to other animals, and which is not identifiable to an owner, is subject to a minimal impoundment period and may immediately be humanely disposed of through euthanasia, if (i) in the opinion of a veterinarian the animal is experiencing extreme pain or suffering; and (ii) Animal Services has exhausted reasonable efforts to contact the owner for up to 24 hours.

(3) Dangerous Dog. A dangerous dog shall not be released from impoundment during the pendency of any criminal proceeding for violation of GJMC [6.12.060\(a\)](#). If no such action has been or will be commenced, such dog shall be disposed of pursuant to GJMC [6.12.1190](#).

(4) Habitual Offender. A dog that meets the definition of habitual offender and is a public safety risk shall not be released from impoundment during the pendency of any criminal proceeding.

(5) Abused and/or Neglected. An animal that is or appears to be abused and/or neglected shall not be released from impoundment during the pendency of any criminal proceeding, except by order of the court.

(6) Public Pet Rehoming Permit. Animal(s) impounded for a second offense or more of violating GJMC 6.12.090 shall not be released from impoundment during the pendency of any criminal proceeding.

~~(75)~~ Observation Period. Notwithstanding any other provision of this section to the contrary, any dog or cat which is known or credibly alleged to have bitten any person shall be immediately impounded or quarantined for observation for rabies infection until 10 days after the date of the bite and for such further time as deemed necessary by the Director. During the observation period, the dog or cat shall not have any physical contact with any other person or animal outside the immediate family, nor shall it be removed from the location of quarantine unless authorized by Animal Services personnel. Additionally, the dog or cat shall not be vaccinated against rabies, have ownership transferred, or be destroyed or euthanized unless authorized by Animal Services personnel.

~~(86)~~ Dogs of Wild Extraction. Any dog of wild extraction which is known or credibly alleged to have bitten any person shall be immediately impounded. Unless otherwise ordered, dogs of wild extraction shall, at the discretion of the Director, be quarantined according to the direction of the State Health Department or killed by humane euthanasia, avoiding damage to the brain, and the remains tested for rabies as provided by State law.

~~(97)~~ Release from Quarantine – Failure to Comply with Quarantine Order or Conditions. Any owner of an animal, or person harboring or keeping an animal, who has been ordered by an Animal Services Officer to quarantine such animal shall release such animal only to the Animal Services Officer according to the quarantine. The Animal Services Officer may allow the owner of the animal to board the animal at a licensed and approved animal hospital, kennel or



veterinary facility approved by the Animal Services Center. The Animal Services Officer may allow the owner to quarantine the animal at the owner's residence provided the owner can establish or maintain conditions of the 10-day quarantine period to the satisfaction of Animal Services. No person or owner shall fail to meet the conditions established pursuant to subsection (e)(75) of this section. Failure to comply with a quarantine order or comply with the conditions of quarantine shall result in the animal being impounded by Animal Services and shall be a violation of this chapter.

**(fg) Liability for Seizure and Impoundment Expenses.** An owner or keeper shall be obligated to reimburse the Animal Services Center for all expenses incurred as a result of seizure or impoundment of an animal. Such fees shall be assessed against the owner or keeper of any impounded animal, and shall be payable upon redemption, release or abandonment of the animal. Owners of unwanted animals and persons in custody of abandoned animals may bring in and release them to the Animal Services Center at no cost to the owner.

**(gh) Removal of Impounded Animals.** No person shall remove any impounded animal from the Animal Services Center or from the official custody of an Animal Services Officer without the consent of the Director.

**(hi) Impoundment Alternatives.** Nothing in this section shall be construed to prevent an Animal Services Officer from taking whatever action is reasonably necessary to protect his person or members of the public from injury by any animal.

#### **6.12.1100 Redemption from impoundment and disposition.**

**(a) Redemption Fees Authorized.** Any dog or animal may be claimed and redeemed from impoundment by the owner and released from the Animal Services Center only upon timely demand at the Animal Services Center by a properly identified owner and upon payment of all seizure fees, impoundment fees, license fees, veterinary charges, charges for unusual care and feeding, redemption fees and such other costs or fees as may be reasonably set by Animal Services personnel or as provided in GJMC [6.12.120](#), concerning Animal Services Center charges and fees.

**(b) Disposition of Impounded Animals.** Any animal not properly redeemed by the end of any required impoundment or observation period shall become the property of the City. The animal may then be disposed of by Animal Services personnel by sale, transfer, donation, adoption to a suitable owner, or by humane euthanasia. No animal shall be released from the Animal Services Center for the purpose of medical research or experimentation.

#### **(c) Disposition of Dangerous Dogs and Habitual Offenders.**

(1) The owner of a dog which is found to be dangerous, GJMC [6.12.020](#), shall be subject to any reasonable sentencing orders set by the court prior to or after redemption of the dog. Such orders and conditions may include but are not limited to delayed release of the dog, the posting of bond, construction of secure areas of confinement, restrictions on travel with the dog, neutering the dog, muzzling the dog, compensation of victims, restrictions on sale or transfer of

the dog, destruction, and any other terms or conditions deemed necessary to protect the public, to abate a public nuisance, or to abate a public safety risk. Such orders and conditions shall require payment of all fines and fees and expenses for seizure, impoundment and redemption, together with penalties and court costs, if any.

(2) In the event of noncompliance with the conditions imposed pursuant to subsection (c)(1) of this section, the dog may be summarily impounded by Animal Services personnel and disposed of at their discretion, or in accordance with court order. Such disposal shall be in addition to any other civil or criminal remedies, including contempt proceedings for noncompliance with any sentencing orders or with administrative conditions for release of a dangerous dog.

(3) A dog found or declared not to be dangerous shall thereupon be forthwith returned to its owner, subject to payment of redemption fees, licensing and veterinarian care, but excluding liability for boarding expenses.

(4) The owner or dog which is found to be a habitual offender shall be subject to any reasonable sentencing orders set by the court prior to or after redemption of the dog. These orders and conditions may include, but are not limited to, delayed release of the dog, construction of secure areas of confinement, neutering the dog, and any other terms or conditions deemed necessary to protect the public or the abate a public safety risk. These orders and conditions shall require payment of all fines and fees and expenses for seizure, impoundment, redemption, together with penalties and court costs, if any.

(d) Disposition of Animal(s) When Owner(s) Is Convicted of Cruelty to Animal(s) and/or Failure to Have the Permit Required for Public Pet Rehoming

(1) A person found to be guilty of cruelty shall be subject to any reasonable sentencing orders set by the court prior to or after redemption of the animal. These orders and conditions may include, but are not limited to, delayed release of the animal, construction of secure areas of confinement, neutering of the animal, enjoined from owning, caring, and/or caring for any animal and any other terms or conditions deemed necessary to protect animals from the person. If the court determines that an animal is not to be returned to the owner, then the court may order the animal to the care of Animal Services as owner of the animal and the animal may be disposed of by Animal Services personnel at their discretion. These orders and conditions shall require payment of all fines and fees and expenses for seizure, impoundment, redemption, together with penalties and court costs, if any.

(2) A person found guilty of a second violation or more of GJMC 6.12.090 may have ownership of the animal(s) terminated by the court to be ordered as property of Animal Services. These orders and conditions shall require payment of all fines and fees and expenses for seizure, impoundment, redemption, together with penalties and court costs, if any.

**(de) Adoption of Dogs and Cats.** No person may adopt a dog or cat from the Animal Services Center until such has guaranteed sterilization of the dog or cat. A deposit or adoption fee shall be required to ensure the sterilization of the animal. Failure of the person adopting a dog or cat to sterilize it shall be a violation of this chapter and shall be punishable as an offense under this chapter. Additionally, Animal

Services personnel may seize and impound an animal which has been adopted by a person who fails to sterilize the animal within the time specified. Animals may be adopted at the discretion of Animal Services personnel and subject to reasonably prescribed conditions.

(ef) **Owner's Duty to Redeem Animal and Pay Fees.** No animal owner shall fail to make arrangements for the redemption or surrender of any animal impounded or to fail to pay any fees associated with the redemption or surrender of such animal.

#### **6.12.1240 Enforcement.**

(a) **Responsibility.** The provisions of this chapter shall be enforced within the City by the Director, Animal Services Officers, and any other person however administratively assigned or titled, as authorized by the Grand Junction City Council. Enforcement by the City employees shall be limited to City limits and such additional areas as the Council may designate by contract or resolution pursuant to § 30-15-101(2), C.R.S. Animal Services Officers shall be deemed "peace officers" without regard to certification requirements, as authorized by § 30-15-105, C.R.S. The City Attorney shall prosecute at the Attorney's discretion any violation of this chapter.

(b) **Procedure.** Whenever an Animal Services Officer has personal knowledge or probable cause to believe that a violation of this chapter has occurred, he may arrest the alleged violator, and either issue a penalty assessment notice pursuant to § 16-2-201, C.R.S. et seq., or issue a summons and complaint pursuant to § 16-2-101, C.R.S. et seq.

#### **(c) Penalty Assessment Procedure.**

(1) **Penalty Assessment.** The penalty assessment procedure consists of personal service of written notice upon a person charged with violating this chapter. Personal service may be waived by the recipient. The alleged violator may be released upon conditions of the notice, or may choose to appear before a judge in a court of competent jurisdiction if conditions for release are not met. Conditions for release shall include payment of the applicable fine.

(2) **Summons and Complaint.** The summons and complaint procedure consists of personal service, or waiver by the recipient, of a summons and complaint. The summons requires the recipient to appear before the Municipal Court Judge at a specified time and place to answer to charges of violating this chapter, as set forth in the complaint.

(3) **Mandatory Court.** A summons and complaint shall be issued to anyone who is:

(i) Charged under GJMC [6.12.060](#) involving a dangerous dog;

(ii) Charged under GJMC [6.12.080](#) involving cruelty to an animal;

(iii) Charged under GJMC [6.12.090](#) as a second violation or more for GJMC [6.12.090](#);

(iv) Charged under GJMC [6.12.1190](#) involving failure to comply with impound/quarantine requirements;

(iv) Known to have been issued three or more penalty assessment notices for violation of this chapter within the last two years; or

(vi) Charged with a violation of this chapter involving serious bodily injury to or death of any person or animal.

(4) Optional Court. Except for the mandatory requirement for court set forth in subsection (c)(3) of this section, an Animal Services Officer may, at his discretion, issue either a penalty assessment notice or a summons and complaint.

(5) Content. A penalty assessment notice as well as a summons and complaint shall contain the following:

(i) Document sworn to by the arresting officer;

~~(ii) Verification by the complaining party, if any;~~

(iii) Name of the alleged offender;

~~(iv)~~ Specific offense;

(v) Applicable fine; and

~~(vi) The amount of pending fines for prior offenses;~~

~~(vii) Identity of any victims; and~~

(viii) A brief summary of the ~~circumstances of the~~ offense, including the alleged offender's attitude.

(d) **Interference with Animal Regulation Officers.** No person shall interfere with, molest, hinder, or prevent the Director or any Animal Services Officer from discharging their duties as prescribed by this chapter or other law.

(e) **Compliance with Impoundment Requests.** No person shall refuse to immediately deliver up or release any animal to an Animal Services Officer upon lawful demand by the officer to seize and impound the animal.

(f) **Search and Seizure of Dogs.** An Animal Services Officer shall have the right to enter upon private property when necessary to seize a dangerous dog, or a dog that has been running at large, when in reasonable pursuit of such dogs. Authorized entry upon such property shall not include entry into a residence or any structure that confines the dog except with authorization of the property owner. In the event of a property owner's refusal to allow entry upon property or release of the dog and upon presentation of motion and an affidavit establishing probable cause that the dog is a public nuisance and/or public safety risk as defined in this chapter, a court may issue an ex parte order requiring the owner to immediately surrender the dog to an Animal Services Officer. Noncompliance with such order shall be

grounds for proceedings to establish contempt of court. The court is also authorized to issue an ex parte warrant for search and seizure of a public nuisance and/or public safety risk dog or abandoned, abused, or neglected animals in order to preserve evidence or to protect the public safety and welfare. An Animal Services Officer seizing a public nuisance and/or public safety risk dog may impound the dog, release the dog in lieu of impoundment, and/or issue a penalty assessment notice or a summons and complaint to the dog owner, unless otherwise required by court order or this chapter.

**6.12.1650 Additional remedies for violation of chapter – Suspension of penalties.**

(a) In addition to payment of any fine or other punishment, any person violating this chapter shall be required as a condition of probation or sentencing to pay to the Animal Services Center all applicable fees and charges pursuant to GJMC [6.12.1320](#), and costs of prosecution as may be required by the court.

(b) Suspension of any penalty or punishment for violation of this chapter may be conditioned upon compliance with any reasonable order or condition designed to protect the public or abate a public nuisance caused by an owner's animal. Such conditions may include but are not limited to those set forth in GJMC [6.12.1190\(c\)](#).

**6.12.1870 Violations not involving bodily injury.**

Any violation of GJMC [6.12.030](#), [6.12.040](#), [6.12.050](#), [6.12.060](#), [6.12.070](#), [6.12.080](#), [6.12.090\(f\)](#), [6.12.100\(d\)](#), [6.12.110\(d\)](#), (e) or (f) or any subsections thereof where a summons and complaint are issued which do not involve bodily injury to any person or animal shall be punishable upon conviction by a fine of not more than \$500.00. If the dog owner has been convicted of three or more violations of any section of this chapter not involving bodily injury within a two-year period, the Court may impose a sentence of imprisonment in the County jail for not more than 90 days in addition to any fine and may order the destruction of the animal.

**6.12.1980 Violations involving bodily injury.**

Any violation of GJMC [6.12.030](#), [6.12.040](#), [6.12.050](#), [6.12.060](#), [6.12.070](#), [6.12.090\(f\)](#), [6.12.100\(d\)](#), [6.12.110\(d\)](#), (e) or (f) and any subsections thereof where a summons and complaint are issued which involve bodily injury to any person or bodily injury or death to an animal by a dog or other pet animal shall be punishable upon conviction by a fine of not less than \$250.00 nor more than \$1,000, or by imprisonment of not less than three months nor more than 12 months, or by both such fine and imprisonment for each separate offense. In addition, the court may order the destruction of the dog upon conviction of the owner of any violation with bodily injury.

Any section not specifically modified herein shall remain in full force and effect as written except that numbering shall be administratively changed in accordance with the changes made herein.

**CITY OF GRAND JUNCTION, COLORADO  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING PARTS OF CHAPTER 6.12 OF THE  
GRAND JUNCTION MUNICIPAL CODE RELATING TO PERMITS FOR REHOMING  
OF PETS IN THE PUBLIC AND DISPOSITION OF ANIMALS**

**RECITALS:**

The City Council of the City of Grand Junction has reviewed and approved changes to Chapter 6.12 of the City of Grand Junctions Code of Ordinances relating to public safety and welfare of the public and the animals within the City and found the changes as proposed are beneficial to the health, safety, and welfare of the citizens of the community.

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

The following sections in Chapter 6.12 are hereby amended as follows:

**Chapter 6.12  
DOGS AND CATS**

**6.12.090 Permit Required for Public Pet Rehoming.** No person shall display any dog or cat for the purpose of selling, giving away, trading, bartering or adopting the animal without a Public Pet Rehoming Permit.

(a) A Public Pet Rehoming Permit is not required when:

- (1) An owner is selling, giving away, trading, bartering or adopting an animal from a private residence; or
- (2) An owner holds a current license issued by the Colorado Pet Animal Care and Facilities Act and is displaying the animals at that location; or
- (3) The owner is a governmental or tax-exempt, not for profit animal welfare organization and is involved in an organized adoption event.

(b) The Public Pet Rehoming Permit can be obtained at Mesa County Animal Services. The permit process will require the following:

- (1) The owner/applicant will complete and submit a Public Pet Rehoming Permit application no less than five business days prior to the date needed; and
- (2) The owner/applicant will provide written documentation from a licensed veterinarian that the animals have been examined within seven days, are at least eight weeks old and current on all applicable vaccinations; and

(3) The owner/applicant will provide written authority and contact information from the owner of the property on which the animals will be displayed.

### **6.12.100 Seizure and impoundment.**

#### **(a) Impoundment of Dogs Authorized.**

(1) An Animal Services Officer may, in his discretion, seize and impound any dog which is:

- (i) At large;
- (ii) Off the owner's premises and not wearing a current license tag; or
- (iii) An unconfined, unspayed female dog in estrus.

(2) An Animal Services Officer may, in his discretion, seize and impound any animal which:

- (i) Is required to be observed for rabies symptoms;
- (ii) Is, or appears to be, abandoned, abused or neglected;
- (iii) Is a domestic animal, appears to be or is sick or injured, and whose owner cannot be identified or located; or
- (iv) Is being kept or maintained contrary to the provisions of this chapter.

If a dog found running at large is properly licensed, the Animal Services Officer shall return the dog to its owner in lieu of impounding the dog upon payment of any seizure or release fee which may be required.

(b) **Impoundment of Dangerous Dogs.** An Animal Services Officer shall forthwith investigate any credible complaint that a dog is dangerous. If the officer reasonably believes the dog is dangerous or that the dog has previously been found to be a dangerous dog by any court and the dog is found to be confined in a manner inconsistent with the court's order or in violation of GJMC [6.12.060\(c\)](#), it shall be immediately seized and impounded. If impoundment of a dangerous dog cannot be made with safety to the Animal Services Officer or other persons, the dangerous dog may be summarily destroyed without notice to its owner, and the Animal Services Officer shall not be held liable for such action.

(c) **Impoundment of Habitual Offender Dogs.** An Animal Services Officer shall forthwith investigate any credible complaint that a dog is a habitual offender. In the event that the officer reasonably believes the dog is a public safety risk, it shall be immediately seized and impounded.

(d) **Impoundment of Animals for Violation of Public Pet Rehoming Permit.** An Animal Services Officer shall forthwith investigate any credible complaint that a person is in violation of the Permit Required for Public Rehoming. In the event that the officer reasonably believes that this is the second offense or more of GJMC 6.12.090, the animal(s) shall be immediately seized and impounded.

(e) **Notice of Impoundment and Disposition Alternatives.** When any animal has been impounded, Animal Services personnel shall as soon as practicable give notice in person, by letter, telephone, or service of a citation upon the owner of the animal's impoundment and disposition alternatives. If the animal's owner is unknown at the time of impoundment, Animal Services personnel shall take all reasonable steps to identify the owner and provide such notification. If the animal's owner still cannot be established, Animal Services personnel may proceed with any disposition authorized by this chapter. Animal Services personnel shall maintain records of the times, dates and manner of any notification or attempts at notification. Such records shall constitute prima facie evidence of notification or attempted notification.

(f) **Length of Impoundment.**

(1) **Minimum Period.** Any animal impounded at Animal Services which is not reclaimed by the owner shall be held by Animal Services for a minimum of five days after acquisition by Animal Services, before it may become available for adoption or otherwise disposed of at the discretion of Animal Services, except that the Director may determine that an animal without identification, including but not limited to a microchip or collar, may be disposed of in three days if the Director determines the shelter has insufficient resources for such animal or determines that such animal is dangerous. For purposes of this section, "days" means days during which the shelter is open to the public. If the owner does not properly claim and redeem the animal within this period of impoundment, the animal may be subject to disposition under GJMC [6.12.110](#).

(2) **Sick or Injured Animal.** An impounded animal which is sick or injured and in pain or contagious to other animals, and which is not identifiable to an owner, is subject to a minimal impoundment period and may immediately be humanely disposed of through euthanasia, if (i) in the opinion of a veterinarian the animal is experiencing extreme pain or suffering; and (ii) Animal Services has exhausted reasonable efforts to contact the owner for up to 24 hours.

(3) **Dangerous Dog.** A dangerous dog shall not be released from impoundment during the pendency of any criminal proceeding for violation of GJMC [6.12.060\(a\)](#). If no such action has been or will be commenced, such dog shall be disposed of pursuant to GJMC [6.12.110](#).



(4) Habitual Offender. A dog that meets the definition of habitual offender and is a public safety risk shall not be released from impoundment during the pendency of any criminal proceeding.

(5) Abused and/or Neglected. An animal that is or appears to be abused and/or neglected shall not be released from impoundment during the pendency of any criminal proceeding, except by order of the court.

(6) Public Pet Rehoming Permit. Animal(s) impounded for a second offense or more of violating GJMC 6.12.090 shall not be released from impoundment during the pendency of any criminal proceeding.

(7) Observation Period. Notwithstanding any other provision of this section to the contrary, any dog or cat which is known or credibly alleged to have bitten any person shall be immediately impounded or quarantined for observation for rabies infection until 10 days after the date of the bite and for such further time as deemed necessary by the Director. During the observation period, the dog or cat shall not have any physical contact with any other person or animal outside the immediate family, nor shall it be removed from the location of quarantine unless authorized by Animal Services personnel. Additionally, the dog or cat shall not be vaccinated against rabies, have ownership transferred, or be destroyed or euthanized unless authorized by Animal Services personnel.

(8) Dogs of Wild Extraction. Any dog of wild extraction which is known or credibly alleged to have bitten any person shall be immediately impounded. Unless otherwise ordered, dogs of wild extraction shall, at the discretion of the Director, be quarantined according to the direction of the State Health Department or killed by humane euthanasia, avoiding damage to the brain, and the remains tested for rabies as provided by State law.

(9) Release from Quarantine – Failure to Comply with Quarantine Order or Conditions. Any owner of an animal, or person harboring or keeping an animal, who has been ordered by an Animal Services Officer to quarantine such animal shall release such animal only to the Animal Services Officer according to the quarantine. The Animal Services Officer may allow the owner of the animal to board the animal at a licensed and approved animal hospital, kennel or veterinary facility approved by the Animal Services Center. The Animal Services Officer may allow the owner to quarantine the animal at the owner's residence provided the owner can establish or maintain conditions of the 10-day quarantine period to the satisfaction of Animal Services. No person or owner shall fail to meet the conditions established pursuant to subsection (e)(7) of this section. Failure to comply with a quarantine order or comply with the conditions of quarantine shall result in the animal being impounded by Animal Services and shall be a violation of this chapter.

(g) **Liability for Seizure and Impoundment Expenses.** An owner or keeper shall be obligated to reimburse the Animal Services Center for all expenses incurred as a result of seizure or impoundment of an animal. Such fees shall be assessed against the owner or keeper of any impounded animal, and shall be payable upon redemption, release or abandonment of the animal. Owners of unwanted animals and persons in custody of abandoned animals may bring in and release them to the Animal Services Center at no cost to the owner.

(h) **Removal of Impounded Animals.** No person shall remove any impounded animal from the Animal Services Center or from the official custody of an Animal Services Officer without the consent of the Director.

(i) **Impoundment Alternatives.** Nothing in this section shall be construed to prevent an Animal Services Officer from taking whatever action is reasonably necessary to protect his person or members of the public from injury by any animal.

#### **6.12.110 Redemption from impoundment and disposition.**

(a) **Redemption Fees Authorized.** Any dog or animal may be claimed and redeemed from impoundment by the owner and released from the Animal Services Center only upon timely demand at the Animal Services Center by a properly identified owner and upon payment of all seizure fees, impoundment fees, license fees, veterinary charges, charges for unusual care and feeding, redemption fees and such other costs or fees as may be reasonably set by Animal Services personnel or as provided in GJMC [6.12.120](#), concerning Animal Services Center charges and fees.

(b) **Disposition of Impounded Animals.** Any animal not properly redeemed by the end of any required impoundment or observation period shall become the property of the City. The animal may then be disposed of by Animal Services personnel by sale, transfer, donation, adoption to a suitable owner, or by humane euthanasia. No animal shall be released from the Animal Services Center for the purpose of medical research or experimentation.

#### **(c) Disposition of Dangerous Dogs and Habitual Offenders.**

(1) The owner of a dog which is found to be dangerous, GJMC [6.12.020](#), shall be subject to any reasonable sentencing orders set by the court prior to or after redemption of the dog. Such orders and conditions may include but are not limited to delayed release of the dog, the posting of bond, construction of secure areas of confinement, restrictions on travel with the dog, neutering the dog, muzzling the dog, compensation of victims, restrictions on sale or transfer of the dog, destruction, and any other terms or conditions deemed necessary to protect the public, to abate a public nuisance, or to abate a public safety risk. Such orders and conditions shall require payment of all fines and fees and

expenses for seizure, impoundment and redemption, together with penalties and court costs, if any.

(2) In the event of noncompliance with the conditions imposed pursuant to subsection (c)(1) of this section, the dog may be summarily impounded by Animal Services personnel and disposed of at their discretion, or in accordance with court order. Such disposal shall be in addition to any other civil or criminal remedies, including contempt proceedings for noncompliance with any sentencing orders or with administrative conditions for release of a dangerous dog.

(3) A dog found or declared not to be dangerous shall thereupon be forthwith returned to its owner, subject to payment of redemption fees, licensing and veterinarian care, but excluding liability for boarding expenses.

(4) The owner or dog which is found to be a habitual offender shall be subject to any reasonable sentencing orders set by the court prior to or after redemption of the dog. These orders and conditions may include, but are not limited to, delayed release of the dog, construction of secure areas of confinement, neutering the dog, and any other terms or conditions deemed necessary to protect the public or to abate a public safety risk. These orders and conditions shall require payment of all fines and fees and expenses for seizure, impoundment, redemption, together with penalties and court costs, if any.

**(d) Disposition of Animal(s) When Owner(s) Is Convicted of Cruelty to Animal(s) and/or Failure to Have the Permit Required for Public Pet Rehoming.**

(1) A person found to be guilty of cruelty shall be subject to any reasonable sentencing orders set by the court prior to or after redemption of the animal. These orders and conditions may include, but are not limited to, delayed release of the animal, construction of secure areas of confinement, neutering of the animal, enjoined from owning, caring, and/or caring for any animal and any other terms or conditions deemed necessary to protect animals from the person.

If the court determines that an animal is not to be returned to the owner, then the court may order the animal to the care of Animal Services as owner of the animal and the animal may be disposed of by Animal Services personnel at their discretion. These orders and conditions shall require payment of all fines and fees and expenses for seizure, impoundment, redemption, together with penalties and court costs, if any.

(2) A person found guilty of a second violation or more of GJMC 6.12.090 may have ownership of the animal(s) terminated by the court to be ordered as property of Animal Services. These orders and conditions shall require payment of all fines and fees and expenses for seizure, impoundment, redemption, together with penalties and court costs, if any.

(e) **Adoption of Dogs and Cats.** No person may adopt a dog or cat from the Animal Services Center until such has guaranteed sterilization of the dog or cat. A deposit or adoption fee shall be required to ensure the sterilization of the animal. Failure of the person adopting a dog or cat to sterilize it shall be a violation of this chapter and shall be punishable as an offense under this chapter. Additionally, Animal Services personnel may seize and impound an animal which has been adopted by a person who fails to sterilize the animal within the time specified. Animals may be adopted at the discretion of Animal Services personnel and subject to reasonably prescribed conditions.

(f) **Owner's Duty to Redeem Animal and Pay Fees.** No animal owner shall fail to make arrangements for the redemption or surrender of any animal impounded or to fail to pay any fees associated with the redemption or surrender of such animal.

#### **6.12.120 Enforcement.**

(a) **Responsibility.** The provisions of this chapter shall be enforced within the City by the Director, Animal Services Officers, and any other person however administratively assigned or titled, as authorized by the Grand Junction City Council. Enforcement by the City employees shall be limited to City limits and such additional areas as the Council may designate by contract or resolution pursuant to § 30-15-101(2), C.R.S. Animal Services Officers shall be deemed "peace officers" without regard to certification requirements, as authorized by § 30-15-105, C.R.S. The City Attorney shall prosecute at the Attorney's discretion any violation of this chapter.

(b) **Procedure.** Whenever an Animal Services Officer has personal knowledge or probable cause to believe that a violation of this chapter has occurred, he may arrest the alleged violator, and either issue a penalty assessment notice pursuant to § 16-2-201, C.R.S. et seq., or issue a summons and complaint pursuant to § 16-2-101, C.R.S. et seq.

#### **(c) Penalty Assessment Procedure.**

(1) **Penalty Assessment.** The penalty assessment procedure consists of personal service of written notice upon a person charged with violating this chapter. Personal service may be waived by the recipient. The alleged violator may be released upon conditions of the notice, or may choose to appear before a judge in a court of competent jurisdiction if conditions for release are not met. Conditions for release shall include payment of the applicable fine.

(2) **Summons and Complaint.** The summons and complaint procedure consists of personal service, or waiver by the recipient, of a summons and complaint. The summons requires the recipient to appear before the Municipal Court Judge at a specified time and place to answer to charges of violating this chapter, as set forth in the complaint.

(3) Mandatory Court. A summons and complaint shall be issued to anyone who is:

- (i) Charged under GJMC [6.12.060](#) involving a dangerous dog;
- (ii) Charged under GJMC [6.12.080](#) involving cruelty to an animal;
- (iii) Charged under GJMC 6.12.090 as a second violation or more for GJMC 6.12.090;
- (iv) Charged under GJMC [6.12.110](#) involving failure to comply with impound/quarantine requirements;
- (v) Known to have been issued three or more penalty assessment notices for violation of this chapter within the last two years; or
- (vi) Charged with a violation of this chapter involving serious bodily injury to or death of any person or animal.

(4) Optional Court. Except for the mandatory requirement for court set forth in subsection (c)(3) of this section, an Animal Services Officer may, at his discretion, issue either a penalty assessment notice or a summons and complaint.

(5) Content. A penalty assessment notice as well as a summons and complaint shall contain the following:

- (i) Document sworn to by the arresting officer;
- (iii) Name of the alleged offender;
- (iv) Specific offense;
- (v) Applicable fine; and
- (viii) A brief summary of the offense, including the alleged offender's attitude.

(d) **Interference with Animal Regulation Officers.** No person shall interfere with, molest, hinder, or prevent the Director or any Animal Services Officer from discharging their duties as prescribed by this chapter or other law.

(e) **Compliance with Impoundment Requests.** No person shall refuse to immediately deliver up or release any animal to an Animal Services Officer upon lawful demand by the officer to seize and impound the animal.

(f) **Search and Seizure of Dogs.** An Animal Services Officer shall have the right to enter upon private property when necessary to seize a dangerous dog, or a dog that has been running at large, when in reasonable pursuit of such dogs. Authorized entry upon such property shall not include entry into a residence or any structure that confines the dog except with authorization of the property owner. In the event of a property owner's refusal to allow entry upon property or release of the dog and upon presentation of motion and an affidavit establishing probable cause that the dog is a public nuisance and/or public safety risk as defined in this chapter, a court may issue an ex parte order requiring the owner to immediately surrender the dog to an Animal Services Officer. Noncompliance with such order shall be grounds for proceedings to establish contempt of court. The court is also authorized to issue an ex parte warrant for search and seizure of a public nuisance and/or public safety risk dog or abandoned, abused, or neglected animals in order to preserve evidence or to protect the public safety and welfare. An Animal Services Officer seizing a public nuisance and/or public safety risk dog may impound the dog, release the dog in lieu of impoundment, and/or issue a penalty assessment notice or a summons and complaint to the dog owner, unless otherwise required by court order or this chapter.

#### **6.12.160 Additional remedies for violation of chapter – Suspension of penalties.**

(a) In addition to payment of any fine or other punishment, any person violating this chapter shall be required as a condition of probation or sentencing to pay to the Animal Services Center all applicable fees and charges pursuant to GJMC [6.12.130](#), and costs of prosecution as may be required by the court.

(b) Suspension of any penalty or punishment for violation of this chapter may be conditioned upon compliance with any reasonable order or condition designed to protect the public or abate a public nuisance caused by an owner's animal. Such conditions may include but are not limited to those set forth in GJMC [6.12.110\(c\)](#).

#### **6.12.180 Violations not involving bodily injury.**

Any violation of GJMC [6.12.030](#), [6.12.040](#), [6.12.050](#), [6.12.060](#), [6.12.070](#), [6.12.080](#), [6.12.090\(f\)](#), [6.12.100\(d\)](#), [6.12.110\(d\)](#), (e) or (f) or any subsections thereof where a summons and complaint are issued which do not involve bodily injury to any person or animal shall be punishable upon conviction by a fine of not more than \$500.00. If the dog owner has been convicted of three or more violations of any section of this chapter not involving bodily injury within a two-year period, the Court may impose a sentence of imprisonment in the County jail for not more than 90 days in addition to any fine and may order the destruction of the animal.

#### **6.12.190 Violations involving bodily injury.**

Any violation of GJMC [6.12.030](#), [6.12.040](#), [6.12.050](#), [6.12.060](#), [6.12.070](#), [6.12.090\(f\)](#), [6.12.100\(d\)](#), [6.12.110\(d\)](#), (e) or (f) and any subsections thereof where a summons and

complaint are issued which involve bodily injury to any person or bodily injury or death to an animal by a dog or other pet animal shall be punishable upon conviction by a fine of not less than \$250.00 nor more than \$1,000, or by imprisonment of not less than three months nor more than 12 months, or by both such fine and imprisonment for each separate offense. In addition, the court may order the destruction of the dog upon conviction of the owner of any violation with bodily injury.

Any section not specifically modified herein shall remain in full force and effect as written except that numbering shall be administratively changed in accordance with the changes made herein.

**INTRODUCED** on first reading the 3<sup>rd</sup> day of April, 2013 and ordered published in pamphlet form.

**PASSED** and **ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2013 and ordered published in pamphlet form.

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President of City Council

ATTEST:

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City Clerk



Date: April 16, 2013  
 Author: Stephanie Tuin  
 Title/ Phone Ext: x1511  
 Proposed Schedule: April 17, 2013  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Attach 8  
 CITY COUNCIL AGENDA ITEM**

|                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject:</b> Letters of Support for the Pre-application to CDOT’s RAMP Grant Program for 29 Road/I70 Interchange Project and the Horizon Drive/I70 Interchange Project |
| <b>Action Requested/Recommendation:</b> Authorize the President of the Council to Sign the Letters of Support for Pre-Application for the Two Projects                    |
| <b>Presenter(s) Name &amp; Title:</b> Tim Moore, Deputy City Manager                                                                                                      |

**Executive Summary:**

CDOT has developed a one-time program called the Responsible Acceleration of Maintenance and Partnerships (RAMP). They are seeking applications by May 1<sup>st</sup> for potential projects over the next 5 years. The City has been requested to partner on two projects: Mesa County with the 29 Road/I-70 Interchange and the Horizon Drive Business Improvement District on the Horizon Drive/I-70 Interchange Improvements.

**Background, Analysis and Options:**

CDOT’s RAMP program is the result of a change in how CDOT accounts for projects. With over \$1.5 billion in reserves, CDOT has been directed by the governor’s office to work on getting that money invested in various regions throughout the State. The one-time program will distribute \$300 million per year over the next 5 years for a total of \$1.5 billion. Out of the \$300 million each year, \$175 million is to be distributed to operations and maintenance while \$125 million will go to Transportation Partnerships on corridors.

The City and its partners must let the Regional Transportation Planning Office know by April 18 of its intent to apply. The Grand Valley Regional Transportation Committee (GVRTC) will decide what applications will be supported at their April 22 meeting. Pre-applications for potential projects over the next 5 years are due May 1st into CDOT Region 3 office. If selected for a more detailed application, those would be due in early July.

The program requires a minimum of 20% match. Money has to be spent by end of 2017.



The two projects being considered include the 29 Road/I-70 Interchange and the Horizon Drive/I-70 Interchange Improvements.

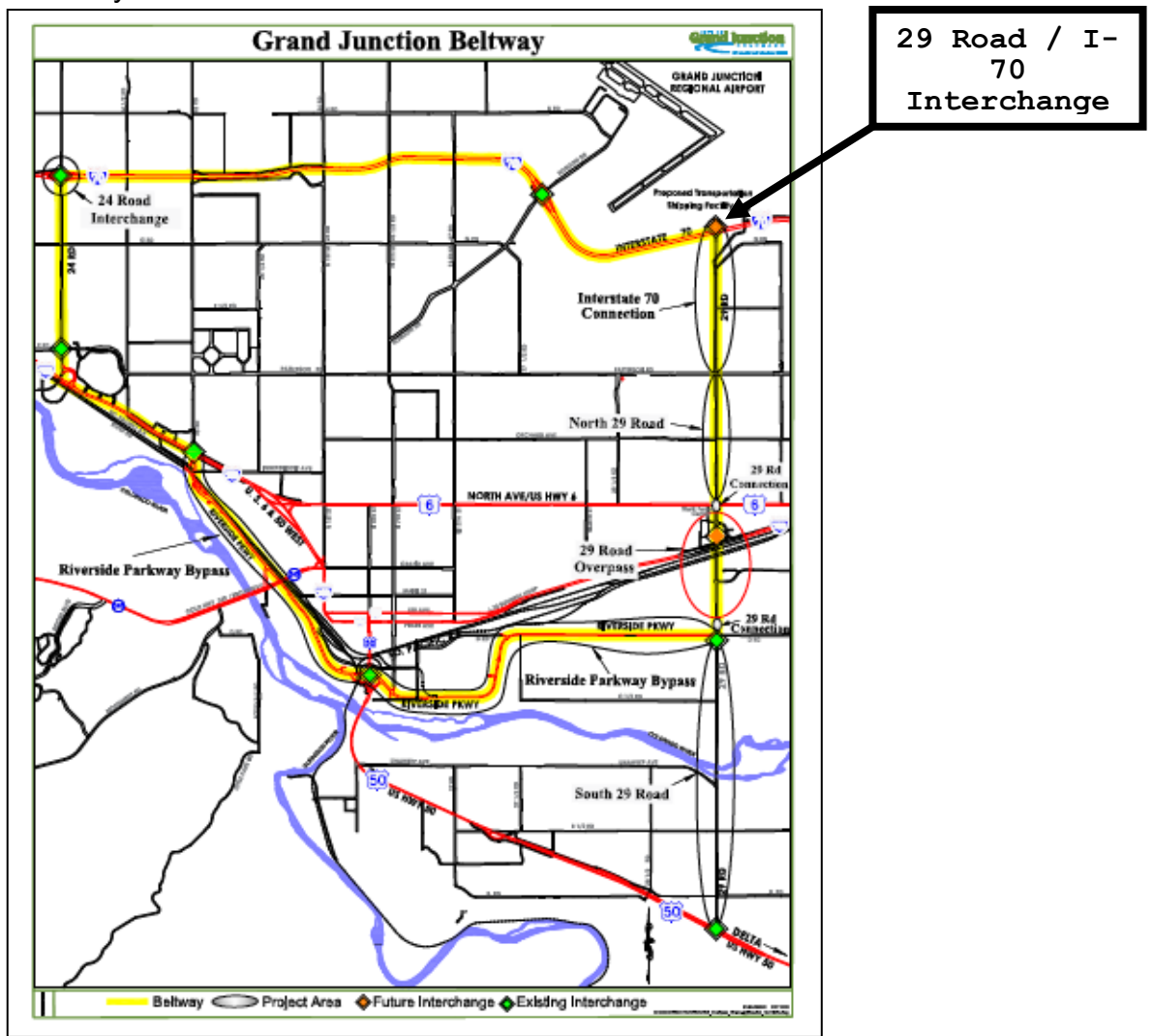
### **29 Road/I-70 Interchange**

This interchange has been proposed since the late 1970's and is highly ranked in the Mesa County 2035 Regional Transportation Plan in regards. The Comprehensive Plan calls for Business Park along with Commercial Industrial (CI) development near the 29 Road intersection with I-70. This interchange will contribute to future development of the area as well as improve effectiveness and efficiency of the transportation network.

The 29 Road interchange would provide access to the east end of Grand Junction Regional Airport for air-freight businesses, increasing the value of the airport as a hub for regional freight transportation and industry.

Mesa County has hired the consulting firm of HDR to complete a Purpose and Need Statement for the 29 Road and I-70 Interchange. This is the first step in development of an Environmental Assessment and subsequent Interchange Access Request (IAR) to FHWA/CDOT. The development of the Purpose and Need Statement will help substantiate the pre-application for the interchange. HDR is expected to have the information back in time for the April 22 GVRTC meeting.

Mesa County will be the lead applicant on this application and has requested a letter of support from the City of Grand Junction.



## **Horizon Drive / I-70 Interchange Improvements**

The Horizon Drive Business Improvement District (HDBID) has been working on developing concepts for modernization and safety improvements for the Horizon Drive corridor for since 2007.

Over the last 15 months, the HDBID has been moving forward toward solidifying the concepts into more definite plans. All of the corridor improvements have been estimated at \$7.5 million. The reconstruction near the interchange proposes to construct two roundabouts at the ramp termini replacing the three signals that exist today. Ourston and Associates, an internationally renown roundabout engineering firm has been under contract with HDBID to get the proposed improvements designed and through the rigorous review of the Federal Highway Administration and CDOT. A Minor Interchange Modification Request (MIMR) is being prepared to be formally submitted to FHWA/CDOT for approval. The improvements adjacent to the interstate that are proposed for RAMP funding are estimated at \$3.0 million.

Proposed schedule would be for funding in 2014-2015.

The City would be the lead applicant for this application.



**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.

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

These two interchanges are important elements of the City's transportation system. Construction of an interchange at 29 Road and I-70 will be the final the step toward completing the beltway project and Horizon Drive is the primary exit into Grand Junction from I-70.

**Board or Committee Recommendation:**

NA

**Financial Impact/Budget:**

This is only authorization to submit a pre-application but the intent is for the City to be a partner in a 50% match for the I70/29 Road interchange and participate up to \$300,000 in the Horizon Drive interchange.

**Legal issues:**

None.

**Other issues:**

None.

**Previously presented or discussed:**

This was presented and discussed at the April 15 City Council Readiness Session.

**Attachments:**

Support Letters



April 17, 2013

Dave Eller  
Colorado Department of Transportation Region 3  
222 South 6<sup>th</sup> Street #317  
Grand Junction, CO 81501-2769

**Re: RAMP Funding for City of Grand Junction Horizon Drive and I-70 Interchange Project**

Dear Mr. Eller,

It is my privilege to write this letter expressing the unequivocal support of the Grand Junction City Council for the pre-application by the City for State Responsible Acceleration of Maintenance and Partnerships (RAMP) funding for the Horizon Drive and I-70 Interchange improvement project. We greatly appreciate your freeing State funding for such projects and look forward to your support of the Horizon Drive and I-70 Interchange project.

Horizon Drive is the primary exit into Grand Junction from I-70. As I am sure you are aware the City and CDOT have funded some improvements to the existing ramps and the property owners have formed an improvement district with plans for even more enhancements to the area of the exit and beyond.

The City Council is very appreciative of the past support of CDOT and the present support of the community especially those members of the Horizon Drive Business Improvement District. With the State and the District as partners we are confident that additional improvements to Horizon Drive will be constructed and that those improvements will greatly benefit the community. While we recently fell short at the ballot of securing a possible source of funds that may have contributed to the project, the City and the District are committed to construction of improvements to Horizon Drive.

It is our sincere hope that you will approve the pre-application for this project and forward it on to the next round of review and approval.

Thank you again for the opportunity to enhance transportation in the Grand Valley.

CITY OF GRAND JUNCTION, COLORADO

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Bill Pitts President of the Council

pc: Douglas Aden, Colorado State Transportation Commissioner  
Donald Hunt, CDOT Executive Director  
Clark Atkinson, Chairman Horizon Drive Business Improvement District



April 17, 2013

Dave Eller  
Colorado Department of Transportation Region 3  
222 South 6<sup>th</sup> Street #317  
Grand Junction, CO 81501-2769

**Re: RAMP Funding for City of Grand Junction and Mesa County 29 Road and I-70 Interchange Project**

Dear Mr. Eller,

It is my privilege to write this letter expressing the unequivocal support of the Grand Junction City Council for the pre-application by the City and Mesa County for RAMP funding for the 29 Road Interchange project. We appreciate your freeing State funding for such projects and look forward to your support of the 29 Road – I-70 Interchange project.

With wide spread and long lasting community support, as well as a great partnership with the County, we have been able to construct a significant portion of the “beltway” project that has greatly benefitted the community. While we recently fell short at the ballot of securing a possible source of funds that may have contributed to the project, the City and County are committed to construction of an interchange at 29 Road and I-70. The interchange will be the final the step toward completing the beltway project. Because the benefits of completing the project are many and the value to the community cannot be underestimated, the City and County will be presenting a very strong application with a proposed 50% local match.

It is our sincere hope that you will approve the pre-application for this project and forward it on to the next round of review and approval.

Thank you again for the opportunity to enhance transportation in the Grand Valley.

CITY OF GRAND JUNCTION, COLORADO

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Bill Pitts President of the Council

pc: Douglas Aden, Colorado State Transportation Commissioner  
Donald Hunt, CDOT Executive Director  
Steve Acquafresca, Chairman Mesa County Board of Commissioners