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**CITY COUNCIL AGENDA
WEDNESDAY, JANUARY 16, 2019
250 NORTH 5TH STREET
5:15 PM – PRE-MEETING – ADMINISTRATION CONFERENCE ROOM
6:00 PM – REGULAR MEETING – CITY HALL AUDITORIUM**

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

Call to Order, Pledge of Allegiance, Invocation

Doug Clayton, Church of Christ Preaching Minister

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

Presentations

2018 Champion of the Arts Award

Proclamations

Proclaiming January 21, 2019 Martin Luther King, Jr. Day in the City of Grand Junction

Proclaiming January 2019 National Crime Stoppers Month in the City of Grand Junction

Appointments

To the Urban Trails Committee

Certificate of Appointments

To the Historic Preservation Board

REVISED

To Visit Grand Junction

Citizen Comments

Individuals may comment regarding items scheduled on the Consent Agenda and items not specifically scheduled on the agenda. This time may be used to address City Council about items that were discussed at a previous City Council Workshop.

- a. Supplemental Documents

City Manager Report

Council Reports

CONSENT AGENDA

The Consent Agenda includes items that are considered routine and will be approved by a single motion. Items on the Consent Agenda will not be discussed by City Council, unless an item is removed for individual consideration.

1. Approval of Minutes

- a. Summary of the December 17, 2018 Workshop
- b. Minutes of the December 19, 2018 Regular Meeting

2. Set Public Hearings

All ordinances require two readings. The first reading is the introduction of an ordinance and generally not discussed by City Council. Those are listed in Section 2 of the agenda. The second reading of the ordinance is a Public Hearing where public comment is taken. Those are listed below.

- a. Legislative
 - i. Introduction of an Ordinance Amending Parts of the Zoning and Development Code Regarding Performance Standards of Zoning Districts, Accessory Dwelling Units, Flag Lots, Architectural Standards Relating to Garage Doors so as to Eliminate Unnecessary Regulation and Resolve Inconsistencies, and Set a Public Hearing for February 6, 2019
- b. Quasi-judicial

- i. 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, Exercising Land Use Control, and Introducing Proposed Annexation Ordinance for the South Twenty Annexation of 20.18 Acres, Located at 2335 H Road, and Set a Public Hearing for February 20, 2019

3. Continue Public Hearings

a. Legislative

- i. An Ordinance Amending the Municipal Code Regarding Possession or Consumption of Alcohol in Parks and Riverfront Trails, Changing the Hours of Prohibited Park Use, and Including Vaping and the Use of Vape Devices as Prohibited in Workplaces, Public Places, and for Use by Minors and Set a Public Hearing for February 20, 2019
- ii. An Ordinance to Amend Chapters 12.04 and 12.08 of the Grand Junction Municipal Code and Section 21.06.010 of the Zoning and Development Code Regarding Camping on Public Property/Public Places and Set a Public Hearing for February 20, 2019

4. Contracts

- a. 2018 CDBG Subrecipient Agreement between the Center for Independence and the City of Grand Junction

5. Resolutions

- a. A Resolution Designating the Location for the Posting of the Notice of Meetings, Establishing the 2019 City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council

REGULAR AGENDA

If any item is removed from the Consent Agenda by City Council, it will be considered here.

6. Public Hearings - Quasi-judicial

- a. A Resolution to Designate the Original Mile (1882) and Keith's Addition (1890) Historic District in the City Register of Historic Sites, Structures, and Districts
- b. A Resolution to Designate the City Historic Water Treatment Plant, Tower and Outbuilding in the City Register of Historic Sites, Structures, and Districts
- c. An Ordinance Amending the Comprehensive Plan Future Land Use Map Designation to Residential Medium Low and Rezoning to R-4 (Residential, 4 du/ac), Located at 2064 South Broadway

7. Items Relating to the April 2, 2019 Regular Municipal Election

- a. Public Hearing - Legislative
 - i. An Ordinance Placing a Charter Amendment Concerning Cable Television Franchises and the Authorized Length of Leases on the Election Ballot for the Regular Municipal Election
- b. Resolutions
 - i. A Resolution Authorizing a Ballot Question Regarding a Community Recreation Center
 - ii. A Resolution Authorizing a Ballot Question Regarding the Sale of Burkey Park
- c. Discussion and Possible Direction Regarding First Responder and Transportation Needs

8. Public Hearings - Legislative

- a. Ordinance to Adopt the 2018 International Building Codes including the Building, Plumbing, Mechanical, Fuel Gas, Existing Building, Residential, the 2009 Energy Conservation, and the National Electrical Code and Amendments Thereto, Repealing All Other Ordinances and Parts of Ordinances in Conflict Therewith
- b. Adopt an Ordinance for the 2018 International Fire Code and Amendments Thereto, Repealing All Other Ordinances and Parts of Ordinances in Conflict Therewith

9. Non-Scheduled Citizens & Visitors

This is the opportunity for individuals to speak to City Council about items on tonight's agenda and time may be used to address City Council about items that were discussed at a previous City Council Workshop.

10. Other Business

11. Adjournment



Grand Junction City Council

Regular Session

Item #

Meeting Date: January 16, 2019

Presented By: Rob Schoeber, Parks and Recreation Director

Department: Parks and Recreation

Submitted By: Lorie Gregor, Recreation Coordinator

Information

SUBJECT:

2018 Champion of the Arts Award

RECOMMENDATION:

The Arts and Culture Commission has chosen Lance Livermont and John Hopkins as the Champion of the Arts recipients for 2018 for their consistent support of arts and culture in our community.

EXECUTIVE SUMMARY:

The Grand Junction Commission on Arts and Culture is recognizing the annual winners of the Champion of the Arts Award. As part of the award, the Commission purchases a piece of local artwork to be presented to each recipient.

BACKGROUND OR DETAILED INFORMATION:

Since 1996, the Grand Junction Commission on Arts and Culture annually invites the community to nominate local businesses, organizations, and individuals for the Champion of the Arts Award. These awards are given each year to honor businesses, organizations, and individuals which exemplify outstanding support for the arts, assistance to local art and cultural organizations, commitment to our cultural community, and/or promotion of area artists. Original artwork from premier local artists purchased by the Commission and presented as the award.

FISCAL IMPACT:

Two pieces of artwork were purchased utilizing \$1200 of budgeted funds.

SUGGESTED MOTION:

N/A

Attachments

None



City of Grand Junction, State of Colorado

Proclamation

Whereas, that all people, regardless of the color of their skin, the persuasion of their theology, or the level of their intelligence, were built by one Creator with one blood, designed and fashioned to live on one earth with one another; and

Whereas, Martin Luther King, Jr. was a minister who dedicated his life for this purpose so we may, as Americans, truly live out the Declaration of Independence as we hold these truths to be self-evident, that all people are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness; and

Whereas, the third Monday of each January is acknowledged as Martin Luther King, Jr. Day in Grand Junction to honor a great American who awakened a nation's conscience to not judge a person by the color of their skin but by the content of their character; and

Whereas, in cooperation with the City of Grand Junction, the Avalon Theatre will commemorate Martin Luther King, Jr. Day by showing the movies 42 and The Hate U Give on January 20th.

NOW, THEREFORE, I, Barbara Traylor Smith, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim January 21, 2019 as

"Martin Luther King, Jr. Day"

in the City of Grand Junction and encourage all citizens of Grand Junction to observe this day with appropriate activities and programs that honor the memory and legacy of Dr. King.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 16th day of January, 2019.



Mayor



City of Grand Junction, State of Colorado

Proclamation

- Whereas,** crime is a menace to our society; it tears apart lives and breeds feelings of fear, anger, and helplessness. As caring citizens, we are obligated to do everything in our power to ensure our communities are not victimized by criminals; and
- Whereas,** the Crime Stoppers of Mesa County program has empowered the citizens of Mesa County to take a stand against crime. This program brings together citizens, law enforcement, the media, businesses, and educational institutions, to combat crime and make our communities safer; and
- Whereas,** combining media awareness, cash rewards, and anonymity for tipsters, Crime Stoppers of Mesa County has created an effective method for solving crimes and helping citizens take back control of their neighborhoods; and
- Whereas,** Crime Stoppers of Mesa County has been particularly effective and since 1983 has received 19,900 tips, which led to 1,795 arrests and the recovery of over \$9 million in drugs and property. Anonymous Crime Stopper callers have been rewarded over \$300,000 for their valuable information; and
- Whereas,** Crime Stoppers of Mesa County has forged strong working relationships with all area law enforcement agencies including: Colorado State Patrol, Mesa County Sheriff's Office, and Fruita, Grand Junction and Palisade Police Departments; and
- Whereas,** Crime Stoppers of Mesa County is working to increase awareness of community safety issues and crime prevention efforts.

NOW, THEREFORE, I, Barbara Traylor Smith, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim the month of January, 2019 as

"National Crime Stoppers Month"

in the City of Grand Junction and call all citizens of Grand Junction to increase their participation in Crime Stoppers of Mesa County in the effort to prevent crime, thereby strengthening the communities in which they live.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 16th day of January, 2019.

Mayor





Grand Junction City Council

Regular Session

Item #

Meeting Date: January 16, 2019

Presented By: Wanda Winkelmann, City Clerk

Department: City Clerk

Submitted By: Wanda Winkelmann

Information

SUBJECT:

To the Urban Trails Committee

RECOMMENDATION:

Appoint member to the Urban Trails Committee.

EXECUTIVE SUMMARY:

There is one vacancy on the Urban Trails Committee.

BACKGROUND OR DETAILED INFORMATION:

The vacancy is due to a resignation.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to (appoint/not appoint) the interview committee's recommendation to the Urban Trails Committee.

Attachments

None



Grand Junction City Council

Regular Session

Item #

Meeting Date: January 16, 2019

Presented By: Wanda Winkelmann, City Clerk

Department: City Clerk

Submitted By: Wanda Winkelmann

Information

SUBJECT:

To the Historic Preservation Board

RECOMMENDATION:

Present Certificates of Appointment.

EXECUTIVE SUMMARY:

Reappointed member Troy Reynolds and appointed members Mikhail Blosser and Priscilla Mangnall will accept their Certificates of Appointment to the Historic Preservation Board.

BACKGROUND OR DETAILED INFORMATION:

Troy Reynolds, Mikhail Blosser and Priscilla Mangnall were appointed to the Historic Preservation Board at the December 19, 2018 Council meeting.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Attachments

None



Grand Junction City Council

Regular Session

Item #

Meeting Date: January 16, 2019

Presented By: Wanda Winkelmann, City Clerk

Department: City Clerk

Submitted By: Wanda Winkelmann

Information

SUBJECT:

To Visit Grand Junction

RECOMMENDATION:

Present Certificates of Appointment.

EXECUTIVE SUMMARY:

Reappointed and appointed members Josh Niernberg, Julie Shafer, Ken Mabery and Zebulon Miracle will accept their Certificates of Appointment to Visit Grand Junction.

BACKGROUND OR DETAILED INFORMATION:

Josh Niernberg and Julie Shafer were reappointed and Ken Mabery and Zebulon Miracle were appointed to Visit Grand Junction at the December 19, 2018 Council meeting.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Attachments

None



Grand Junction City Council

Regular Session

Item #a.

Meeting Date: January 16, 2019

Presented By:

Department: City Clerk

Submitted By:

Information

SUBJECT:

Supplemental Documents

RECOMMENDATION:

EXECUTIVE SUMMARY:

BACKGROUND OR DETAILED INFORMATION:

FISCAL IMPACT:

SUGGESTED MOTION:

Attachments

1. Citizen Comments

CITY COUNCIL MEETING		Date
CITIZEN PRESENTATION		1.16.19
Citizen's Name	Kit Hadlow	
Subject	ANIMAL CONTROL	
Phone Number (optional)		Including your phone number is helpful if we would like to contact you in response to your questions, comments, or concerns. Thank you!

CITY COUNCIL MEETING		Date
CITIZEN PRESENTATION		
Citizen's Name	Bruce J Smillek	
Subject	241 STOP - VET MUSEUM SHOW	
Phone Number (optional)		Including your phone number is helpful if we would like to contact you in response to your questions, comments, or concerns. Thank you!

Kit Haddow
Mesa County Citizen
Grand Junction, Colorado

Citizens of Mesa County

On November 3 of this past year my wife, Christine, was walking our 19 pound Miniature Poodle, Nick, in Sherwood Park. Nick was a trained, tested, and registered therapy dog. They were going on a short walk before Nick was to go to an appointment to visit a hospice patient. They passed a woman who was standing off the sidewalk holding her 168 pound Great Dane on about a 10 or 12 foot leash. A few seconds after Christine passed them, the Great Dane attacked our pet from behind. He bit and shook Nick like a rag doll. Nick died a few days later from his wounds. The attack was without warning or provocation. The owner of the Great Dane immediately left the park with her dog and never returned or notified anyone.

Christine immediately made a call to animal control. They took the report, but did nothing noticeable to locate the perpetrator of this crime. After several days we distributed fliers and offered a reward to locate the owner. Seven days later a tipster turned her in. An Animal Control Officer contacted the woman who then maintained it was she who was the victim. She claimed she had been attacked by a crazed Miniature Poodle and that a 168 pound Great Dane standing beside her leaped to her defense and shredded the Poodle. In reality, Nick was never within 6 feet of the woman.

Unbelievably, the Animal Control Officer sided with the owner of the Great Dane. The Dane's owner produced a service dog registration certificate and the officer accepted it as authentic. In reality it was from one of those sites where you pay a fee and receive a certificate with no training or testing of the dog. I think that the certificate is a sham. The officer making the initial report falsified her report in a number of places. I'm sure those were lies. Consequently, no charges were filed.

We met with the City Attorney's Office and they said our only recourse was Civil Court. So, we did just that and filed a civil case against the owner of the Great Dane. We did our own investigating and presented our evidence that this was an unprovoked predator attack by an animal that was OUT OF CONTROL. Both sides presented their cases. The Judge took just 9 minutes to review the evidence. He ruled the evidence showed the woman was never attacked and she was responsible for the death of our beloved Nick. We were awarded over \$2,500.00. Ten days later the owner of the Great Dane filed a Chapter 7 Bankruptcy to avoid paying anything.

We made a complaint to the head of the County Criminal Justice Department about the falsehoods and lies reported by the initial investigating officer. There was an internal investigation and it was determined the officer had not in fact been truthful. The head of the Animal Control then took over to amend the original officer's report. In an apparent attempt to make himself and his department look good he only admitted to one falsehood, and that one falsehood, even if corrected would not have changed the

outcome of the case. Most of what we feel are lies reported by the original investigating officer were ignored. The information and evidence we submitted were ignored.

After several meetings by us and Animal Control, they agreed to have an independent, unbiased third party do a new complete investigation to present to the City Attorney, which we took to mean an investigation of Brenda Head regarding the original incident, AND of what we were disturbed about in regard to the false information having been included in the original report. However, the head of Animal Control assigned one of his own officers to investigate, which is not independent or unbiased, in the original investigation. Facts and evidence we gathered again were not considered. We were informed by Animal Control that all of our evidence and expert testimony was hearsay, which is absurd, since this was supposed to be an investigation and not a trial; and everything in the transcript could be shown again at any time by direct evidence, if they would bother to inquire.

This third and new non-independent investigating officer did some interviews. Christine was interviewed in person. The owner of the Great Dane was interviewed by phone because the Animal Control Officer couldn't find her in person. Once we realized Animal Control was doing nothing more than a CYA investigation, we composed and delivered a letter to this investigating officer asking her to review the falsified documents and our evidence, including testimony from the civil trial. The officer said in her report: "When I got to the second page, I stopped reading because the writer began discussing her/their opinion of Officer Scales in derogatory terms." Apparently, when an Animal Control Officer feels one of their fellow officers has been accused of being incompetent, they now feel no responsibility to do anything about it.

There is a toxic atmosphere at the Animal Control "Gulag", where citizens and their pets are victims to the whims of a law enforcement officer that can get away with anything they want. It is a shame when a pet owner has more to fear from the Animal Control Officer than from a criminal.

In the final summation in the case report addendum, the head of Animal Control states: "The dog at large ordinance was not violated by either party." This case has nothing to do with the dog at large ordinance. This is a case of an animal OUT OF CONTROL that has killed and meets the legal criteria of a "dangerous dog." The head of Animal Control doesn't even know what this case is about. Being on a leash does not mean the animal is under control. I think we need new leadership at Animal Control. This is a classic case of government bureaucracy gone sour.

I will be happy to do a presentation on this case to any elected city or county official. The evidence is clear and compelling. Something should be done about this kind of misconduct by public officials.

Respectfully,

By: Kit W. Haddow
Kit Haddow

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY
December 17, 2018

Meeting Convened: 5:30 p.m. in the City Hall Auditorium

Meeting Adjourned: 7:24 p.m.

City Councilmembers present: Councilmembers Bennett Boeschstein, Duncan McArthur, Phyllis Norris, Duke Wortmann, and Mayor Barbara Traylor Smith.

Staff present: City Manager Greg Caton, City Attorney John Shaver, Finance Director Jodi Romero, Director of Internal Services Jay Valentine, Budget Coordinator Linda Longenecker, Public Works Director Trent Prall, Fire Chief Ken Watkins, Deputy Police Chief Mike Nordine, Parks and Recreation Director Rob Schoeber, Assistant Director Traci Wieland, Assistant to the City Manager Greg LeBlanc, and City Clerk Wanda Winkelmann.

Mayor Traylor Smith called the meeting to order.

Agenda Topic 1. Discussion Topics: Items Relating to the April 2, 2019 Regular Municipal Election

- a. Proposed Projects Including Community Center, Portion of Orchard Mesa Middle School, and Partial Development of Matchett Park*

Rob Schoeber outlined the amenities included in the proposed Community Center and the facilities and proposed improvements at Orchard Mesa. Mr. Schoeber reviewed the proposed plan for the partial build-out of Matchett Park. Construction costs for the Community Center, Orchard Mesa, Matchett Park, and infrastructure are \$73.8M for 2018 figures; \$78.9M if built in 2020. Annual operating subsidy estimates are almost \$1.8M.

Discussion ensued regarding the partnership with Mesa County and the School District for the operations and funding of Orchard Mesa. It was noted that private recreation centers can co-exist and thrive when public community centers open.

For the above-mentioned improvements, a 0.39% increase in sales tax would be required. Council directed staff to draft language to put this on the April 2019 ballot. That language will be formally considered at the January 16 Regular Council meeting.

A break was called at 6:04 p.m. The workshop resumed at 6:09 p.m.

b. First Responder Needs

Mr. Caton noted a lot of discussion has occurred regarding the first responder needs for the operations and capital for the Fire Department and Police Department. The current total for first responders is \$9.6M.

Fire Department response times were reviewed that showed the core of the City receives a response time of fewer than six minutes; surrounding areas require a longer than six-minute response.

A national standard indicates police officers should have 37% availability of uncommitted hours towards proactive policing, directed patrol, and emergency calls; currently GJPD has a 10% availability.

Funding mechanisms were reviewed, including sales tax and property tax. First responder funding options were reviewed that include increasing the sales tax and eliminating property tax, and one option that addresses roadway expansion projects.

Mr. Caton reviewed the sales tax rates across the state.

Discussion ensued about the ballot question being a single subject, the fact that there are no caps on sales tax rates for home rule cities, possible future annexations, Mesa County as a funding partner, and grants received.

City Council support was expressed for Option E, which includes a 1.25% sales tax increase for Fire (0.35%), Police (0.15%), replacing Property Tax Revenue (0.50%), and Roadway Expansion Projects (0.25%).

c. Consideration of the Sale of Burkey Park

Mr. Caton noted that discussions have occurred about the possible sale of Burkey Park, with proceeds going towards the improvement of Matchett Park. Mr. Shaver stated that the Burkey property was donated in the 1960's with the hope that it would be developed as a park. If the sale of Burkey park was approved by the voters, a permanent structure would be built at Matchett Park that commemorates the Burkey family (such as a pavilion).

Support was expressed to put the sale of Burkey Park on the April ballot.

d. Possible Charter Amendments

Mr. Shaver discussed two “housekeeping” Charter amendments: the first provision is Section 119 of the Charter regarding the renewal of franchises (a conflict in language that has arisen as a result of federal legislation); the second provision concerns the length of term of leases from 25 years to 99 years. Each and every lease that would be approved would come before City Council.

Support was voiced for an ordinance to be considered on Wednesday’s Regular Council meeting for these two Charter amendments.

Agenda Topic 2. Next Workshop Topics

Presently no topic is set for the January 14 Workshop (no Workshop will be held on December 31).

3. Other Business

Councilmember McArthur reported he will not be in attendance at Wednesday’s Regular Meeting.

Adjournment

The Workshop adjourned at 7:24 p.m.

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

December 19, 2018

Call to Order, Pledge of Allegiance, Invocation

Seth Thomas, Northeast Christian Church Senior Pastor

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

The City Council of the City of Grand Junction convened into regular session on the 19th day of December, 2018 at 6:00 p.m. Those present were Councilmembers Bennett Boeschstein, Chris Kennedy, Phyllis Norris, Duke Wortmann, and Council President Barbara Traylor Smith. Councilmembers Duncan McArthur and Rick Taggart were absent. Also present were City Manager Greg Caton, City Attorney John Shaver, City Clerk Wanda Winkelmann and City Records Manager Debbie Kemp.

Council President Traylor Smith called the meeting to order. Councilmember Wortmann led the Pledge of Allegiance which was followed by an invocation by Senior Pastor Seth Thomas, Northeast Christian Church.

Appointments

To the Historic Preservation Board

Councilmember Boeschstein moved to reappoint Troy Reynolds and appoint Mikhail Blosser and Priscilla Mangnall to the Historic Preservation Board for four-year terms ending December 2022. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

To Visit Grand Junction

Councilmember Norris moved to reappoint Josh Niernberg and Julie Shafer, and appoint Ken Mabery and Zebulon Miracle for three-year terms ending December 2021 to Visit Grand Junction. Councilmember Wortmann seconded the motion. Motion carried by roll call vote.

Citizen Comments

Individuals may comment regarding items scheduled on the Consent Agenda and items not specifically scheduled on the agenda. This time may be used to address City Council about items that were discussed at a previous City Council Workshop.

Bruce Lohmiller expressed his thoughts for turning the City Market located at 200 Rood Avenue into a homeless shelter. He also mentioned night patrols are being handled.

Jennifer Vargas, Robert McDonald, Jon Williams, Samantha Harris, Sierra Garcia, and Jay Mashburn spoke about an inclusivity proclamation and encouraged City Council to reconsider supporting it.

- a. Supplemental Documents

City Manager Report

City Manager Caton displayed an aerial photo of the butterfly pond at Las Colonias Business park. He updated Council on the construction at that location and said the area is expected to be completed by the end of June 2019.

Council Reports

Councilmember Boeschstein attended the Historic Preservation meeting, the Urban Trails meeting, and the holiday event at the Avalon Theatre.

Councilmember Kennedy stated he will not be seeking re-election to City Council and thanked members of the community who spoke on behalf of the inclusivity proclamation.

Councilmember Norris attended the retirement event for Officer Dave Oswalt who had been with the City for 35 years.

CONSENT AGENDA

The Consent Agenda includes items that are considered routine and will be approved by a single motion. Items on the Consent Agenda will not be discussed by City Council, unless an item is removed for individual consideration.

Councilmember Norris moved to adopt Consent Agenda items #1 through #5.
Councilmember Wortmann seconded the motion. Motion carried by roll call vote.

1. Approval of Minutes

- a. Summary of the December 3, 2018 Workshop
- b. Minutes of the December 5, 2018 Regular Meeting

2. Set Public Hearings

All ordinances require two readings. The first reading is the introduction of an ordinance and generally not discussed by City Council. Those are listed in Section 2 of the agenda. The second reading of the ordinance is a Public Hearing where public comment is taken. Those are listed below.

- a. Legislative
 - i. An Ordinance Amending the Municipal Code Regarding Possession or Consumption of Alcohol in Parks and Riverfront Trails, Changing the Hours of Prohibited Park Use, and Including Vaping and the Use of Vape Devices as Prohibited in Workplaces, Public Places, and for Use by Minors and Set a Public Hearing for January 16, 2019
 - ii. An Ordinance to Amend Chapters 12.04 and 12.08 of the Grand Junction Municipal Code and Section 21.06.010 of the Zoning and Development Code Regarding Camping on Public Property/Public Places and Set a Public Hearing for January 16, 2019
- b. Quasi-judicial
 - i. Introduce an Ordinance Amending the Comprehensive Plan Future Land Use Map Designation to Residential Medium Low and Rezoning to R-4 (Residential, 4 du/ac), Located at 2064 South Broadway, and Set a Public Hearing for January 16, 2019

3. Contracts

- a. Kannah Creek Intake Rehabilitation

4. Resolutions

- a. Resolution Adopting the City of Grand Junction 2019 Legislative Agenda

5. Other Action Items

- a. Downtown Grand Junction Business Improvement District's 2018 Annual Report and 2019 Operating Plan and Budget

- b. Horizon Drive Association Business Improvement District's 2018 Annual Report and 2019 Operating Plan and Budget

REGULAR AGENDA

If any item is removed from the Consent Agenda by City Council, it will be considered here.

6. Items Relating to the April 2, 2019 Regular Municipal Election

- a. A Resolution Authorizing a Mail Ballot Election in the City of Grand Junction Regular Municipal Election on April 2, 2019, Authorizing the City Clerk to Sign the Intergovernmental Agreement with Mesa County Clerk and Recorder to Conduct Said Election

The Municipal Election Code, which has been adopted by the City of Grand Junction, authorizes mail ballot elections. Mesa County, through an intergovernmental agreement, will print, mail and tabulate the ballots for the April election. The estimated cost for the April 2019 election is \$50,000.

City Clerk Wanda Winkelmann reviewed details about the upcoming April 2, 2019 Regular Municipal Election including the Intergovernmental Agreement with Mesa County for the election, the estimated cost, certification date for ballot content, and information concerning nomination petitions.

Councilmember Boeschstein moved to adopt Resolution No. 87-18, a resolution authorizing a Mail Ballot Election in the City of Grand Junction for the Regular Municipal Election on April 2, 2019 and authorizing the City Clerk to sign the intergovernmental agreement with Mesa County Clerk and Recorder to conduct said Election. Councilmember Wortmann seconded the motion. Motion carried unanimously by roll call vote.

- b. An Ordinance Placing a Charter Amendment Concerning Cable Television Franchises and the Authorized Length of Leases on the Election Ballot for the Regular Municipal Election and Set a Public Hearing for January 16, 2019

Pursuant to §151 of the Grand Junction City Charter, the Charter may be amended at any time in the manner provided by Article XX of the Constitution of the State of Colorado, and more than one Charter amendment or measure may be submitted to the voters in any one election.

City Attorney Shaver said the staff report was updated in the agenda packet and he will be glad to answer any questions City Council may have.

Councilmember Boeschstein moved to introduce an ordinance placing Charter Amendments to comply with Federal Law governing renewal of cable television franchises and to change the authorized length of leases of public property from twenty-five to ninety-nine years on the election ballot for the regular Municipal Election to be held the 2nd day of April, 2019 and set a public hearing for January 16, 2019. Councilmember Wortmann seconded the motion. Motion carried unanimously by roll call vote.

7. Non-Scheduled Citizens & Visitors

This is the opportunity for individuals to speak to City Council about items on tonight's agenda and time may be used to address City Council about items that were discussed at a previous City Council Workshop.

There were none.

8. Other Business

There was none.

9. Adjournment

The meeting adjourned at 6:34 p.m.

Wanda Winkelmann, MMC
City Clerk



Grand Junction City Council

Regular Session

Item #2.a.i.

Meeting Date: January 16, 2019

Presented By: Tamra Allen, Community Development Director

Department: Community Development

Submitted By: Kathy Portner

Information

SUBJECT:

Introduction of an Ordinance Amending Parts of the Zoning and Development Code Regarding Performance Standards of Zoning Districts, Accessory Dwelling Units, Flag Lots, Architectural Standards Relating to Garage Doors so as to Eliminate Unnecessary Regulation and Resolve Inconsistencies, and Set a Public Hearing for February 6, 2019

RECOMMENDATION:

The Planning Commission reviewed this request at their December 11, 2018 hearing and recommended approval (4-0).

EXECUTIVE SUMMARY:

Initiated by the Community Development Director, this request is to amend various sections of the Zoning and Development Code to eliminate requirements that have been proven, over time, to be impractical, difficult or impossible to apply or enforce, and for which there are other safeguards in the Code furthering the intent of the provisions, inconsistencies within the Code, unnecessary regulations or duplicative information.

BACKGROUND OR DETAILED INFORMATION:

Chapter 21.03 Zoning Districts

Chapter 3 of the Code outlines the standards and requirements for all the zone districts. The proposed changes eliminate redundancies, clarify uses and setbacks, and deletes maximum number of stories allowed since all zone districts also have a maximum height.

21.03.040(d) R-2 Zone District—clarifies that two-family residential uses are allowed, consistent with the Use/Zone Matrix, and adds the architectural standards for a second dwelling.

21.03.040(e) R-4 Zone District—deletes the requirement that two-family residential uses can only be on corner lots.

21.03.040(g)(2) R-8 Zone District—clarifies that principal structures can have a front yard setback of 15' and garages must be setback 20'; and deletes the provision that garage doors cannot exceed 45 percent of the width of the street facing façade.

21.03.040(h)(2), (i)(2), (j)(2) R-12, R-16 and R-24-- clarifies that principal structures can have a front yard setback of 15' and garages must be setback 20'

21.03.040—the residential district summary table at the end of Section 21.03.040 is amended to delete maximum number of stories restrictions and to increase maximum density in the R-5 zone district from 5.0 to 5.5, increase the minimum density in R-8 from 4 to 5.5 correct the minimum and maximum density for R-4 to 2 and 4.

21.03.040(a) through (j), 21.03.070(a) through (h), and 21.03.080(a) and (c)—the tables listing the bulk standards are deleted in their entirety since it is provided in the summary table.

21.03.080 Mixed Use and Industrial Bulk Standards Summary Table at the end of the section—deletes max. number of stories requirements and corrects side and rear yard setbacks listed to be consistent.

Chapter 21.04 Uses

Proposed changes in Chapter 4 include clarification of the fence regulations and better defining uses allowed in I-O and I-1. Also proposed is to increase the maximum size of an accessory dwelling unit to 900 s.f., which is more consistent with requirements in other communities.

21.04.040(f) Accessory Dwelling Unit—deletes the requirement that one of the units be owner occupied and increases the maximum allowable size from 700 s.f. to 900 s.f.

21.04.040(i) Fences—general clarification and deletion of inconsistencies.

21.04.010 Zone/Use Table—delete retail as an allowed use in I-O and I-1 zone districts since the performance standards in those district only allow for up to 10% to be used as retail.

Chapter 21.06 Development Standards

Minor modifications are proposed to the standards for flag lot size and the required setbacks on loop lanes, as well as an allowance for non-residential uses along arterial streets that are in a residential zone to utilize the sign standards for commercial zone districts.

21.06.060(f)(2) Flag Lots—deletes the requirement that the “flag” portion of the lot be 20 percent larger than the lot area of the other lots.

21.06.070(h) Sign Standards by Zone—adds a provision allowing non-residential uses along an arterial street to have one monument style sign that meets the requirements of a non-residential zone district.

21.06.100(d) Loop Lane Standards—reduce the setback for front loading garages from 30’ to 20’.

The proposed revisions are attached for review in ordinance form with changes shown in underlined and struck through text.

NOTIFICATION REQUIREMENTS

Notice was completed as required by Section 21.02.080(g). Notice of the public hearing was published on December 4, 2018, in the Grand Junction Daily Sentinel.

ANALYSIS

In accordance with Section 21.02.140(c), a proposed text amendment shall address in writing the reasons for the proposed amendment. There are no criteria for review because a code amendment is a legislative act within the discretion of the City Council. Reasons for the proposed amendments are provided in the Background section of this report.

RECOMMENDATION AND FINDINGS OF FACT

Planning Commission finds that the proposed amendments to the Zoning and Development Code are useful in that they eliminate requirements that have been proven, over time, impractical, difficult or impossible to apply or enforce, and for which there are other safeguards in the Code furthering the intent of the provisions, inconsistencies within the Code, unnecessary regulations or duplicative information.

FISCAL IMPACT:

There is no fiscal impact related to these code amendments.

SUGGESTED MOTION:

I move to introduce proposed ordinance amending parts of the Zoning and Development Code regarding performance standards of Zoning Districts, accessory dwelling units, flag lots, architectural standards relating to garage doors so as to eliminate unnecessary regulation and resolve inconsistencies, and set a public hearing for February 6, 2019.

Attachments

1. OrdinanceMisc 2018
2. Clean Copy Ord Misc 2018

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING PARTS OF THE ZONING AND DEVELOPMENT CODE REGARDING PERFORMANCE STANDARDS OF ZONING DISTRICTS, ACCESSORY DWELLING UNITS, FLAG LOTS, ARCHITECTURAL STANDARDS RELATING TO GARAGE DOORS SO AS TO ELIMINATE UNNECESSARY REGULATION AND RESOLVE INCONSISTENCIES.

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary.

The amendments to the Zoning and Development Code eliminate (1) requirements that have been proven, over time, impractical, difficult or impossible to apply or enforce, and for which there are other safeguards in the Code furthering the intent of the provisions; (2) inconsistencies within the Code; (3) unnecessary regulations; or (4) duplicative information.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed Code amendments.

After public notice and public hearing, the Grand Junction City Council finds that the proposed Code amendments are necessary to maintain effective regulations to implement the Comprehensive Plan.

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

Subsection 21.03.040(d) is amended as follows (deletions struck through, additions underlined):

(d) R-2: Residential – 2.

Primary Uses	
Detached Single-Family, Two-Family Dwelling, Civic	
See GJMC <u>21.04.010</u> , Use Table	
-	
Lot	
Area (min. sq. ft.)	15,000
Width (min. ft.)	100
Frontage (min. ft.)	50
Frontage on cul-de-sac (min. ft.)	30

-			
Setback	Principal	-	Accessory
Front (min. ft.)	20	-	25
Side (min. ft.)	15	-	3
Rear (min. ft.)	30	-	5
-			
Bulk	-	-	-
Lot Coverage (max.)	30%		
Height (max. ft.)	35		
Height (max. stories)	2.5		
Density (max.)	2-units/acre		
Cluster Allowed	Yes		

- (1) Purpose. To provide areas for medium-low density, single-family and two-family residential uses where adequate public facilities and services exist.
- (2) Performance Standards. Development shall conform to the standards established in this code. The creation of a two-family dwelling via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling.

Subsection 21.03.040(e) is amended as follows (deletions struck through, additions underlined):

(e) R-4: Residential – 4.

Primary Uses	
Detached Single-Family, Two-Family Dwelling, Civic	
See GJMC 21.04.010 , Use Table	
-	
Lot	
-	
Area (min. sq. ft.)	7,000
Width (min. ft.)	70
Frontage (min. ft.)	20
-	
Setback	Principal
	-
	Accessory

Front (min. ft.)	20	-	25
Side (min. ft.)	7	-	3
Rear (min. ft.)	25	-	5
-			
Bulk	-	-	-
Lot Coverage (max.)		50%	
Height (max. ft.)		40	
Height (max. stories)		3	
Density (min.)		2 units/acre	
Density (max.)	-	4 units/acre	
Cluster Allowed		Yes	

(1) Purpose. To provide for medium-low density single-family and two-family residential uses where adequate public facilities and services are available. ~~Two-family dwellings may be allowed under special conditions.~~

(2) Performance Standards. Development shall conform to the standards established in this code.

~~(i) In an R-4 district, a two-family dwelling is allowed may be built only on a corner lot and then only if:~~

- ~~(A) The minimum lot size is 14,000 square feet;~~
- ~~(B) The garage of each unit fronts on a different street;~~
- ~~(C) The main entry of each unit fronts on a different street;~~
- ~~(D) The gross density of the subdivision shall not exceed four dwellings per acre;~~
- ~~(E) The streets are classified as local streets or a local street and a residential collector; and~~
- ~~(F) Driveway locations must be in accordance with TEDS (GJMC Title 29).~~

(ii) (i) The creation of a two-family dwelling via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two manufactured homes shall not constitute a two-family dwelling.

(iii) (ii) For the purpose of calculating density on parcels smaller than five acres, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.

Subsection 21.03.040(g), Performance Standards for the R-8 zone district, is amended as follows (deletions struck through):

(g) R-8: Residential – 8.

Primary Uses			
Detached Single-Family, Two-Family Dwelling, Multifamily, Civic			
See GJMC 21.04.010 , Use Table			
-			
Lot			
Area — Detached Single-Family (min. sq. ft.)		3,000	
Area — Two-Family, Attached (min. sq. ft.)		6,000	
Area — Multifamily (min. sq. ft.)		20,000	
Area — Civic (min. sq. ft.)		20,000	
Width (min. ft.)		40	
Width — Two-Family (min. ft.)		60	
Frontage (min. ft.)		20	
-			
Setback	Principal	-	Accessory
Front (min. ft.)	20	-	25
Side (min. ft.)	5	-	3
Rear (min. ft.)	10	-	5
-			
Bulk			
Lot Coverage (max.)		70%	
Height (max. ft.)		40	
Height (max. stories)		3	
Density (min.)		5.5 units/acre	
Density (max.)	-	8 units/acre	
Cluster Allowed		No	

(1) Purpose. To provide for medium-high density attached and detached dwellings, two-family dwelling and multifamily. R-8 is a transitional district between lower density single-family districts and higher density multifamily or business development. A mix of dwelling types is allowed in this district.

(2) Performance Standards.

(i) For the purpose of calculating density on parcels smaller than five acres, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.

(ii) The creation of a two-family dwelling via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. ~~The attaching of two manufactured homes shall not constitute a two-family dwelling.~~

(iii) Minimum lot size, minimum lot width and minimum lot frontage does not apply to multifamily.

(iv) The front yard setback shall be a minimum of 20 feet for the garage portion of a principal structures and 15 feet for the remainder of the principal structure. ~~with street-facing garages and 15 feet for principal structures with alley loaded garages or with garages located in the rear yard or principal structures with no garage. For corner lots, a 20-foot front yard setback is allowed on the street frontage that the garage faces and a 15-foot setback on the other street frontage that the principal structure faces.~~

(v) ~~For all lots created after October 22, 2006, garage doors cannot exceed 45 percent of the width of the street-facing facade on single-family detached dwellings or two-family dwellings. The garage door can be up to a maximum of 60 percent of the street-facing facade if the garage door is recessed at least four feet behind the front facade of the house.~~

Subsection 21.03.040(h), Performance Standards for the R-12 zone district, is amended as follows (deletions struck through):

(h) R-12: Residential – 12.

Primary Uses
Two-Family Dwelling, Multifamily, Civic
See GJMC 21.04.010 , Use Table

-			
Lot			
Area (min. sq. ft.)		n/a	
Width (min. ft.)		30	
Width — Two-Family (min. ft.)		45	
Frontage (min. ft.)		20	
-			
Setback		Principal	Accessory
Front (min. ft.)	20	-	25
Side (min. ft.)	5	-	3
Rear (min. ft.)	10	-	5
-			
Bulk			
Lot Coverage (max.)		75%	
Height (max. ft.)		60	
Height (max. stories)		5	
Density (min.)		8 units/acre	
Density (max.)	-	12 units/acre	
Cluster Allowed		No	

(1) Purpose. To provide for high density development allowing several types of residential units within specified densities. R-12 may serve as a transitional district between single-family and trade districts. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in a neighborhood. This zone may be appropriate as a part of a mixed use center.

(2) Performance Standards.

(i) For purpose of calculating density on parcel, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area.

(ii) The creation of a two-family dwelling via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. ~~The attaching of two manufactured homes shall not constitute a two-family dwelling.~~

(iii) Minimum lot size, minimum lot width and minimum lot frontage do not apply to two-family dwellings or multifamily.

(iv) The front yard setback shall be a minimum of 20 feet for the garage portion of a principal structure and 15 feet for the remainder of the principal structure. ~~structures with street-facing garages and 15 feet for principal structures with alley-loaded garages or with garages located in the rear yard or principal structures with no garage.~~

(v) ~~For all lots created after October 22, 2006, garage doors cannot exceed 45 percent of the width of the street-facing facade on two-family dwellings. The garage door can be up to a maximum of 60 percent of the street-facing facade if the garage door is recessed at least four feet behind the front facade of the house.~~

Subsection 21.03.040(i), Performance Standards for the R-16 zone district, is amended as follows (deletions struck through):

(i) R-16: Residential – 16.

Primary Uses			
Multifamily, Civic			
See GJMC 21.04.010 , Use Table			
-			
Lot			
-			
Area (min. sq. ft.)	n/a		
Width (min. ft.)	30		
Frontage (min. ft.)	20		
-			
Setback	Principal	-	Accessory
Front (min. ft.)	20	-	25
Side (min. ft.)	5	-	3
Rear (min. ft.)	10	-	5
-			
Bulk			
-			
-			
Lot Coverage (max.)	75%		
Height (max. ft.)	60		
Height (max. stories)	5		

Density (min.)		12 units/acre
Density (max.)	-	16 units/acre
Cluster Allowed		No

(1) Purpose. To provide for high density development. R-16 may serve as a transitional district between single-family and trade zones. This district is intended to allow multifamily residential unit types to provide a balance of housing opportunities in the community. It is appropriate in the Village and Neighborhood Centers.

(2) Performance Standards.

(i) For purpose of calculating density on any parcel, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area.

(ii) The front yard setback shall be a minimum of 20 feet for the garage portion of a principal structure with 15 feet for the remainder of the principal structure. ~~structures with street-facing garages and 15 feet for principal structures with alley loaded garages or with garages located in the rear yard or principal structures with no garage.~~

Subsection 21.03.040(j), Performance Standards for the R-24 zone district, is amended as follows (deletions struck through):

(j) R-24: Residential – 24.

Primary Uses			
Multifamily, Civic			
See GJMC 21.04.010 , Use Table			
-			
Lot			
Area (min. sq. ft.)		n/a	
Width (min. ft.)		30	
Frontage (min. ft.)		20	
-			
Setback	Principal	-	Accessory
Front (min. ft.)	20	-	25
Side (min. ft.)	5	-	3

Rear (min. ft.)	10	-	5
-			
Bulk			
		-	-
Lot Coverage (max.)		80%	
Height (max. ft.)		72	
Height (max. stories)		6	
Density (min.)		16 units/acre	
Density (max.)	-	No maximum	
Cluster Allowed		No	

(1) Purpose. To provide for high density residential use. This district allows multifamily development within specified densities. R-24 may serve as a transitional district between single-family and trade zones. This district is intended to allow high density residential unit types and densities to provide a balance of housing opportunities in the community. It is appropriate in the Village and Neighborhood Centers.

(2) Performance Standards.

(i) For purpose of calculating density on any parcel, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area.

(ii) The front yard setback shall be a minimum of 20 feet for the garage portion of a principal structure and 15 feet for the remainder of the principal structure. ~~structures with street-facing garages and 15 feet for principal structures with alley loaded garages or with garages located in the rear yard or principal structures with no garage.~~

The Residential District Summary Table at the end of Section 21.03.040 is amended to delete maximum height restrictions and to increase maximum density in the R-5 zone district from 5.0 to 5.5, as follows (deletions struck through, additions underlined):

Residential District Summary Table

	RR	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24
Lot										
Area (min. ft. unless otherwise specified)	5 acres	1 acre	30,000	15,000	7,000	4,000	3,000	n/a	n/a	n/a
Width (min. ft.)	150	100	100	100	70	40	40	30	30	30

[illegible]

The tables in Subsections 21.03.040(a), (b), (c), and (f) are deleted in their entirety, as follows (deletions struck through):

(a) **R-R: Residential – Rural.**

Primary Uses			
Detached Single-Family, Agricultural, Institutional and Civic			
See GJMC 21.04.010 , Use Table			
-			
Lot			
Area (min. acres)		5	
Width (min. ft.)		150	
Frontage (min. ft.)		50	
Frontage on cul-de-sac (min. ft.)		30	
-			
Setback	Principal	-	Accessory
Front (min. ft.)	20	-	25
Side (min. ft.)	50	-	50
Rear (min. ft.)	50	-	50
-			
Bulk			
Lot Coverage (max.)		5%	
Height (max. ft.)		35	
Height (max. stories)		2.5	
Density (max.)		1-unit/5 acres	
Cluster Allowed		Yes	

(b) **R-E: Residential – Estate.**

Primary Uses
Detached Single-Family, Civic
See GJMC 21.04.010 , Use Table
-

Lot				-
Area (min. acres)		4		
Width (min. ft.)		100		
Frontage (min. ft.)		50		
Frontage on cul-de-sac (min. ft.)		30		
-				
Setback		Principal	-	Accessory
Front (min. ft.)		20	-	25
Side (min. ft.)		15	-	5
Rear (min. ft.)		30	-	10
-				
Bulk		-	-	-
Lot Coverage (max.)		15%		
Height (max. ft.)		35		
Height (max. stories)		2.5		
Density (max.)		1 unit/1 acre		
Cluster Allowed		Yes		

(c) **R-1: Residential – 1.**

Primary Uses			
Detached Single-Family, Civic			
See GJMC 21.04.010 , Use Table			
-			
Lot			
-			
Area (min. sq. ft.)	30,000		
Width (min. ft.)	100		
Frontage (min. ft.)	50		
Frontage on cul-de-sac (min. ft.)	30		
-			
Setback	Principal	-	Accessory
Front (min. ft.)	20	-	25

Side (min. ft.)	15	-	3
Rear (min. ft.)	30	-	10
-			
Bulk	-	-	-
Lot Coverage (max.)	20%		
Height (max. ft.)	35		
Height (max. stories)	2.5		
Density (max.)	1 unit/acre		
Cluster Allowed	Yes		

(f) **R-5: Residential – 5.**

Primary Uses			
Detached Single-Family, Two-Family Dwelling, Multifamily, Civic			
See GJMC 21.04.010 , Use Table			
-			
Lot			
Area – Detached Single-Family (min. sq. ft.)		4,000	
Area – Two-Family, Attached (min. sq. ft.)		6,000	
Area – Multifamily (min. sq. ft.)		20,000	
Area – Civic (min. sq. ft.)		20,000	
Width (min. ft.)		40	
Width – Two-Family (min. ft.)		60	
Frontage (min. ft.)		20	
-			
Setback	Principal	-	Accessory
Front (min. ft.)	20	-	25
Side (min. ft.)	5	-	3
Rear (min. ft.)	25	-	5
-			
Bulk			
-		-	
Lot Coverage (max.)		60%	

Height (max. ft.)		40
Height (max. stories)		3
Density (min.)		3 units/acre
Density (max.)	-	5 units/acre
Cluster Allowed		Yes

The other parts of Subsections 21.03.040(a), (b), (c), and (f) shall remain in effect and unchanged hereby.

The tables in Subsections 21.03.070(a) through (h) are deleted in their entirety, as follows (deletions struck through):

21.03.070 Mixed use districts.

(a) R-O: Residential Office.

Primary Uses			
Professional Offices, Detached Single-Family, Two-Family Dwelling, Multifamily, Civic			
See GJMC 21.04.010 , Use Table			
-			
Lot			
-			
Area (min. sq. ft.)	5,000		
Width (min. ft.)	50		
-			
Setback	Principal	-	Accessory
Front (min. ft.)	20	-	25
Side (min. ft.)	5	-	3
Rear (min. ft.)	10	-	5
-			
Bulk			
-			
Lot Coverage (max.)	70%		
Height (max. ft.)	40		
Height (max. stories)	3		

Density (min.)		4 units/acre
Density (max.)	-	No max. residential density
Building Size (max. sf)		10,000

(b) **B-1: Neighborhood Business.**

Primary Uses			
Offices, Retail, Services			
See GJMC 21.04.010 , Use Table			
-			
Lot			
Area (min. sq. ft.)		10,000	
Width (min. ft.)		50	
Frontage (min. ft.)		n/a	
-			
Setback		Principal	Accessory
Front (min. ft.)	20	-	25
Side (min. ft.)	0	-	0
Side abutting residential (min. ft.)	10	-	5
Rear (min. ft.)	15	-	15
-			
Bulk			
Lot Coverage (max.)		n/a	
Height (max. ft.)		40	
Height (max. stories)		3	
Density (min.)		8 units/acre	
Density (max.)	-	16 units/acre	
Building Size (max. sf)		15,000 for retail unless a CUP is approved 30,000 for office	

(c) **B-2: Downtown Business.**

Primary Uses

Offices, Retail, Civic, Government, Services, Residential			
See GJMC 21.04.010 , Use Table			
-			
Lot			
Area (min. sq. ft.)		n/a	
Width (min. ft.)		n/a	
Frontage (min. ft.)		n/a	
-			
Setback		Principal	Accessory
Front (min. ft.)	0	-	25
Side (min. ft.)	0	-	0
Rear (min. ft.)	0	-	0
Parking Setback	30	-	6
-			
Bulk			
First Floor Min. Height		15	
Lot Coverage (max.)		n/a	
Height (max. ft.)		80	
Height (max. stories)		5	
Density (min.)		8 units/acre	
Density (max.)	-	No max. residential density	

(d) **C-1: Light Commercial.**

Primary Uses	
Offices, Retail, Services	
See GJMC 21.04.010 , Use Table	
-	
Lot -	
Area (min. sq. ft.)	20,000
Width (min. ft.)	50
Frontage (min. ft.)	n/a

-			
Setback			
	Principal	-	Accessory
Front (min. ft.)	15	-	25
Side (min. ft.)	0	-	0
Side abutting residential (min. ft.)	10	-	5
Rear (min. ft.)	10 (0 alley)	-	10 (0 alley)
-			
Bulk			
	-	-	-
Lot Coverage (max.)		n/a	
Height (max. ft.)		40±	
Height (max. stories)		3	
Density (min.)		12 units/acre	
Density (max.)	-	24 units/acre	
Building Size (max. sf)		n/a	

(e) **C-2: General Commercial.**

Primary Uses			
General Retail and Services			
See GJMC 21.04.010 , Use Table			
-			
Lot			
Area (min. sq. ft.)		20,000	
Width (min. ft.)		50	
Frontage (min. ft.)		n/a	
-			
Setback	Principal	-	Accessory
Front (min. ft.)	15	-	25
Side (min. ft.)	0	-	0
Side abutting residential (min. ft.)	10	-	5
Rear (min. ft.)	10	-	10
-			

Bulk - - -	
Lot Coverage (max.)	n/a
Height (max. ft.)	40
Height (max. stories)	3
Building Size (max. sf)	n/a

(f) **CSR: Community Services and Recreation.**

Primary Uses			
Parks, Open Space, Schools, Libraries, Recreational Facilities			
See GJMC 21.04.010 , Use Table			
-			
Lot			
Area (min. acres)		4	
Width (min. ft.)		100	
Frontage (min. ft.)		n/a	
-			
Setback		Principal	Accessory
Front (min. ft.)		15	25
Side (min. ft.)		0	5
Side abutting residential (min. ft.)		10	5
Rear (min. ft.)		10	5
-			
Bulk			
Lot Coverage (max.)		n/a	
Height (max. ft.)		65	
Height (max. stories)		5	
Height abutting residential (max. ft.)		40	
Building Size (max. sf)		n/a	

(g) **M-U: Mixed Use.**

Primary Uses			
Employment, Residential, Limited Retail, Open Space			
See GJMC 21.04.010 , Use Table			
-			
Lot			
-			
Area (min. acres)	4		
Width (min. ft.)	100		
Frontage (min. ft.)	n/a		
-			
Setback	Principal	-	Accessory
Front (min. ft.)	15	-	25
Side (min. ft.)	0	-	15
Side abutting residential (min. ft.)	10	-	5
Rear (min. ft.)	10	-	25
-			
Bulk			
-		-	-
Lot Coverage (max.)	n/a		
Height (max. ft.)	65		
Height (max. stories)	5		
Density (min.)	8 units/acre		
Density (max.)	24 units/acre		
Building Size (max. sf)	n/a		

(h) **BP: Business Park Mixed Use.**

Primary Uses	
Employment, Light Manufacturing, Multifamily, Commercial Services	
See GJMC 21.04.010 , Use Table	
-	
Lot	
-	
Area (min. acres)	4
Width (min. ft.)	100

Frontage (min. ft.)	n/a		
-			
Setback	Principal	-	Accessory
Front (min. ft.)	15	-	25
Side (min. ft.)	0	-	15
Side abutting residential (min. ft.)	10	-	5
Rear (min. ft.)	10	-	25
-			
Bulk	-	-	-
Lot Coverage (max.)	n/a		
Height (max. ft.)	65		
Height (max. stories)	5		
Density (min.)	8 units/acre		
Density (max.)	24 units/acre		
Building Size (max. sf)	n/a		

The remaining parts of subsections 21.03.070(a) through (h) shall remain in effect and unchanged hereby.

The tables in Subsections 21.03.080(a), (b) and (c) are deleted in their entirety, as follows (deletions struck through):

21.03.080 Industrial districts.

(a) I-O: Industrial/Office Park.

Primary Uses	
Light Manufacturing, Office, Commercial Services	
See GJMC 21.04.010 , Use Table	
-	
Lot	
Area (min. acres)	1
Width (min. ft.)	100
Frontage (min. ft.)	n/a

-			
Setback	Principal	-	Accessory
Front (min. ft.)	15	-	25
Side (min. ft.)	0	-	15
Side-abutting residential (min. ft.)	10	-	5
Rear (min. ft.)	10	-	25
-			
Bulk	-	-	-
Lot Coverage (max.)	n/a		
Height (max. ft.)	65		
Height (max. stories)	5		
Building Size (max. sf)	n/a		

(b) **I-1: Light Industrial.**

Primary Uses			
Manufacturing, Office, Commercial Services			
See GJMC 21.04.010 , Use Table			
-			
Lot			
Area (min. acres)		4	
Width (min. ft.)		100	
Frontage (min. ft.)		n/a	
-			
Setback		Principal	Accessory
Front (min. ft.)		15	25
Side (min. ft.)		0	5
Side abutting residential (min. ft.)		10	5
Rear (min. ft.)		10	10
-			
Bulk			
Lot Coverage (max.)		n/a	

Height (max. ft.)	50
Height (max. stories)	4
Building Size (max. sf)	n/a

(c) **I-2: General Industrial.**

Primary Uses			
Manufacturing, Office, Commercial Services			
See GJMC 21.04.010 , Use Table			
-			
Lot			
-			
Area (min. acres)	1		
Width (min. ft.)	100		
Frontage (min. ft.)	n/a		
-			
Setback	Principal	-	Accessory
Front (min. ft.)	15	-	25
Side (min. ft.)	0	-	0
Rear (min. ft.)	10	-	10
-			
Bulk			
-			
-			
-			
Lot Coverage (max.)	n/a		
Height (max. ft.)	50		
Height (max. stories)	4		

The Mixed Use and Industrial Bulk Standards Summary Table at the end of Section 21.03.080 is amended as follows (additions underlined, deletions struck through):

Mixed Use and Industrial Bulk Standards Summary Table

	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2
Lot											
Area (min. ft. unless	5,000	10,000	n/a	20,000	20,000	1 ac	1 ac	1 ac	1 ac	1 ac	1 ac

Mixed Use and Industrial Bulk Standards Summary Table

[illegible]

The other parts of subsections 21.03.080(a), (b) and (c) shall remain in effect and unchanged.

Subsection 21.04.040(f) providing performance standards for accessory dwelling units is amended as follows (deletions struck through, additions underlined):

(f) **Accessory Dwelling Unit.** ~~Accessory~~ An accessory dwelling unit (ADU) is allowed only in conjunction with a single-family use and only on a lot of 3,000 square feet or more. The ADU is not included in the density calculation. The ADU must ~~shall~~ comply with the following standards:

- (1) ~~One~~ No more than one ~~accessory dwelling unit (unit)~~ ADU may ~~be~~ is allowed in conjunction with a single-family use.
- (2) The design and location of the ~~unit~~ ADU shall be clearly subordinate to the principal structure.
- ~~(3) The unit can only be located on a lot or parcel of 3,000 square feet or more.~~
- ~~(4) The unit shall not be included in the zoning or land use density calculation.~~
- ~~(5) Either the principal structure or the unit shall be owner-occupied, except in the R-8, R-12, R-O and B-2 zone districts.~~
- ~~(6)~~ (3) The ~~unit~~ ADU must meet all requirements of the building and fire codes.
- ~~(7)~~ (4) One additional off-street parking space shall be provided for the ADU ~~per unit is required, in addition to the spaces otherwise required.~~
- ~~(8)~~ (5) The ~~unit~~ ADU shall share utility meters with the principal structure, except where the utility provider requires separate meters for an accessory dwelling unit.
- ~~(9)~~ (6) The ~~unit~~ ADU shall not be more than ~~700~~ 900 square feet ~~or 50 percent of the floor area of the primary residence.~~
- ~~(10)~~ (7) The ~~unit~~ ADU shall be integrated into the site by appropriate site grading, earthwork and landscaping and be harmonious with the character of the neighborhood.
- ~~(11)~~ (8) The outside appearance of the principal structure shall not be changed from that of a single-family residence.
- ~~(12)~~ (9) Private entrances to ~~the accessory dwelling units~~ ADU shall be located on the side or rear of the residence and shall not be located on the same side of as the primary residence's entrance.
- ~~(13)~~ (10) ~~The Accessory dwelling units~~ ADU shall not be located in front of the principal structure.

(14) ~~(11)~~ The design and construction material used in an accessory dwelling unit of the ADU shall be complementary to those of the principal structure.

~~(15) Minor site plan review shall be required.~~

A planning clearance is required to establish an accessory dwelling unit; to obtain a planning clearance, the applicant must demonstrate that the unit will meet all the foregoing standards, limitations and requirements.

Section 21.04.040(i) (Fences) is amended as follows (deletions struck through, additions underlined):

(i) **Fences.** A fence permit is required for installation of any fence, except that a fence or wall that exceeds six feet in height and a retaining wall of four feet or higher is considered a structure requiring a planning clearance and building permit rather than a fence permit, and setbacks for structures apply (except where otherwise specifically provided). All fences, including those considered structures, shall meet the standards, limitations and requirements of this section, and shall comply with the Transportation, Engineering and Design Standards (TEDS) of this Code.

~~(1) General Standards.~~

~~(i) The Director shall review fences proposed under this subsection in accordance with special permit criteria. See GJMC 21.02.120(c).~~

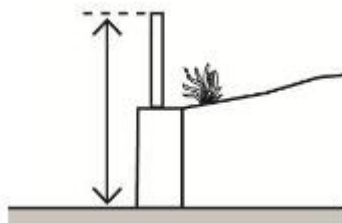
~~(ii) All fences shall meet all TEDS (GJMC Title 29) requirements.~~

~~(iii) A fence or wall that exceeds six feet in height and a retaining walls four feet or higher are considered a structure and require a planning clearance and building permit instead of a fence permit, and shall comply with the International Building Code and all required setbacks.~~

~~(iv) Variation in required setbacks can be considered in accordance with GJMC 21.02.070, Administrative development permits.~~

~~(2)~~ (1) Fence Height Measurement.

(i) The height of fences shall be determined by measurement from the ground level upon which the fence is located. Grade shall not be altered for the sole purpose of increasing fence height. An increase of up to two inches in height shall be allowed when spacing for drainage under the fence is needed.



(ii) For fences erected on retaining walls, the height of the retaining wall shall be included in the height of the fence.

(iii) Pillars or other support structures for a fence shall be allowed to exceed the maximum fence height by up to one foot at intervals no closer than eight feet.

(iv) The height and location requirements of this subsection may be modified as part of subdivision, planned development or conditional use approval.

~~(3)~~ (2) Fence Materials.

(i) Fences and walls shall be constructed of materials approved by the Director.

(ii) Acceptable materials include wire, wrought iron, plastic, wood and other materials with a similar look.

(iii) Unacceptable materials that are visible include glass, tires, razor wire and concertina wire, or unconventional salvaged materials or similar materials. Electric fencing shall be allowed to contain large animals.

(iv) The Director may approve materials for security facilities.

~~(4)~~ (3) Residential Districts. Fences in all residential zones, including the residential office (R-O) district, shall meet the following standards:

(i) Fences in the required front yard setback shall not exceed 30 inches in height. Such fences may be increased to 48 inches maximum height if the fencing material is at a ratio of two-thirds open space to one-third closed space per square foot for that part of the fence extending above the 30-inch height.

(ii) Unless the approval of the development required a landscape strip, fences up to six feet in height are permitted within front yard setbacks along arterial or major collector roads, except those portions within a designated Neighborhood Center, Village Center, Downtown or Mixed Use Opportunity Corridor on the Future Land Use Map of the Comprehensive Plan, provided they are in accordance with adopted corridor overlay zone standards, TEDS (GJMC Title [29](#)) and all other engineering standards and meet the following minimum standards:

(A) Fences or walls four feet or less in height consisting of an open design that has at least two-thirds open space to one-third closed space (e.g., picket and split rail fences), or a decorative wall, with no required landscape strip;

(B) Fences or walls over four feet in height with a minimum five-foot-wide planting strip between the fence or wall and right-of-way. The landscaped strip shall contain at least one tree per 40 feet and have adequate ground cover; or

(C) Perimeter fences and walls in new developments must meet the requirements of GJMC [21.06.040\(g\)](#), Residential Subdivision Perimeter Enclosures.

(iii) On that part of the lot other than the required front yard setback area, fences may be erected to six feet in height. Fences within a required principal structure setback exceeding six feet in height require a special permit (see GJMC [21.02.120](#)). Fences meeting principal structure setbacks shall not exceed eight feet in height without a special permit.

(iv) On corner lots, that part of a backyard fence that extends to and along the side property line on the street side may be six feet high, but are subject to the provisions of TEDS (GJMC Title [29](#)) and other engineering standards.

~~(5)~~ (4) Nonresidential Districts. Fences in all nonresidential districts shall meet the following standards.

(i) Location of these fences must be approved by the City Engineer to ensure that adequate sight distance is maintained.

(ii) On those sites located within a designated Neighborhood Center, Village Center, Downtown or Mixed Use Opportunity Corridor on the Future Land Use Map of the Comprehensive Plan, fences in the required front yard setback area shall not exceed 30 inches in height. Such fences may be increased to 48 inches maximum height if the fencing material is at a ratio of two-thirds open space to one-third closed space per square foot for that part of the fence extending above the 30-inch height.

(iii) In all other nonresidential district locations, fences to a height of six feet shall be located outside the front yard setback. Fences which are 30-inch solid height or four feet in height if two-thirds open may be located within the front yard setback. The addition of not more than three strands of barbed wire shall be allowed and shall not be considered in the height calculation.

~~(6)~~ (5) Maintenance.

(i) All fences or and walls and associated landscaping shall be adequately maintained in good repair. Provisions for adequate maintenance shall be proposed with the development. Fences in common areas of subdivisions shall be so maintained by the property owners' association.

Subsection 21.06.060(f)(2) (subdivision standards, lot layout and design, flag lots) shall be amended as follows:

(2) Flag Lots.

- (i) Each flag lot shall have at least 25 feet of street frontage; provided, that the Director may require an access easement 50 feet wide where public right-of-way may be needed to access future development. Said easement and irrevocable offer of dedication of right-of-way 50 feet wide shall run the full depth of the lot or lots.
- (ii) The use of flag lots is discouraged. If no reasonable design alternative exists, the Director may allow one flag lot in a subdivision of four or fewer lots. If no reasonable design alternative exists, not more than 15 percent (round any fraction down to the next whole number) of the lots within a subdivision containing five or more lots are to be flag lots. If allowed, flag lots must be paired with the “poles” abutting to require the use of a common driveway. No more than two flag lots shall be contiguous.
- (iii) The “flag” portion of a flag lot shall ~~be at least 20 percent larger than the lot area of non-flag lots located in the same filing of the subdivision~~ meet the minimum lot size of the applicable zone district. For purposes of this area calculation, the area of the “pole” is not counted. The decision-maker may increase the setbacks for the “flag portion” of a flag lot, to be noted on the plat.
- (iv) Driveways shall be designed to allow vehicles to exit driving forward.
- (v) As an alternative to paired flag lots, the Director may require a shared driveway if it meets the shared driveway standards.

The remaining parts of Section 21.06.060(f) shall remain unchanged.

The introductory paragraph of Section 21.06.070(h) regarding sign standards by zone district shall be amended as follows (additions underlined, deletions struck through):

(h) **Sign Standards by Zone.** The following restrictions and requirements apply to permanent signs in the given zone districts: Regardless of the zone district, property containing a non-residential use that abuts an arterial street may be permitted to have one monument style sign on one such frontage that meets the requirements of Subsection (3) below (Business, Commercial and Industrial Zones).

All the subsections of Section 21.06.070(h) (specifically subsections 21.06.070(h)(1) through (3) with all their subparts) shall remain in effect and unchanged hereby).

Subsection 21.06.100(d)(12) regarding side-loading garages/carports on loop lanes shall be amended as follows (additions underlined, deletions struck through):

- (12) Each residence shall provide and maintain four off-street parking spaces, two of which may be within a garage or carport. No front loading garage or carport may be closer than ~~30~~ 20 feet to the front lot line. ~~Side-loading garages or carports may be 25 feet from the front property line.~~ Individual driveways must have a five-foot radius fillet on driveway corners.

All other subsections of 21.06.100(d) shall remain in effect and unchanged hereby.

The row in the zone/use table in Section 21.04.010 for the Use Category “Retail Sales and Service,” and Principal Use “General Retail Sales, Indoor Operations, Display and Storage” is amended as follows (deletions struck through, additions underlined):

Key: A = Allowed; C = Conditional; Blank Cell = Not Permitted																									
USE CATEGORY	PRINCIPAL USE	R- R	R- E	R- 1	R- 2	R- 4	R- 5	R- 8	R- 12	R- 16	R- 24	R- O	B- 1	B- 2	C- 1	C- 2	CSR	M- U	BP	I- O	I- 1	I- 2	MX-	Std.	
COMMERCIAL																									
Retail Sales and Service	General Retail Sales, Indoor Operations, Display and Storage												A	A	A	A		A	A	A	A				21.04.030(l)& 21.04.020(r)

All other parts of the zone/use table in Section 21.04.010 shall remain in effect, unamended hereby.

Introduced on first reading this _____ day of _____, 2019 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2019 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor

CLEAN COPY OF
ORDINANCE NO. _____

**AN ORDINANCE AMENDING PARTS OF THE ZONING AND DEVELOPMENT CODE
REGARDING PERFORMANCE STANDARDS OF ZONING DISTRICTS, ACCESSORY
DWELLING UNITS, FLAG LOTS, ARCHITECTURAL STANDARDS RELATING TO GARAGE
DOORS SO AS TO ELIMINATE UNNECESSARY REGULATION AND RESOLVE
INCONSISTENCIES**

Section 21.03.040 (Residential districts):

21.03.040 Residential districts.

(a) R-R: Residential – Rural.

(1) Purpose. To provide areas for low intensity agricultural operations and very low density single-family uses in a rural setting. This district is appropriate where low-density development is desired or where terrain and/or lack of public facilities and services require low intensity development or a sense of openness is desired.

(2) Sewer and Roads. Only the City Council may waive the requirements that each structure be served by the Persigo sewer system. Rural road standards may apply.

(b) R-E: Residential – Estate.

(1) Purpose. To provide areas for low density, estate-type single-family residential development on lots of at least one acre in size.

(2) Sewer and Roads. Only the City Council may waive the requirements that each structure be sewerered by the Persigo sewer system. Rural road standards may apply.

(c) R-1: Residential – 1.

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

(d) R-2: Residential – 2.

(1) Purpose. To provide areas for medium-low density, single-family and two-family residential uses where adequate public facilities and services exist.

(2) Performance Standards. Development shall conform to the standards established in this code. The creation of a two-family dwelling via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof

pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling.

(e) R-4: Residential – 4.

- (1) Purpose. To provide for medium-low density single-family and two-family residential uses where adequate public facilities and services are available.
- (2) Performance Standards. Development shall conform to the standards established in this code.
 - (i) The creation of a two-family dwelling via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two manufactured homes shall not constitute a two-family dwelling.
 - (ii) For the purpose of calculating density on parcels smaller than five acres, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.

(f) R-5: Residential – 5.

- (1) Purpose. To provide for medium density detached and attached dwellings and multifamily in areas where large-lot development is discouraged and adequate public facilities and services are available. R-5 supports the Comprehensive Plan's principles of concentrating urban growth and reinforcing community centers. A mix of dwelling types is allowed in this district.
- (2) Performance Standards.
 - (i) The creation of a two-family dwelling via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two manufactured homes shall not constitute a two-family dwelling.
 - (ii) For the purpose of calculating density on parcels smaller than five acres, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.

(g) R-8: Residential – 8.

- (1) Purpose. To provide for medium-high density attached and detached dwellings, two-family dwelling and multifamily. R-8 is a transitional district between lower density single-family

districts and higher density multifamily or business development. A mix of dwelling types is allowed in this district.

(2) Performance Standards.

(i) For the purpose of calculating density on parcels smaller than five acres, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.

(ii) The creation of a two-family dwelling via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling.

(iii) Minimum lot size, minimum lot width and minimum lot frontage does not apply to multifamily.

(iv) The front yard setback shall be a minimum of 20 feet for the garage portion of a principal structures and 15 feet for the remainder of the principal structure.

(h) **R-12: Residential – 12.**

(1) Purpose. To provide for high density development allowing several types of residential units within specified densities. R-12 may serve as a transitional district between single-family and trade districts. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in a neighborhood. This zone may be appropriate as a part of a mixed use center.

(2) Performance Standards.

(i) For purpose of calculating density on parcel, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area.

(ii) The creation of a two-family dwelling via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling.

(iii) Minimum lot size, minimum lot width and minimum lot frontage do not apply to two-family dwellings or multifamily.

(iv) The front yard setback shall be a minimum of 20 feet for the garage portion of a principal structure and 15 feet for the remainder of the principal structures.

(1) Purpose. To provide for high density residential use. This district allows multifamily development within specified densities. R-24 may serve as a transitional district between single-family and trade zones. This district is intended to allow high density residential unit types and densities to provide a balance of housing opportunities in the community. It is appropriate in the Village and Neighborhood Centers.

(i) For purpose of calculating density on any parcel, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area.

(j) **R-24: Residential – 24.**

(1) Purpose. To provide for high density residential use. This district allows multifamily development within specified densities. R-24 may serve as a transitional district between single-family and trade zones. This district is intended to allow high density residential unit types and densities to provide a balance of housing opportunities in the community. It is appropriate in the Village and Neighborhood Centers.

(i) For purpose of calculating density on any parcel, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area.

Residential District Summary Table

[illegible]

Residential District Summary Table

	RR	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24
Principal structure										
Front (min. ft.)	20	20	20	20	20	20	20*	20*	20*	20*
Side (min. ft.)	50	15	15	15	7	5	5	5	5	5
Rear (min. ft.)	50	30	30	30	25	25	10	10	10	10
Accessory structure										
Front (min. ft.)	25	25	25	25	25	25	25	25	25	25
Side (min. ft.)	50	5	3	3	3	3	3	3	3	3
Rear (min. ft.)	50	10	10	5	5	5	5	5	5	5
Bulk										
Lot Coverage (max.)	5%	15%	20%	30%	50%	60%	70%	75%	75%	80%
Height (max. ft.)	35	35	35	35	40	40	40	60	60	72
Density (min. units per acre)	n/a	n/a	n/a	n/a	2	3	5.5	8	12	16
Density (max. units per acre)	1 unit / 5 acres	1	1	2	4	<u>5.5</u>	8	12	16	n/a
Cluster Allowed	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No
Notes										
*20 feet for the garage portion of a principal structure and 15 feet for the remainder of the principal structure R-5: Min. lot area varies by building type; detached single-family – 4,000 sf, two-family attached –6,000 sf, multifamily – 20,000 sf, civic – 20,000 sf. Min. lot width varies by building type; two-family – 60 ft., all other types – 40 ft. R-8: Min. lot area varies by building type; detached single-family—3,000 sf and two-family attached –6,000 sf, multifamily – 20,000 sf, civic – 20,000 sf. Min. lot width varies by building type; two-family – 60 ft., all other types – 40 ft. R-12: Min. lot width varies by building type; two-family – 45 ft., all other types – 30 ft.										

Section 21.03.070:

21.03.070 Mixed use districts.

(a) **R-O: Residential Office.**

(1) Purpose. To provide low intensity, nonretail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment.

(2) Performance Standards. New construction, including additions and rehabilitations, in the R-O district shall be designed with residential architectural elements and shall be consistent with existing buildings along the street. "Consistent" means the operational, site design and layout, and architectural considerations described in the next subsections.

(3) Site Design, Layout and Operational Considerations.

(i) Parking. Business uses in the R-O district shall be designed and operated not to increase on-street parking in front of dwellings in the neighborhood. On-site parking shall be provided pursuant to the parking rules. On-site parking spaces shall only be located in the side and rear yards; and screened from adjacent dwellings by a solid wall, fence or vegetation having a height of not less than four feet or more than six feet (vegetation may exceed six feet in height). Fences must comply with GJMC [21.04.040\(i\)](#), any design guidelines and other conditions of approval.

(ii) Service Entrances. Service entrances, loading areas and dumpster areas shall be located only in the rear or side yard. Each loading area shall be screened from each adjacent residential use or zone.

(iii) Use of Front Yard. Front yards shall be reserved for landscaping, sidewalks, driveway access to parking areas and signage.

(iv) Hours of Business. No uses in this district shall open earlier than 7:30 a.m. and shall close no later than 8:00 p.m.

(v) Outdoor Storage and Display. Outdoor storage and display areas associated with nonresidential uses are prohibited.

(4) Architectural Considerations.

(i) Building Alignment Along Streets. Every new building and addition shall be located so that it aligns with existing neighborhood buildings in both elevation (e.g., horizontal lines of peaks of roofs, cornices, window sills) and plan (e.g., setbacks from the street and rear property lines and spacing between structures/setbacks from side property lines).

(ii) Building Orientation/Style. Main entrances shall open onto a street and shall align with those of adjacent residential buildings. For example, in many R-O areas, raised foundations

and steps that define the main entrance are prevailing residential characteristics. Door styles shall be similar to those found on residential dwellings.

(iii) Building Mass/Scale Proportion. Each new building, its mass in relation to open spaces and its windows, doors, and openings shall be visually compatible. "Visually compatible" means compatible with adjacent and neighboring buildings including mass, shape, window, doors, openings, roof shape, roof pitch and orientation. For example, a large building shall be compatible with surrounding smaller dwellings by dividing its mass into smaller components to create a building elevation that is more like the size and proportion of the nearby dwellings.

(iv) Height. New buildings shall have the same number of stories and a height which is compatible with those of nearby dwellings. Three stories shall be the maximum subject to maximum height of 40 feet.

(v) Roof Shape. The roofs of new buildings shall be visually compatible with nearby dwellings. Roof pitch shall be at least 4:12.

(vi) Fenestration. Windows and doors shall be visually compatible with surrounding residential structures. Visually compatible includes the relationship of width to height, and the spacing of windows and doors. For example, tall evenly spaced rectangular windows are typical of certain residential styles in R-O district areas.

(vii) Materials. The exterior of all new buildings, additions and alterations shall be similar in size and appearance to nearby dwellings. Sign materials should be visually compatible with materials used on the building facade.

(viii) Signage. See GJMC [21.06.070\(g\)\(2\)](#) for sign standards in the R-O district.

(b) B-1: Neighborhood Business.

(1) Purpose. To provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses; a balance of residential and nonresidential uses.

(2) Performance Standards.

(i) Parking. Business uses shall be designed and operated so as not to increase on-street parking in front of neighborhood dwellings. On-site parking shall be provided.

(ii) Hours of Business. No use in this district shall open or accept deliveries earlier than 5:00 a.m. nor close later than 11:00 p.m. "Close" includes no customers on site and no deliveries.

(iii) Service Entrances. Business service entrances, service yards and loading areas shall be located only in the rear or side yard.

(iv) Outdoor Storage and Display. Outdoor storage is prohibited. Outdoor display of retail merchandise is permitted subject to GJMC [21.04.040\(h\)](#).

(c) **B-2: Downtown Business.**

(1) Purpose. To provide concentrated downtown retail, service, office and mixed uses not including major/regional shopping centers or large outdoor sales areas. The B-2 district promotes the vitality of the downtown area as provided by the Comprehensive Plan. Pedestrian circulation is encouraged as are common parking areas.

(2) Street Design. Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

(3) Performance Standards.

(i) Landscaping. Landscaping is required for surface parking and for the park strip in the right-of-way.

(ii) Service Entrances. Service entrances, service yards and loading areas shall be located only in the rear or side yard.

(iii) Outdoor Storage and Display. Outdoor storage and permanent displays are prohibited. Portable display of retail merchandise may be permitted subject to this code.

(4) Open Space.

(i) Public Parks and Open Space Fee. The owner of any residential or mixed use project in a B-2 zone district shall be subject to the required parks impact fee.

(ii) Open Space Requirement. Multifamily or mixed use developments in a B-2 zone district shall be required to pay 10 percent of the value of the raw land of the property as determined in GJMC [21.06.020\(b\)](#).

(d) **C-1: Light Commercial.**

(1) Purpose. To provide indoor retail, service and office uses requiring direct or indirect arterial street access, and business and commercial development along arterials. The C-1 district should accommodate well-designed development on sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for orderly transitions and buffers between uses.

(2) Street Design. Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

(3) Performance Standards.

(i) Service Entrances. Building entrances to service yard and loading areas shall be located only in the rear and side yard.

(ii) Outdoor Storage and Display. Outdoor storage is not allowed within the front yard. Outdoor display of retail merchandise is permitted subject to GJMC [21.04.040\(h\)](#).

(4) Height*. Maximum height for structures in the C-1 and I-O zone districts which are north of G Road and east of 27 Road along Horizon Drive and north of G Road (including Crossroad Boulevard and Horizon Court) shall be 65 feet, except by special permit for additional height.

(e) **C-2: General Commercial.**

(1) Purpose. To provide for commercial activities such as repair shops, wholesale businesses, warehousing and retail sales with limited outdoor display of goods and even more limited outdoor operations.

(2) Street Design. Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

(3) Performance Standards. Outdoor storage and display areas are not allowed within the front yard setback. Permanent and portable display of retail merchandise is permitted.

(f) **CSR: Community Services and Recreation.**

(1) Purpose. To provide public and private recreational facilities, schools, fire stations, libraries, fairgrounds, and other public/institutional uses and facilities. The district would include open space areas, to prevent environmental damage to sensitive areas, and to limit development in areas where police or fire protection, protection against flooding by stormwater, or other services or utilities are not readily available. The CSR district would include outdoor recreational facilities, educational facilities, open space corridors, recreational, nonvehicular transportation, environmental areas and would be interconnected with other parks, trails and other recreational facilities. The district may also be used for public property, environmentally sensitive lands, and extractive uses (gravel pits) regardless of the land use designation.

(2) Performance Standards. Development shall conform to the standards established in this code. Outdoor storage areas shall comply with the standards in GJMC [21.04.040\(h\)](#), except those associated with extractive uses, in which case no screening shall be required for an extractive use unless required by Chapter [21.04](#) or [21.06](#) GJMC in order to buffer from neighborhood uses or zones.

(g) **M-U: Mixed Use.**

(1) Purpose. To provide for a mix of light manufacturing and office park employment centers, retail, service and multifamily residential uses with appropriate screening, buffering and open space and enhancement of natural features and other amenities such as trails, shared drainage facilities, and common landscape and streetscape character.

(2) Performance Standards. Development shall conform to the standards established in this code.

(i) Refer to any applicable overlay zone district and/or corridor design standards and guidelines.

(ii) Loading/Service Areas. Loading docks and trash or other service areas shall be located only in the side or rear yards.

(iii) Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials. No person shall occupy, maintain or allow any use in an M-U district without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials. Conditional use permits for uses in this district may establish higher standards and conditions.

(A) Vibration. Except during construction or as authorized by the City, an activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel shall not be permitted.

(B) Noise. The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 decibels at any point on the property line.

(C) Glare. Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.

(D) Solid and Liquid Waste. All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.

(E) Hazardous Materials. Information and materials to be used or located on the site whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including the site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.

(iv) Outdoor Storage and Display. Outdoor storage shall only be located in the rear half of the lot. Permanent display areas may be located beside or behind the principal structure. For lots with double or triple frontage the side and rear yards that are to be used for permanent

display areas shall be established with site plan approval. Portable display of retail merchandise may be permitted as provided in Chapter [21.04](#) GJMC.

(h) **BP: Business Park Mixed Use.**

(1) Purpose. To provide for a mix of light manufacturing and employment centers, limited commercial services, and multifamily residential uses in a business park setting with proper screening and buffering, all compatible with adjoining uses.

(2) Street Design. Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

(3) Performance Standards.

(i) Loading Docks. Loading docks shall be located only in the side or rear yards.

(ii) Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials. No person shall occupy, maintain or allow any use in a BP district without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials. Conditional use permits for uses in this district may establish higher standards and conditions.

(A) Vibration. Except during construction or as authorized by the City, an activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel shall not be permitted.

(B) Noise. The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 decibels at any point on the property line.

(C) Glare. Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.

(D) Solid and Liquid Waste. All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.

(E) Hazardous Materials. Information and materials to be used or located on the site, whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.

(iii) Outdoor Storage and Display. Outdoor storage shall only be located in the rear half of the lot. Permanent display areas may be located beside or behind the principal structure. For lots with double or triple frontage the side and rear yards that are to be used for permanent display areas shall be established with site plan approval. Portable display of retail merchandise may be permitted as provided in GJMC [21.04.040\(h\)](#).

Section 21.03.080

21.03.080 Industrial districts.

(a) I-O: Industrial/Office Park.

(1) Purpose. To provide for a mix of light manufacturing uses, office park, limited retail and service uses in a business park setting with proper screening and buffering, all compatible with adjoining uses.

(2) Street Design. Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

(3) Performance Standards.

(i) Retail Sale Area. Areas devoted to retail sales shall not exceed 10 percent of the gross floor area of the principal structure, and 5,000 square feet on any lot or parcel.

(ii) Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials. No person shall occupy, maintain or allow any use in an I-O district without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials. Conditional use permits for uses in this district may establish higher standards and conditions.

(A) Vibration. Except during construction or as authorized by the City, an activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel shall not be permitted.

(B) Noise. The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 decibels at any point on the property line.

(C) Glare. Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.

(D) Solid and Liquid Waste. All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.

(E) Hazardous Materials. Information and materials to be used or located on the site, whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.

(iii) Outdoor Storage and Display. Outdoor storage and permanent display areas may be located beside or behind the principal structure. For lots with double or triple frontage the side and rear yards that are to be used for permanent display areas shall be established with site plan approval. Portable display of retail merchandise may be permitted as provided in GJMC [21.04.040\(h\)](#).

(b) **I-1: Light Industrial.**

(1) Purpose. To provide for areas of light fabrication, manufacturing and industrial uses which are compatible with existing adjacent land uses, access to transportation and the availability of public services and facilities. I-1 zones with conflicts between other uses can be minimized with orderly transitions of zones and buffers between uses.

(2) Street Design. Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

(3) Performance Standards.

(i) Retail Sale Area. Areas devoted to retail sales shall not exceed 10 percent of the gross floor area of the principal structure, and 5,000 square feet on any lot or parcel.

(ii) Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials. No person shall occupy, maintain or allow any use in an I-1 district without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials. Conditional use permits for uses in this district may establish higher standards and conditions.

(A) Vibration. Except during construction or as authorized by the City, an activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel shall not be permitted.

(B) Noise. The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 decibels at any point on the property line.

(C) Glare. Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.

(D) Solid and Liquid Waste. All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.

(E) Hazardous Materials. Information and materials to be used or located on the site, whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.

(iii) Outdoor Storage and Display. Portable display of retail merchandise may be permitted as provided in GJMC [21.04.040\(h\)](#).

(A) Outdoor storage and displays shall not be allowed in the front yard setback;

(B) Screening shall be maintained in the frontage adjacent to arterial and collector streets and along that portion of the frontage on local streets which adjoin any zone except I-1 or I-2;

(C) Unless required to buffer from an adjoining district, screening along all other property lines is not required; and

(D) Screening of dumpsters is not required.

(c) I-2: General Industrial.

(1) Purpose. To provide areas of heavy and concentrated fabrication, manufacturing and industrial uses which are compatible with adjacent uses, easy semi-tractor trailer access to the State highway system and/or railroads and the availability of public services and facilities. Conflicts between the I-2 district must be minimized with other uses by orderly transitions and buffers between uses.

(2) Street Design. Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

(3) Performance Standards.

(i) Retail Sale Area. Areas devoted to retail sales shall not exceed 10 percent of the gross floor area of the principal structure, and 5,000 square feet on any lot or parcel.

(ii) Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials. No person shall occupy, maintain or allow any use in an I-2 district without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare,

wastes, fire hazards and hazardous materials. Conditional use permits for uses in this district may establish higher standards and conditions.

(A) Vibration. Except during construction or as authorized by the City, an activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel shall not be permitted.

(B) Noise. The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 decibels at any point on the property line.

(C) Glare. Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.

(D) Solid and Liquid Waste. All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.

(E) Hazardous Materials. Information and materials to be used or located on the site, whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.

(iii) Outdoor Storage and Display. Portable display of retail merchandise may be permitted as provided in GJMC [21.04.040\(h\)](#).

(A) Outdoor storage and displays shall not be allowed in the front yard setback;

(B) Screening shall be maintained in the frontage adjacent to arterial and collector streets and along that portion of the frontage on local streets which adjoin any zone except I-1 or I-2;

(C) Unless required to buffer from an adjoining district, screening along all other property lines is not required; and

(D) Screening of dumpsters is not required.

Mixed Use and Industrial Bulk Standards Summary Table

R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2
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Mixed Use and Industrial Bulk Standards Summary Table

[illegible]

Mixed Use and Industrial Bulk Standards Summary Table

	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2
C-1: Min. rear setback – 0 if an alley is present CSR: Maximum building height abutting residential—40 ft.											

Subsection 21.04.040(f)

(f) **Accessory Dwelling Unit.** An accessory dwelling unit (ADU) is allowed only in conjunction with a single-family use and only on a lot of 3,000 square feet or more. The ADU is not included in the density calculation. The ADU must comply with the following:

- (1) No more than one ADU is allowed in conjunction with a single-family use.
- (2) The design and location of the ADU shall be clearly subordinate to the principal structure.
- (3) The ADU must meet all requirements of the building and fire codes.
- (4) One additional off-street parking space shall be provided for the ADU.
- (5) The ADU shall share utility meters with the principal structure, except where the utility provider requires separate meters for an accessory dwelling unit.
- (6) The ADU shall not be more than 900 square feet.
- (7) The ADU shall be integrated into the site by appropriate site grading, earthwork and landscaping and be harmonious with the character of the neighborhood.
- (8) The outside appearance of the principal structure shall not be changed from that of a single-family residence.
- (9) Private entrances to the ADU shall be located on the side or rear of the residence and shall not be located on the same side of as the primary residence's entrance.
- (10) The ADU shall not be located in front of the principal structure.
- (11) The design and construction material of the ADU shall be complementary to those of the principal structure.

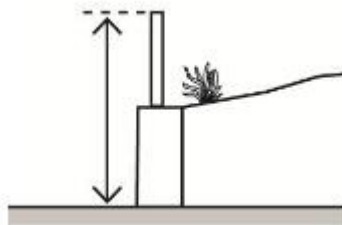
A planning clearance is required to establish an accessory dwelling unit; to obtain a planning clearance, the applicant must demonstrate that the unit will meet all the foregoing standards, limitations and requirements.

Section 21.04.040(i) (Fences) is amended as follows (deletions struck through, additions underlined):

(i) **Fences.** A fence permit is required for installation of any fence, except that a fence or wall that exceeds six feet in height and a retaining wall of four feet or higher is considered a structure requiring a planning clearance and building permit rather than a fence permit, and setbacks for structures apply (except where otherwise specifically provided). All fences, including those considered structures, shall meet the standards, limitations and requirements of this section, and shall comply with the Transportation, Engineering and Design Standards (TEDS) of this Code.

(1) Fence Height Measurement.

(i) The height of fences shall be determined by measurement from the ground level upon which the fence is located. Grade shall not be altered for the sole purpose of increasing fence height. An increase of up to two inches in height shall be allowed when spacing for drainage under the fence is needed.



(ii) For fences erected on retaining walls, the height of the retaining wall shall be included in the height of the fence.

(iii) Pillars or other support structures for a fence shall be allowed to exceed the maximum fence height by up to one foot at intervals no closer than eight feet.

(iv) The height and location requirements of this subsection may be modified as part of subdivision, planned development or conditional use approval.

(2) Fence Materials.

(i) Fences and walls shall be constructed of materials approved by the Director.

(ii) Acceptable materials include wire, wrought iron, plastic, wood and other materials with a similar look.

(iii) Unacceptable materials that are visible include glass, tires, razor wire and concertina wire, or unconventional salvaged materials or similar materials. Electric fencing shall be allowed to contain large animals.

(iv) The Director may approve materials for security facilities.

(3) Residential Districts. Fences in all residential zones, including the residential office (R-O) district, shall meet the following standards:

(i) Fences in the required front yard setback shall not exceed 30 inches in height. Such fences may be increased to 48 inches maximum height if the fencing material is at a ratio of two-thirds open space to one-third closed space per square foot for that part of the fence extending above the 30-inch height.

(ii) Unless the approval of the development required a landscape strip, fences up to six feet in height are permitted within front yard setbacks along arterial or major collector roads, except those portions within a designated Neighborhood Center, Village Center, Downtown or Mixed Use Opportunity Corridor on the Future Land Use Map of the Comprehensive Plan, provided they are in accordance with adopted corridor overlay zone standards, TEDS (GJMC Title [29](#)) and all other engineering standards and meet the following minimum standards:

(A) Fences or walls four feet or less in height consisting of an open design that has at least two-thirds open space to one-third closed space (e.g., picket and split rail fences), or a decorative wall, with no required landscape strip;

(B) Fences or walls over four feet in height with a minimum five-foot-wide planting strip between the fence or wall and right-of-way. The landscaped strip shall contain at least one tree per 40 feet and have adequate ground cover; or

(C) Perimeter fences and walls in new developments must meet the requirements of GJMC [21.06.040\(g\)](#), Residential Subdivision Perimeter Enclosures.

(iii) On that part of the lot other than the required front yard setback area, fences may be erected to six feet in height. Fences within a required principal structure setback exceeding six feet in height require a special permit (see GJMC [21.02.120](#)). Fences meeting principal structure setbacks shall not exceed eight feet in height without a special permit.

(iv) On corner lots, that part of a backyard fence that extends to and along the side property line on the street side may be six feet high, but are subject to the provisions of TEDS (GJMC Title [29](#)) and other engineering standards.

(4) Nonresidential Districts. Fences in all nonresidential districts shall meet the following standards.

(i) Location of these fences must be approved by the City Engineer to ensure that adequate sight distance is maintained.

(ii) On those sites located within a designated Neighborhood Center, Village Center, Downtown or Mixed Use Opportunity Corridor on the Future Land Use Map of the Comprehensive Plan, fences in the required front yard setback area shall not exceed 30 inches in height. Such fences may be increased to 48 inches maximum height if the fencing material is at a ratio of two-thirds open space to one-third closed space per square foot for that part of the fence extending above the 30-inch height.

(iii) In all other nonresidential district locations, fences to a height of six feet shall be located outside the front yard setback. Fences which are 30-inch solid height or four feet in height if two-thirds open may be located within the front yard setback. The addition of not more than three strands of barbed wire shall be allowed and shall not be considered in the height calculation.

(5) Maintenance. All fences and walls shall be maintained in good repair. Fences in common areas of subdivisions shall be so maintained by the property owners' association.

Section 21.06.060(f)(2):

(2) Flag Lots.

(i) Each flag lot shall have at least 25 feet of street frontage; provided, that the Director may require an access easement 50 feet wide where public right-of-way may be needed to access future development. Said easement and irrevocable offer of dedication of right-of-way 50 feet wide shall run the full depth of the lot or lots.

(ii) The use of flag lots is discouraged. If no reasonable design alternative exists, the Director may allow one flag lot in a subdivision of four or fewer lots. If no reasonable design alternative exists, not more than 15 percent (round any fraction down to the next whole number) of the lots within a subdivision containing five or more lots are to be flag lots. If allowed, flag lots must be paired with the "poles" abutting to require the use of a common driveway. No more than two flag lots shall be contiguous.

(iii) The "flag" portion of a flag lot shall meet the minimum lot size of the applicable zone district. For purposes of this area calculation, the area of the "pole" is not counted. The decision-maker may increase the setbacks for the "flag portion" of a flag lot, to be noted on the plat.

(iv) Driveways shall be designed to allow vehicles to exit driving forward.

- (v) As an alternative to paired flag lots, the Director may require a shared driveway if it meets the shared driveway standards.

Section 21.06.070(h):

(h) **Sign Standards by Zone.** The following restrictions and requirements apply to permanent signs in the given zone districts. Regardless of the zone district, property containing a non-residential use that abuts an arterial street may be permitted to have one monument style sign on one such frontage that meets the requirements of Subsection (3) below (Business, Commercial and Industrial Zones).

(1) Residential Zones.

- (i) One permanent sign per residential lot not exceeding six square feet in area is allowed, subject to the standards below.
- (ii) One permanent monument sign up to 32 square feet in area is allowed at a multifamily apartment/condominium building/complex and on each common area parcel that abuts a public right-of-way; for purposes of this subsection, “common area parcel” means a parcel that is owned by a homeowners’ association for the benefit of all lot owners in a planned community, common interest community or condominium.
- (iii) For a nonresidential use in a residential zone, one sign not to exceed 24 square feet in area is allowed per street frontage.
- (iv) Location. Permitted signs may be anywhere on the property. If freestanding, the top shall not be over eight feet above the ground. If building mounted, the sign shall be flush-mounted and shall not be mounted on a roof of the building or project above the roof line.
- (v) Illumination. Indirect or internal illumination only shall be utilized for letter faces and/or logos.

(2) Residential Office Zone.

- (i) General. The residential office zone provides a transition from residential to commercial development and consequently requires more restrictive sign regulations to maintain compatibility.
- (ii) Types Allowed. Flush wall signs and monument signs shall be the only sign types allowed.
- (iii) Location and Size. Signs shall be located at least 10 feet behind the front property line. Total sign area shall not exceed 25 square feet per street frontage. The sign allowance for one street frontage may be transferred to a side of a building that has no street frontage, but

cannot be transferred to another street frontage. Monument signs shall not exceed eight feet in height.

(iv) Illumination. Signs may be externally illuminated; no other illumination of signs is allowed. All lights used for illumination of signs shall be arranged so as to confine direct light beams to the lighted sign and away from adjacent residential properties and out of the direct vision of motorists passing on adjacent streets. Illumination of signs shall comply with GJMC [21.06.080](#), Outdoor lighting, and shall be limited to authorized business hours.

(v) Sign Area. The area of flush wall signs and monument signs shall be calculated as per the graphics shown under subsection (g)(2) of this section.

(3) Business, Commercial, Industrial Zones (B-1, B-2, C-1, C-2, I-O, BP, M-U, I-1, I-2, and AE (formerly PAD)).

(i) General. This subsection shall apply to all zones designated in Chapter [21.03](#) GJMC as business, commercial, industrial or any variety of these types.

(ii) Types Allowed. Signs in the business, commercial, and industrial zones may include facade signs, flush wall signs, freestanding signs, projecting signs and roof signs. All signs allowed in residential zones are also allowed in business, commercial or industrial zones.

(iii) Location and Size. Permitted signs may be anywhere on the premises except as specifically restricted in this subsection (see specific sign type and pertinent zoning regulation). The total amount of signage to be allowed on any property shall not exceed the sign allowance as calculated in accordance with subsection (h)(3)(v)(B) or (h)(3)(vii)(B) of this section, whichever is greater. No single sign may be larger than 300 square feet. No projecting sign may exceed the allowances in subsection (h)(3)(vi) of this section.

(iv) Illumination. Unless specifically prohibited, all of the following signs may be illuminated within the limits allowed under subsection (g)(3) of this section and GJMC [21.06.080](#):

(v) Facade Signs, Flush Wall Signs and Roof Signs.

(A) The sign allowance shall be calculated on the basis of the area of the one building facade that is most nearly parallel to the street that it faces. Each building facade which faces a dedicated public street shall have its own separate and distinct sign allowance. The sign allowance for facade signs and flush wall signs on buildings located on interior lots (lots not on a corner) which are oriented perpendicular to the street shall be based on the longer building facade. The total sign allowance, or any percentage thereof, of one frontage may be transferred to a building facade that has no frontage on a dedicated public street, provided the transferred amount does not exceed two square feet of sign area per linear foot of the facade on which it is being placed.

(B) Two square feet of sign area shall be allowed for each linear foot of building facade for facade signs, flush wall signs and roof signs. The measurement of a roof sign shall be based on the square footage of each sign face. Flush wall signs may extend up to 12 inches from the face of the building if the base of the sign is at least eight feet above ground level. (Show window signs in a window display of merchandise when incorporated with such display will not be considered part of the total sign allowance.)

(C) On any building which allows facade signs, flush wall signs, roof signs, or projecting signs, a maximum of two of these types may be used. If a flush wall sign and roof sign are used, the sign allowance of two square feet per linear foot of building may be divided between the two types of signs. If either a flush wall sign or roof sign and a projecting sign are used, the allowance for the projecting sign shall be subtracted from the flush wall sign or roof sign allowance.

(D) Roof signs shall be manufactured such that no guy wires, braces, or secondary supports shall be visible. Maximum height for roof signs shall be such that height of the structure and the sign together do not exceed the maximum height for the zone district.

(E) One sign that is flush-mounted on the rear facade of a structure that is no more than 16 square feet in area is allowed, which sign does not count toward the total sign allowance for the parcel or building (if there is more than one such sign, the other(s) shall count toward the total sign allowance).

(vi) Projecting Signs. Signs may project up to 72 inches from the face of the building if located eight feet or more above grade. They shall not project beyond the back of curb, nor within two feet of the edge of the roadway if there is no curb. Total area per sign face shall not exceed one-half square foot per linear foot of building facade. If the projecting sign is the only sign mounted on the building, the minimum sign allowance shall be 12 square feet.

(vii) Freestanding Signs. Freestanding signs shall comply with the following requirements:

(A) No more than one freestanding sign shall be permitted for any parcel for each street frontage. The sign allowance per frontage can only be used on that frontage and shall not be transferred to any other frontage, except where otherwise provided.

(B) Maximum sign allowance shall be calculated by the linear front foot of property on a public street right-of-way in conformance with the following:

a. Two traffic lanes: Maximum area of sign per face per front foot of property, three-quarters square foot; maximum height, 25 feet.

b. Four or more traffic lanes: Maximum area of sign per face per front foot of property, one and one-half square feet; maximum height, 40 feet.

(C) Signs may be installed at street right-of-way line. The sign face may project up to 72 inches into the right-of-way, if located 14 feet or more above grade, but shall not project closer than 24 inches to the back of the curb. If the existing street right-of-way width is less than that required in this code, the distance shall be measured from the line of such right-of-way as required by this code rather than from the existing right-of-way line. Ute and Pitkin Avenues shall be calculated using four lanes.

(D) On a corner lot, a freestanding sign shall not be placed within the sight distance triangle, as defined in TEDS (GJMC Title [29](#)), unless free air space is maintained as provided in TEDS (GJMC Title [29](#)). A single pipe support with no sign structure or copy shall not be considered a violation of the free air space requirement.

(E) In addition to freestanding signs as allowed above, up to two additional freestanding signs per street frontage, not greater than three square feet in area and no more than 30 inches in height, are allowed.

(F) When electrical service is provided to freestanding signs, all such electrical service shall be underground.

(G) All freestanding signs shall require a building permit in addition to a sign clearance.

(viii) Flush wall or freestanding sign(s) with text so small as to not be readable with normal eyesight from a public right-of-way are allowed, so long as such sign does not exceed 32 square feet in area. Such signs shall not count toward the total sign allowance or the maximum freestanding sign allowance.

Section 21.06.100(d)(12):

(12) Each residence shall provide and maintain four off-street parking spaces, two of which may be within a garage or carport. No front loading garage or carport may be closer than ~~30~~ 20 feet to the front lot line. Individual driveways must have a five-foot radius fillet on driveway corners.

Section 21.04.010, row for the Use Category “Retails Sales and Service,” and Principal Use “General Retails Sales, Indoor Operations, Display and Storage” ONLY [all other rows remain the same]:

Key: A = Allowed; C = Conditional; Blank Cell = Not Permitted
--

USE CATEGORY	PRINCIPAL USE	R- R	R- E	R- 1	R- 2	R- 4	R- 5	R- 8	R- 12	R- 16	R- 24	R- O	B- 1	B- 2	C- 1	C- 2	CSR	M- U	BP	I- O	I- 1	I- 2	MX-	Std.	
COMMERCIAL																									
Retail Sales and Service	General Retail Sales, Indoor Operations, Display and Storage												A	A	A	A		A	A						21.04.030(l)& 21.04.020(r)



Grand Junction City Council

Regular Session

Item #2.b.i.

Meeting Date: January 16, 2019

Presented By: Scott D. Peterson, Senior Planner

Department: Community Development

Submitted By: Scott D. Peterson, Senior Planner

Information

SUBJECT:

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, Exercising Land Use Control, and Introducing Proposed Annexation Ordinance for the South Twenty Annexation of 20.18 Acres, Located at 2335 H Road, and Set a Public Hearing for February 20, 2019

RECOMMENDATION:

Staff recommends adoption of a resolution referring the petition for the South Twenty Annexation, introducing the proposed Ordinance and setting a hearing for February 20, 2019.

EXECUTIVE SUMMARY:

The Applicants, South Twenty LLC, have requested annexation of their 20.18 acres located at 2335 H Road. The proposed annexation will be conducted as a two-part "Serial Annexation" in order to gain one-sixth contiguity per State statute. The proposed annexation also includes 0.441 acres of the adjacent H Road Right-of-Way. Of this 0.441 acres of H Road, 0.09 acres would be considered as right-of-way by use and not fully dedicated. The subject property is currently vacant. The owners are requesting annexation in anticipation of future residential subdivision development for the property, which is anticipated to constitute "annexable development" and as such is required to annex in accordance with the Persigo Agreement. Consideration for zoning of this annexation will be heard in a future action.

BACKGROUND OR DETAILED INFORMATION:

The South Twenty Annexation consists of one 20.18-acre parcel of land located at 2335 H Road. The property is currently vacant. The Applicants are requesting annexation in anticipation of future residential subdivision development. The Applicant will be requesting a split zoning for the property of R-8 (Residential – 8 du/ac) and R-4 (Residential – 4 du/ac). Zoning will be considered in a future action and requires review and recommendation by the Planning Commission.

The property is currently not adjacent to existing city limits, however is within the Persigo 201 boundary and is annexable development as defined in the Persigo Agreement. Under the 1998 Persigo Agreement with Mesa County, all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation by the City. The property owners have signed a petition for annexation of the property.

Staff has found, 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 South Twenty 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 proposed annexation and zoning schedule with a summary is attached.

FISCAL IMPACT:

The provision of municipal services will be consistent with adjacent properties already

in the City. Property tax levies and municipal sales/use tax will be collected, as applicable, upon annexation. Based on the current assessed values of the annexation area, the City property tax revenue is estimated to be \$55.76 annually. If the property develops at an estimated 96 units for \$250,000 each, the estimated annual property tax revenue (at the current residential assessment rate) would be \$13,824 per year. Sales and use tax revenues will be dependent on construction activity and consumer spending on City taxable items for residential and commercial uses.

Currently the property is in the Grand Junction Rural Fire Protection District (Rural District) which is served by the Grand Junction Fire Department through a contract with the Rural District. The Rural District collects a 5.938 mill levy that generates \$41.39 per year in property taxes that are passed on to the City of Grand Junction per the contract. If annexed, the Rural District mill levy will be removed and the City's 8 mills that will generate \$55.76 per year will need to pay for not only fire and emergency medical services but also other City services provided to the area. City services as discussed below are supported by a combination of property taxes and sales/use taxes.

The fire department has only responded to this location twice in the last 11 years and with an estimated build of 96 units would predict a slight annual increase of 10-15 fire or EMS incidents as a result of this development. The area is served by Fire Station #3 located at 582 25 ½ Road and response times are longer than other areas due to the distance from existing fire stations. Evaluating the last two years of fire and EMS incident data, shows an average response time to this area of 12 minutes and 33 seconds, which is significantly longer than National Fire Protection Association response time standards. This response time is also approximately 8 minutes and 5 seconds longer than for the core area of the City. The City has been working to address the current and future fire and EMS coverage demands of this area and is planning for a new Fire Station immediately adjacent to this property on the west side of 23 and H Road.

Annual Maintenance costs for the 443 linear feet of pavement on H Road Rd is estimated at approximately \$45/year to sweep, remove snow, stripe and sign. Future chipseal costs for this road is estimated at \$1,490 and is planned as part of this area's normal chip seal cycle in the next five years. Estimated cost of the maintenance of borrow ditches is approximately \$75/year on average.

The cost to improve the road frontage to accommodate the left turn into the development is estimated at \$140,000. Under current Transportation Capacity Payment policies, this work is the responsibility of the City.

SUGGESTED MOTION:

I move to adopt Resolution No. 01-19, 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 South Twenty Annexation, approximately 20.18 acres, located at 2335 H Road and introduce a proposed ordinance annexing territory to the City of Grand Junction, Colorado, South Twenty Annexation, approximately 20.18 acres, located at 2335 H Road, and set a public hearing for February 20, 2019.

Attachments

1. South Twenty Annexation Schedule & Summary
2. Maps
3. Resolution - Referral of Petition
4. Annexation Ordinance

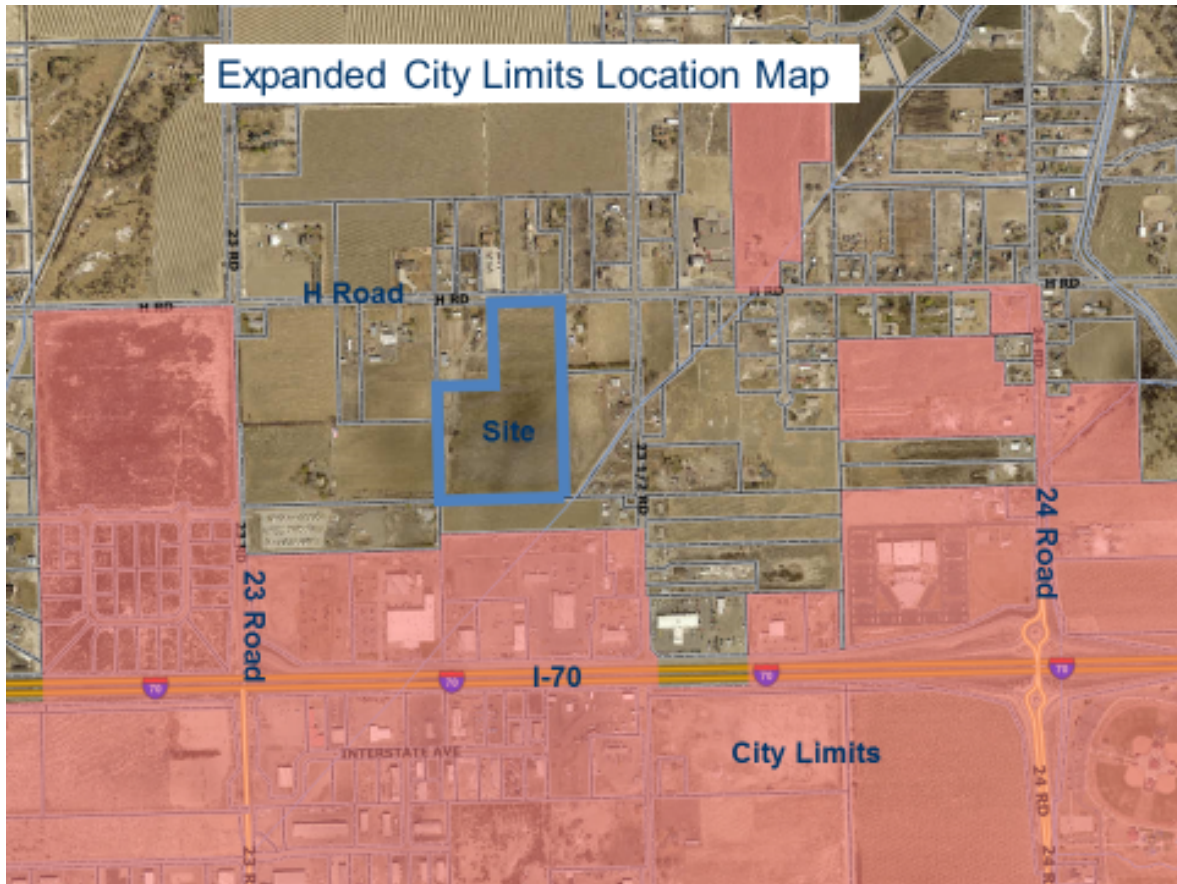
SOUTH TWENTY ANNEXATION SCHEDULE

January 16, 2019	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
January 22, 2019	Planning Commission considers Zone of Annexation
February 6, 2019	Introduction of a Proposed Ordinance on Zoning by City Council
February 20, 2019	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
March 24, 2019	Effective date of Annexation

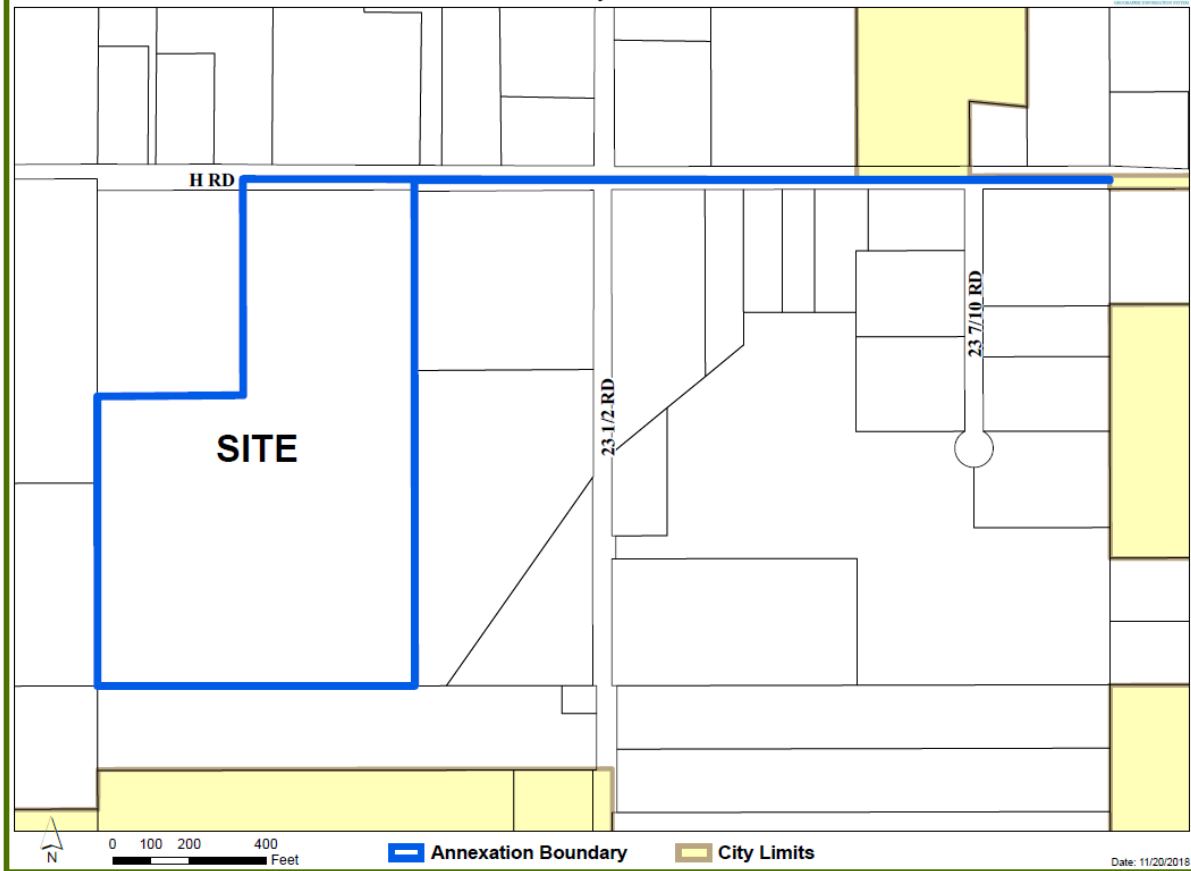
ANNEXATION SUMMARY

File Number:		ANX-2018-659
Location:		2335 H Road
Tax ID Numbers:		2701-322-00-103
# of Parcels:		1
Existing Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		0
Acres land annexed:		20.18
Developable Acres Remaining:		19.74
Right-of-way in Annexation:		0.44 acres
Previous County Zoning:		RSF-R (Residential Single Family – Rural)
Proposed City Zoning:		R-8 (Residential – 8 du/ac) & R-4 (Residential – 4 du/ac)
Current Land Use:		Vacant land
Future Land Use:		Residential High Mixed Use (16 – 24 du/ac) & Residential Medium (4 – 8 du/ac)
Values:	Assessed:	\$6,970
	Actual:	\$24,020
Address Ranges:		2335 H Road
Special Districts:	Water:	Ute Water Conservancy District
	Sewer:	City of Grand Junction
	Fire:	Grand Junction Rural Fire District
	Irrigation/Drainage:	GVIC/GVDD
	School:	Fruita Monument HS / Fruita Middle / Appleton Elementary
	Pest:	Grand River Mosquito Control District

Expanded City Limits Location Map



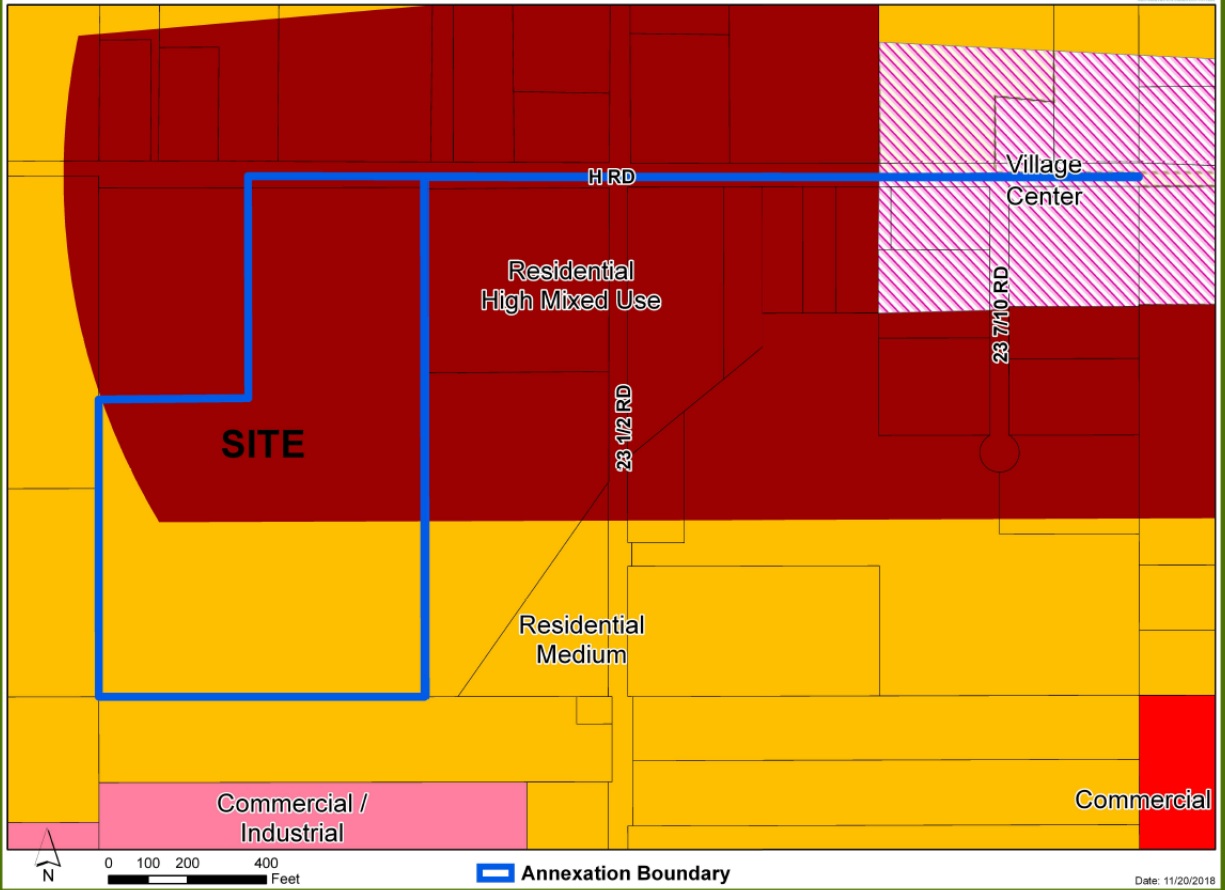
South Twenty Annexation



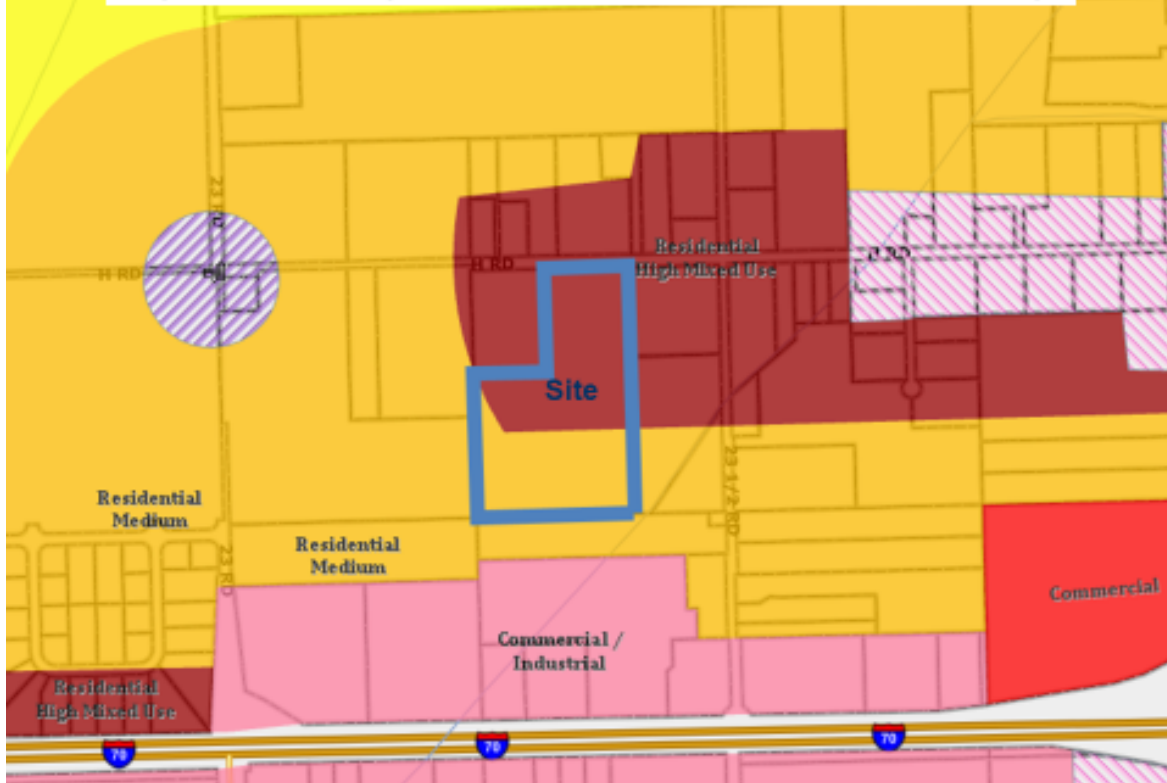
South Twenty Annexation



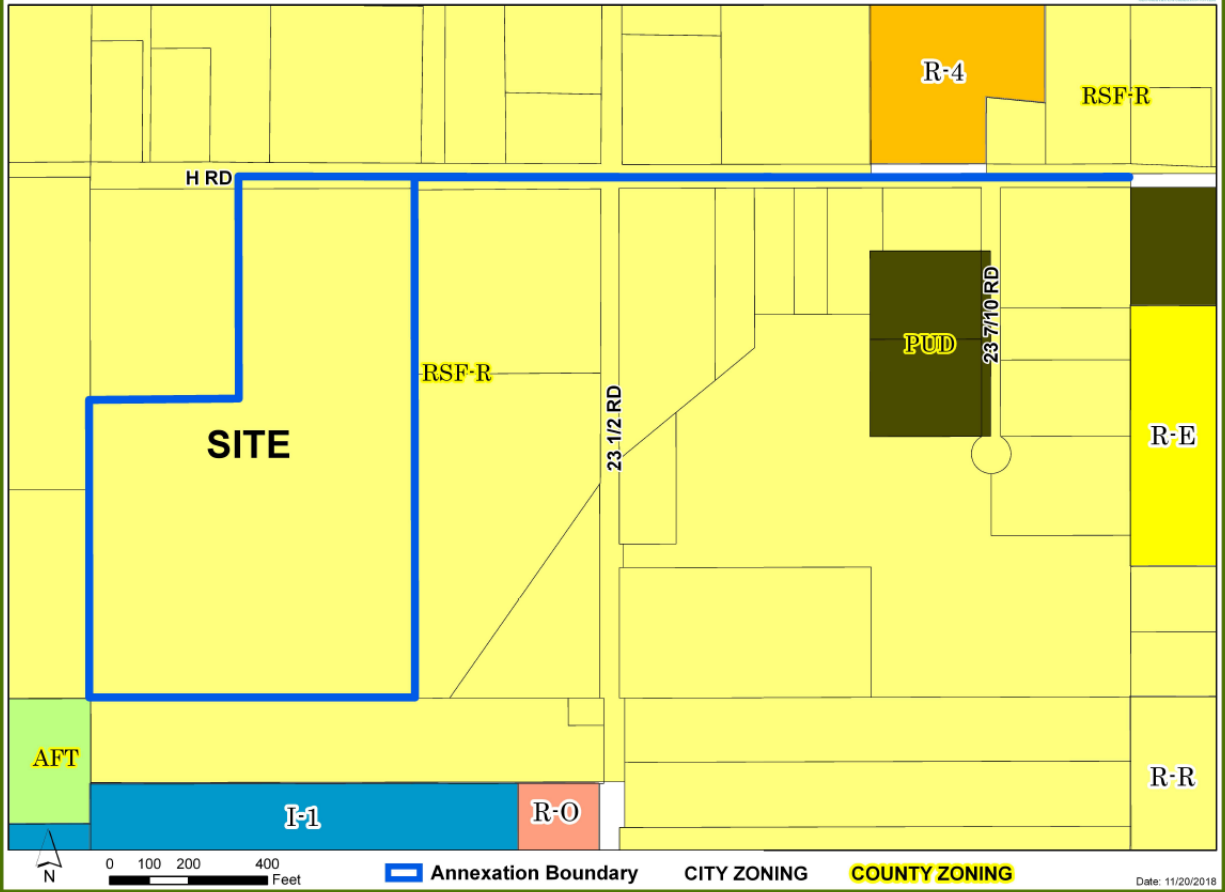
South Twenty Annexation - Future Land Use

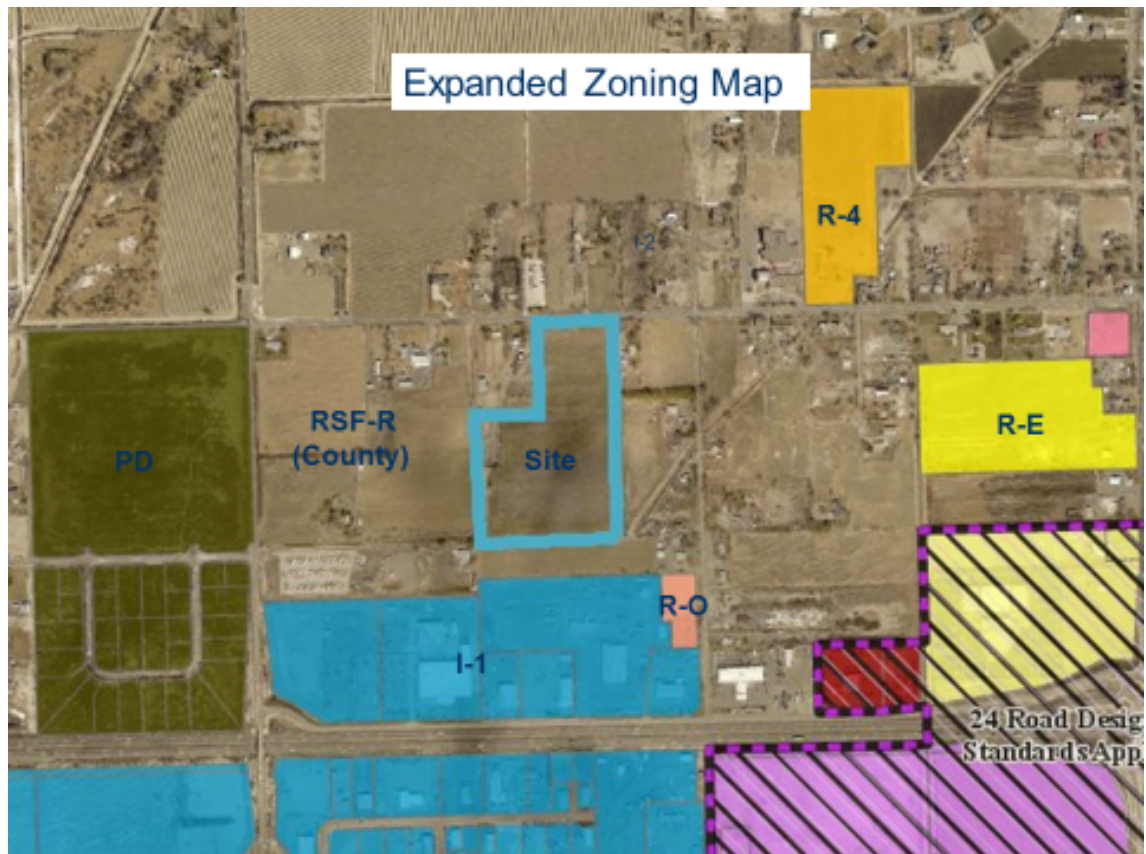


Expanded Comprehensive Plan Future Land Use Map



South Twenty Annexation - Zoning







View of property from H Road

**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 16th day of January 2019, 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**

SOUTH TWENTY ANNEXATION

APPROXIMATELY 20.18 ACRES LOCATED AT 2335 H ROAD

WHEREAS, on the 16th day of January 2019, 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:

SOUTH TWENTY ANNEXATION NO. 1

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4 and the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 32, Township 1 North, Range 1 West of the Ute Principal Meridian and being more particularly described as follows:

COMMENCING at the Northeast corner of the NW 1/4 NE 1/4 of said Section 32 and assuming the North line of the NW 1/4 NE 1/4 of said Section 32 bears N 89°57'52" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°03'26" W, along the East line of the NW 1/4 NE 1/4 of said Section 32, a distance of 5.00 feet to a point on the South line of Apple Glen Annexation No. 2, Ordinance No. 4191 as same is recorded in Book 4637, Page 687, Public Records of Mesa County, Colorado, also being the POINT OF BEGINNING; thence from said Point of Beginning, S 00°03'26" W, along said East line, a distance of 2.00 feet; thence N 89°57'52" W along a line 7.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 32, a distance of 660.88 feet; thence N 00°01'45" E, a distance of 5.00 feet; thence N 89°57'52" W along a line 2.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 32, a distance of 656.88 feet, more or less, to a point on the East line of the NE 1/4 NW 1/4 of said Section 32; thence N 89°58'01" W along a line 2.00 feet South of and parallel with the North line of the NE 1/4 NW 1/4 of said Section 32, a distance of 497.19 feet, more or less, to a point on the Northerly projection of the East line of Parcel 1, Muller Simple Land Division, as same is recorded in Plat Book 17, Page 236, Public Records of Mesa County, Colorado; thence N 00°02'51" W, along said Northerly projection, a distance of 2.00 feet to a point on the North line of the NE 1/4 NW 1/4 of said Section 32; thence S 89°58'01" E, along said North line, a distance of 497.20 feet, more or less, to a point being the Northeast corner of the NE 1/4

NW 1/4 of said Section 32; thence S 89°57'52" E, along the North line of the NW 1/4 NE 1/4 of said Section 32, a distance of 658.88 feet to a point on the West line of Apple Glen Annexation No. 3, Ordinance No. 4192, as same is recorded in Book 4637, Page 691, Public records of Mesa County, Colorado; thence S 00°01'45" W, along said West line, a distance of 5.00 feet; thence S 89°57'52" E along a line 5.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 32, a distance of 658.88 feet, more or less, to the Point of Beginning.

CONTAINING 3,640 Square Feet or 0.083 Acres, more or less, as described.

TOGETHER WITH

SOUTH TWENTY ANNEXATION NO. 2

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4 and the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 32, Township 1 North, Range 1 West of the Ute Principal Meridian and being more particularly described as follows:

BEGINNING at the Southwest corner of the NE 1/4 NW 1/4 of said Section 32, said point also being the Southwest corner of Parcel 1, Muller Simple Land Division, as same is recorded in Plat Book 17, Page 236, Public Records of Mesa County, Colorado and assuming the West line of the NE 1/4 NW 1/4 of said Section 32 bears N 00°04'55" E and all other bearings shown hereon are relative thereto; thence from said Point of Beginning, N 00°04'55" E along the West line of the NE 1/4 NW 1/4 of said Section 32, a distance of 754.94 feet, more or less, to a point being the Southwest corner of Parcel 2 of said Muller Simple Land Division; thence S 89°58'03" E, along the South line of said Parcel 2, a distance of 379.73 feet, more or less, to a point being the Southeast corner of said Parcel 2; thence N 00°05'02" E, along the East line of said Parcel 2 and the West line of said Parcel 1, a distance of 565.92 feet, more or less, to a point on the North line of the NE 1/4 NW 1/4 of said Section 32; thence S 89°58'01" E, along said North line, a distance of 443.45' to a point on the West line of South Twenty Annexation No. 1; thence S 00°02'51" E, along said West line, a distance of 2.00 feet; thence S 89°58'01" E along the South line of said South Twenty Annexation No. 1, a distance of 497.19 feet to a point on the East line of the NW 1/4 NE 1/4 of said Section 32; thence S 89°57'52" E, along the South line of said South Twenty Annexation No. 1, a distance of 656.88 feet; thence S 00°01'45" W, a distance of 5.00 feet; thence N 89°57'52" W, a distance of 2.00 feet; thence N 00°01'45" E, a distance of 3.00 feet; thence N 89°57'52" W, along a line 4.00 feet South of and parallel with, the North line of the NW 1/4 NE 1/4 of said Section 32, a distance of 654.89 feet, more or less, to a point on the East line of the NW 1/4 NE 1/4 of said Section 32; thence N 89°58'01" W, along a line 4.00 feet South of and parallel with, the North line of the NE 1/4 NW 1/4 of said Section 32, a distance of 497.19 feet to a point on the Northerly projection of the East line of said Parcel 1; thence S 00°02'51" E, along the East line of said Parcel 1, a distance of 1316.70 feet, more or less, to a point on the South line of the NE 1/4 NW 1/4 of said Section 32, said point also being the Southeast corner of

said Parcel 1; thence N 89°58'43" W, along the South line of the NE 1/4 NW 1/4 of said Section 32, a distance of 826.18 feet, more or less, to the Point of Beginning.

CONTAINING 875,322 Square Feet or 20.095 Acres, more or less, as described.

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

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

1. That a hearing will be held on the 20th day of February, 2019, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 6:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED the _____ day of _____, 2019.

President of the Council

Attest:

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>
January 18, 2019
January 25, 2019
February 1, 2019
February 8, 2019

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

SOUTH TWENTY ANNEXATION

APPROXIMATELY 20.18 ACRES LOCATED AT 2335 H ROAD

WHEREAS, on the 16th day of January 2019, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 20th day of February 2019; 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:

SOUTH TWENTY ANNEXATION NO. 1

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4 and the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 32, Township 1 North, Range 1 West of the Ute Principal Meridian and being more particularly described as follows:

COMMENCING at the Northeast corner of the NW 1/4 NE 1/4 of said Section 32 and assuming the North line of the NW 1/4 NE 1/4 of said Section 32 bears N 89°57'52" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°03'26" W, along the East line of the NW 1/4 NE 1/4 of said Section 32, a distance of 5.00 feet to a point on the South line of Apple Glen Annexation No. 2, Ordinance No. 4191 as same is recorded in Book 4637, Page 687, Public Records of Mesa County, Colorado, also being the POINT OF BEGINNING; thence from said Point of Beginning, S 00°03'26" W, along said East line, a distance of 2.00 feet; thence N 89°57'52" W along a line 7.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 32, a distance of 660.88 feet; thence N 00°01'45" E, a distance of 5.00 feet; thence N 89°57'52" W along a line 2.00 feet South of and parallel with the North

line of the NW 1/4 NE 1/4 of said Section 32, a distance of 656.88 feet, more or less, to a point on the East line of the NE 1/4 NW 1/4 of said Section 32; thence N 89°58'01" W along a line 2.00 feet South of and parallel with the North line of the NE 1/4 NW 1/4 of said Section 32, a distance of 497.19 feet, more or less, to a point on the Northerly projection of the East line of Parcel 1, Muller Simple Land Division, as same is recorded in Plat Book 17, Page 236, Public Records of Mesa County, Colorado; thence N 00°02'51" W, along said Northerly projection, a distance of 2.00 feet to a point on the North line of the NE 1/4 NW 1/4 of said Section 32; thence S 89°58'01" E, along said North line, a distance of 497.20 feet, more or less, to a point being the Northeast corner of the NE 1/4 NW 1/4 of said Section 32; thence S 89°57'52" E, along the North line of the NW 1/4 NE 1/4 of said Section 32, a distance of 658.88 feet to a point on the West line of Apple Glen Annexation No. 3, Ordinance No. 4192, as same is recorded in Book 4637, Page 691, Public records of Mesa County, Colorado; thence S 00°01'45" W, along said West line, a distance of 5.00 feet; thence S 89°57'52" E along a line 5.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 32, a distance of 658.88 feet, more or less, to the Point of Beginning.

CONTAINING 3,640 Square Feet or 0.083 Acres, more or less, as described.

TOGETHER WITH

SOUTH TWENTY ANNEXATION NO. 2

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4 and the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 32, Township 1 North, Range 1 West of the Ute Principal Meridian and being more particularly described as follows:

BEGINNING at the Southwest corner of the NE 1/4 NW 1/4 of said Section 32, said point also being the Southwest corner of Parcel 1, Muller Simple Land Division, as same is recorded in Plat Book 17, Page 236, Public Records of Mesa County, Colorado and assuming the West line of the NE 1/4 NW 1/4 of said Section 32 bears N 00°04'55" E and all other bearings shown hereon are relative thereto; thence from said Point of Beginning, N 00°04'55" E along the West line of the NE 1/4 NW 1/4 of said Section 32, a distance of 754.94 feet, more or less, to a point being the Southwest corner of Parcel 2 of said Muller Simple Land Division; thence S 89°58'03" E, along the South line of said Parcel 2, a distance of 379.73 feet, more or less, to a point being the Southeast corner of said Parcel 2; thence N 00°05'02" E, along the East line of said Parcel 2 and the West line of said Parcel 1, a distance of 565.92 feet, more or less, to a point on the North line of the NE 1/4 NW 1/4 of said Section 32; thence S 89°58'01" E, along said North line, a distance of 443.45' to a point on the West line of South Twenty Annexation No. 1; thence S 00°02'51" E, along said West line, a distance of 2.00 feet; thence S 89°58'01" E along the South line of said South Twenty Annexation No. 1, a distance of 497.19 feet to a point on the East line of the NW 1/4 NE 1/4 of said Section 32; thence S 89°57'52" E, along the South line of said South Twenty Annexation No. 1, a distance of 656.88 feet; thence S 00°01'45" W, a distance of 5.00 feet; thence N 89°57'52" W, a distance of 2.00 feet; thence N

00°01'45" E, a distance of 3.00 feet; thence N 89°57'52" W, along a line 4.00 feet South of and parallel with, the North line of the NW 1/4 NE 1/4 of said Section 32, a distance of 654.89 feet, more or less, to a point on the East line of the NW 1/4 NE 1/4 of said Section 32; thence N 89°58'01" W, along a line 4.00 feet South of and parallel with, the North line of the NE 1/4 NW 1/4 of said Section 32, a distance of 497.19 feet to a point on the Northerly projection of the East line of said Parcel 1; thence S 00°02'51" E, along the East line of said Parcel 1, a distance of 1316.70 feet, more or less, to a point on the South line of the NE 1/4 NW 1/4 of said Section 32, said point also being the Southeast corner of said Parcel 1; thence N 89°58'43" W, along the South line of the NE 1/4 NW 1/4 of said Section 32, a distance of 826.18 feet, more or less, to the Point of Beginning.

CONTAINING 875,322 Square Feet or 20.095 Acres, more or less, as described.

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

INTRODUCED on first reading on the 16th day of January 2019 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2019 and ordered published in pamphlet form.

President of the Council

Attest:

City Clerk

Exhibit A

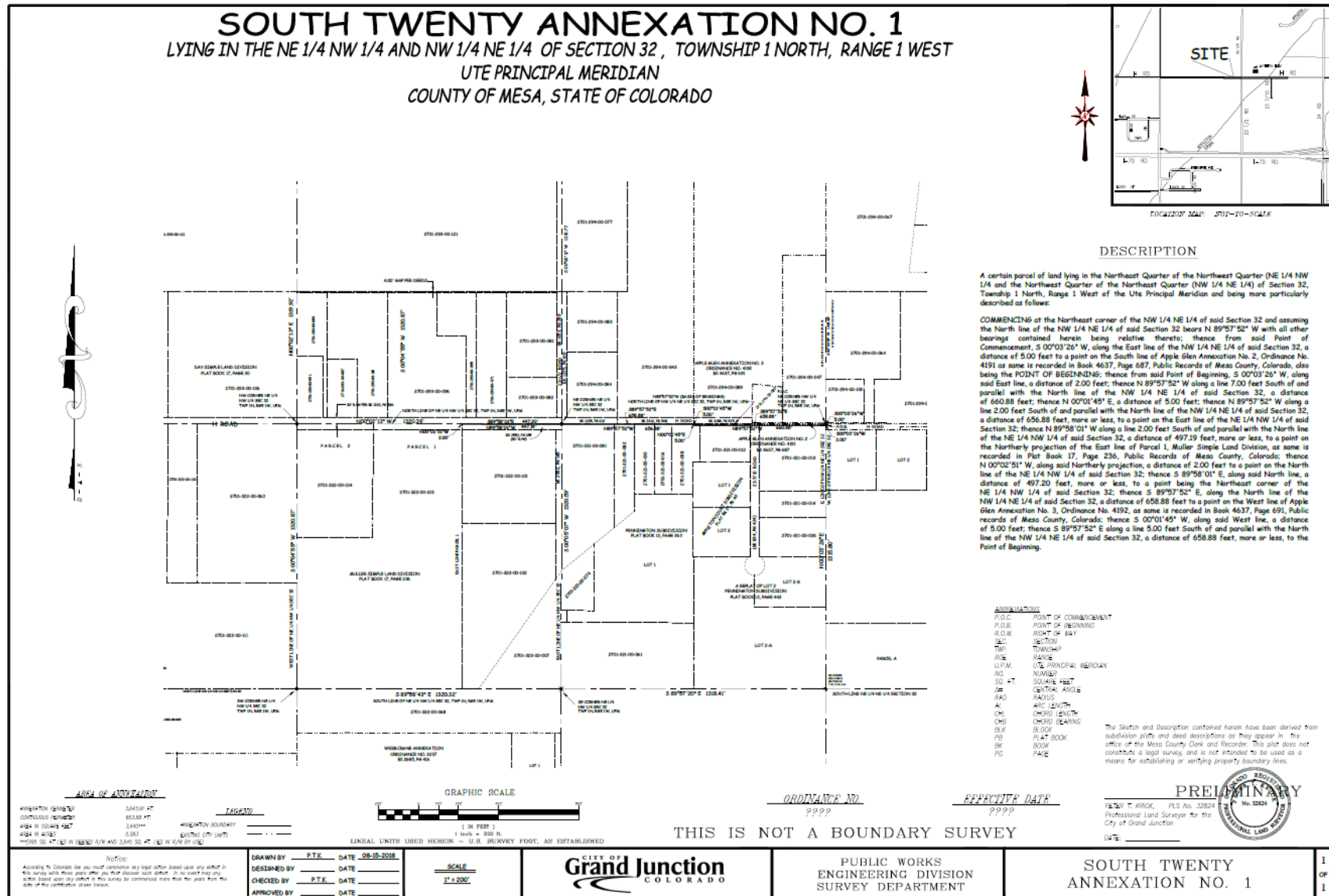
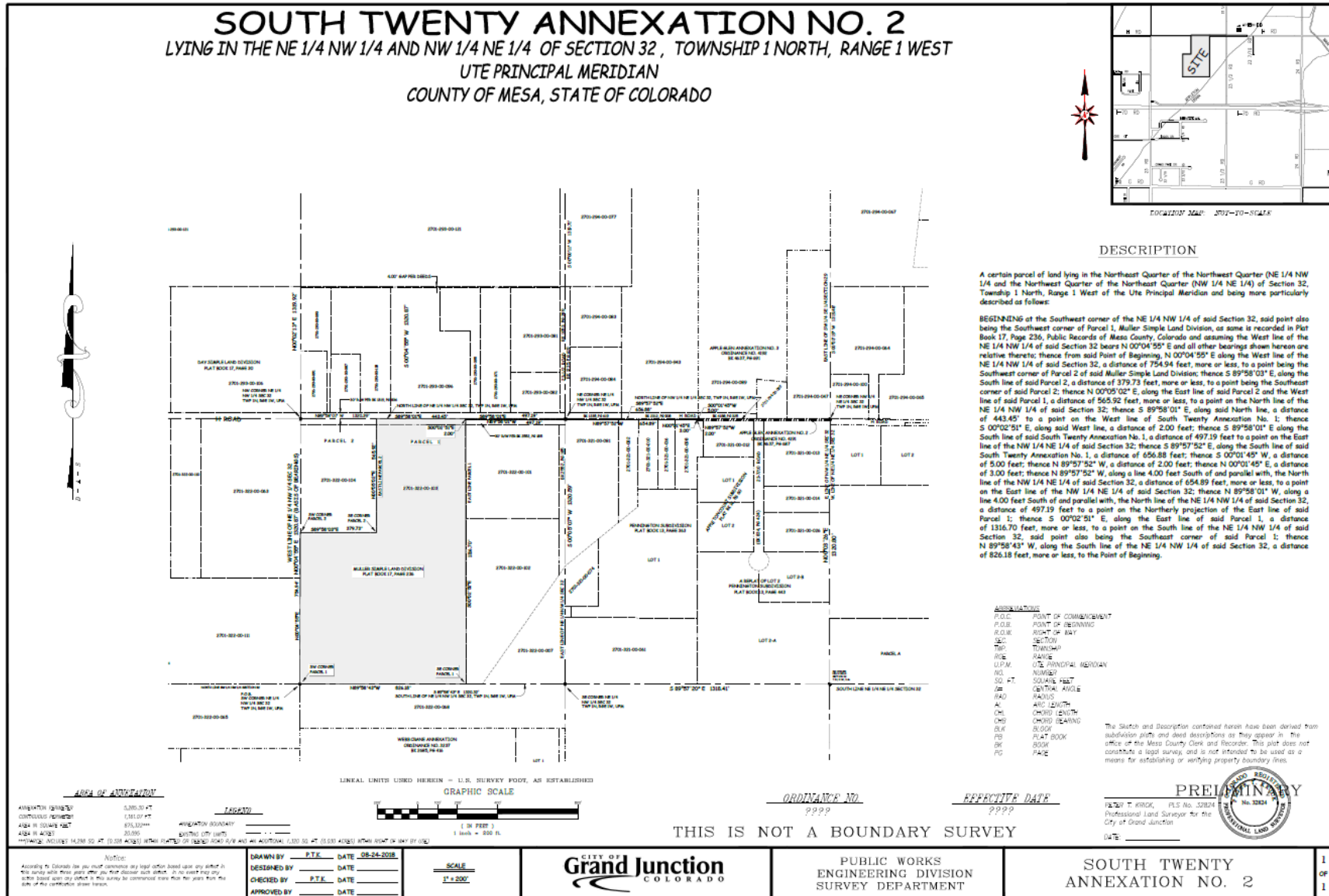


Exhibit B





Grand Junction City Council

Regular Session

Item #3.a.i.

Meeting Date: January 16, 2019

Presented By: John Shaver, City Attorney

Department: Police

Submitted By: Jamie B. Beard

Information

SUBJECT:

An Ordinance Amending the Municipal Code Regarding Possession or Consumption of Alcohol in Parks and Riverfront Trails, Changing the Hours of Prohibited Park Use, and Including Vaping and the Use of Vape Devices as Prohibited in Workplaces, Public Places, and for Use by Minors and Set a Public Hearing for February 20, 2019

RECOMMENDATION:

Staff recommends hearing on the ordinance be continued to February 20, 2019.

EXECUTIVE SUMMARY:

In the interest of protecting the health, safety and welfare of citizens, staff has drafted the attached ordinance that proscribes certain activities that may be offensive, harmful or illegal by specifically limiting certain alcohol in certain public places, limiting secondhand exposure to the harmful chemicals created by smoking and the use of electronic smoking devices ("vaporizers" and/or e-cigarettes), and amending park hours.

BACKGROUND OR DETAILED INFORMATION:

Pursuant to Colorado Senate Bill 16-197, 3.2% beer will no longer be sold in Colorado after January 1, 2019. City ordinances currently prohibit consumption of malt, vinous and spirituous liquor alcohol in public places; however, fermented malt beverages (3.2% beer) may be possessed or consumed in public parks and other public places. In order to address the changes in Colorado law, this ordinance clarifies the types of alcohol that will be allowed or disallowed in certain places.

Vaping is a relatively new trend among minors and adults alike and serves as an alternative to smoking traditional cigarettes. Electronic smoking devices (including e-cigarettes) can deliver substances including nicotine, tobacco and marijuana. Studies have shown that e-cigarettes contain high levels of ultra-fine particles associated with respiratory and vascular ailments. In addition, vape substances can include toxic chemicals known to cause cancer. Although the U.S. Surgeon General has said that there is no safe level of secondhand smoke, the effects of secondhand vapor exposure is still unknown.

Vaping is common not only in public places like parks and sidewalks but in and around schools. Current ordinances regulate smoking in public and by minors but do not address vaping. School resource officers have expressed concern regarding enforcement of minors vaping in and around schools. Aside from the negative effects of vaping, much like smoking, it may be displeasing to others.

It has recently been reported by Grand Junction Parks and Recreation staff and law enforcement that there has been an increase in vandalism and damage to property in the City parks. As a result, City staff has reviewed park hours and recommended changes that may help decrease the vandalism.

FISCAL IMPACT:

None directly attributable to the ordinance/its adoption.

SUGGESTED MOTION:

I move to continue the public hearing regarding the proposed Ordinance to Amend Chapter 12.04, Chapter 12.06, and Chapter 12.08 of the Grand Junction Municipal Code regarding possession or consumption of alcohol in Parks and Riverfront Trails and to change the hours of prohibited park use and to amend Chapters 8.20 and 9.04 to include vaping and the use of vape devices as prohibited in workplaces, public places, and for use by minors to February 20, 2019.

Attachments

1. ORD-Smoking - alcohol - parks ordinance - final 121118

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 12.04, CHAPTER 12.06, AND CHAPTER 12.08 OF THE GRAND JUNCTION MUNICIPAL CODE REGARDING POSSESSION OR CONSUMPTION OF ALCOHOL IN PARKS AND RIVERFRONT TRAILS AND TO CHANGE THE HOURS OF PROHIBITED PARK USE AND TO AMEND CHAPTERS 8.20 AND 9.04 TO INCLUDE VAPING AND THE USE OF VAPE DEVICES AS PROHIBITED IN WORKPLACES, PUBLIC PLACES, AND FOR USE BY MINORS.

RECITALS:

This ordinance regarding possession or consumption of alcohol in parks and Riverfront Trails, to prohibit smoking, including marijuana, and vaping in public places and to amend park hours serves to protect the health, welfare and safety of citizens by proscribing certain activities that are or may be offensive, harmful or illegal. Specifically limiting secondhand exposure to the harmful chemicals created by smoking and the use of electronic smoking devices ("vaporizers" and/or e-cigarettes) as well as affirming that smoking of marijuana is illegal in public and that the public consumption of certain alcohol in certain public places is improper.

Concerning vaping, the U.S. Surgeon General has said there is no safe level of exposure to secondhand smoke and that even brief exposure can be harmful to health. Though much is still unknown about the effects of secondhand vapor exposure, the aerosol emitted by the user of an e-cigarette has been shown to contain high levels of ultra-fine particles associated with respiratory and vascular ailments, as well as toxic chemicals known to cause cancer. As well, vaping much like smoking, may be displeasing to others.

Pursuant to Colorado law (SB 16-197) 3.2% beer (also known as fermented malt beverages) will not be sold in Colorado after January 1, 2019. Current law prohibits public consumption of alcohol in public places; however, fermented malt beverages may by City rule be possessed/consumed in some public parks and places. In order to address the changes in the law, this ordinance addresses the types of alcohol that with passage of the ordinance will be allowed/disallowed.

In the course of preparing updates to the laws regarding smoking/vaping and alcohol in parks, the City staff reviewed park hours and has recommended changes to the same. The City parks have suffered from increased vandalism and it anticipated that modification of the hours parks are open may help to improve the problem.

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

Chapters 12.04, 12.08, 12.16, 8.20, 9.04, and 12.08 shall be revised as follows (additions are shown in **bold print** and deletions marked with ~~strike-through~~ notations):

12.04.050 Drinking alcoholic beverages in parks; use of glass containers in ~~grassed areas~~ prohibited.

(a) It shall be unlawful for any person to possess or drink any spiritous liquors in the City in any park which is either publicly or privately owned and used by the public unless such possession and consumption is pursuant to and in accordance with a special events permit issued in accordance with C.R.S. 44-5-101 *et seq.* or such place is a part of the premises designated under a valid license issued pursuant to state law and the consumption is otherwise lawful; malt and/or vinous liquors may be consumed by persons of lawful age and other applicable law.

(b) It shall be unlawful for any person to possess or drink any malt, vinous, or spiritous liquors in Emerson Park and Hawthorne Park, which are owned by the City and used by the public, unless such possession and consumption is pursuant to and in accordance with a special events permit issued in accordance with C.R.S., 44-5-101 *et seq.* or such place is a part of the premises designated under a valid license issued pursuant to state law and the consumption is otherwise lawful.

(c) No person shall drink from or use glass containers ~~on the grassed areas of~~ in any park.

12.04.015 Hours classification system.

(a) The City Council of the City of Grand Junction hereby establishes the following classifications and hours of prohibited park use for each classification:

- (1) ~~Midnight~~ **11:00 P.M.** – 5:00 A.M.: Community, regional and neighborhood parks with formal programmable sports facilities.
- (2) ~~10:30~~ **10:00** P.M. – 5:00 A.M.: Neighborhood and mini parks.
- (3) 10:00 P.M. – 5:00 A.M.: Open space and undeveloped parks and properties.
- (4) 10:00 P.M. – 5:00 A.M.: Cemeteries.
- (5) **10:00 P.M. – 5:00 A.M.: School IGA sites (except during school hours).**

(b) The City Council of the City of Grand Junction hereby authorizes and directs the City Manager to classify each City park **pursuant to the classifications in section 12.04.015(a)(1-5)** at the time of acquisition, or development, when the principal use or function of the park changes, or as needed to address vandalism or similar operational concerns. The City Manager may defer any such classification decision to the City Council as he deems necessary.

~~(c) The classification system attached to the ordinance codified in this section is hereby approved.~~ The City Manager is hereby delegated the power and duty to amend the classification system as he deems necessary from time to time, by administrative regulation. The City Manager may defer any changes to the ~~attached~~ classification system to the City Council as he deems necessary.

(d) "Community," "regional," "neighborhood," "mini" parks are defined or distinguished by reference to the current City-adopted Parks Master Plan.

(e) All School IGA sites shall be closed to the public during school hours unless attendance is approved for the public at school related activities and/or activities approved by the Mesa County Valley School District that are held on the premises of such site(s).

~~(e)~~ **(f)** This section shall be in full force and effect upon its adoption; however, no criminal charges shall be issued or filed based on any changes from prior practices until adequate notice is posted on the park, open space, cemetery or other site.

12.16.100 Drinking of alcoholic beverages in public ways; use of glass containers in grassed areas prohibited.

(a) It shall be unlawful for any person to possess or drink any malt, vinous, or spirituous liquors in the City, in or on any public street, road, highway, ~~park~~ or public way which is either publicly or privately owned and used by the public, unless such possession and consumption is pursuant to and in accordance with a special events permit issued in accordance with C.R.S. § ~~12-48-101~~ **44-5-101** *et seq.* or such place is a part of the premises designated under a valid license issued pursuant to state law and the consumption is otherwise lawful.

(b) No person shall drink from or use glass containers when consuming alcohol in public places.

~~(b) No person shall drink from or use glass containers on the grassed areas of any park.~~

8.20.020 Smoking in workplaces and public places.

(a) Definitions. The following words and phrases, whenever used in this section, shall have the following meanings:

Bar means an area which is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages.

Bingo hall means any enclosed area used for the management, operation or conduct of a game of bingo by any organization holding a license to manage, operate or conduct games of bingo pursuant to Colorado law and in which food service for consumption on the premises is incidental to the games of bingo.

Bowling alley means a business open to the public which offers the use of bowling lanes, typically equipped with operable automatic pin setting apparatus and in which food service for consumption on the premises is incidental to bowling and related activities.

Business means any sole proprietorship, partnership, joint venture, corporation or other entity formed for profit-making or nonprofit purposes, including retail establishments where goods or services are sold, as well as professional corporations and limited liability companies. *Business* includes entities where legal, accounting, financial, planning, medical, dental, engineering, architectural or other services are delivered.

***Electronic smoking device* means an electric or battery-operated device, which can be used to deliver substances, including but not limited to, nicotine, tobacco, or marijuana, to the person using such device. Electronic smoking devices shall include, without limitation, electronic cigarettes, cigars, cigarillos, pipes, and hookahs.**

Employee means any person whether such person is referred to as an employee, contractor, independent contractor, volunteer or by any other designation who:

- (1) Performs any type of work for benefit of another in consideration of direct or indirect wages or profit; or
- (2) Provides uncompensated work or services to a business or nonprofit entity.

Employer means any person, partnership, association, corporation, or nonprofit entity that employs one or more persons.

Enclosed area means all space between a floor and ceiling within a structure or building which is closed in on all sides by solid walls, doors or windows which extend from the floor to the ceiling.

Indoor area means any enclosed area or portion thereof. The opening of windows or doors, or the temporary removal of wall panels, does not convert an indoor area to an outdoor area.

***Lighted* means to illuminate by electricity, battery or fire; to ignite by electricity, battery or fire; to burn by electricity, battery or fire; or to emit light by electricity, battery or fire.**

Marijuana (which may alternatively be spelled as “marihuana”) shall have the same meaning as set forth in Article XVIII, Section 16 of the Colorado Constitution or as may be more fully defined in any applicable State law or regulation.

Person means a natural person or any entity or business recognized by law or formed to do business of any sort.

Place of employment means any indoor place and any public place or portion thereof under the control of an employer in which employees of the employer perform services for, or on behalf of, the employer.

Private club means any establishment which restricts admission to members of the club and their guests. See *Public place*.

Private function means any activity which is restricted to invited guests in a nonpublic setting and to which the general public is not invited.

Public meetings means any meeting open to the public pursuant to Part 4 of Article 6 of Title 24, C.R.S., or any other applicable law.

Public place means any area to which the public is invited or in which the public is permitted, including but not limited to banks, educational facilities, schools, health facilities, laundromats, parks, trails and public open space, public transportation facilities including bus stations and stops, taxis, shelters, airports, train stations, reception areas, restaurants, retail food production and marketing/grocery establishments, retail service establishments, retail stores, theaters and waiting rooms. A private club is considered a *public place* when functions are held at the club which are open to the general public and are not restricted to the members of the club. A private residence is not a *public place* except during times when it is being used as a child care, adult care or health care facility.

Restaurant means a business in which the principal business is the sale of food or meals prepared on-site, typically for consumption on-site. Examples of restaurants, without limitation, are coffee shops, cafeterias, sandwich stands, private or public school

or other cafeterias, and other eating establishments which give or offer food for sale to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

Retail tobacco store means a business utilized primarily for the sale of tobacco and accessories and in which the sale of other products is incidental.

Service line means any indoor or outdoor line at which one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

Smoke or *smoking* means **and includes, but is not limited to:**

- 1) the carrying or possession of a **smoking instrument** ~~a lighted cigarette, lighted cigar or lighted pipe of any kind, and includes lighting of a pipe, cigar, cigarette, tobacco, weed or other combustible plants~~ **in one's mouth for the purpose of inhaling or exhaling smoke or vapor or blowing smoke or vapor rings;**
- 2) the placing of a lighted smoking instrument in an ashtray or other receptacle, and allowing smoke or vapor to diffuse in the air;
- 3) the possession, carrying or placing of a lighted smoking instrument in one's hands or any appendage or device and allowing smoke or vapor to diffuse in the air; or
- 4) the inhaling or exhaling of smoke or vapor from a lighted smoking instrument.

***Smoking instrument* means an instrument of any kind which can be used to deliver substances, including but not limited to nicotine, tobacco, marijuana, or any other substance, or combination thereof, to the person using such instrument. Smoking instrument shall include, without limitation, cigarettes, cigars, cigarillos, pipes and hookahs. Smoking instrument shall specifically include electronic smoking devices.**

Smoke-free means that air in an enclosed area is free from smoke caused by smoking.

Sports arena means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

Structure is defined in the International Building Code, including the International Residential Code, (“IBC”) as adopted by the City from time to time. The term *structure* includes the term *building*, also defined by the IBC.

Tobacco is defined in § [25-14-203](#)(17), C.R.S.

Work area means an enclosed area in which one or more employees are routinely assigned and perform services for or on behalf of the employer.

(b) Application to City Property. All enclosed areas and motor vehicles that are owned or leased by the City shall be subject to the provisions of this section as though such areas and vehicles were public places.

(c) Prohibition of Smoking in Public Places and Indoor Areas.

(1) Except as provided herein, smoking shall be prohibited in all public places and indoor areas within the City, including, but not limited to, the following:

(i) Elevators.

(ii) Restrooms, lobbies, reception areas, hallways and any other common-use areas.

(iii) Buses, taxicabs, other means of public transit while operating within the City limits, and ticket, boarding and waiting areas of public transit systems including stops, bus benches, shelters and depots.

(iv) Service lines.

(v) Retail stores.

(vi) All areas available to and customarily used by the public in all businesses and nonprofit entities patronized by the public, including, but not limited to, professional and other offices, banks, and laundromats.

(vii) Restaurants and bars except that smoking is allowed in outdoor seating areas of restaurants and bars that are not enclosed and are not under a roof or a projection of a roof as defined by the IBC as a *roof assembly*, such as patios, and any person smoking is at least 15 feet from the front or main doorway.

(viii) Aquariums, galleries, libraries, museums and similar facilities.

(ix) Any structure primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance.

(x) Sports arenas whether enclosed or outdoors.

(xi) Public meeting places.

(xii) Health care facilities including hospitals, clinics, therapists' offices and facilities, physical therapy facilities, doctors' offices, dentists' offices and the offices and facilities of other health care providers.

(xiii) Restrooms, lobbies, hallways, and other common areas in public and private buildings including but not limited to apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.

(xiv) Billiard or pool halls.

(xv) Polling places.

(xvi) Facilities in which games of chance are conducted, including but not limited to bingo halls.

(xvii) To the extent not otherwise provided in § [25-14-103.5](#), C.R.S., public and nonpublic schools.

(xviii) Other educational and vocational institutions.

(xix) Restrooms, lobbies, hallways, and other common areas in hotels and motels, and in at least 75 percent of the sleeping quarters within a hotel or motel that are rented to guests.

(xx) Any place of employment that is not exempted in subsection (f) of this section.

(xxi) The indoor area of a private club. Smoking is allowed in the outdoor areas of a private club, except where otherwise prohibited in this section.

(2) Notwithstanding any other provision of this section, any person or business who controls any business or facility may declare that entire establishment, facility or grounds as smoke-free.

(d) Smoke-Free Workplace. In the case of employers who own facilities otherwise exempted by subsection (f) of this section, each such employer shall provide a smoke-

free area for each employee requesting a smoke-free area. Every employee shall have the right to work in a smoke-free area.

(e) Smoke-Free Exits and Entrances. Smoking shall not occur in or so close to exterior exits or entrances that the free flow of pedestrian traffic may be affected or so close that the operation of the doors, exits or entrances is affected or diminished. No smoking shall occur within 15 feet of the front or main doorway leading into a building or facility.

(f) Where Indoor Smoking Is Not Prohibited.

(1) Notwithstanding any other provision of this section to the contrary, the following areas shall be exempt from the prohibition contained in subsection (c) of this section:

(i) Private homes and residences; except when used as a child care, adult day care or health care facility.

(ii) Retail tobacco stores.

(iii) Private vehicle, except if the private vehicle is being used for the public transportation of children or as part of health care or day care transportation.

(iv) A hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed 25 percent.

(v) A place of employment that is not open to the public and that is under the control of an employer that employs three or fewer employees.

(vi) A private, nonresidential building on a farm or ranch, as defined in § [39-1-102](#), C.R.S., that has annual gross income of less than \$500,000.

(2) Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this subsection (f) may declare that entire establishment, facility, or grounds as smoke-free.

(g) Signs.

(1) Each owner, operator, manager and other person having control of an enclosed area or public place subject to the provisions hereof shall be jointly and severally responsible to clearly and conspicuously post:

(i) “No Smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it) in every public entrance or other areas where smoking is prohibited by this section.

(ii) In public places where smoking is allowed pursuant to this section, a sign with the words “Smoking is Allowed Inside” at each public entrance to, or in a position clearly visible on entering, the enclosed area in which smoking is permitted.

(2) All signs referred to in this subsection (g) shall be a minimum size of 20 square inches and must be placed at a height of between four and six feet above the floor.

(3) All signs at public parks or unenclosed public places shall be visible to persons entering from the primary entrance or shall be posted at reasonable intervals along the property boundary. The primary entrance shall be referred to as the location where a sign identifies the park name, hours it is open to the public and other rules and regulations. For purposes of this section, “reasonable intervals” shall be presumed to be no less than 300 feet.

(h) Optional Prohibitions. The owner or manager of any place not specifically listed in subsection (c) of this section, including a place otherwise exempted in subsection (f) of this section, may post signs prohibited smoking or providing smoking and nonsmoking areas. Such posting shall have the effect of including such place, or the designated nonsmoking portion thereof, in the places where smoking is prohibited pursuant to this section.

(i) No Retaliation. No person or employer shall discharge, refuse to hire or retaliate in any manner against any employee, applicant for employment, or customer because such employee, applicant, or customer exercises any right to, or complains about the lack of, a smoke-free environment afforded by this chapter.

(j) Violations and Penalties.

(1) It shall be unlawful for any person or business that owns, manages, operates or otherwise controls the use of any premises, enclosed area, public place, or place of employment subject to regulation under this section to fail to comply with any of its provisions.

(2) It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this section.

(3) Each violation of any provision of this section shall be deemed to be a separate violation. Each day shall be treated as a separate violation for continuing violations of subsections (d), (g) and (i) of this section.

(k) Other Applicable Laws. This section shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

(l) Severability. If any provision, clause, sentence or paragraph of this section or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

9.04.210 Regulation of tobacco products.

(a) **Definitions.** For the purposes of this section, the following words or phrases shall have the meanings set forth.

(1) ~~Tobacco product means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing or dipping tobacco.~~ **shall include, but is not limited to, cigars, cigarillos, chewing tobacco, pipe tobacco, roll-your-own tobacco, snus, bidi, snuff, tobacco-containing shisha, and dissolvable tobacco product. Tobacco product shall also include electronic smoking devices that deliver substances to the user by turning liquid into vapor that is inhaled. Electronic smoking devices include but are not limited to electronic cigarettes, cigars, cigarillos, pipes, and hookahs.** This definition does not include any nicotine containing product which is used for the purpose of helping a person stop smoking, such as nicotine gum or nicotine patches.

(2) ~~Smoking means, but is not limited to: the carrying or possession of a lighted cigarette, cigar, pipe, and includes lighting of the same.~~

a) the carrying or possession of a smoking instrument in one's mouth for the purpose of inhaling or exhaling smoke or vapor or blowing smoke or vapor rings:

(b) the placing of a lighted smoking instrument in an ashtray or other receptacle, and allowing smoke or vapor to diffuse in the air;

(c) the possession, carrying or placing of a lighted smoking instrument in one's hands or any appendage or device and allowing smoke or vapor to diffuse in the air; or

(d) the inhaling or exhaling of smoke or vapor from a lighted smoking instrument.

(3) *Self service display* means any retail tobacco display to which customers have direct physical access, including cigarette vending machines.

(4) *Minor* means any person under the age of 18.

(5) *Vending machine* means any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or other form of payment, dispenses a tobacco product.

(6) ***Smoking instrument*** means an instrument of any kind which can be used to deliver substances, including but not limited to nicotine, tobacco, marijuana, or any other substance, or a combination thereof to the person using the instrument. Smoking instrument shall include, but not limited to, cigarettes, cigars, cigarillos, pipes and hookahs. Smoking instrument shall include electronic smoking devices.

(7) ***Lighted*** means to illuminate by electricity, battery, or fire; to ignite by electricity, batter or fire; to burn by electricity, battery or fire; or to emit light by electricity, battery or fire.

(8) ***Electronic smoking device*** means an electric or battery-operated device, which can be used to deliver substances, including but not limited to, nicotine, tobacco, or marijuana, to the person using such device. Electronic smoking devices shall include, without limitation, electronic cigarettes, cigars, cigarillos, pipes, and hookahs.

(b) Possession and Use of a Tobacco Products by Minors.

(1) It shall be unlawful for any minor to knowingly possess, consume, or use, either by smoking, ingesting, absorbing, **vaping** or chewing, any tobacco product.

(2) It shall be unlawful for any minor to knowingly obtain or attempt to obtain any tobacco product by misrepresentation of age or by any other method.

(3) It shall be rebuttably presumed that the substance within a package or container is a tobacco product if the package or container has affixed to it a label which identifies the package or container as containing a tobacco product.

(c) Furnishing Tobacco Products Prohibited.

(1) Any person who knowingly furnishes any tobacco product to any minor by gift, sale, or any other means commits a violation hereof.

(2) It shall be an affirmative defense to a prosecution under this section that the person furnishing the tobacco product was presented with and reasonably relied upon a document which identified the person receiving the tobacco product as being 18 years of age or older.

(d) **Vending Machines.** It shall be unlawful for any person to sell a tobacco product by use of a vending machine or other coin-operated machine; except that cigarettes may be sold at retail through vending machines only in:

(1) Factories, businesses, offices, or other places not open to the public; or

(2) Places to which minors are not permitted access.

(e) **Retail Sale of Tobacco Products.**

(1) It shall be unlawful for any business proprietor, manager, or other person in charge or control of a retail business of any kind to engage, employ or permit any minor to sell any tobacco product from such retail business.

(2) It shall be unlawful for any business proprietor, manager or other person in charge or control of a retail business of any kind to use a self-service display of tobacco products or stock a tobacco product in any way which allows a customer to access such tobacco product without first securing the physical assistance of an adult business employee for each transaction. The provisions of this subsection (e)(2) shall not apply to stores possessing a valid retail liquor store license, as defined by the Colorado Liquor Code, issued by the City and to vending machines meeting the requirements of subsection (d) of this section.

(3) Any person who sells or offers to sell any cigarettes or tobacco products at retail shall display a warning sign, as specified in this subsection.

(4) Said warning sign shall be displayed in a prominent place in the building and on such machine at all times and shall have a minimum height of three inches and a width of six inches, and shall read as follows:

WARNING:

IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN YEARS OF AGE TO PURCHASE OR POSSESS CIGARETTES AND TOBACCO PRODUCTS. UPON CONVICTION A FINE OF UP TO \$500 PLUS NOT

MORE THAN 48 HOURS OF USEFUL PUBLIC SERVICE MAY BE
IMPOSED.

(f) **Sale of Single Cigarettes Prohibited.** It shall be unlawful for any business proprietor, manager or other person in charge or control of a retail business of any kind to sell or offer to sell single cigarettes or any pack of cigarettes containing fewer than 20 cigarettes.

(g) **False or Altered Identification.** It shall be unlawful for any person under the age of 18 years of age to misrepresent that person's identity or age, or use any false or altered identification for the purpose of purchasing any tobacco product.

(h) **Penalty.** Any person who violates any provision hereof is guilty of a petty offense and upon conviction shall be subject to:

(1) A fine of up to \$50.00 for the first offense; a fine of up to \$100.00 for the second offense; a fine of up to \$500.00 for a third offense; and up to \$1,000 for each subsequent offense; and one year in jail;

(2) Except that a minor shall not be subject to any jail time but may be required to pay a fine not to exceed \$500.00, as provided, and may be required to perform not more than 48 hours useful public service (which may include educational efforts or programs) or any combination of fine, public service and education.

(i) **Savings Clause.** Should any provision of said ordinance be found by a court of competent jurisdiction to be unconstitutional or otherwise unenforceable, the rest of the provisions hereof shall remain in full force and effect.

12.08.050 Regulations.

(a) The Parks and Recreation Advisory Board shall propose for adoption by the City Council necessary and reasonable rules and regulations applicable to the use of the riverfront trails, those areas adjacent to the trails and the bodies of water which are owned or controlled by the City and/or the Riverfront Commission, which may be accessed from or are near the trails. The City Council may amend or add to those regulations as may be necessary from time to time to carry out the intent of the Parks Board and/or the intent of the Council.

(b) The City Manager shall cause one certified copy of the regulations adopted under this section, together with the most recent amendments thereto, to be filed with the City Clerk. The City Manager shall make available additional copies at the Office of Parks and Recreation for review by the general public.

(c) The adopted regulations shall have the force and effect of law with respect to all persons who use or visit any of the riverfront trails.

(d) The riverfront regulations promulgated hereunder shall include, but not necessarily be limited to, prohibiting motorized vehicles, except wheelchairs and motorized bicycles as otherwise , maintenance of emergency vehicles, on the trails; prohibiting boats, vessels or craft in the waterways; closing the trails at set times; prohibiting glass containers; prohibiting the possession, consumption or use of ~~malt beverages containing more than 3.2 percent alcohol by weight, spirituous or vinous liquor~~, requiring animals to be leashed; prohibiting animals or animals of certain species; and allowing camping, vending or commercial activities by permit only.

(e) After review by the Parks and Recreation Advisory Board, but prior to recommendation of adoption by the Board, any and all regulations shall be submitted to the City Council for its comments, consideration and concurrence, if any.

Introduced on first reading the 19th day of December, 2018 and ordered published in pamphlet form.

Adopted on second reading this ____ day of _____ 2019 and ordered published in pamphlet form.

ATTEST:

Barbara Traylor Smith
Mayor

Wanda Winkelmann
City Clerk

CITY OF GRAND JUNCTION

PARKS CLASSIFICATION

December 2018

**Classification of Each City Park and Hours
During Which Public Use or Access Is Prohibited**

11:00 P.M. – 5:00 A.M. Community/Regional & Neighborhood Parks with formal programmable sports facilities.

Park

Canyon View

Columbine

Las Colonias

Lincoln

Matchett

10:00 P.M. – 5:00 A.M. Neighborhood and Mini Parks

Park

Autumn Ridge

Cottonwood Meadows

Darla Jean

Desert Vista

Dixson

Duck Pond Orchard Mesa

Duck Pond Ridges

Eagle Rim

Emerson

Hawthorne
Hidden Valley
Hillcrest
Honeycomb
Lilac
Rocket
Paradise Hills
Pineridge
Riverside
Shadow Lake
Sherwood
Spring Valley I
Spring Valley II
Tot Lot – Ridges
Washington
Westlake, including Skate Park
Whitman
Williams

10:00 P.M. – 5:00 A.M. Open Spaces and Undeveloped Parks

Open Space

Ridges Open Space

Undeveloped

Burkey – North

Burkey – South

Flint Ridge

Horizon

Saccommanno

10:00 P.M. – 5:00 A.M. Cemeteries

Site

Crown Point Cemetery

Municipal Cemeteries (Orchard Mesa)

10:00 P.M. – 5:00 A.M. School District IGA Sites
(except during school hours)

Site

Bookcliff Middle School

Chipeta Elementary School

East Middle School

Orchard Mesa Middle School

Pear Park Elementary School

Pomona Elementary School

(including Kronkright Softball Complex)

West Middle School

Wingate Elementary School



Grand Junction City Council

Regular Session

Item #3.a.ii.

Meeting Date: January 16, 2019

Presented By: John Shaver, City Attorney

Department: City Attorney

Submitted By: John Shaver

Information

SUBJECT:

An Ordinance to Amend Chapters 12.04 and 12.08 of the Grand Junction Municipal Code and Section 21.06.010 of the Zoning and Development Code Regarding Camping on Public Property/Public Places and Set a Public Hearing for February 20, 2019

RECOMMENDATION:

Staff recommends the hearing be continued to February 20, 2019.

EXECUTIVE SUMMARY:

An Ordinance to Amend Chapters 12.04 and 12.08 of the Grand Junction Municipal Code and Section 21.06.010 of the Zoning and Development Code Regarding Camping on Public Property/Public Places.

BACKGROUND OR DETAILED INFORMATION:

Chapter 12, Section 4 and 8 of the Grand Junction Municipal Code establish laws, rules and regulations for the City's parks and Riverfront. Section 21.06.010 of the Zoning and Development Code relates to allowed use of public right of way and private parking lot use. These sections are necessary to maintain and promote the public health, safety and welfare while providing effective management of public property within the City.

Camping in public areas like parks, streets and the Riverfront interfere with the rights of others to use those areas for the purposes for which they were intended. The City incurs increased costs for policing, maintenance, sanitation cleanup, animal control as

a result of camping in undeveloped areas and without proper facilities for certain uses.

The purpose of this ordinance is to assist in maintaining the City in a clean, sanitary and accessible condition; to protect the health, safety and public welfare of the community; and to preserve, protect and enhance the natural resource of the Colorado and Gunnison Rivers for many recreational and other proper uses. The prohibition of camping is not intended to prohibit ordinary recreational use of the parks such as picnicking, resting, or sleeping in parks during park hours. It is the intention of the ordinance to prohibit use of public property for the purpose of maintaining a temporary place to live.

The City affirms its commitment to protecting the constitutional rights of the homeless. This ordinance recognizes that when overnight shelters are full, a homeless person who has no access to private spaces has no alternative but to sleep in a public space. The City shall not engage in enforcement of this ordinance which might have the effect of criminalizing homelessness or constitute cruel and unusual punishment in violation of the Eighth Amendment when there is no shelter space available. The City and the Grand Junction Police Department, work with other agencies and community groups to provide homeless persons with information as to the availability of shelter or services.

FISCAL IMPACT:

None directly attributable to the ordinance/its adoption.

SUGGESTED MOTION:

I move to continue the public hearing for the proposed ordinance to amend Chapters 12.04 and 12.08 of the Grand Junction Municipal Code and Section 21.06.010 of the Zoning and Development Code regarding camping on public property/public places to February 20, 2019.

Attachments

1. ORD-Camping to include Riverfront and Zoning Amendments - Revised - 121018

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTERS 12.04 AND 12.08 OF THE GRAND JUNCTION MUNICIPAL CODE AND SECTION 21.06.010 THE ZONING AND DEVELOPMENT REGARDING CAMPING ON PUBLIC PROPERTY/PUBLIC PLACES.

RECITALS:

Chapter 12, Sections 4 and 8 of the Grand Junction Municipal Code ("GJMC") establish laws, rules and regulations for the City's parks and Riverfront – those sections are necessary to maintain and promote the public health, safety and welfare, to provide for the continued effective management of public property within the City, and to provide for the continued enjoyment and accessibility of those public places by City residents and the public at large. Section 21.06.010 of the Zoning and Development Code relates to allowed use of public right of way and private parking lot use; the use of public areas, parks, streets and the Riverfront for camping purposes interferes with the rights of others to use those areas for the purposes for which they were intended. The use of public property for camping causes the City to incur increased costs for policing, maintenance, sanitation pickup and removal, animal control, protection of the environment and other problems which arise from camping in undeveloped areas and without proper facilities for that use.

The purpose of this ordinance is to assist in maintaining the City in a clean, sanitary and accessible condition; to adequately protect the health, safety and public welfare of the community and to preserve, protect and enhance the natural resource of the Colorado and Gunnison Rivers ("Riverfront") for many recreational and other proper uses. The City Council intends to maintain the use of park property and other public property for their intended uses; however, the prohibition of camping is not intended to prohibit such ordinary recreational use of the parks such as picnicking on a blanket or resting or sleeping in a park during park hours. It is intention of the City Council to prohibit use of public property for the purpose of maintaining a temporary place to live.

Because parks, the Riverfront and other public places have been used by the homeless as camps, the City affirms its commitment to protecting the constitutional rights of the homeless and accordingly this ordinance recognizes that when overnight shelters are full a homeless person who has no access to private spaces has no alternative but to sleep in a public space. Accordingly, the City shall not engage in enforcement of this ordinance which might have the effect of criminalizing homelessness or constitute cruel and unusual punishment in violation of the Eighth Amendment when there is no shelter space available.

The City is committed to safeguarding the rights of all people and in furtherance of this goal works with other agencies and community groups who have an interest in the well-being of homeless persons and when Grand Junction Police Officers contact homeless the officers are encouraged to provide homeless persons with information as to the availability of shelter or other services and to the extent reasonably practicable not

enforce this ordinance when there is no shelter space available, as the same is defined herein.

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

Chapters 12.04 and 12.08 shall be revised as follows (additions are shown in bold print and deletions marked with strike through notations):

Definitions.

For the purpose of this Chapter the following terms, phrases, words and their derivations shall have the meaning provided herein:

"Available Overnight Shelter" means a public or private facility, with all necessary or required City occupancy approvals, open to a person(s) or a family experiencing homelessness with an available overnight space to house the person(s) or family at no charge or a nominal charge (presumptively \$5.00 or less per person.) Overnight shelter space shall be considered available if the person(s) is not permitted to use otherwise available overnight shelter space due to the person's voluntary actions, including, but not limited to, intoxication, drug use, unruly behavior, or violation of shelter rules.

"Camp" or "Camping" means to set up or to remain in or at an Encampment.

"Encampment" means any place where bedding, sleeping bag(s) or other things used for bedding purposes, or any stove or fire is placed, established or maintained for the purpose of maintaining a place to stay or sleep, whether or not such place incorporates the use of any tent, lean-to, shack, or any other cover, structure or elements of a structure or any vehicle or part thereof. Ordinary use of a park such as resting or sleeping in a park during normal park hours, picnicking on a blanket or using parks for other lawful uses does not constitute Encampment.

"Overnight Use" means the use of public lands and/or trails pursuant to a permit issued by the City Manager or his designee for an event/programming by and through the City Parks Department for an activity authorized to be conducted overnight.

"Parking Strip" means the area between a curb, or a place where a curb would be located if improvements were installed, and where a sidewalk is located or would be installed.

"Personal Property" means any tangible item reasonably recognizable as belonging to a person and having reasonably apparent utility or monetary value.

"Public Property" means any real property, building or structure owned, used or leased by the City or any Department thereof and/or the Downtown Development Authority (DDA) including, but not limited to, any sidewalk, street, parking strip, alley, lane, public right-of-way, park, open space, breezeway, bench, shade shelter, restroom, playground and other similar property.

"Reasonable Notice" means notice reasonably calculated under all the circumstances to apprise a person that Camping is prohibited at a particular location and, where Personal Property is deposited, affording the person no less than 24 hours to gather his/her Personal Property and depart.

Sleeping on Public Sidewalk, Street, Parking Strip, Alley, Lane or Public Right of Way Without Authorization Prohibited.

Sleeping on a public sidewalk, street, parking strip, alley, lane or public right of way or in any publicly used ingress or egress to Public Property is unsafe as it may obstruct pedestrian and/or vehicular traffic and may place the person sleeping and/or the public in danger of harm. Therefore, except as may be otherwise expressly authorized by the City:

- (1) No person may sleep on any public sidewalk, street, parking strip, alley, lane, breezeway or public right-of-way.
- (2) No person may sleep in any publicly used ingress or egress to Public Property.
- (3) A violation of this section after a request to cease and desist shall be unlawful and shall give rise to any remedy provided by law.

Camping on Public Property Without Authorization Prohibited.

No person may Camp in or upon any Public Property, nor any property owned by other governmental entities that have posted notice prohibiting Camping unless:

- (1) The person has the authorization of the owner of the property to Camp at that location; or
- (2) ~~Camping~~ An Overnight use is specifically authorized by the issuance of a use permit in accordance with Parks Department regulations GJMC 21.02.120; or
- (3) Camping is otherwise specifically authorized by GJMC; or
- (4) The camper(s) is(are) on Public Property other than a sidewalk, street, parking strip, alleyway, lane, breezeway or public right-of-way, and there is no Available Overnight Shelter; or
- (5) Camping is necessary after the formal declaration of an emergency in accordance with City Charter or a declaration of the Governor.

Removal of Unlawful Encampment(s).

Upon discovery of an Encampment(s) on Public Property, removal of the Encampment by the City and/or its authorized agent(s) may occur if:

- (1) After Reasonable Notice, the person(s) fails or refuses to remove his/her Personal Property from the location of the Encampment(s); and
- (2) Personal property appears to be abandoned; or

(3) There is reasonable suspicion for law enforcement officers to believe that illegal activity(ies) other than Camping are occurring at the Encampment; or

(4) There is imminent danger to human life, health or safety, including, but not limited to, possible contamination of private or Public Property by unsanitary and/or hazardous conditions and/or materials.

Removal, Disposition and Release of Personal Property.

Upon removal of an Encampment, all debris, including items having no reasonably apparent utility or monetary value and items in an unsanitary condition, may be immediately discarded. All other Personal Property shall be gathered, retained, and released, all in accordance with the Reasonable Notice being provided to the property owner. Unclaimed property may be disposed in accordance with GJMC ____.

Enforcement and Mitigation.

By enacting this Chapter, it is neither the City's intent to criminalize homelessness nor violate a homeless person's constitutional rights. Likewise, the City does not propose to prohibit the ordinary use of the parks such as resting or sleeping in a park during normal park hours, picnicking on a blanket or using parks or other Public Property for lawful uses. Enforcement of this Chapter shall be undertaken to avoid such results.

Upon conviction for a violation of this Chapter, in addition to any other factors deemed appropriate by the Prosecutor and the Court, the Court shall consider in mitigation whether or not the person immediately removed all Personal Property and litter, including, but not limited to, bottles, cans and garbage from the encampment after being informed the camping was in violation of the law.

Application to City Property Outside City Limits.

This Chapter applies to Public Property owned by the City that is located outside the City's municipal limits.

Sections 12.08.050, 12.08.140 and 21.06.010 shall be amended as follows with all other provisions of such Chapters and Sections to remain in full force and effect:

12.08.050 Regulations.

(e) The riverfront regulations promulgated hereunder shall include, but not necessarily be limited to, prohibiting motorized vehicles, except wheelchairs, maintenance of emergency vehicles, on the trails; prohibiting boats, vessels or craft in the waterways; closing the trails at set times; prohibiting glass containers; prohibiting the possession, consumption or use of spirituous liquor, requiring animals to be leashed; prohibiting animals or animals of certain species; and allowing ~~camping~~ overnight use in accordance with permit, and vending or commercial activities by permit only.

12.08.140 Regulations relating to trails, lands and waters.

(b) No person shall:

(7) Camp, park a motor vehicle, trailer or camper on Riverfront lands or trails, with the intention or for the purpose of camping unless: such is by the authority of a camping permit issued by the Department of Parks and Recreation of the City of Grand Junction. Possession of a valid camping permit shall authorize the use of the Riverfront lands and trails subject to the terms and conditions imposed thereon by the Director or his designee. "Camp" means the use of camping equipment or facilities such as tents, tarpaulins or temporary shelters or the use of temporary cooking and bedding facilities such as open fires, camp stoves and cots, bedrolls, hammocks or sleeping bags.

(i) The person has the authorization of the owner of the property to camp at that location; or

(ii) ~~Camping~~ Overnight use is specifically authorized by the issuance of a use permit in accordance with GJMC 21.02.120; or

(iii) Camping or overnight use is otherwise specifically authorized by GJMC; or

(iv) There is no Available Overnight Shelter; or

(v) Camping is necessary after the formal declaration of an emergency in accordance with City Charter or a declaration of the Governor.

"Camp" or "Camping" means to set up or to remain in or at an Encampment.

"Encampment" means any place where bedding, sleeping bag(s) or other things used for bedding purposes, or any stove or fire is placed, established or maintained for the purpose of maintaining a place to stay or sleep, whether or not such place incorporates the use of any tent, lean-to, shack, or any other cover, structure or elements of a structure or any vehicle or part thereof. Ordinary use of the trail system such as resting or sleeping on a bench during normal trail hours or using the trails for other lawful uses does not constitute Encampment.

"Available Overnight Shelter" means a public or private facility, with all necessary or required City occupancy approvals, open to a person(s) or a family experiencing homelessness with an available overnight space to house the person(s) or family at no charge or a nominal charge (presumptively \$5.00 or less per person.) Overnight shelter space shall be considered available if the person(s) is not permitted to use otherwise available overnight shelter space due to the person's voluntary actions, including, but not limited to, intoxication, drug use, unruly behavior, or violation of shelter rules.

"Overnight Use" means the use of public lands and/or trails pursuant to a special permit where an event is authorized to last overnight.

21.06.010 Infrastructure standards.

(b)(4)(iv) Public Right-of-Way and Private Parking Lot Use.

(iv) ~~Overnight camping shall not be allowed in a public right-of-way or in any private parking lot made available to the public, unless specifically permitted by the City for such use.~~ Parking of an RV or any vehicle for more than 72 hours shall not be allowed in a public right-of-way or on any vacant lot.

DRAFT



Grand Junction City Council

Regular Session

Item #4.a.

Meeting Date: January 16, 2019

Presented By: Kristen Ashbeck, Senior Planner/ CDBG Admin

Department: Community Development

Submitted By: Kristen Ashbeck, Senior Planner/CDBG Administrator

Information

SUBJECT:

2018 CDBG Subrecipient Agreement between the Center for Independence and the City of Grand Junction

RECOMMENDATION:

Staff recommends approval of the 2018 Subrecipient Agreement.

EXECUTIVE SUMMARY:

The Subrecipient Contract formalizes the City's award of CDBG funds to various agencies allocated from the City's 2018 CDBG Program Year as approved by City Council at its May 16, 2018 meeting. The allocation includes a grant in the amount of \$4,700 to the Center for Independence (CFI) for construction of accessible gardens at its main program office. The contract outlines the duties and responsibilities of the agency and ensures that the subrecipient comply with all Federal rules and regulations governing use of the funds.

BACKGROUND OR DETAILED INFORMATION:

CDBG funds are a Department of Housing and Urban Development (HUD) entitlement grant to the City of Grand Junction which became eligible for the funding in 1996. The City has received \$457,189 for the 2018 Program Year and Council approved amendments to Action Plans of previous program years to utilize a total of \$7,839 remaining funds to be allocated with the 2018 funds for a total allocation of \$465,029. The final funding decision of 20 projects was made by the City Council at its hearing on May 16, 2018. The City's 2018 Program Year began on September 1, 2018 therefore, contracts between the City and the agencies may now be executed.

The CFI accessible gardens project will utilize the existing front yard landscape area at the facility at 740 Gunnison Avenue to construct a 1,220-square foot demonstration garden to involve and support the disabled community. The publicly visible gardens would feature handicap-accessible raised planting beds, elevated wheelchair stations, and recycle-carpeting pathways.

The Center for Independence is considered a "subrecipient" to the City. The City will "pass through" a portion of its 2018 Program Year CDBG funds to the agency but the City remains responsible for the use of these funds. The contract outlines the duties and responsibilities of the agency and ensures that the subrecipient comply with all Federal rules and regulations governing the use of the funds. The contract must be approved before the subrecipient may obligate or spend any of the Federal funds. The Subrecipient Agreement contains the specifics of the project and how the money will be used by the subrecipient.

FISCAL IMPACT:

Previously approved 2018 CDBG Program Year Budget:

2018 CDBG Allocation:	\$457,189
Remainder Previous Years:	\$ 7,839
Total Funding Allocated:	\$465,028

Total allocation includes \$25,000 for program administrative costs.

The City will "pass through" \$4,700 of its 2018 Program Year CDBG funds to the Center for Independence.

SUGGESTED MOTION:

I move to authorize the City Manager to sign the subrecipient contract between the City of Grand Junction and the Center for Independence for funding through the City's 2018 Community Development Block Grant (CDBG) Program Year.

Attachments

1. CFI Subrecipient Agreement

**2018 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
EXHIBIT A
SCOPE OF SERVICES**

Date Approved: _____, 2019

Amount of Grant: \$4,700

Subrecipient: Center for Independence

Completion Date: December 31, 2019

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, this Exhibit and attachment to it, \$4,700 from its 2018 Program Year CDBG Entitlement Funds to construct outdoor accessible gardens at the main program office located at 740 Gunnison Avenue, Grand Junction, Colorado ("Property"). Subrecipient provides a variety of services for elderly and disabled persons in the community.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income benefit – homeless (570.201(c)). It shall meet this objective by improving the site of the main program office of Center for Independence in Grand Junction, Colorado.
3. The project consists of constructing a 1,220-square foot demonstration garden to involve and support the disabled community. The publically visible garden would feature handicap-accessible raised planting beds, elevated wheelchair stations and recycled carpeting pathways. The property is currently owned and operated by the Center for Independence which will continue to operate the facility. It is understood that \$4,700 of City CDBG funds shall be used only for the improvements described in this agreement. Costs associated with any other elements of the project shall be paid for by other funding sources obtained by the Subrecipient.
4. This project shall commence upon the full and proper execution of the 2018 Subrecipient Agreement and the completion of all necessary and appropriate state and local licensing, environmental permit review, approval and compliance. The project shall be completed on or before the Completion Date.
5. The total budget for the project is estimated to be \$25,000 as follows:

CDBG Funds: \$4,700 Other Funds: \$20,300
6. This project will create a new amenity for an estimated 517 disabled clients that are served by the Center for Independence each year.
7. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.

_____ Subrecipient

_____ City of Grand Junction

8. The Subrecipient shall provide quarterly financial and performance reports to the City.

Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.

9. During a period of five (5) years following the Completion Date the use of the Properties improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the Amount of the Grant the City makes to the project. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Properties shall be in effect.
10. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.
11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V. (E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
12. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

_____ Subrecipient

_____ City of Grand Junction

Attachment 1 – Performance Measures

1. Output Measures

A. Total Number of unduplicated clients anticipated to be served during the contract: Mesa County – 531; Within City Zip Codes – 467

B. Number of unduplicated LMI City residents to be served during the contract: 348 earning less than \$10,000 annually

C. Of the City residents to be served, how many will: i) have new or continued access to the service/benefit 400; ii) have improved access to the service or benefit: ____; and iii) receive the service or benefit that is improved/no longer substandard ____.

2.) Schedule of Performance

Estimate the number of unduplicated City residents to be served per quarter of the contract:

Q1: 0 Q2: 0 Q3: 200 Q4: 200

3) Payment Schedule

During the contract, funds will be drawn Q1: ____ Q2: ____ Q3: 50% Q4: 50%

4) Outcome Measures

Activity (select one) ____ Senior Service ____ Youth Service ____ Homeless Service

X Disabled Service ____ LMI Service ____ Fair Housing Service ____ Housing ____ Other

Primary Objective (select one) X Create a suitable living environment ____ Provide decent, affordable housing ____ Create economic opportunity(ies)

Primary Outcome Measurement (select one) ____ Availability/Accessibility ____ Affordability

X Sustainability

Summarize the means by which outcomes will be tracked, measured and reported

The types of households or persons served are of special need (presumed benefit) such as elderly and disabled. Persons served are tracked through an intake process.

____ Subrecipient

____ City of Grand Junction



Grand Junction City Council

Regular Session

Item #5.a.

Meeting Date: January 16, 2019

Presented By: Wanda Winkelmann, City Clerk

Department: City Clerk

Submitted By: Wanda Winkelmann

Information

SUBJECT:

A Resolution Designating the Location for the Posting of the Notice of Meetings, Establishing the 2019 City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council

RECOMMENDATION:

Staff recommends adoption of the Resolution.

EXECUTIVE SUMMARY:

State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Municipal Code, Sec. 2.04.010, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

BACKGROUND OR DETAILED INFORMATION:

In 1991, the Open Meetings Law was amended to include a provision that requires that a "local public body" annually designate the location of the public place or places for posting notice of meetings and such designation shall occur at the first regular meeting of each calendar year (§24-6-402(2)(c) C.R.S.). The location designated is to be the glassed-in bulletin board outside the auditorium lobby at 250 N. 5th Street.

Since 1994, the City Municipal Code has included a provision whereby the City Council determines annually the City Council meeting schedule and the procedure for calling a special meeting.

This resolution will determine the dates of the regular City Council meetings for 2019. Additional meetings may be scheduled from time to time and adequate notice will be posted prior to the holding of any additional regular meetings. The City Council also has the authority to change, reschedule, or cancel any of the listed regular meetings with proper notice.

FISCAL IMPACT:

There are no financial impacts or budget implications.

SUGGESTED MOTION:

I move to adopt Resolution No. 02-19, a resolution designating the location for the posting of the Notice of Meetings, establishing the 2019 City Council Meeting Schedule, and establishing the Procedure for Calling of Special Meetings for the City Council.

Attachments

1. Resolution 2019 Designating Posting Locations

CITY OF GRAND JUNCTION

RESOLUTION NO. xx-19

A RESOLUTION DESIGNATING THE LOCATION FOR THE POSTING OF THE NOTICE OF MEETINGS, ESTABLISHING THE 2019 CITY COUNCIL MEETING SCHEDULE, AND ESTABLISHING THE PROCEDURE FOR CALLING OF SPECIAL MEETINGS FOR THE CITY COUNCIL

Recitals.

The City Council of the City of Grand Junction is a "local public body" as defined in C.R.S. §24-6-402 (1)(a).

The City Council holds meetings to discuss public business.

The C.R.S. §24-6-402 (2)(c) provides that "Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than 24 hours prior to the holding of the meeting. The public place or places for posting of such notice shall be designated annually at the local public body's first regular meeting of each calendar year".

The Grand Junction Municipal Code, Section 2.04.010, provides that the meeting schedule and the procedure for calling of special meetings of the City Council shall be established by resolution annually.

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

1. The Notice of Meetings for the local public body shall be posted on the glassed-in exterior notice board at 250 North 5th Street, City Hall.

2. The meeting schedule for the regular meetings of the City Council in 2019 is:

Month	Dates
January	(02 is canceled), 16
February	06, 20
March	06, 20
April	03, 17
May	01, 15
June	05, 17
July	01, 17
August	07, 21
September	04, 18
October	02, 16
November	06, 20
December	04, 18

3. Additional meetings may be scheduled or cancelled dependent on the number of items coming before the City Council. The City Council will determine that on a case by case basis. Proper notification for any change in the meeting schedule will be provided.

4. Additional special meetings may be called by the President of the City Council for any purpose and notification of such meeting shall be posted twenty-four hours prior to the meeting. Each and every member of City Council shall be notified of any special meeting at least twenty-four hours in advance.

Read and approved this ____ day of January, 2019.

President of the Council

ATTEST:

City Clerk



Grand Junction City Council

Regular Session

Item #6.a.

Meeting Date: January 16, 2019

Presented By: Kristen Ashbeck, Senior Planner/ CDBG Admin

Department: Community Development

Submitted By: Kristen Ashbeck, Senior Planner

Information

SUBJECT:

A Resolution to Designate the Original Mile (1882) and Keith's Addition (1890) Historic District in the City Register of Historic Sites, Structures, and Districts

RECOMMENDATION:

The Historic Preservation Board, at its December 4, 2018 meeting, recommended approval of the historic designation for the Original Mile (1882) and Keith's Addition (1890) Historic District.

EXECUTIVE SUMMARY:

Consider a request by the property owners within the area generally between 9th and 13th Streets and the north and south sides of Rood Avenue and Main Street to designate the area in the City Register of Historic Structures, Sites and Districts (City Register). The area, to be named the Original Mile (1882) Keith's Addition (1890) Historic District, would include 98 properties within its boundaries.

BACKGROUND OR DETAILED INFORMATION:

City Council adopted Section 21.07.040, Historic Preservation, in the Zoning and Development Code in 1994 which established a City Register of Historic Structures, Sites and Districts, to which eligible historic resources may be designated. The criteria by which the Historic Preservation Board and Council shall review a proposed designation are specified in the ordinance and are included in the Analysis section of this report.

The purpose and effect of designation is:

- To assist local interests in preservation of physical structures, sites or districts and to recognize locally significant structures, sites or districts;
- To provide a mechanism to educate the public on local history, development of the community, architectural styles and housing and business development;
- To enable the owners of the property in the City to take advantage of historic preservation programs and opportunities; and
- To make all properties listed on the City Registry eligible for such incentive programs as may be developed.

In 1995 an historic survey of the homes in this area was conducted by the Museum of Western Colorado. At that time, it was recommended by the Museum, working with History Colorado that much of this area could be designated as one or more local historic districts and that the peripheral area did demonstrate a high concentration of eligible historic structures as well.

The proposed District encompasses homes and buildings generally on east Main Street. and Rood Avenue, from 9th Street to 13th Street. The subdivisions that comprise the neighborhood include a portion of Grand Junction's Original Square Mile (1882) and a portion of Keith's Addition (1890).

The residents that originally lived in this neighborhood held a wide variety of careers across several different types of industries. Several of the residents had careers as lawyers, bankers, business owners, managers, and merchants. Some of the residents were railroaders, mechanics, and carpenters. There were also artists and musicians who lived in this neighborhood.

Some examples of notable residents include: Edna Day (a well-known pianist and composer), James Rankin (an early developer, civic leader, and Mesa County Assessor), Orson Adams (a banker, industrialist, and mayor who helped create the electric street car in Grand Junction), Conway Nolan (a regional landscape artist), Dr. Carl Plumb (a well-known surgeon) and Herman Vorbeck (owner of Vorbeck's Sporting Goods).

The historic homes in this neighborhood were built between the years 1895 and 1941. The majority of the neighborhood's homes are over fifty years old and nearly half of the historic homes (43 homes) were built between the year 1900 and 1910. The 1995 historic survey identified 12 homes in this neighborhood that were eligible for designation in the National Register of Historic Places.

The single family homes in this neighborhood represent several architectural styles. Some of the most common architectural styles that can be seen include: Bungalow, Edwardian, and Queen Anne. Specific architectural elements of the homes in this

neighborhood include: concrete foundations, front porches with columns or piers, concrete steps leading up to the porch, cross gables, hip and gable roofs, and brick chimneys. Garages in this neighborhood are typically detached structures located on the rear of the properties accessed from the alleyways.

Petitions indicating approval of the District were signed and returned by owners of 59 of the properties which constitutes 60 percent of the of the properties within the proposed district boundaries. The petitions for the proposed historic district were circulated by property owner representatives in the area.

PUBLIC NOTICE

A notice was sent to all property owners in the area in June 2018 to solicit response to the potential for forming a Historic District. The notice provided information by which property owners could contact City staff or the property owner representatives with questions concerning the designation of their property within a historic district. Additional information was provided to interested property owners that included an overview of the requirements for designation, the benefits of forming the District as well as regulations that could be applied if the District chose to adopt guidelines and standards in the future.

Additional public notice was completed consistent to the provisions in Section 21.02.080(g) of the City's Zoning and Development Code by publication of an advertisement in the Grand Junction Daily Sentinel on November 25, 2018.

ANALYSIS

Pursuant to Section 21.07.040(f)(2) of the Zoning and Development Code, designation of a District in the City Register of Historic Structures, Sites and Districts shall conform to the following criteria.

A. Nominations/applications for historic district designation shall not be approved unless the application contains written approval from owners of at least 60 percent of the properties within the proposed district boundaries.

As previously stated, the proposed district includes 98 properties. Petitions indicating approval of the District were signed and returned by owners of 59 of the properties which constitutes 60 percent of the of the properties within the proposed district boundaries. Thus, Staff finds this criterion has been met.

B. Historic district boundaries shall be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.

The proposed historic district boundaries were established by a combination of factors

exhibited in this area. Potential boundaries of two different districts were determined by analysis of the area during the 1995 historic survey. These areas included blocks further east as well as north to Grand Avenue. Since the Grand Avenue area was proposed as a part of a potential separate District, the applicants chose to concentrate on the Rood Avenue and Main Street potential district. A larger area was initially considered but, as property owners responded, the current proposed district boundaries were established around areas of concentration of both historic properties as well as approvals from property owners. Thus, there are opportunities to expand the District boundaries in the future. In addition, the pattern of development over time is such that the character of development changes west of 9th Street and south of Main Street into a greater mix of uses. The proposed District boundaries were drawn to encompass primarily single family residences. Staff finds this criterion has been met.

C. The designated contributing sites and structures within the district must be at least 50 years old.

The majority of the structures within the proposed district are at least 50 years old, with over two-thirds being constructed from before the turn of the 20th century through 1920 which makes most between about 100 to 120 years old. There are a few intrusions of new homes that were constructed as recently as last year but these can be included in the District and be considered non-contributing. Staff finds this criterion has been met.

D. Historic districts shall meet one or more of the following:

(1) Architectural

- a. Exemplifies specific elements of an architectural period or style;
 - b. Is an example of the work of an architect or builder who is recognized for expertise nationally, Statewide, regionally or locally;
 - c. Demonstrates superior craftsmanship or high artistic value;
 - d. Represents an innovation in construction, materials, or design;
 - e. Represents a built environment of a group of people in an era of history;
 - f. Is a pattern or a group of elements representing at least one of the above criteria;
- or
- g. Is a significant historic remodel.

Staff has found the homes within the proposed historic district expansion area exhibit features that meet criterion a. While not in high style, the homes exhibit architectural design and style that exemplify the era – mostly include: Bungalow, Edwardian, and Queen Anne. Specific architectural elements of the homes in this neighborhood include: concrete foundations, front porches with columns or piers, concrete steps leading up to the porch, cross gables, hip and gable roofs, and brick chimneys. These architectural styles and elements are documented in the Historic Building Inventory forms completed for the 1995 survey conducted by the Museum. Staff finds this

criterion has been met.

(2) Cultural

- a. Is the site of an historic event that had an effect upon society;
- b. Exemplifies cultural, political, economic or social heritage of the community; or
- c. Is associated with a notable person or the work of a notable person.

The growth of this area, on the eastern edge of the original square mile, reflected the growth of the Grand Junction community shortly after its founding in 1882 through the turn of the century and into the early decades of the 1900s. As previously stated, some of the people who constructed and/or lived in these homes were successful merchants and professionals who played important roles in the history of Grand Junction. Thus, staff find the proposed District meets criteria a. and c. above.

(3) Geographic/Environmental.

- a. Enhances the sense of identity of the community; or
- b. Is an established and familiar natural setting or visual feature of the community.

This area of the downtown neighborhoods is familiar to the community due to its location along primary streets such as Main Street, Rood Avenue and 12th Street. The neighborhoods enhance the overall community character and the residents believe establishment of the historic district will foster community pride and encourage preservation of the historic character of the homes and streetscape in the area. Staff finds the proposed District meets these criteria.

FISCAL IMPACT:

This action has no fiscal impact to the City.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 03-19, a resolution to designate the original mile (1882) Keith's Addition (1890) Historic District in the City Register of Historic Sites, Structures, and Districts.

Attachments

- 1. Original Mile Keiths Addition Hist Dist Site Map Photographs and Information from Applicants
- 2. Original Mile Keith's Addition Historic District Resolution

Proposed Original Mile Keith's Addition Historic District





ROOD AVENUE STREETSCAPE



MAIN STREET STREETSCAPE

TYPICAL HOMES



Greetings City of Grand Junction:
Thank you for giving us the opportunity to propose the:

**“Original Mile c.1882, Keith’s Addition c.1890
Historic District”**

This proposed district includes 98 properties, with some of the oldest homes built in Grand Junction. The neighborhood, once in a fragile state, now sees homes restored, rather than demolished. Property owners choose homes in this neighborhood, to experience the unique historical setting of 100-year-old houses and tree-lined streets, all within walking distance to historic downtown Grand Junction. A 60 % majority total or 59 of 98 property owners are submitting signed petitions to create the Historic District. An overwhelming amount of the petitions come from property owners residing in their historic homes. (Exhibit A)

The proposed historic district parameters include 10th 11th, 12th Streets; the 900, 1000, 1100, and 1200 blocks of Main St. and Rood Avenue. The neighborhood lies within Grand Junction’s Original Square Mile c.1882 and Keith’s Addition c.1890. (See Exhibit C)

The historic homes of this neighborhood were built between the years 1895 and 1959, with the bulk built between the year 1900 and 1910. The majority of homes retain their original historic character. (Exhibit D)

**Overview of the 87 properties in the proposed
“Original Mile c.1892 Keith’s Addition c.1890 Historic District”**

72 Properties 100+ yrs	74%
19 properties 80 + yrs	19%
3 properties 50 + yrs	3%
2 properties under 20 yrs	2%
2 empty lots	2%

The single-family homes in this neighborhood are Bungalows of several architectural styles. Some styles seen are Queen Anne, Edwardian, Craftsman, Foursquare, Prairie Cape Cod, and Dutch Colonial.

Specific architectural elements of the homes include front porches with columns or piers, brick chimneys, paneled doors with sidelights, bow windows, cross gables, gambrel, pyramid, hip and gable roofs. Garages in this neighborhood are typically detached structures located on the rear of the properties with alley access. (Exhibit E)

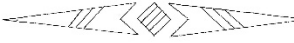
In 1996, the Museum of the West conducted a historic survey of the homes in and around this neighborhood. Based on the study, Museum of the West determined homes eligible for placement on the National Register of Historic Places due to their architectural or cultural significance.(1160 Main St., 1055 Main St. and 1142 Main Street) The Museum identified specific other historic homes that may contribute to the local register. (Exhibit F)

Notable Residents From This Neighborhood

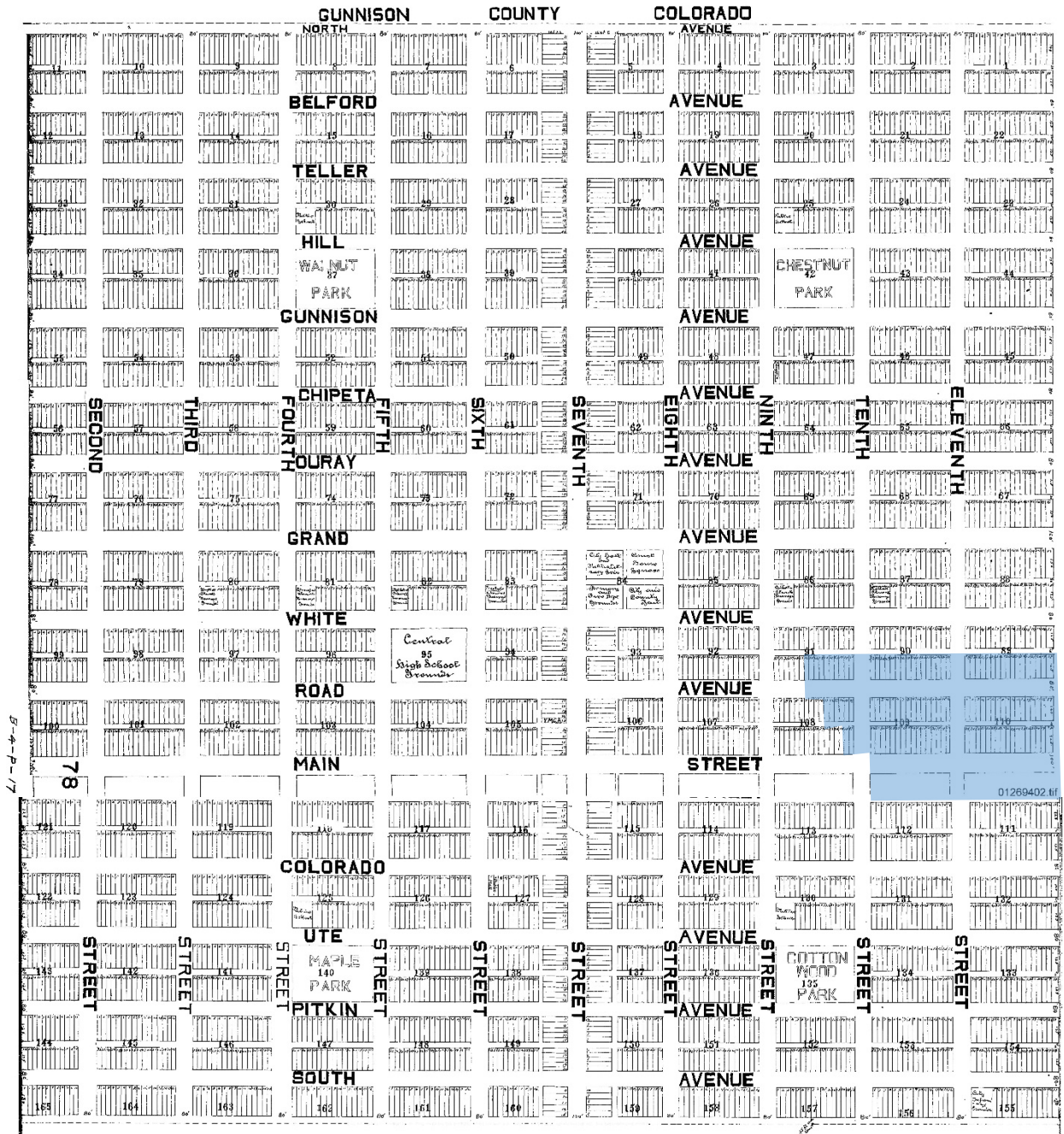
- **Edna Day** (1876-1960): Well know pianist, organist, composer who had a Master's degree from Chicago Musical College. She was married to Dr. Hunley S. Day, who was a well-known physician in Grand Junction. Resided 1055 Main St. from 1906-1960.
- **Edward Martin:** Second-generation owner of Martin's Mortuary who was actively involved in state and local mortuary associations. Martin wrote a book on mortuary science. Resided 1104 Main St. from 1938-1953.
- **James Rankin:** Early developer, civic leader, and Mesa County Assessor. Was part of the campaign to change the name of the Grand River to the Colorado River. Resided 1142 Main St. from 1925-1935.
- **Charles Monte:** Mechanic for Murr-Harris and Rio Grande Motorway and pioneer aviator in this area. Resided 1260 Rood Ave. from 1922-1993.
- **Joseph King:** Rancher and gold mine operator. Resided 1130 Main St. from 1929-1937.
- **Cecil Haynie:** Deputy DA and lawyer at Haywood and Haynie law firm. Resided 1130 Main St. from 1939-1940.
- **Orson Adams (1864-1937):** Banker, industrialist, mayor, and member of the Grand Junction City Council in 1890. Helped to establish the electric streetcar and interurban system, which traveled between Grand Junction and Fruita. Adams was associated with the closure of the Mesa County National Bank, of which he became president. The bank closed and Orson indicted after he committed federal violations of banking laws. Resided 1059 Rood Ave. from 1900-1911.
- **Dr. Carl Plumb:** A well-known surgeon. Resided 1140 Rood Ave from 1909-1918.
- **Eleanor & Frank Winfield:** Owned music and a stationary store. Resided 1158 Rood Ave. from 1915-1930 (except for the year 1928).

- **William Campbell (1875-1948):** District Manager of the Colorado Milling and Elevator Company, one of the largest in Western CO. Campbell introduced milling of fine wheat and grain to Western CO, and promoted mixed feed for poultry and livestock. Active in Masonic organizations. Resided 1208 Main St. from 1918 to 1948.
-
- **Conway Nolan:** Regional landscape artist. Resided 1220 Main St. sometime after 1945 or 1946.
- **Herman Vorbeck:** Owner of Vorbeck's Sporting Goods. Resided 1224 Main St. from 1925-1931.
- **Nathan Nelson:** One of two blacksmiths in Grand Junction. Resided 1230 Rood Ave. from 1912-1947.
- **Allen Jones:** Manager of the Atomic Energy Commission Compound. Resided at 1244 Main St. (Note in Museum log states this house should be examined further for its association with Jones.)
- **Marshall Douglas:** Lieutenant with the Civilian Conservation Corps and owner of Grand Valley Canning Company. Resided 1255 Main St. from 1940 to 1946.
- **Alonzo Schmidt:** Founder (with his brother and father) of L. Schmidt and Sons, a local hardware store. President of US Bank from 1914 to 1926. President of local school board for two years, and member for eight years. Resided 1260 Main St. from 1926-1955.

PLAT OF THE TOWN OF

WEST  EAST

GRAND JUNCTION.



SCALE 1"=100'



PROPOSED HISTORIC DISTRICT PROPERTY OWNERS – APPROVED PETITIONS IN YELLOW

Owner	Joint Owner	Mailing Address	Mailing Zip	Mailing City	Mailing State	Parcel Number	Location Address	Year Built
KRABACHER CHRISTOPHER	GREEN AMY S	1206 ROOD AVE	81501-4523	GRAND JUNCTION CO		2945-133-05-008	1206 ROOD AVE	1900
HILL LYDIA MARIE	SAUNDERS MARY MADGE	1216 ROOD AVE	81501-4523	GRAND JUNCTION CO		2945-133-05-009	1216 ROOD AVE	1915
CHAPIN WILLIAM P	CHAPIN TONYA ANNE	1218 ROOD AVE	81501-4523	GRAND JUNCTION CO		2945-133-05-010	1218 ROOD AVE	1947
BOUTON LACEY R		1226 ROOD AVE	81501-4523	GRAND JUNCTION CO		2945-133-05-011	1226 ROOD AVE	1910
SCHULTHIES CONNIE K		1228 ROOD AVE	81501-4523	GRAND JUNCTION CO		2945-133-05-012	1228 ROOD AVE	1909
KOEPNICK JEFFREY A	KOEPNICK DYAN P	1230 ROOD AVE	81501-4523	GRAND JUNCTION CO		2945-133-05-013	1230 ROOD AVE	1915
GROSS MATTHEW K	GROSS THERESA A	1236 ROOD AVE	81501-4523	GRAND JUNCTION CO		2945-133-05-014	1236 ROOD AVE	1922
BRENNAN JOHN F	BRENNAN KAREN H	324 RED POINT RD	81507-1646	GRAND JUNCTION CO		2945-133-05-015	1260 ROOD AVE	1922
DOUGLASS STEVEN H 2012 REVOC TRUST		114 MANTEY HEIGHTS	81501-6810	GRAND JUNCTION CO		2945-133-12-002	1215 ROOD AVE	1899
COSTELLO MICHAEL STANLEY	COSTELLO KAMI TALEATH	377 RODELL DR	81507-1744	GRAND JUNCTION CO		2945-133-12-001	114 N 12TH ST	1915
MARY JANE HARRISON LLC		4059 WITTER GULCH RD	80439-4512	EVERGREEN CO		2945-133-12-009	1206 MAIN ST	1920
CURTIS LORI S		1208 MAIN ST	81501-4637	GRAND JUNCTION CO		2945-133-12-010	1208 MAIN ST	1907
NOWLAN DENNIS R	NOWLAN JANIS C	1220 MAIN ST	81501-4637	GRAND JUNCTION CO		2945-133-12-011	1220 MAIN ST	1907
COCHRAN CALVIN L	COCHRAN VICKI L	1224 MAIN ST	81501-4637	GRAND JUNCTION CO		2945-133-12-012	1224 MAIN ST	1905
CLINE LIVING TRUST		PO BOX 613	81502-0613	GRAND JUNCTION CO		2945-133-12-013	1234 MAIN ST	1905
GOODBODY MAEVE E	GOODBODY SEAN E P	1244 MAIN ST	81501-4637	GRAND JUNCTION CO		2945-133-12-014	1244 MAIN ST	1910
LLOYD DAVID		1252 MAIN ST	81501-4637	GRAND JUNCTION CO		2945-133-12-015	1252 MAIN ST	1928
BETTS SCOTT D	BETTS ALICE L	1260 MAIN ST	81501-4637	GRAND JUNCTION CO		2945-133-12-016	1260 MAIN ST	1926
BALDWIN SAMUEL J		1203 MAIN ST	81501-4636	GRAND JUNCTION CO		2945-133-13-001	1203 MAIN ST	1934
ANDERSON ROB S		2145 S CANYON VIEW DR	81507-2591	GRAND JUNCTION CO		2945-133-13-002	1215 MAIN ST	1926
HOLMES MARK E		1221 MAIN ST	81501-4662	GRAND JUNCTION CO		2945-133-13-003	1221 MAIN ST	1915
DR&S LLC		PO BOX 613	81502-0613	GRAND JUNCTION CO		2945-133-13-004	1225 MAIN ST	1910
LEHMAN DAVE A	LEHMAN JOYCE L	1233 MAIN ST	81501-4636	GRAND JUNCTION CO		2945-133-13-005	1233 MAIN ST	1900
MEYER JEREMY	MEYER BETHANY P	1235 MAIN ST	81501-4636	GRAND JUNCTION CO		2945-133-13-006	1235 MAIN ST	1900
BARDO JOHANNA E		1255 MAIN ST	81501-4636	GRAND JUNCTION CO		2945-133-13-007	1255 MAIN ST	1932
MENDOZA ELVIA	BRAVO GUADALUPE A	1048 COLORADO AVE	81501-3521	GRAND JUNCTION CO		2945-133-13-008	1259 MAIN ST	1937
LUCERO RUDALFO R	LUCERO JUDITH P, LUCERO ALICIA M	1304 BRIARWOOD RD	80521-4207	FORT COLLINS CO		2945-144-11-009	222 N 10TH ST	1956
LUDLOW BRIAN S	HARRIS ALISON	1060 ROOD AVE	81501-3438	GRAND JUNCTION CO		2945-144-11-010	1060 ROOD AVE	1900
HOPP BELINDA L	KEITH R HOPP JR	PO BOX 842	80498-0842	SILVERTHORNE CO		2945-144-11-011	1002 ROOD AVE	1930
MURPHY DANE THOMAS	MURPHY VICTORIA	2433 BELLA PAGO DR	81507-1603	GRAND JUNCTION CO		2945-144-11-012	1010 ROOD AVE	1910
FRAZER ERIC M		1020 ROOD AVE UNIT B	81501-3438	GRAND JUNCTION CO		2945-144-11-013	1020 ROOD AVE	1905
PHILLIPS WBROOK	PHILLIPS MICHAELA	8083 OLDE STAGE RD	80302-9412	BOULDER CO		2945-144-11-014	1036 ROOD AVE	1900
CHITIEA VIVIAN A TRUST		1473 19 RD	81521-9695	FRUITA CO		2945-144-11-015	1038 ROOD AVE	1900
HOBBS JAMES ADAM	HOBBS TRINA KATHLEEN	1048 ROOD AVE	81501-3438	GRAND JUNCTION CO		2945-144-11-016	1048 ROOD AVE	1928
KING SANDRA B		1050 ROOD AVE	81501-3438	GRAND JUNCTION CO		2945-144-11-017	1050 ROOD AVE	1910
CROSS LUCINDA R	CROSS GENE C & SODERBORG SARAH I GRANTEE BENEF	1102 ROOD AVE UNIT B	81501-3596	GRAND JUNCTION CO		2945-144-12-011	1102 ROOD AVE	1905
BOGER CHARLEE A		1118 ROOD AVE	81501-3440	GRAND JUNCTION CO		2945-144-12-014	1118 ROOD AVE	1905
WEISS JEAN		3125 23RD ST	80304-2734	BOULDER CO		2945-144-12-015	1120 ROOD AVE	1905
ROOD1050 LLC		858 RIVER RANCH CT	81521-8419	FRUITA CO		2945-144-12-016	1130 ROOD AVE	1905
POTTER BENJAMIN J		1134 ROOD AVE	81501-3440	GRAND JUNCTION CO		2945-144-12-017	1134 ROOD AVE	1910
MERTZ WILLIAM A		1140 ROOD AVE	81501-3440	GRAND JUNCTION CO		2945-144-12-018	1140 ROOD AVE	1910
MILLER NEOLA R		1158 ROOD AVE	81501-3440	GRAND JUNCTION CO		2945-144-12-019	1158 ROOD AVE	1915
TONY B TRUST	CHESHIRE TRUST	1160 ROOD AVE	81501-3440	GRAND JUNCTION CO		2945-144-12-020	1160 ROOD AVE	1905
JOHNSON RODNEY J		1110 ROOD AVE	81501-3595	GRAND JUNCTION CO		2945-144-12-023	1108 ROOD AVE	1910
RATTAN LARRY P	RATTAN LINDA C	922 23 RD	81505-9618	GRAND JUNCTION CO		2945-144-13-001	120 N 11TH ST	1941
RATTAN LARRY P	RATTAN LINDA C	922 23 RD	81505-9618	GRAND JUNCTION CO		2945-144-13-002	1109 ROOD AVE	1910
HALL MATTHEW L	HALL CIERRA T	1123 ROOD AVE	81501-3439	GRAND JUNCTION CO		2945-144-13-003	1123 ROOD AVE	1905
MEADE SCOTT A		1125 ROOD AVE	81501-3439	GRAND JUNCTION CO		2945-144-13-004	1125 ROOD AVE	1910
MURRAY SUSAN F		1137 ROOD AVE	81501-3439	GRAND JUNCTION CO		2945-144-13-005	1137 ROOD AVE	1905
MCGOWEN ADAM C		1141 ROOD AVE	81501-3439	GRAND JUNCTION CO		2945-144-13-006	1141 ROOD AVE	1905
BABLER ALISA A		2181 S TRENTON WAY APT 13-106	80231-7003	DENVER CO		2945-144-13-007	1147 ROOD AVE	1905
EVERS SONJA C		1161 ROOD AVE	81501-3439	GRAND JUNCTION CO		2945-144-13-008	1161 ROOD AVE	1905
D & J SCHAFFER LIVING TRUST		177 TZ TRL	81503-9614	GRAND JUNCTION CO		2945-144-13-009	1163 ROOD AVE	2007
DONLAN MARY C	DONLAN JAMES JOSEPH GRANTEE BENEFICIARY	1104 MAIN ST	81501-3543	GRAND JUNCTION CO		2945-144-13-010	1104 MAIN ST	1900
FARRINGTON JASON D		1110 MAIN ST	81501-3543	GRAND JUNCTION CO		2945-144-13-011	1110 MAIN ST	1910
HUBBART WILLIAM F	ZEIMANTZ CHRISTINE R	123 N 7TH ST STE 120	81501-3529	GRAND JUNCTION CO		2945-144-13-012	1118 MAIN ST	1900
SMITH WAYNE J	SMITH LISA R	2222 S BROADWAY	81507-1102	GRAND JUNCTION CO		2945-144-13-013	1130 MAIN ST	1909
POMEROY ZACHARY	POMEROY BRENDA	1142 MAIN ST	81501-3543	GRAND JUNCTION CO		2945-144-13-015	1142 MAIN ST	1925
PETTUS JOHN		10952 HIGHWAY 65	81643-0152	MESA CO		2945-144-13-017	1160 MAIN ST	1900
GANGLE DOREEN		2982 TEXAS AVE	81504-5401	GRAND JUNCTION CO		2945-144-13-018	1162 MAIN ST	1905
JNZJ1003 LLC		2399 E PLATEAU CT	81507-1633	GRAND JUNCTION CO		2945-144-14-001	1003 ROOD AVE	1900
GJRES LLC		1241 GUNNISON AVE	81501-4448	GRAND JUNCTION CO		2945-144-14-002	1011 ROOD AVE	1910
SCHULTZ ERIC		5059 GORE CIR	81657-5465	VAIL CO		2945-144-14-003	1019 ROOD AVE	1910

Owner	Joint Owner	Mailing Address	Mailing Zip	Mailing City	Mailing State	Parcel Number	Location Address	Year Built
CARD JERRY LEE JR	CARD CLAIRE	1027 ROOD AVE	81501-3437	GRAND JUNCTION CO		2945-144-14-004	1027 ROOD AVE	1905
LYNCH HAROLD P		1039 ROOD AVE	81501-3437	GRAND JUNCTION CO		2945-144-14-005	1039 ROOD AVE	1936
MARTIN SIENNA	MARTIN TREVOR	1045 ROOD AVE	81501-3437	GRAND JUNCTION CO		2945-144-14-006	1045 ROOD AVE	1927
STEWART ELVIRA V	RESCHKE PHILLIP A	5061 RIDGE RD	80466-9748	NEDERLAND CO		2945-144-14-007	1051 ROOD AVE	1905
RATTAN LARRY P	RATTAN LINDA C	922 23 RD	81505-9618	GRAND JUNCTION CO		2945-144-14-008	1059 ROOD AVE	1900
GOLDEN JAMES		5939 CHABOT CREST	94618-1931	OAKLAND CA		2945-144-14-009	1006 MAIN ST	1895
GOLDEN JAMES		5939 CHABOT CREST	94618-1931	OAKLAND CA		2945-144-14-010	1016 MAIN ST	Empty lot
RAIMER PHILLIP D	RAIMER TRICIA D	1024 MAIN ST	81501-3541	GRAND JUNCTION CO		2945-144-14-011	1024 MAIN ST	1900
PETIT PATRICE G	WALZ RONALD L	1026 MAIN ST	81501-3541	GRAND JUNCTION CO		2945-144-14-012	1026 MAIN ST	1920
MEYER'S DONALD E	MEYER'S JOAN E	1048 MAIN ST	81501-3541	GRAND JUNCTION CO		2945-144-14-013	1048 MAIN ST	1900
OLIVARI CRISTIAN EMERSON	ANGELL SARA LYNN	1062 MAIN ST	81501-3541	GRAND JUNCTION CO		2945-144-14-014	1062 MAIN ST	1895
C & K MAIN STREET ENTERPRISE LLC		1021 MAIN ST	81501-3540	GRAND JUNCTION CO		2945-144-23-002	1021 MAIN ST	1926
KEH LLC		1717 CANNELL AVE	81501-7623	GRAND JUNCTION CO		2945-144-23-003	1027 MAIN ST	1927
HAND-TREECE CYNTHIA	MARILYNN LOUISE HAND HOEFF	850 19 RD	81521-9405	FRUITA CO		2945-144-23-004	1037 MAIN ST	1895
PATE ADAM		1045 MAIN ST	81501-3540	GRAND JUNCTION CO		2945-144-23-005	1045 MAIN ST	1937
GRABOW DALLAS M	WRIGHT-GRABOW LISA	2505 MOUNT SOPRIS DR	81507-1737	GRAND JUNCTION CO		2945-144-23-006	1055 MAIN ST	1906
GLASS THOMAS R H	GLASS TRACY G	PO BOX 387	80443-0387	FRISCO CO		2945-144-23-007	1059 MAIN ST	1959
COX JAIME J		3674 G 4/10 RD	81526-9750	PALISADE CO		2945-144-23-016	1003 MAIN ST	1902
WEISS JEAN	DESIMONE JEAN	3125 23RD ST	80304-2734	BOULDER CO		2945-144-24-001	1103 MAIN ST	1900
BIOCIC RICHARD F JR	BOICIC CYNTHIA D	1127 MAIN ST	81501-3542	GRAND JUNCTION CO		2945-144-24-003	1127 MAIN ST	1910
WOLFORD SCOTT W	WOLFORD LYNNE B	1135 MAIN ST	81501-3542	GRAND JUNCTION CO		2945-144-24-004	1135 MAIN ST	1910
GJ HOUSEBUYERS LLC		PO BOX 1473	81502-1473	GRAND JUNCTION CO		2945-144-24-005	1147 MAIN ST	1900
1161 MAIN LLC		PO BOX 1473	81502-1473	GRAND JUNCTION CO		2945-144-24-006	no address	2017
1161 MAIN LLC		PO BOX 1473	81502-1473	GRAND JUNCTION CO		2945-144-24-007	1161 MAIN ST	2017
JENKEL KELLI K		1115 MAIN ST	81501-3542	GRAND JUNCTION CO		2945-144-24-017	1115 MAIN ST	1900
ADCOCK RENTAL PROPERTIES LLC		2458 INDUSTRIAL BLVD UNIT 1	81505-1308	GRAND JUNCTION CO		2945-144-10-013	930 ROOD AVE	1905
FARRINGTON EMILY J		1110 MAIN ST	81501-3543	GRAND JUNCTION CO		2945-144-15-006	937 ROOD AVE	1938
BLACK BETSY L		1806 J 6/10 RD	81521-9348	FRUITA CO		2945-144-10-014	938 ROOD AVE	1905
MOSAIC		4980 S 118TH ST	68137-2200	OMAHA NE		2945-144-15-021	943 ROOD AVE	1938
TATUM SHANE	TATUM SIERRA	944 ROOD AVE	81501-3436	GRAND JUNCTION CO		2945-144-10-015	944 ROOD AVE	1900
MARTINEZ ROBERT O		950 ROOD AVE	81501-3436	GRAND JUNCTION CO		2945-144-10-016	950 ROOD AVE	1900
OREHEK THOMAS B	OREHEK CHRISTINE E	960 MAIN ST	81501-3564	GRAND JUNCTION CO		2945-144-15-015	960 MAIN ST	1900
VERNON PATRICIA		960 ROOD AVE	81501-3436	GRAND JUNCTION CO		2945-144-10-017	960 ROOD AVE	1900
WATSON BILLY J	WATSON GLORIA A	961 ROOD AVE (591 Preserve Lane C	81501-3435	GRAND JUNCTION CO		2945-144-15-009	961 ROOD AVE	1910
SMITH JEREMY MICHAEL		957 ROOD AVE	81501-3435	GRAND JUNCTION CO		2945-144-15-008	957 ROOD AVE	1905

CITY OF GRAND JUNCTION, COLORADO

Resolution No. _____

A RESOLUTION TO DESIGNATE THE ORIGINAL MILE (1882) KEITH'S ADDITION (1890) HISTORIC DISTRICT IN THE CITY REGISTER OF HISTORIC SITES, STRUCTURES, AND DISTRICTS

WHEREAS, the City Council has established by Ordinance 2765 a City Register of Historic Sites, Structures and Districts in order to officially recognize historic resources of local significance; and

WHEREAS, 60 percent of the property owners within the Original Mile (1882) Keith's Addition (1890) Historic District is aware of and consent to the designation of the area as a local historic district; and

WHEREAS, the Historic Preservation Board has reviewed the Original Mile (1882) Keith's Addition (1890) Historic District for conformance to the adopted criteria for designating historic districts and finds that the area meets the following criteria: the designated contributing structures within the district are at least 50 years old; the designated contributing structures either exemplify specific elements of an architectural period or style or are associated with a notable person within the community; and, as a whole, the district enhances the sense of identity of the community; and

WHEREAS, the Historic Preservation Board recommended approval of the designation at its December 4, 2018 meeting; and

WHEREAS, the City Council finds that the Original Mile (1882) Keith's Addition (1890) Historic District meets the criteria set forth by the Historic Preservation ordinance and, therefore, is a significant local historic area that merits recognition and preservation.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THE PROPERTIES DESCRIBED IN EXHIBIT A ARE HEREBY DESIGNATED AS THE ORIGINAL MILE (1882) KEITH'S ADDITION (1890) HISTORIC DISTRICT IN THE CITY REGISTER OF HISTORIC SITES, STRUCTURES AND DISTRICTS

PASSED and APPROVED this ____ day of _____, 2019.

ATTEST:

City Clerk

President of Council

EXHIBIT A

CURRENT OWNER	PARCEL NUMBER	ADDRESS
KRABACHER CHRISTOPHER	2945-133-05-008	1206 ROOD AVE
HILL LYDIA MARIE	2945-133-05-009	1216 ROOD AVE
CHAPIN WILLIAM P	2945-133-05-010	1218 ROOD AVE
BOUTON LACEY R	2945-133-05-011	1226 ROOD AVE
SCHULTHIES CONNIE K	2945-133-05-012	1228 ROOD AVE
KOEPNICK JEFFREY A	2945-133-05-013	1230 ROOD AVE
GROSS MATTHEW K	2945-133-05-014	1236 ROOD AVE
BRENNAN JOHN F	2945-133-05-015	1260 ROOD AVE
DOUGLASS STEVEN H 2012 REVOC TRUST	2945-133-12-002	1215 ROOD AVE
COSTELLO MICHAEL STANLEY	2945-133-12-001	114 N 12TH ST
MARY JANE HARRISON LLC	2945-133-12-009	1206 MAIN ST
CURTIS LORI S	2945-133-12-010	1208 MAIN ST
NOWLAN DENNIS R	2945-133-12-011	1220 MAIN ST
COCHRAN CALVIN L	2945-133-12-012	1224 MAIN ST
CLINE LIVING TRUST	2945-133-12-013	1234 MAIN ST
GOODBODY MAEVE E	2945-133-12-014	1244 MAIN ST
LLOYD DAVID	2945-133-12-015	1252 MAIN ST
BETTS SCOTT D	2945-133-12-016	1260 MAIN ST
BALDWIN SAMUEL J	2945-133-13-001	1203 MAIN ST
ANDERSON ROB S	2945-133-13-002	1215 MAIN ST
HOLMES MARK E	2945-133-13-003	1221 MAIN ST
DR&S LLC	2945-133-13-004	1225 MAIN ST
LEHMAN DAVE A	2945-133-13-005	1233 MAIN ST
MEYER JEREMY	2945-133-13-006	1235 MAIN ST
BARDO JOHANNA E	2945-133-13-007	1255 MAIN ST
MENDOZA ELVIA	2945-133-13-008	1259 MAIN ST
LUCERO RUDALFO R	2945-144-11-009	222 N 10TH ST
LUDLOW BRIAN S	2945-144-11-010	1060 ROOD AVE
HOPP BELINDA L	2945-144-11-011	1002 ROOD AVE
MURPHY DANE THOMAS	2945-144-11-012	1010 ROOD AVE
FRAZER ERIC M	2945-144-11-013	1020 ROOD AVE
PHILLIPS W BROOK	2945-144-11-014	1036 ROOD AVE
CHITIEA VIVIAN A TRUST	2945-144-11-015	1038 ROOD AVE
HOBBS JAMES ADAM	2945-144-11-016	1048 ROOD AVE
KING SANDRA B	2945-144-11-017	1050 ROOD AVE
CROSS LUCINDA R	2945-144-12-011	1102 ROOD AVE
BOGER CHARLEE A	2945-144-12-014	1118 ROOD AVE
WEISS JEAN	2945-144-12-015	1120 ROOD AVE
ROOD1050 LLC	2945-144-12-016	1130 ROOD AVE
POTTER BENJAMIN J	2945-144-12-017	1134 ROOD AVE
MERTZ WILLIAM A	2945-144-12-018	1140 ROOD AVE
MILLER NEOLA R	2945-144-12-019	1158 ROOD AVE
TONY B TRUST	2945-144-12-020	1160 ROOD AVE
JOHNSON RODNEY J	2945-144-12-023	1108 ROOD AVE
RATTAN LARRY P	2945-144-13-001	120 N 11TH ST

RATTAN LARRY P	2945-144-13-002	1109 ROOD AVE
HALL MATTHEW L	2945-144-13-003	1123 ROOD AVE
MEADE SCOTT A	2945-144-13-004	1125 ROOD AVE
MURRAY SUSAN F	2945-144-13-005	1137 ROOD AVE
MCGOWEN ADAM C	2945-144-13-006	1141 ROOD AVE
BABLER ALISA A	2945-144-13-007	1147 ROOD AVE
EVERS SONJA C	2945-144-13-008	1161 ROOD AVE
D & J SCHAFER LIVING TRUST	2945-144-13-009	1163 ROOD AVE
DONLAN MARY C	2945-144-13-010	1104 MAIN ST
FARRINGTON JASON D	2945-144-13-011	1110 MAIN ST
HUBBARTT WILLIAM F	2945-144-13-012	1118 MAIN ST
SMITH WAYNE J	2945-144-13-013	1130 MAIN ST
POMEROY ZACHARY	2945-144-13-015	1142 MAIN ST
PETTUS JOHN	2945-144-13-017	1160 MAIN ST
GANGLE DOREEN	2945-144-13-018	1162 MAIN ST
JNZJ1003 LLC	2945-144-14-001	1003 ROOD AVE
GJRES LLC	2945-144-14-002	1011 ROOD AVE
SCHULTZ ERIC	2945-144-14-003	1019 ROOD AVE
CARD JERRY LEE JR	2945-144-14-004	1027 ROOD AVE
LYNCH HAROLD P	2945-144-14-005	1039 ROOD AVE
MARTIN SIENNA	2945-144-14-006	1045 ROOD AVE
STEWART ELVIRA V	2945-144-14-007	1051 ROOD AVE
RATTAN LARRY P	2945-144-14-008	1059 ROOD AVE
GOLDEN JAMES	2945-144-14-009	1006 MAIN ST
GOLDEN JAMES	2945-144-14-010	1016 MAIN ST
RAIMER PHILLIP D	2945-144-14-011	1024 MAIN ST
PETIT PATRICE G	2945-144-14-012	1026 MAIN ST
MEYERS DONALD E	2945-144-14-013	1048 MAIN ST
OLIVARI CRISTIAN EMERSON	2945-144-14-014	1062 MAIN ST
C & K MAIN STREET ENTERPRISE LLC	2945-144-23-002	1021 MAIN ST
KEH LLC	2945-144-23-003	1027 MAIN ST
HAND-TREECE CYNTHIA	2945-144-23-004	1037 MAIN ST
PATE ADAM	2945-144-23-005	1045 MAIN ST
GRABOW DALLAS M	2945-144-23-006	1055 MAIN ST
GLASS THOMAS R H	2945-144-23-007	1059 MAIN ST
COX JAIME J	2945-144-23-016	1003 MAIN ST
WEISS JEAN	2945-144-24-001	1103 MAIN ST
BIOCIC RICHARD F JR	2945-144-24-003	1127 MAIN ST
WOLFORD SCOTT W	2945-144-24-004	1135 MAIN ST
GJ HOUSEBUYERS LLC	2945-144-24-005	1147 MAIN ST
1161 MAIN LLC	2945-144-24-006	1151-1161 MAIN ST
1161 MAIN LLC	2945-144-24-007	1171-1191 MAIN ST
JENKEL KELLI K	2945-144-24-017	1115 MAIN ST
ADCOCK RENTAL PROPERTIES LLC	2945-144-10-013	930 ROOD AVE
FARRINGTON EMILY J	2945-144-15-006	937 ROOD AVE
BLACK BETSY L	2945-144-10-014	938 ROOD AVE
MOSAIC	2945-144-15-021	943 ROOD AVE
TATUM SHANE	2945-144-10-015	944 ROOD AVE

MARTINEZ ROBERT O	2945-144-10-016	950 ROOD AVE
OREHEK THOMAS B	2945-144-15-015	960 MAIN ST
VERNON PATRICIA	2945-144-10-017	960 ROOD AVE
WATSON BILLY J	2945-144-15-009	961 ROOD AVE
SMITH JEREMY MICHAEL	2945-144-15-008	957 ROOD AVE



Grand Junction City Council

Regular Session

Item #6.b.

Meeting Date: January 16, 2019

Presented By: Kristen Ashbeck, Senior Planner/ CDBG Admin

Department: Community Development

Submitted By: Kristen Ashbeck, Senior Planner

Information

SUBJECT:

A Resolution to Designate the City Historic Water Treatment Plant, Tower and Outbuilding in the City Register of Historic Sites, Structures, and Districts

RECOMMENDATION:

The Historic Preservation Board, at its December 4, 2018 meeting, recommended approval of the historic designation of the City Historic Water Treatment Plant, Tower and Outbuilding.

EXECUTIVE SUMMARY:

Consider a request by the City of Grand Junction Utilities Department to designate the Historic Water Treatment Plant, Tower and Outbuilding in the City Register of Historic Structures, Sites and Districts. The site is a 0.867-acre area of a larger parcel that includes other non-historic facilities and structures associated with the currently-used water treatment plant.

BACKGROUND OR DETAILED INFORMATION:

City Council adopted Section 21.07.040, Historic Preservation, in the Zoning and Development Code in 1994 which established a City Register of Historic Structures, Sites and Districts, to which eligible historic resources may be designated. The criteria by which the Historic Preservation Board and Council shall review a proposed designation are specified in the ordinance and are included in the Analysis section of this report.

The purpose and effect of designation is:

- To assist local interests in preservation of physical structures, sites or districts and to recognize locally significant structures, sites or districts;
- To provide a mechanism to educate the public on local history, development of the community, architectural styles and housing and business development;
- To enable the owners of the property in the City to take advantage of historic preservation programs and opportunities; and
- To make all properties listed on the City Registry eligible for such incentive programs as may be developed.

SITE HISTORY

The original water treatment plant was designed by Black and Veatch in 1938 and constructed in 1939 with funding from a federal grant under the Public Works Administration program and City revenue bonds. The City decided to build the treatment plant in response to concerns from the Public Health Department and medical professionals about cases of intestinal ailments common due to the consumption of untreated water. The new plant had the capacity to treat 5 million gallons of water per day and consisted of two rapid sand filters (each 32 feet by 25 ½ feet) and associated piping and pumping equipment housed in a two-story brick building, a settling basin (128 feet by 15 feet), and an elevated backwash tank/tower (82,000 gallons).

The historic water treatment plant has been underutilized and/or vacant since its decommission in 1969. Despite its age, the building appears in relatively sound condition. It is situated in an attractive, park-like setting along with an historic elevated water tank/tower and, because of its former use as a water plant, on the top of a prominent hill overlooking the City of Grand Junction. It is within close proximity to other historic sites including the Department of Energy Cabin complex (connected to the Manhattan Project) and the grave site of town founder, George A. Crawford.

It would seem the building still has a useful life, and a role to play with some useful purpose to complement the historic nature of the site, building and surroundings as well as provide the community with educational opportunities regarding our important resource – water and its history and future in the Grand Valley and the Western Slope. The City has not had any formal structural, systems or reuse analysis completed on the structure but it has continued to maintain the building over the past 80 years rather than simply allow it to deteriorate.

PROPOSED REUSE AND GRANT APPLICATION

The City's intention is to rehabilitate the water treatment plant building, water tower, and filtration basins so that they can be used as a water history museum and education

center. The center would provide opportunities to understand water and its role in the history and future of our community as well as the City's role as a steward and leader on the Western Slope.

The City plans to pursue grant funding from the State Historical Fund to perform an Historic Structure Assessment by a qualified architectural firm to understand the condition of the structures, develop a preservation plan, estimate the costs of construction work, and develop a phasing plan. Preservation of the structure will be contingent upon the availability of future grant funding.

A Historic Structure Assessment (HSA) would provide the City with some very valuable information about its overall condition, steps that need to be taken towards its preservation, and its viability for reuse as a public facility. The study would analyze all the major systems and components of the building and site and develop a prioritized outline with cost estimates of what needs to be done to the building towards a desired end.

It is important and timely that this project be conducted now as there is interest and support within the City organization to preserve and reuse the site and structures and other nearby preservation activities have recently taken place (George Crawford gravesite) or are underway (DOE Cabin). The City would anticipate completing the HSA as soon as possible upon approval of the grant and contract to take advantage of this momentum.

PUBLIC NOTICE

Public notice was completed consistent to the provisions in Section 21.02.080(g) of the City's Zoning and Development Code by publication of an advertisement in the Grand Junction Daily Sentinel on November 25, 2018.

ANALYSIS

Pursuant to Section 21.07.040(f)(2) of the Zoning and Development Code, designation of a District in the City Register of Historic Structures, Sites and Districts shall conform to the following criteria.

(1) Structures. Structures must be at least 50 years old and meet one or more of the architectural, cultural or geographic/environmental significance criteria. A structure can be exempted from the age requirement if the Council finds it to be exceptionally important in other criteria.

The Water Treatment Plant was built with funding from a federal grant under the Public Works Administration (PWA) program and City revenue bonds in 1939. Thus, this criterion has been met.

(i) Historic structures or sites shall meet one or more of the following in order to be considered for designation.

(A) Architectural.

- a. Exemplifies specific elements of an architectural style or period;
- b. Is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally;
- c. Demonstrates superior craftsmanship or high artistic value;
- d. Represents an innovation in construction, materials or design;
- e. Represents a built environment of a group of people in an era of history;
- f. Exhibits a pattern or grouping of elements representing at least one of the above criteria; or
- g. Is a significant historic remodel.

While the water treatment plant building is a simple, utilitarian structure, it does exemplify the architectural style of 1930s (Art Deco influences) and it, the tower and the outbuilding demonstrate modern construction of this type of utility buildings at the time. Staff finds criterion a. and d. have been met.

(B) Cultural.

- a. Is a site of an historic event that had an effect upon society;
- b. Exemplifies the cultural, political, economic or ethnic heritage of the City; or c. Is associated with a notable person or the work of a notable person.

Being the City's first water treatment facility, the 1939 treatment plant, tank/tower and outbuilding represent the growth of the Grand Junction community and the role the site played in bringing superior quality potable water – thus improved health – to its citizens. In addition, its construction with PWA funds inherently associates the site with the importance of New Deal Programs under the direction of President Franklin Delano Roosevelt in western Colorado and communities such as Grand Junction. The name/date panel above the main entrance to the building clearly states this association. Staff finds criterion a., b. and c. above have been met.

(C) Geographic/Environmental.

- a. Enhances the sense of identity of the City; or
- b. Is an established and familiar natural setting or visual feature of the City.

As previously stated due to its use as a water treatment plant, the site is atop a prominent hill overlooking the City of Grand Junction. It is within close proximity to other historic sites including the Department of Energy Cabin complex (connected to the Manhattan Project) and the grave site of town founder, George A. Crawford. Due to this location and its potential viability to be accessible to the public, staff finds criterion a. and b. above have been met.

FISCAL IMPACT:

This action has no fiscal impact to the City.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 04-19, a resolution to designate the Historic Water Treatment Plant, Tower and Outbuilding in the City Register of Historic Sites, Structures and Districts.

Attachments

- 1. Water Plant Maps, Photographs and Information from Applicant
- 2. Historic Water Plant, Tower and Outbuilding Designation Resolution

Water Plant Vicinity Map



Printed: 11/22/2018

1 inch = 752 feet

City of Grand Junction Historic Water Treatment Plant



0 0.0275 0.055
mi

Printed: 11/13/2018

1 inch = 94 feet

City of
Grand Junction
COLORADO
A COMMUNITY CONNECTION

North Façade Entry Name/Date Panel



East Façade



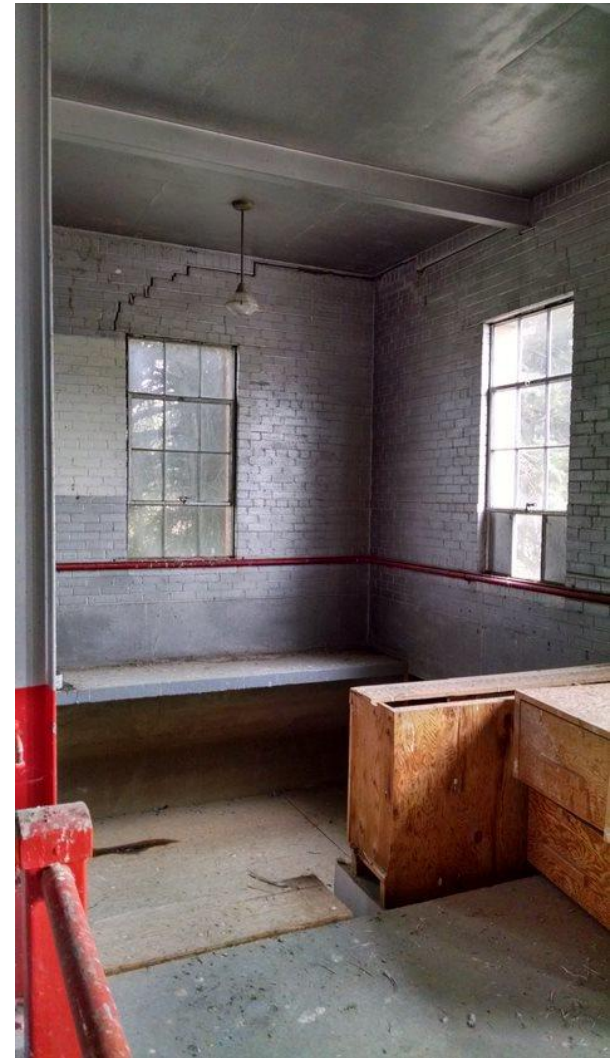
South Façade and Tower



Filtration Basins and View to South



Interior – Northeast Corner

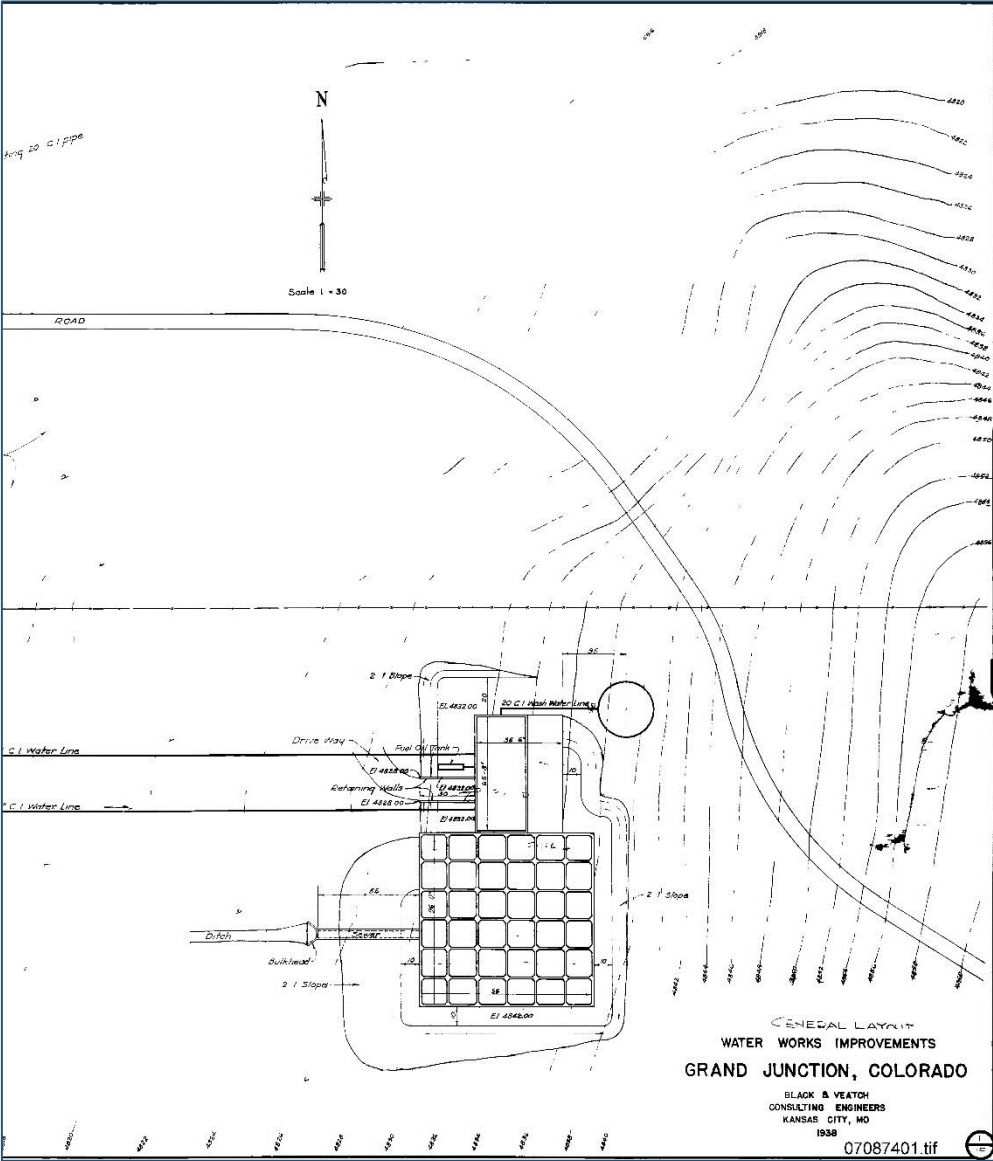


Tower and Outbuilding

Interior West Side



Site Plan Original Architectural Plans





Development Application

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

Petition For:

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

Existing Land Use Designation

Existing Zoning

Proposed Land Use Designation

Proposed Zoning

Property Information

Site Location:

Site Acreage:

Site Tax No(s):

Site Zoning:

Project Description:

Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

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

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

Signature of Person Completing the Application

Date

Signature of Legal Property Owner

Date



November 14, 2018

Historic Preservation Board
Community Development Department
250 North 5th Street
Grand Junction, CO 81501

Dear Members of the Historic Preservation Board,

The City of Grand Junction would like to request designation in the City of Grand Junction Register of Historic Sites, Structures and Districts for the Grand Junction Water Treatment Plant and Water Tower located at 244 26 ¼ Road.

The Water Treatment Plant was built with funding from a federal grant under the Public Works Administration program and City revenue bonds in 1939 and remained in service until 1969.

The City's intention is to rehabilitate the Water Treatment Plant building, water tower, and filtration basins so that it can be used as a water history museum and education center. The center would provide opportunities to understand water and its role in the history and future of our community as well as the City's role as a steward and leader on the Western Slope.

The City plans to pursue grant funding from the State Historical Fund to perform an Historic Structure Assessment by a qualified architectural firm to understand the condition of the structures, develop a preservation plan, estimate the costs of construction work, and develop a phasing plan. Preservation of the structure will be contingent upon the availability of future grant funding.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Caton".

Greg Caton
City Manager

CITY OF GRAND JUNCTION, COLORADO

Resolution No. _____

A RESOLUTION TO DESIGNATE THE HISTORIC WATER TREATMENT PLANT, TOWER
AND OUTBUILDING IN THE CITY REGISTER OF HISTORIC SITES, STRUCTURES, AND
DISTRICTS

WHEREAS, the City Council has established by Ordinance 2765 a City Register of Historic Sites, Structures and Districts in order to officially recognize historic resources of local significance; and

WHEREAS, the City of Grand Junction as property owner of the site is aware of and consents to the designation of the area as a local historic site; and

WHEREAS, the Historic Preservation Board has reviewed the Historic Water Treatment Plant, Tower and Outbuilding for conformance to the adopted criteria for designating a historic site and finds that the site meets the following criteria: the designated site is at least 50 years old; the site either exemplifies specific elements of an architectural period or style or is associated with a notable person within the community; and the site enhances the sense of identity of the community; and

WHEREAS, the Historic Preservation Board recommended approval of the designation at its December 4, 2018 meeting; and

WHEREAS, the City Council finds that the Historic Water Treatment Plant, Tower and Outbuilding meets the criteria set forth by the Historic Preservation ordinance and, therefore, is a significant local historic site that merits recognition and preservation.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THE PROPERTY DESCRIBED IN EXHIBIT A IS HEREBY DESIGNATED IN THE CITY REGISTER OF HISTORIC SITES, STRUCTURES AND DISTRICTS

PASSED and APPROVED this ____ day of _____, 2019.

ATTEST:

City Clerk

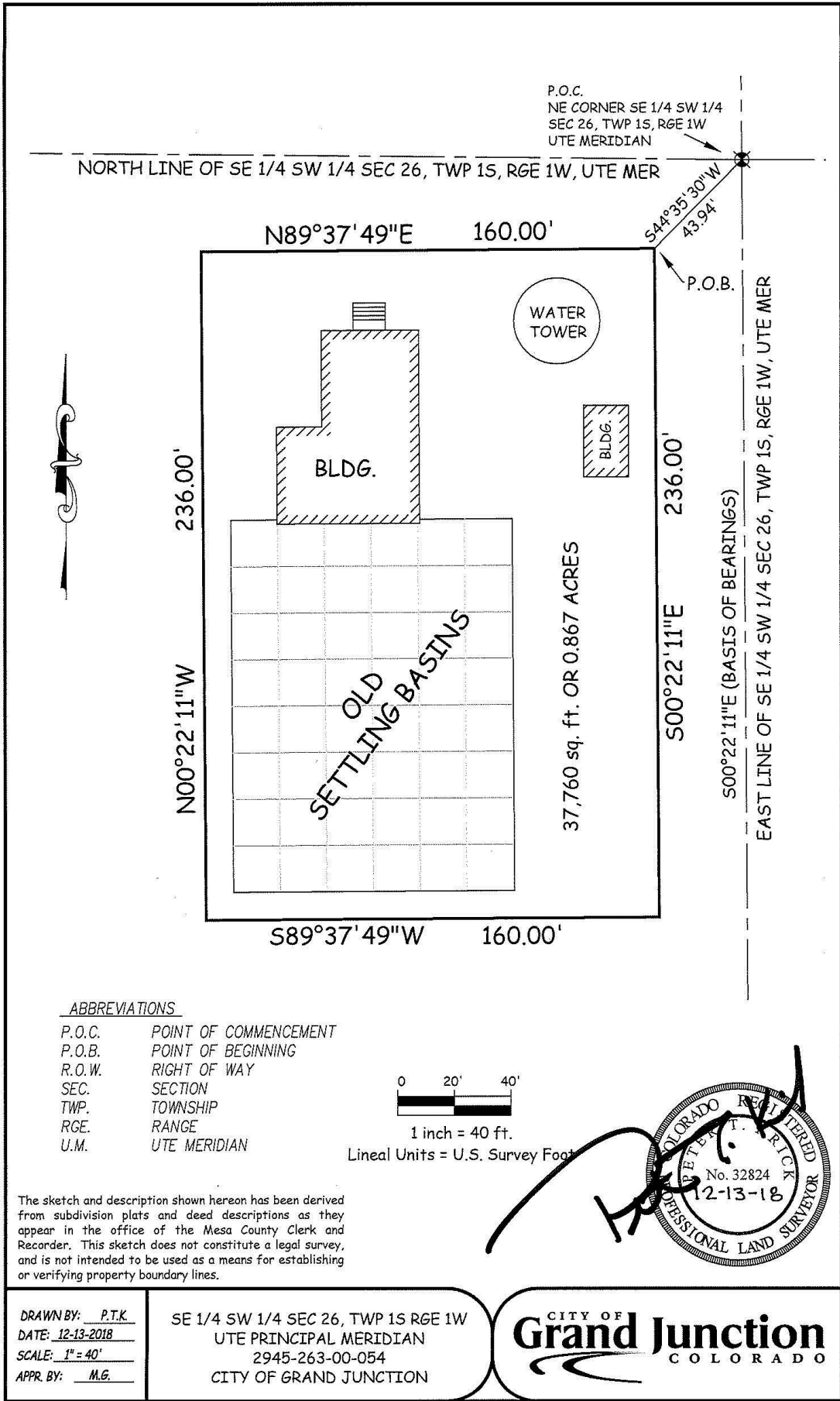
President of Council

EXHIBIT A

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 26, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 26, Township 1 South, Range 1 West of the Ute Principal Meridian and assuming the East line of the SE 1/4 SW 1/4 of said Section 26 bears S 00°22'11" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 44°35'30" W, a distance of 43.94 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°22'11" E, a distance of 236.00 feet; thence S 89°37'49" W, a distance of 160.00 feet; thence N 00°22'11" W, a distance of 236.00 feet; thence N 89°37'49" E, a distance of 160.00 feet, more or less, to the Point of Beginning.

CONTAINING 37,760 Square Feet or 0.867 Acres, more or less, as described.



NICADD/PETERK/WTP HISTORIC SITE

The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

DRAWN BY: P.T.K.
DATE: 12-13-2018
SCALE: 1" = 40'
APPR. BY: M.G.

SE 1/4 SW 1/4 SEC 26, TWP 15 RGE 1W
UTE PRINCIPAL MERIDIAN
2945-263-00-054
CITY OF GRAND JUNCTION



Grand Junction City Council

Regular Session

Item #6.c.

Meeting Date: January 16, 2019

Presented By: Kathy Portner, Community Services Manager

Department: Community Development

Submitted By: Kathy Portner

Information

SUBJECT:

An Ordinance Amending the Comprehensive Plan Future Land Use Map Designation to Residential Medium Low and Rezoning to R-4 (Residential, 4 du/ac), Located at 2064 South Broadway

RECOMMENDATION:

Planning Commission, at their December 11, 2018 meeting, recommended denial of the Comprehensive Plan Amendment (2-2) and recommended denial of the rezone (4-0). An affirmative vote of five members of the City Council is required to approve rezones and Comprehensive Plan amendments recommended for denial by the Planning Commission.

EXECUTIVE SUMMARY:

The City owns 80 acres at 2064 South Broadway across from the Tiara Rado Golf Course. Approximately half of the property is being used for the existing driving range and irrigation ponds. The City intends to sell 4.27 acres of the unused property for purposes of future development and is requesting to change the Future Land Use Map designation from Park to Residential Medium Low and rezone the property from CSR (Community Services and Recreation) to R-4 (Residential, 4 du/acre).

BACKGROUND OR DETAILED INFORMATION:

The City owns 80 acres at 2064 South Broadway; the property is across from the Tiara Rado Golf Course. Approximately half of the property is being used for the existing driving range and irrigation ponds. The property was purchased in 1993 for possible expansion of the Golf Course. The driving range and irrigation ponds were completed

in 1999. In 2006 a private developer proposed a residential development in conjunction with a possible expansion of the Golf Course. With the downturn in the golf market and the prior development proposal being non-viable, the City has determined that an expansion will not occur and is proposing to sell 4.27 acres, located northeast of the S. Broadway curve across from the Tiara Rado golf course parking lot, for residential development.

The 80 acres has been subdivided into three lots, with Lot 1 being the parcel proposed for rezoning. Lot 2 is 40 acres and includes the driving range and associated facilities and Lot 3 consists of 37 acres and was recently rezoned to R-1 in anticipation of selling the property for development. However, the City is now discussing the option of purchasing Lot 3 from golf and dedicating it as a passive park.

Notwithstanding that the property has never been planned or programmed as a park or for a park use, the Comprehensive Plan/Future Land Use designation for the property is "Park." The purchase of the subject property was anticipated to initiate an expansion of Tiara Rado, but that did not occur and, due to changes in the golf business, will never occur. Plans for this site have never included traditional community park development, but rather a combination of residential development with limited golf expansion. The property was purchased through the golf fund, an enterprise account that is held separate from the City's General Fund. The golf enterprise is specific to golf and does not fund, support or finance parks/park operations. The rezone and possible sale would be for the benefit of the golf enterprise and operations. In the event that another community use was desired for this property, it would require a purchase from the golf fund. The "Park" designation in the Comprehensive Plan would be more appropriately applied to an active park or recreation site with significant public access. The "Park" FLU designation on this property reasonably may be found to be in error. Because expansion of the golf course will not occur, the Park FLU designation is not valid and staff recommends the FLU Map be changed to Residential Medium Low for Lot 1. The properties surrounding the 4.27 acres are designated Residential Medium Low to the north and Residential Medium High to the west and south by the Comprehensive Plan/ Future Land Use map.

In addition to the Future Land Use Map, the Comprehensive Plan also includes a Blended Residential Land Use Categories Map ("Blended Map"). The Blended Map shows residential densities in three categories, Low, Medium and High and within each of those categories, although the zoning densities of each parcel may be different, compatibility is apparent because all uses are residential. The Blended Map provides some flexibility to accommodate residential market preferences and trends, streamline the development process and support the Comprehensive Plan's vision of providing for a mix of housing types by recognizing that use not specific density is an important consideration in determining compatibility. Having some "overlap" of zoning all within the same residential use category allows for a mix of density for an area while still

being compatible with adjacent development. The area surrounding the 4.27 acres is designated as Residential Low (maximum of 5 du/acre) to the north and Residential Medium (4-16 du/acre) on the Blended Map.

The property is currently zoned CSR (Community Services and Recreation), as is all of the Tiara Golf property. The Zoning and Development Code defines uses in the CSR zone district to include parks, open space, schools, libraries and recreational facilities, as well as environmentally sensitive areas. Because the intended use of the 4.27 acres is proposed to change, a rezone is being requested. With rezoning the property will be offered for residential development.

Properties across S. Broadway to the west, not in the City limits, have a County zone designation of PUD (Planned Unit Development with a density of approximately 7 du/ac). Properties to the north are zoned R-2 (Residential, 2 du/acre) and properties to the south across S. Broadway are zoned R-12 (Residential, 12 du/acre and PD (Planned Development with a density of approximately 4.5 du/ac).

NOTIFICATION REQUIREMENTS

As required by § 21.02.080 (e) of the Zoning and Development Code a Neighborhood Meeting was held on October 23, 2018. Twenty-three people attended the meeting along with City Staff. The City presented information on the history of the property, the proposal to sell a portion of the property and the proposed rezone. The City also provided an update on the 37 acres that was recently rezoned to R-1 and the City's intent to consider purchasing the property from the golf fund for a passive park. Generally, those in attendance were appreciative of the City's proposal to potentially create a passive park and were supportive of the proposed rezone of the 4.27 acres to R-4.

Notice was provided in accordance with §21.02.080 (g) of the Zoning and Development Code. On November 30, 2018 notice of the application was mailed to property owners within 500 feet of the subject property. An application sign was posted on the property on or before November 30, 2018 and notice of the public hearing was published December 4, 2018 in the Daily Sentinel.

ANALYSIS – Comprehensive Plan Amendment

Pursuant to §21.02.130 the City may amend the Comprehensive Plan if the proposed changes are consistent with the vision (intent), goals and policies of the Comprehensive Plan and meets one or more of the following criteria:

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

The subject property is currently within the Future Land Use category of "Park". The "Park" designation is for active park and recreation sites with significant public access.

When the Comprehensive Plan was adopted in 2010, the entire 80 acres was considered for expansion of golf facilities. It has now been determined that Lot 1 of Tiara Rado East Subdivision will not be developed as a golf course and the City desires to sell the property for development. Therefore, Staff finds this criterion has been met.

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

The majority of the development that has occurred since the adoption of the Comprehensive Plan is south and west of South Broadway, adjacent to Tiara Rado Golf Course. The character and/or condition of the area adjacent to the Golf Course has seen significant development ranging in density from approximately 4 du/acre to 12 du/acre. While the area directly adjacent to the property has had very little development activity, the proximate area as a whole (within $\frac{1}{2}$ to $\frac{1}{4}$ mile) has seen significant development and therefore, Staff finds that this criterion has been met.

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

Adequate public and community facilities and services are available to the property and are sufficient to serve the future use as allowed with the Residential Medium Low future land use designation; a 12-inch Ute water line, with fire hydrants, is in S. Broadway and sanitary sewer is available along the east property line. Xcel Energy provides electric and gas. A neighborhood commercial center, including an office complex, bank, medical clinic, veterinary clinic, convenience store and car wash is located at Highway 340 and the Redlands Parkway. In addition, Fire Station No. 5 is located within 2 miles of the property and the property is located nearby to Broadway Elementary School, Redlands Middle School and Wingate Elementary School. Staff finds this criterion has been met.

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

This larger area of the Redlands, south of Highway 340, between Monument Road and 20 Road where it adjoins the Cooperative Planning Area (Buffer), has a variety of Future Land Use designations, from Rural (1 du/5 acres) to Residential Medium High (8-16 du/acre to accommodate a variety of residential densities and housing types. Because of the variety of designations in the proximate area, Staff finds that there is not an inadequate supply of any one designation and therefore this criterion has not been met.

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

the proposed amendment.

The proposed amendment to the Comprehensive Plan Future Land Use Map to Residential Medium Low is consistent with the designation of the surrounding properties and would allow for consideration of Residential zoning and development compatible with the surrounding area.

The community will derive benefits from the proposed amendment by creating an opportunity for future residential development on this property which will provide additional residential housing opportunities for residents of the community. The property is located within the highly desirable Redlands area and near neighborhood commercial centers, elementary and junior high schools, which could contribute positively to employers' ability to attract and retain employees. Therefore, staff finds that this criterion has been met.

This Comprehensive Plan amendment request is consistent with the following vision, goals and/or policies of the Comprehensive Plan.

Guiding Principle 3: Housing Variety—allow, encourage more variety in housing types (more than just large lot single family homes) that will better meet the needs of our diverse population—singles, couples, families, those just starting out, children who have left home, retirees, etc.

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

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

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

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

Policy B: Encourage mixed-use development and identification of locations for increased density.

Policy C: Increasing the capacity of housing developers to meet housing demand.

ANALYSIS--Rezone

Pursuant to §21.02.140 (a) of the Zoning and Development Code, the City may rezone property if the proposed changes are consistent with the vision, goals and policies of

the Comprehensive Plan and must meet one or more of the following rezone criteria as identified:

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

The current zoning of CSR reflects the ownership and intended use of the property for expansion of the golf facilities. The request to amend the Future Land Use designation to Residential Medium Low would allow for the rezone to R-4. In addition to the Future Land Use Map, the Comprehensive Plan also includes a Blended Residential Land Use Categories Map ("Blended Map"). The Blended Map combines compatible residential densities in three categories, Low, Medium and High, allowing overlapping of zones to provide flexibility to accommodate residential market preferences and trends, streamline the development process and support the Comprehensive Plan's vision. The overlap of zones allows for a mix of density for an area without being limited to a specific land use designation, while still being compatible with adjacent development. The surrounding area is designated as Residential Low (maximum of 5 du/acre) and Residential Medium (4-16 du/ac) on the Blended Map.

The Future Land Use designation of Residential Medium Low in conjunction with the Blended Map designation of Residential Low and Medium, allows for consideration of zoning of up to 16 dwelling units per acre. Therefore, the request to amend the Future Land Use designation to Residential Medium Low would allow for the rezone to R-4 which allows for a density range of 2 du/ac to 4 du/ac.

The determination that the 4.27 acres will not be developed for public purposes and the adoption of the Future Land Use Map in 2010 are subsequent events that have invalidated the original zoning of CSR. Staff therefore finds this criterion has been met.

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

The majority of the development that has occurred since the adoption of the Comprehensive Plan is south and west of South Broadway, adjacent to Tiara Rado Golf Course. The character and/or condition of the area adjacent to the Golf Course has seen significant development ranging in density from approximately 4 du/acre to 12 du/acre. While the area directly adjacent to the property has had very little development activity, the proximate area as a whole (within ½ to ¼ mile) has seen significant development and therefore, Staff finds that this criterion has been met.

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

Adequate public and community facilities and services are available to the property and

are sufficient to serve the future use as allowed with the Residential Medium Low future land use designation; a 12-inch Ute water line, with fire hydrants, is in S. Broadway and sanitary sewer is also available along the east property line. Xcel Energy provides electric and gas. A neighborhood commercial center, including an office complex, bank, medical clinic, veterinary clinic, convenience store and car wash is located at Highway 340 and the Redlands Parkway. In addition, Fire Station No. 5 is located within 2 miles of the property and the property is located nearby to Broadway Elementary School, Redlands Middle School and Wingate Elementary School. Staff finds this criterion has been met.

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

This larger area of the Redlands, south of Highway 340, between Monument Road and 20 Road where it adjoins the Cooperative Planning Area, has many different Future Land Use designations and zone districts, from R-R (Residential Rural) to R-12 (Residential, 12 du/acre) to accommodate a variety of residential densities and housing types. While there is a variety of zone district designations in the proximate area, there is very little R-4 zoning; therefore, Staff finds that there is an inadequate supply of the R-4 zone district and as a result this criterion has been met.

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

The community will derive benefits from the proposed rezone by creating an opportunity for future residential development on this property which will provide additional residential housing opportunities for residents of the community. The property is located within the highly desirable Redlands area and near neighborhood commercial centers, elementary and junior high schools, which could contribute positively to employers' ability to attract and retain employees.

The proposed R-4 zoning will provide a transition from the higher densities surrounding the Tiara Rado Golf Course to the large lot development to the south and east. Staff finds this criterion has been met.

Section 21.02.140 of the Grand Junction Zoning and Development Code states that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan.

This rezone request is consistent with the following vision, goals and/or policies of the Comprehensive Plan:

Guiding Principle 3: Housing Variety—allow, encourage more variety in housing types

(more than just large lot single family homes) that will better meet the needs of our diverse population—singles, couples, families, those just starting out, children who have left home, retirees, etc.

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

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

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

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

Policy B: Encourage mixed-use development and identification of locations for increased density.

Policy C: Increasing the capacity of housing developers to meet housing demand.

STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Tiara Rado East Comprehensive Plan Amendment and Rezone (CPA-2018-728 and RZN-2018-729) a request to change the Future Land Use Map designation to Residential Medium Low and rezone to R-4 (Residential, 4 du/acre) 4.27 acres, located at 2064 South Broadway, the following findings of fact have been made:

1. The requested Comprehensive Plan Amendment and Rezone is consistent with the goals and policies of the Comprehensive Plan.
2. More than one of the applicable review criteria in §21.02.130 of the Grand Junction Municipal Code have been met.
3. More than one of the applicable review criteria in §21.02.140 of the Grand Junction Municipal Code have been met.

FISCAL IMPACT:

This land use action does not have any direct fiscal impact. Subsequent actions such as future development and related construction may have direct fiscal impact depending on the type of use.

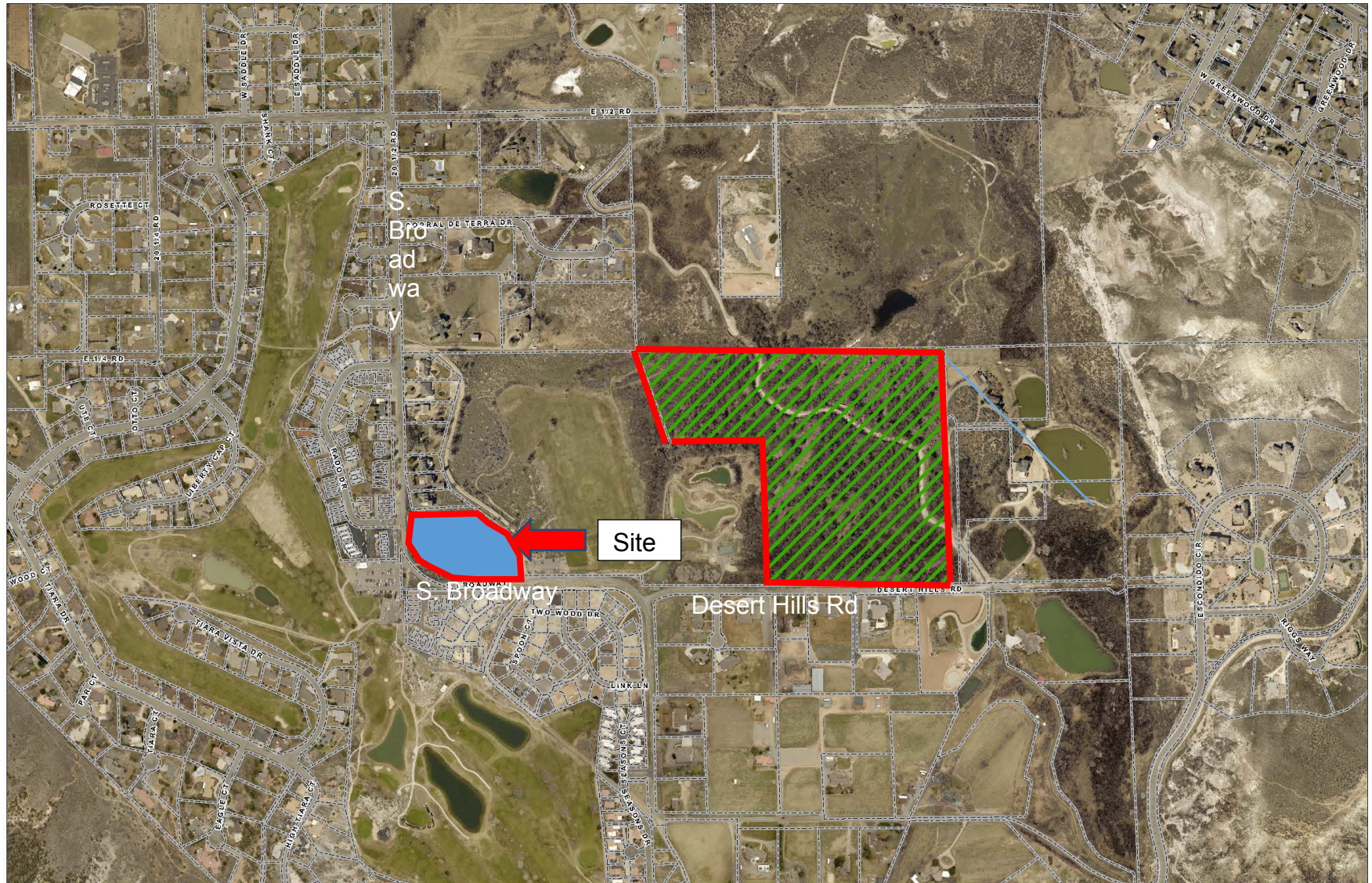
SUGGESTED MOTION:

I move to (adopt or deny) Ordinance No. 4827, an ordinance amending the Comprehensive Plan Future Land Use Map Designation to Residential Medium Low and Rezoning to R-4 (Residential, 4 du/ac), 4.27 acres, located at 2064 South Broadway on final passage and order final publication in pamphlet form.

Attachments

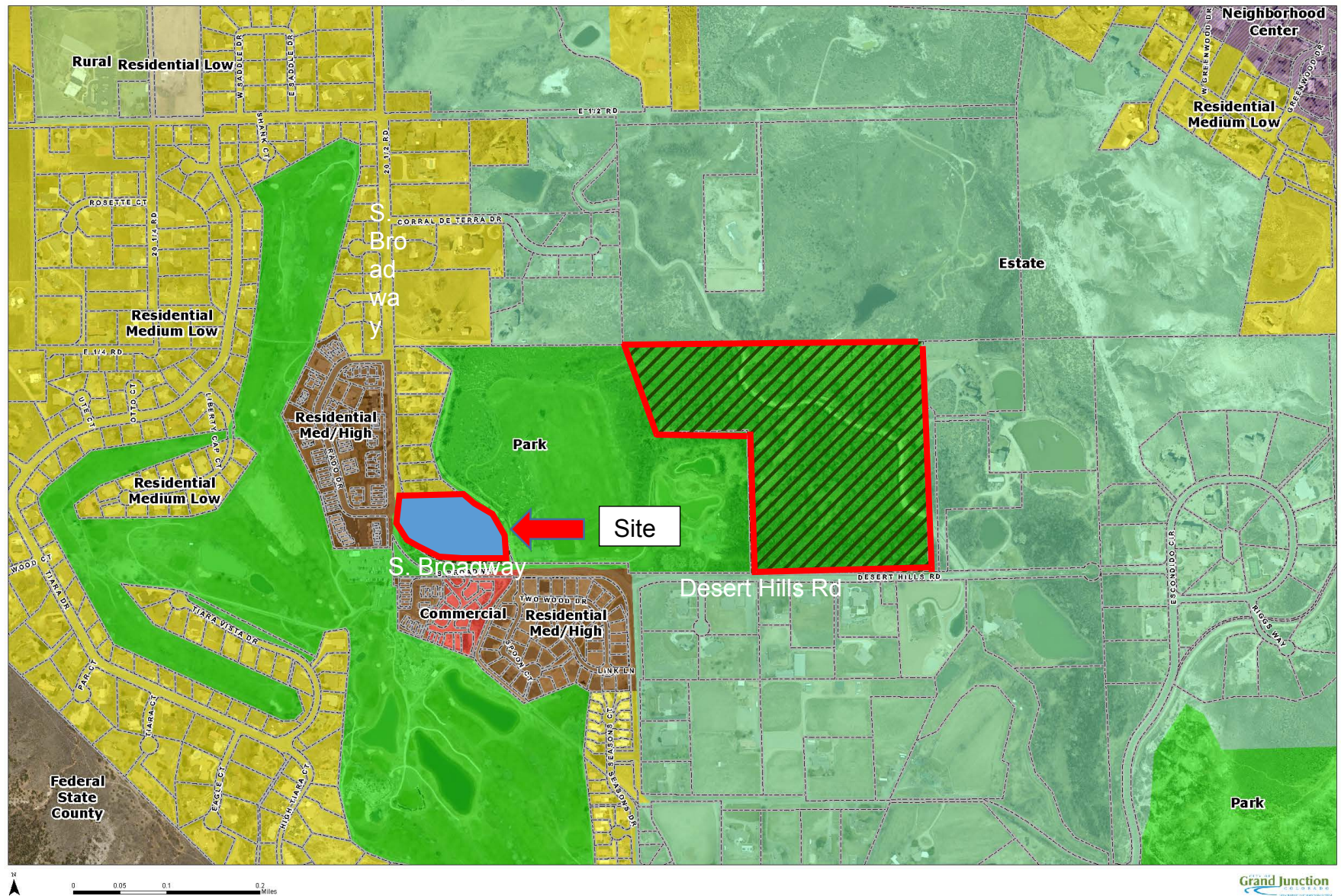
1. Tiara Rado East Maps and Photos
2. Tiara Rado East Ordinance

Proposed Tiara Rado East Subdivision

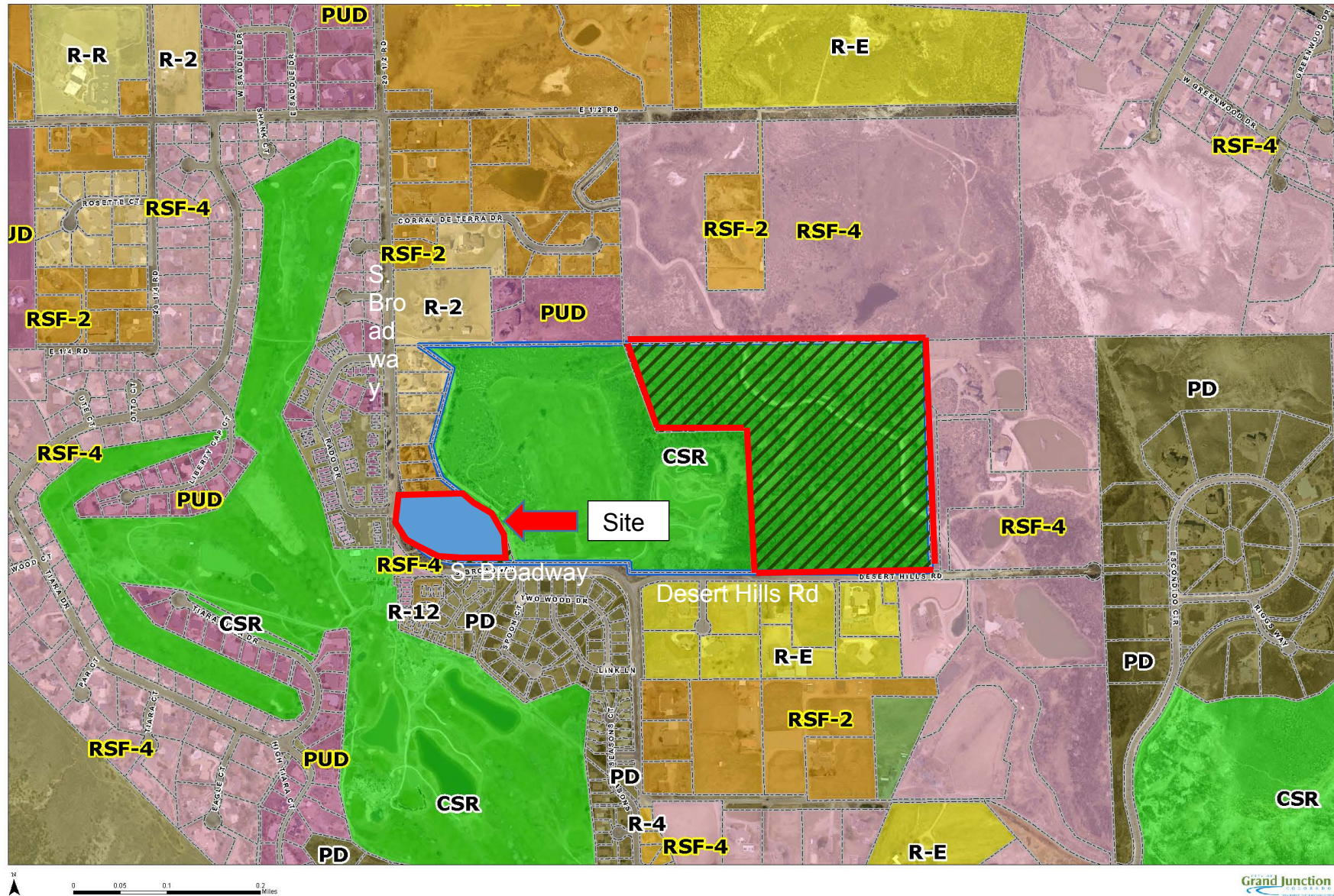


0 0.05 0.1 0.2 Miles

Proposed Tiara Rado East Subdivision - Future Land Use



Proposed Tiara Rado East Subdivision - Zoning





S. Broadway looking North



S. Broadway looking east

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE
MAP DESIGNATION TO RESIDENTIAL MEDIUM LOW AND REZONING TO R-4
(RESIDENTIAL, 4 DU/AC) 4.27 ACRES**

LOCATED AT 2064 SOUTH BROADWAY

Recitals

The City owns 80 acres at 2064 South Broadway across from the Tiara Rado Golf Course. Approximately half of the property is being used for the existing driving range and irrigation ponds. The City intends to sell 4.27 acres of the unused property for purposes of future development and is requesting to change the Future Land Use Map designation from Park to Residential Medium Low and rezone the property from CSR (Community Services and Recreation) to R-4 (Residential, 4 du/acre).

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended denial of amending the Comprehensive Plan Future Land Use Map designation to Residential Medium Low and rezoning the property to the R-4 (Residential, 4 du/ac) zone districts,

After public notice and public hearing, the Grand Junction City Council finds that the Residential Medium Low Future Land Use Designation and R-4 (Residential, 4 du/ac) zone district are in conformance with at least one of the stated criteria of Section 21.02.130 and Section 21.02.140 of the Grand Junction Zoning and Development Code and that it conforms with the Comprehensive Plan's goals and policies and is generally compatible with the land uses located in the surrounding area.

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

The following property be designated Residential Medium Low and zoned R-4 (Residential, 4 du/ac):

Lot 1 Tiara Rado East Subdivision, Reception Number 2841660, Drawer No. D3-22, Mesa County Clerk and Recorder.

CONTAINING 4.27 Acres, more or less, as described. See Exhibit A.

INTRODUCED on first reading this 19th day of December, 2018 and ordered published in pamphlet form.

ADOPTED on second reading this ____ day of _____, 2019 and ordered published in pamphlet form.

ATTEST:

President of the Council

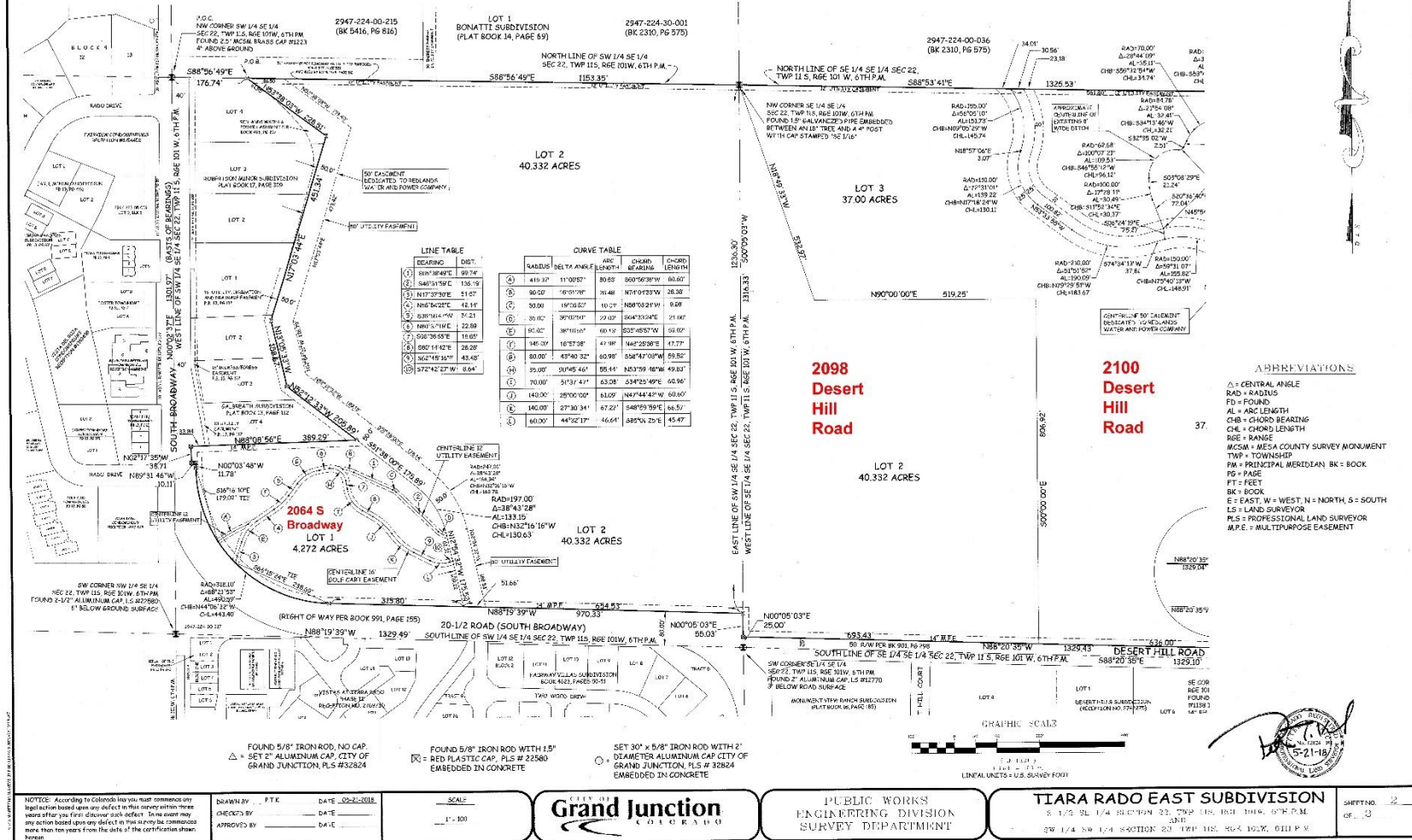
City Clerk

Exhibit A

File ID#: SUB-2018-185
Zoning: CSR
Not in Floodplain

TIARA RADO EAST SUBDIVISION

1/2 OF SE 1/4 OF SECTION 22 AND SW 1/4 OF SW 1/4 SECTION 23
11 SOUTH, RANGE 101 WEST, 6TH PRINCIPAL MERIDIAN
COUNTY OF MESA, STATE OF COLORADO
SHEET 2 OF 3





Grand Junction City Council

Regular Session

Item #7.a.i.

Meeting Date: January 16, 2019

Presented By: John Shaver, City Attorney

Department: City Attorney

Submitted By: John Shaver

Information

SUBJECT:

An Ordinance Placing a Charter Amendment Concerning Cable Television Franchises and the Authorized Length of Leases on the Election Ballot for the Regular Municipal Election

RECOMMENDATION:

Staff recommends adoption of the ordinance.

EXECUTIVE SUMMARY:

The purpose of this item is for City Council formal action regarding possible Charter amendments.

BACKGROUND OR DETAILED INFORMATION:

Pursuant to §151 of the Grand Junction City Charter, the Charter may be amended at any time in the manner provided by Article XX of the Constitution of the State of Colorado, and more than one Charter amendment or measure may be submitted to the voters in any one election.

A. Charter amendment governing renewal of cable television franchise.

Staff recommends a ballot question because of the doctrine of federal preemption found in the Supremacy Clause of the United State Constitution. That clause provides:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof... shall be the supreme Law of the Land; and the Judges and every

State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

A state or local law or action is preempted where (1) Congress expressly states it intends to preempt; (2) the federal regulation is so pervasive that it leaves no room for it to be supplemented; and/or (3) the federal interest is so dominant that it precludes enforcement of lower laws on the same subject.* Because of a Federal preemption the City Charter needs to be amended.

Specifically, Federal law** provides that "...any provision of law of any State, political subdivision, or agency thereof, or franchising authority, or any provision of any franchise granted by such authority, which is inconsistent with this chapter shall be deemed to be preempted and superseded." Therefore, the requirement of a vote of the electorate to renew a cable television franchise frustrates the provisions of Title VI of the Communications Act of 1934, in the following ways:

(1) there is a direct conflict between federal law and the City's Charter provision (§119) requiring a vote of the electorate for renewal of a cable franchise***.; and,

(2) in addition, federal law**** imposes several specific requirements on franchising authorities to which the electorate has nor could have no obligation to adhere, including but not limited to unreasonable refusals to grant or renew a franchise and ordering a cable operator to discontinue provision of a service. Because the voters' discretion in these and other matters restricted by the Communications Act is unfettered, there is a conflict with federal law and with the overall Congressional intent in enacting the Communications Act.

B. Charter amendment governing lease of City property.

In order to promote the highest and best use of City property, staff recommends allowing the voters to consider increasing the maximum term of leases from 25 years to 99 years. A lease term of 25 years is not considered as commercially reasonable as terms longer than 25 years and a term up to ninety-nine years is commercially preferred. Longer terms could promote use of City property for the benefit of the public. If the lease term under the Charter is extended, the provisions of any lease, including the term, would continue to be discretionary within the maximum. The City Council would consider and approve any lease and decide the appropriate period up to 99 years.

* Within this third category, the U.S. Supreme Court and the 10th Circuit have elaborated: if it is impossible for a private party to simultaneously comply with both the local and the federal law (Ray v. Atlantic Richfield Co., 435 U.S. 151, 98 S.Ct. 988, 55

L.Ed.2d 179 (1978)), or if the local law stands as an obstacle to the accomplishment and execution of the purposes and objectives of Congress (Keith v. Rizzuto, 212 F.3d 1190, 1193 (10th Cir. 2000), quoting Southwestern Bell Wireless Inc. v. Johnson County Bd. of County Commissioners, 199 F.3d 1183, 1189-90 (10th Cir. 1999)), or if the state or local action is a material impediment to or thwarts the federal policy in a material way (Mount Olivet Cemetery Ass'n. v. Salt Lake City, 164 F.3d 480, 489 (10th Cir. 1998)), the law is preempted.

** 47 U.S.C. §556(c)

*** Voters cannot be a "governmental entity empowered by Federal, State or local law to grant a franchise" as required by 47 U.S.C. §522(10).

**** 47 U.S.C. §541

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to (adopt or deny) Ordinance No. 4828, an ordinance placing Charter Amendments to comply with Federal Law governing renewal of cable television franchises and to change the authorized length of leases of public property from twenty-five to ninety-nine years on the election ballot for the regular Municipal Election to be held the 2nd day of April, 2019 on final passage and order final publication in pamphlet form.

Attachments

1. ORD-2019 CHARTER AMENDMENTS BALLOT QUESTION

ORDINANCE NO. _____

**AN ORDINANCE PLACING CHARTER AMENDMENTS TO COMPLY WITH
FEDERAL LAW GOVERNING RENEWAL OF CABLE TELEVISION FRANCHISES
AND TO CHANGE THE AUTHORIZED LENGTH OF LEASES OF PUBLIC PROPERTY
FROM TWENTY-FIVE TO NINETY-NINE YEARS ON THE ELECTION BALLOT FOR THE
REGULAR MUNICIPAL ELECTION TO BE HELD THE 2nd DAY OF APRIL, 2019**

Recitals.

Pursuant to §151 of the Grand Junction City Charter, the Charter may be amended at any time in the manner provided by Article XX of the Constitution of the State of Colorado, and more than one Charter amendment or measure may be submitted to the voters in any one election.

The City Council has reviewed the City Charter and found that the provision for renewal of cable television franchises is out-of-date and preempted by and/or in conflict with federal law by requiring a vote of the electorate to approve and/or authorize franchise renewal.

The City Council has determined that the provision limiting leases of public property to a term of twenty-five years may be unduly restrictive and that increasing the term from twenty-five to ninety-nine years may benefit the public by allowing the highest and best use of public property and contributing to economic development in the community. Leasing of any public property is permissive and within the sole and sound discretion of the City Council.

Therefore, the City Council desires to present to the City voters two changes to the City Charter, allowing the voters to determine if the changes would be in the best interest of the City.

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

1. That a question of proposed amendment to Section 119 of the Charter to bring the provisions of the Charter governing renewal of cable television franchises into compliance with federal law by eliminating the requirement that a renewal of such franchise be subject to a vote of the electorate, as follows, be placed on the April 2, 2019 ballot. Proposed amendment(s) are shown with underlined text :

119. Amendment, Renewal, Extension or Enlargement of Franchise.

No amendment, renewal, extension or enlargement of any franchise, or grant of rights or powers previously or heretofore granted to any corporation, persons, or association of persons, shall be made except in the manner and subject to all conditions provided in this article for the making of original grants and franchises, except that renewal of any cable television franchise shall not be subject to a vote of the registered electors, but shall be made in accordance with applicable federal law.

City of Grand Junction __

Shall there be amendment to the Grand Junction City Charter Section 119 concerning the process for renewal of cable television franchises in the City to bring the Charter provision into compliance with federal law by eliminating the requirement that such renewal be subject to a vote of the electorate?

_____ FOR THE AMENDMENT

_____ AGAINST THE AMENDMENT

2. That a question of proposed amendment to Section 124 of the Charter to increase the length of the allowed term of lease of public property from twenty-five to ninety-nine years, as follows, be placed on the April 2, 2019 ballot:

124. Term Not Longer Than Twenty-Five Years--Compensation.

No franchise, lease or right to use the streets or the public places, or property of the city, shall be granted by the city, except as in this Charter provided, for a longer period than ~~twenty-five~~ ninety-nine years. Every grant of a franchise shall fix the amount and manner of the payment of the compensation to be paid by the grantee, for the use of the same, and no other compensation of any kind shall be exacted for such use during the life of the franchise, but this provision shall not exempt the grantee from any lawful taxation upon his or its property, nor from any licenses, charges, or impositions not levied on account of such use.

City of Grand Junction ____

Shall there be an amendment to the Grand Junction City Charter Section 124 increasing the authorized term for lease of public property from twenty-five to ninety-nine years?

_____ FOR THE AMENDMENT

_____ AGAINST THE AMENDMENT

INTRODUCED ON FIRST READING AND ORDERED PUBLISHED THIS 19th DAY OF DECEMBER, 2018.

PASSED AND ADOPTED THIS ____ DAY OF JANUARY, 2019.

Barbara Traylor Smith
President of the City Council

Attest:

Wanda Winkelmann
City Clerk



Grand Junction City Council

Regular Session

Item #7.b.i.

Meeting Date: January 16, 2019

Presented By: John Shaver, City Attorney

Department: City Attorney

Submitted By: John Shaver

Information

SUBJECT:

A Resolution Authorizing a Ballot Question Regarding a Community Recreation Center

RECOMMENDATION:

Staff recommends adoption of the resolution.

EXECUTIVE SUMMARY:

The City Council is considering placing a question on the April ballot asking the City electors to approve a .39% sales and use tax rate increase for the construction and operation of a community center, development of a portion of the property known as Matchett Park and for making improvements and continued operation of Orchard Mesa pool and authorizing the City Council to borrow money to finance and operate the project.

BACKGROUND OR DETAILED INFORMATION:

The City Council is considering placing a question on the April ballot asking the City electors to approve a .39% sales and use tax rate increase for the construction and operation of a community center, development of a portion of the property known as Matchett Park and for making improvements and continued operation of Orchard Mesa pool and authorizing the City Council to borrow money to finance and operate the project.

The proposed Project will be a new 98,000 square foot community center together with construction of approximately 75 acres of the Park and renovation of the Orchard Mesa pool and community space.

Presently Grand Junction, unlike neighboring communities, has no community center but with approval of the tax increase a center will be constructed at Matchett Park and improvements will be made to Orchard Mesa pool and community space and a portion of Matchett Park will be developed.

The City Council will consider a .39% sales and use tax rate increase and if the ballot question increasing the sales tax rate .39% is approved the City will be authorized to borrow money to construct and operate the community center, a portion of the Park and improvements to Orchard Mesa pool and community space; borrowing to complete the Project maximizes the currently favorable financial conditions and avoids increased costs due to inflation and other cost increases, as well as setting a course for the future of the City.

FISCAL IMPACT:

If the voters approve a .39% sales and use tax increase, the revenues generated are estimated at \$8.25 million in 2020.

SUGGESTED MOTION:

I move to (adopt or deny) Resolution No. 05-19, a resolution setting the title for and submitting to the Electorate on April 2, 2019 a measure to increase the Sales and Use Tax by .39% from 2.75% and to retain and spend revenues as a voter approved revenue change as defined by Article X, Section 20 of the Colorado Constitution and to incur bonded indebtedness to build and operate a Community Center and develop a portion of the property known as Matchett Park and improve the Orchard Mesa Pool and Gymnasium.

Attachments

1. Resolution Community Center

RESOLUTION NO. __-19

A RESOLUTION SETTING THE TITLE FOR AND SUBMITTING TO THE ELECTORATE ON APRIL 2, 2019 A MEASURE TO INCREASE THE SALES AND USE TAX BY .39% FROM 2.75% AND TO RETAIN AND SPEND REVENUES AS A VOTER APPROVED REVENUE CHANGE AS DEFINED BY ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION AND TO INCUR BONDED INDEBTEDNESS TO BUILD AND OPERATE A COMMUNITY CENTER AND DEVELOP A PORTION OF THE PROPERTY KNOWN AS MATCHETT PARK AND IMPROVE THE ORCHARD MESA POOL AND GYMNASIUM

RECITALS:

The Grand Junction City Council at its January 16, 2019 meeting considered placing a question on the April ballot asking the City electors to approve a .39% sales and use tax rate increase for the construction and operation of a community center, development of a portion of the property known as Matchett Park (Park) and for making improvements and continued operation of Orchard Mesa pool and authorizing the City Council to borrow money to finance the project. Together the community center, improvements to Orchard Mesa pool and community space and development of a portion of the Park are referred to as the Project.

The proposed Project will be a new 98,000 square foot community center together with construction of approximately 75 acres of the Park and renovation of the Orchard Mesa pool and community space. Because of the community support for the Project and the importance of recreational facilities to the quality of life in the community, the City Council supports the Project and believes that it is vital to the citizens of Grand Junction and the greater community. Presently Grand Junction, unlike neighboring communities, has no community center but with approval of the tax increase in support of the Project the community will be benefitted greatly. Recreation facilities and amenities are important attributes for community health and well-being; features which are currently lacking in the community. With passage of the ballot measure the community will benefit by having a venue that can host meetings and other community activities as well as provide new and improved indoor aquatics, additional sports courts and provide opportunity for other indoor and outdoor leisure time activities.

For these and other reasons the City Council has determined that the .39% sales and use tax rate increase is a reasonable means of advancing the community's interests. If the ballot question increasing the sales tax rate .39% is approved and the City is authorized to borrow money to construct the community center, a portion of the Park and improvements to Orchard Mesa pool and community space the design and construction will proceed without delay; borrowing to complete the Project maximizes the currently favorable financial conditions and avoids increased costs due to inflation and other cost increases, as well as setting a course for the future of the City.

It has been shown in recent studies that a significant portion of the City's general government revenue is derived from sales tax paid by visitors, out of area shoppers/non-City residents. Because the City is principally funded by sales tax, the tax burden on City residents is reduced

and accordingly sales tax funding provides a means of sharing the cost of the Project among all potential users of the anticipated facilities.

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

The ballot question will provide for the financial resources necessary for the construction and operation of the community center and for making improvements to the Orchard Mesa pool and community space and for development of a portion of the Matchett Park property and with the passage of the question the City Council will begin the project as soon as possible with the funds generated therefrom/dedicated thereto being used to pay debt and operational expenses incurred for the Project.

The following question shall be submitted to the registered electors at the regular municipal election on April 2, 2019.

SHALL CITY OF GRAND JUNCTION TAXES BE INCREASED \$8,250,000 ANNUALLY (FIRST FULL FISCAL YEAR DOLLAR INCREASE) AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER BY A THIRTY-NINE HUNDREDTHS OF ONE PERCENT (0.39%) INCREASE IN THE CITY SALES AND USE TAX RATE, COMMENCING JANUARY 1, 2020, AND IN CONNECTION THEREWITH SHALL CITY OF GRAND JUNCTION DEBT BE INCREASED \$79,000,000 MILLION, WITH A MAXIMUM REPAYMENT COST OF \$150,000,000 MILLION, PAYABLE FROM THE REVENUE GENERATED FROM SUCH SALES AND USE TAX RATE INCREASE AND ANY OTHER LEGALLY AVAILABLE REVENUE OF THE CITY, WITH THE PROCEEDS OF SUCH DEBT AND SUCH SALES AND USE TAX RATE INCREASE BEING USED AND SPENT FOR THE CONSTRUCTION AND/OR DEVELOPMENT OF A NEW COMMUNITY CENTER, A PORTION OF MATCHETT PARK, AND IMPROVEMENTS TO THE ORCHARD MESA POOL, GYMNASIUM, LOCKER ROOMS AND RELATED COMMUNITY SPACE AND THE OPERATION OF ALL OF THE FOREGOING; AND SHALL SUCH DEBT BE EVIDENCED BY REVENUE BONDS TO BE SOLD IN ONE OR MORE SERIES FOR A PRICE ABOVE OR BELOW THE PRINCIPAL AMOUNT OF SUCH SERIES AND ON TERMS AND CONDITIONS AND WITH SUCH MATURITIES AS ARE PERMITTED BY LAW, INCLUDING PROVISIONS FOR REDEMPTION OR EARLY PAYMENT OF SUCH REVENUE BONDS WITH OR WITHOUT A PREMIUM; AND SHALL THE CITY BE AUTHORIZED TO ISSUE DEBT TO REFUND THE DEBT AUTHORIZED BY THIS QUESTION AT A HIGHER OR LOWER INTEREST RATE, PROVIDED THAT AFTER THE ISSUANCE OF SUCH REFUNDING DEBT THE TOTAL OUTSTANDING PRINCIPAL AMOUNT OF ALL DEBT ISSUED PURSUANT TO THIS QUESTION DOES NOT EXCEED THE MAXIMUM PRINCIPAL AMOUNT SET FORTH ABOVE, AND PROVIDED FURTHER THAT ALL DEBT ISSUED BY THE CITY PURSUANT TO THIS QUESTION IS ISSUED ON TERMS THAT DO NOT EXCEED THE MAXIMUM REPAYMENT COST AUTHORIZED IN THIS QUESTION; AND SHALL SUCH SALES AND USE TAX RATE INCREASE REMAIN IN EFFECT FOLLOWING THE REPAYMENT OF THE FOREGOING DEBT AT THE SALES AND USE TAX RATE NECESSARY, NOT TO EXCEED THIRTY-NINE HUNDREDTHS OF

ONE PERCENT (0.39%), TO OPERATE THE FOREGOING IMPROVEMENTS; AND SHALL THE REVENUE FROM SUCH SALES AND USE TAX RATE INCREASE AND THE PROCEEDS OF SUCH DEBT, TOGETHER WITH THE INVESTMENT EARNINGS DERIVED FROM THE SAME, BE COLLECTED, RETAINED AND SPENT AS A VOTER APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

_____ Yes

_____ No

The ballot title is set based upon the requirements of the Colorado Constitution and the City Charter and, pursuant to Section 31-11-102, C.R.S., is an alternative to the provisions of Section 31-11-111, C.R.S. regarding both a title and a submission clause. Pursuant to Section 31-10-1308, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

If the voters authorize the debt as described in the question set forth above, the City intends to issue such debt in the approximate aggregate principal amount of \$79,000,000 to pay the costs of the project described in the ballot question, including the reimbursement of certain costs incurred by the City prior to the execution and delivery of such debt, upon terms acceptable to the City, as authorized in an resolution to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith. The officers, employees, and agents of the City shall take all action necessary or reasonably required to carry out, give effect to, and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the project and to otherwise carry out the transactions contemplated by this resolution. The City shall not use reimbursed moneys for purposes prohibited by Treasury Regulation §1.150-2(h). This resolution is intended to be a declaration of “official intent” to reimburse expenditures within the meaning of Treasury Regulation §1.150-2.

Adopted this 16th day of January, 2019.

Barbara Traylor Smith
President of the Council

ATTEST:

Wanda Winkelmann
City Clerk



Grand Junction City Council

Regular Session

Item #7.b.ii.

Meeting Date: January 16, 2019

Presented By: John Shaver, City Attorney

Department: City Attorney

Submitted By: John Shaver

Information

SUBJECT:

A Resolution Authorizing a Ballot Question Regarding the Sale of Burkey Park

RECOMMENDATION:

Staff recommends adoption of the resolution.

EXECUTIVE SUMMARY:

The purpose of this item is for City Council's consideration of the sale of Burkey Park.

BACKGROUND OR DETAILED INFORMATION:

In December of 1966, the Burkey family offered to donate approximately 17 acres of land to the City of Grand Junction for a park. On November 15th of 1967 the legal description and deed donating the property to the City were recorded and the title was transferred. In 2001 the City acquired the property at 2980 Patterson Road (the DuCray property) to "square up" the boundary of Burkey property. Together the Burkey property and the DuCray property, located at 2982 and 2980 Patterson Road, are known as Burkey Park, and remain undeveloped (vacant land).

Development of Long's Family Park to the East and the planned development of Matchett Park to the West make development of Burkey Park unlikely. The highest and best use of the land is most likely residential with some neighborhood business/light commercial adjacent to Patterson Road.

Pursuant to Article VI, Section 48 of the City Charter, property held or used for park purposes can be sold only with approval by a majority of the City's qualified electors.

Funds from the sale of the Burkey Park property, if such sale is approved by the voters, would be dedicated to development and improvement of Matchett Park. To honor the Burkey family's donation of the property it is proposed that the Main Pavilion in Matchett Park will be named "Burkey Pavilion." The feature will be dedicated to L.W. and Mildred L. Burkey with the details of the naming and commemoration to be determined as the feature is designed and constructed.

FISCAL IMPACT:

If authorized to sell the property, the proceeds will be dedicated to improvements at Matchett Park which will be dedicated to L.W. and Mildred L. Burkey.

SUGGESTED MOTION:

I move to (adopt or deny) Resolution No. 06-19, a resolution setting a title and submitting to the electorate on April 2, 2019 a measure to authorize the sale of Burkey Park.

Attachments

1. Resolution Burkey Park

RESOLUTION NO. __-19

A RESOLUTION SETTING A TITLE AND SUBMITTING TO THE ELECTORATE ON APRIL 2, 2019 A MEASURE TO AUTHORIZE THE SALE OF BURKEY PARK

RECITALS.

In December of 1966, the Burkey family offered to donate approximately 17 acres of land to the City of Grand Junction for a park. On November 15th of 1967 the legal description and deed donating the property to the City were recorded and the title was transferred. In 2001 the City acquired the property at 2980 Patterson Road (the DuCray property) to “square up” the boundary of Burkey property. Together the Burkey property and the DuCray property, located at 2982 and 2980 Patterson Road, are known as Burkey Park, and remain undeveloped (vacant land).

Development of Long’s Family Park to the East and the planned development of Matchett Park to the West make development of Burkey Park unlikely. The highest and best use of the land is most likely residential with some neighborhood business/light commercial adjacent to Patterson Road.

Pursuant to Article VI, Section 48 of the City Charter, property held or used for park purposes can be sold only with approval by a majority of the City’s qualified electors.

Funds from the sale of the Burkey Park property, if such sale is approved by the voters, would be dedicated to development and improvement of Matchett Park. To honor the Burkey family’s donation of the property it is proposed that the Main Pavilion in Matchett Park will be named “Burkey Pavilion.” The feature will be dedicated to L.W. and Mildred L. Burkey with the details of the naming and commemoration to be determined as the feature is designed and constructed.

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

1. The purpose of this resolution (Resolution) is to authorize the submission to the eligible electors voting at the election to be held on April 2, 2019 (the Election), a ballot question to authorize the sale of the approximately 18 acre Burkey Park property located at 2980 - 2982 Patterson Road.
2. If approved by the eligible electors voting thereon, Burkey Park will be sold at a price determined by the City Council, and the proceeds of the sale will be dedicated to the development of Matchett Park.
3. Proceeds from the sale are and shall be exempt from, not governed by and excepted from the revenue and spending provisions of the Taxpayers’ Bill of Rights.

At the Election, to occur on April 2, 2019, the official ballot shall state the substance of the question to be voted upon and so stated shall constitute the ballot title, designation and submission clause, and each registered elector voting at the election shall indicate his or her choice on the question submitted, which shall be in the following form:

SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL THE REAL PROPERTY, CONSISTING OF APPROXIMATELY 18 ACRES KNOWN AS THE BURKEY PARK PROPERTY LOCATED AT 2980-2982 PATTERSON ROAD FOR NOT LESS THAN FAIR MARKET VALUE, PURSUANT TO 1) APPRAISAL OR 2) A BID PROCESS OR 3) BEST OFFER, THE SALE PROCEEDS OF WHICH SHALL BE USED FOR THE DEVELOPMENT OF AND CONSTRUCTION OF IMPROVEMENT(S) IN MATCHETT PARK WITH THE MAIN PAVILION TO COMMEMORATE L.W. AND MILDRED L. BURKEY, WITH ALL OR ANY PORTION OF THE NET PROCEEDS OF THE SALE BEING HELD, RETAINED AND SPENT WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

_____ YES/FOR THE SALE

_____ NO/AGAINST THE SALE

The ballot title is set based upon the requirements of the Colorado Constitution and the City Charter and, pursuant to Section 31-11-102, C.R.S., is an alternative to the provisions of Section 31-11-111, C.R.S. regarding both a title and a submission clause. Pursuant to Section 31-10-1308, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Adopted this 16th day of January 2019.

Barbara Traylor Smith
President of the Council

ATTEST:

Wanda Winkelmann
City Clerk



Grand Junction City Council

Regular Session

Item #7.c.

Meeting Date: January 16, 2019

Presented By: Greg Caton, City Manager

Department: City Manager

Submitted By: Greg Caton

Information

SUBJECT:

Discussion and Possible Direction Regarding First Responder and Transportation Needs

RECOMMENDATION:

This item is for City Council discussion and possible direction to staff.

EXECUTIVE SUMMARY:

As detailed in previous memorandums, presentations, discussions, and most recently at the December 17th, 2018 City Council Workshop, the needs of the first responders far exceed existing resources. The Fire Department needs include building, staffing, and operating three additional fire stations to provide emergency medical and fire protection services. Additional support positions are required as well. The Police Department needs include adding 18 sworn positions to allow for proactive policing efforts which has a direct impact on reducing criminal activity. Additional civilian positions are also needed in the Communication Center and to support police operations. In total including sworn and civilian positions a total of 91 positions are needed in the two departments.

Over the last 12 years the City has re-allocated available resources towards funding increases in staffing levels for first responders; specifically since 2008 the total number of positions in the organization has decreased by 26, while the total number of first responder positions has increased by 49. Even with this effort, the City has not been able to keep pace with the needs and is at a point where first responder services will need to be modified, if an additional, dedicated source of revenue is not generated to meet the needs of the community now and into the future.

BACKGROUND OR DETAILED INFORMATION:

Over the last 18 months, City staff has prepared a series of memorandums outlining the first responder needs of the City along with several funding options. These memorandums are reviewed below:

- Public Safety Memorandum I, June 15, 2017 – Introduced an initial assessment of first responder needs to include increasing the number of sworn police officers and dispatchers, as well as the need to staff and construct the North Area Fire Station and an additional ambulance.
- Revenue Options Memorandum, January 2, 2018 – Explored some revenue source options that the City may consider moving forward to assist with first responder and other needs, such as infrastructure.
- Public Safety Memorandum II, August 1, 2018 – Provided necessary clarification information on the Mesa County Public Safety Tax and a more detailed, more long-term analysis of the City's first responder needs and possible funding sources. This included 2 additional fire stations based on a previous study and for the PD an updated analysis of the "Rule of 60" as established by the International City & County Managers Association and International Association of Chiefs of Police. This rule states that for every 60 minutes of an officer's shift, 22 minutes should be available to conduct proactive policing efforts. From this formula, a staffing request was presented here as well for both sworn and non-sworn personnel within the Police Department.
- Public Safety Memorandum III, September 25, 2018 – As part of the 2019 budget discussion this memorandum was provided to continue the discussion on first responder needs which included three possible funding options, as well as a comparison to other Colorado Communities.

Fire Department

The Fire Department has an estimated operational need of \$6.3 million annually to staff three new fire stations, add a fire inspector, and two civilian positions. The costs include labor as well as ongoing operational costs for each position such as training, equipment, technology, and vehicles. The capital needs for three stations is estimated at \$17 million.

These three stations were identified as immediate needs in a 2008 third party study but the City has not had the revenues to add these facilities or associated personnel. Each station requires 21 new operational positions in order to provide 24 hour/365 day

coverage of a fire unit and an ambulance. The 2018 budget provided six positions for one of these ambulances so a total of 57 new positions are needed for the new stations. In addition, the department will need 3 additional administrative/civilian positions.

Fire and EMS Incident Volume

The City's fire and EMS incident volume continues to increase along with response times. In the 10 years since the fire station study was completed, the incident volume has increased 18%. Since the last additional fire station (station 5) was built in 2004, incident volume has more than doubled from 7,709 to 15,686 incidents per year. Part of this jump is due to the addition of providing ambulance transport services beginning in 2006. However, measuring workload by incident number is not sufficient. Because different types of incidents require different units or number of units to respond, measuring the total number of responses by station or unit is a more accurate way to assess Fire and EMS workload. Comparing 2008 to 2017, total responses went from 13,141 to 22,532, a 71% increase. As incident volume continues to increase, corresponding response times also increase as units move in and out of their respective station response areas in order to cover calls in other districts.

Fire and EMS Response Time

Fire department operations falls under National Fire Protection Association (NFPA) and Insurance Service Office (ISO) Standards and the department makes every attempt to maintain these standards. For response time, these standards state that from dispatch to on-scene the department should respond to 90% of incidents within 5 minutes. Currently the department is meeting this standard only 52% of the time for emergent calls. Response times to structure fires or cardiac arrest incidents are critical in order to effect a rescue, reduce damage or to provide lifesaving medical care. As expected, in the areas where new stations are proposed the response times are significantly higher than the core areas of the City.

Ramifications of Not Funding

Since 2008, the City has grown by about 6,500 people, overall about 12%. In that time though, the total responses from the Fire Department has increased by 71%, doing between 1.5 to 2 times as much work with essentially the same number of resources.

Notably in 2008 a 5th ambulance was placed into service, staffed initially only in the summer months. That ambulance is now staffed full time year round and in 2019 will add a 6th ambulance. Even with these additional units our resources are still spread thin.

While our population has seen a small amount of growth, we are seeing that our population is becoming increasingly reliant on the EMS system, and that the use per person has significantly increased in the last decade.

Our community has nearly twice the demand on our system than other systems around Colorado. With the growth we are expecting in the coming year and the maximum demand already placed on our system, our level of service in the community is not sustainable, nor will response times improve without additional resources and personnel to respond to calls.

Growth, an aging population, and changing dynamics on how people use the medical system will continue to drive up incident volume and in turn associated response times. The Fire Department will continue to evaluate options but without the additional stations and personnel, staffing on existing units will need to be reduced in order to place additional response units in service to address the demand. This change will further erode the department's ability to meet NFPA and ISO standards and create service and safety concerns.

Police Department

If the 2019 recommended budget is adopted it funds 8 Police Department positions. This brings the operational needs of the Police Department to an estimated annual cost of \$3.3 million for 31 new positions (18 sworn officers and 13 civilian personnel). This includes a Code Enforcement Officer position. The costs include labor as well as ongoing operational costs for each position such as training, equipment, technology, and vehicles.

Ramifications of Not Funding

As it stands, the Police Department is understaffed by an estimated 18 sworn officers. An analysis was completed in August of 2018 which revealed that police officers were operating with roughly 12% of their daily shift available for proactive policing efforts, such as foot patrol, crime prevention efforts, directed traffic enforcement, etc.. This number is well below the 37% minimum recommended by the International City & County Manager's Association and International Association of Chiefs of Police study. As of November, that number has since decreased, resulting in a finding of just less than 10% of the shift available to work on these proactive policing strategies. Funding the additional positions should allow the department to operate at the minimum of 37% proactive policing during the average shift and will also allow us to better staff patrol teams by adding overlap teams to reduce workload and enhancing special units who may be dedicated to projects such as directed traffic enforcement efforts and more assertive narcotics interdiction projects. Due to lower staffing levels and availability of officers, the current response time for a priority 1 call for service

(assault in progress, panic alarm, kidnapping) can be as long as 13 minutes. Priority 4 calls for service, which may range from a harassment, vandalism or fraud cases (not in progress) hold for almost 2.5 hours on average, and then an additional 30 minutes before police can arrive on scene.

Without the additional sworn staffing, a reduction in services will need to take place. Such a reduction could include an increased need to mandate online reporting for crimes that are not in-progress and do not have any potential leads for successful prosecution or recovery of any losses incurred during that crime. While the Police Department encourages online reporting now in such cases, the need to mandate online reporting for those instances will become necessary so that calls of a more serious nature will take priority without interference or “stacking” of these lower priority calls that do not involve an immediate response. Additionally, while the Police Department does not take private property accidents now except in rare circumstances involving injury, the need to lower the priority of responding to or investigating property damage accidents on City streets may also need to be considered, as the staff time to investigate these crashes is significant. Finally, without additional resources in our Street Crimes Unit and Intelligence Unit, we will not be able to gather our intelligence within the city of Grand Junction, something that the Grand Junction Police Department should be able to do without relying on the other agencies. In the past our Street Crimes Unit has been instrumental in our intelligence-based policing efforts, including breaking down the Satan’s Disciples gang in 2016-2017. The lack of a Street Crimes Unit has drastically hindered intelligence sharing efforts and has in turn affected proactive criminal enterprise investigations.

Without additional funding in the non-sworn positions, including Dispatch, Records, and Lab, current services will continue to be limited. Within Dispatch, the time to train new employees is significant due to the necessity of training them in all first responder disciplines, including police, fire and EMS. The goal to reduce that training time is to implement specialized dispatching, which allows employees to focus solely on one specialty, thereby drastically reducing training time while increasing their effectiveness at dispatching due to the intense work within the chosen discipline. Current training standards require an 11-month window to complete all phases, while a move to specialized dispatching would reduce that time to 5 months. In terms of cost savings, it is important to consider that 60% of the costs for Dispatchers is paid for by the City of Grand Junction, and the remaining 40% will be covered by other first responder agencies within the valley.

Without additional civilian positions, records processing time will continue to increase as more officers are placed in patrol and calls for service. As we incorporate body cameras in early 2019, the time to review, redact, and process requests for information under Colorado Open Records Act will also add to this workload. Finally, the Grand Junction Police Department has a tremendous backlog in property intake and case

management. As the needs to move to an increased focus on digital investigations continues, so does the need to ensure personnel are trained appropriately to conduct those investigations, and then gather and prepare evidence accordingly.

FISCAL IMPACT:

General government services, including police and fire operations are funded by the City's 2% sales tax. The City's capital plan is funded by a dedicated 0.75% sales tax. The 2% revenues have just recovered to the pre-recessionary levels, not taking into account inflation, and are sufficient to serve the current operations, but cannot fund the additional first responder needs. The 0.75% sales tax, recently returned to levels preceding the recession, funds both debt service on capital projects from prior years (e.g. Riverside Parkway) and new capital projects. However, these revenues are also not sufficient to fund all capital needs and including unfunded roadway projects, there are over \$264 million unfunded projects in the City's 10-year capital plan. Also discussed with City Council in workshops, presentations, and memorandums is the need to improve and expand the City's transportation system. The need is a result of the influx of people moving to the community and the resulting demand on the housing development and roadway network. The total need is estimated at \$184 million and includes the interchange at 29 Road & I-70, widening of 24 and 25 Roads, improving the interchange at Riverside Parkway & 24 Road, as well as numerous improvement projects across the community that help to change roads that are currently rural in nature to urbanized based on the surrounding population. The improvement and expansion of the transportation system will help create economic development in commercial areas, increase capacity in neighborhood areas improving mobility and safer travel throughout the community. In the memorandums, staff provided an alternative funding option that combined a 0.25% increase with existing funds now used for debt service on the Riverside Parkway (ends in 2024) and the estimated TABOR excess in order to bond for the construction of \$117 million of the \$184 million in roadway expansion needs.

Sales tax revenue is the major source of revenue that funds operations and capital. Because of the City's regional position for retail, medical, higher education, and recreational services as well as it's strong tourism industry, the majority of sales tax generated in the City is paid for by non-City residents and businesses. The latest study shows only 22% is paid by City residents. When evaluating sources for additional revenue, one option may to increase sales tax because the tax burden is spread over a large population. Based on current retail sales levels, a 0.25% increase in sales tax would generate \$4.3 million in revenue. The funding needs and required increase in sales tax is listed below. In order to reduce the tax burden to the City of Grand Junction residents and businesses, staff has included an option of eliminating property tax in exchange for an increase in sales tax.

Option 1 - Funding for Fire and Police Needs - 0.50% Sales Tax Increase

Option 2a- Roadway Expansion Projects - 0.25% Sales Tax Increase

Option 2b - Roadway Expansion Projects - Without increasing taxes, the City could ask voters to utilize TABOR Excess funds beyond 2022. We currently have authorization to utilize Excess funds until 2022 for road maintenance. This question could ask voters to authorize the use of TABOR excess for additional years to fund roadway expansion.

Option 3 - No Tax Increase - This option maintains current levels of funding

Over the last 12 years the City has re-allocated available resources towards funding increases in staffing levels for first responders. Even with this effort, the City has not been able to keep pace with the needs of the community. Option 3, listed above, provides no additional, dedicated source of revenue which will result in a modification of the level of first responder services.

SUGGESTED MOTION:

This item is for City Council discussion and possible direction to staff.

Attachments

1. GJ Memo Public Safety Needs 061517
2. Public Safety Pt II Memo080118
3. Public Safety Pt III Memo092518
4. Revenue Options Memo010218
5. Road Expansion053118
6. Roadway Expansion Part II Memo 071818
7. City Council Workshop First Responder Presentation 121718
8. City Council Meeting Presentation 011619
9. Tax Rate Comparison January 16 2019

Memorandum

TO: Mayor and Members of the City Council
FROM: Greg Caton, City Manager
CC: John Camper, Chief of Police
Ken Watkins, Chief of Fire
DATE: June 15, 2017
SUBJECT: City of Grand Junction's Public Safety Needs

The City of Grand Junction has public safety requirements that have developed over time and are increasingly in need of addressing. While some of these are one-time capital projects, the more persistent needs result in ongoing costs. Total Police Department requirements are estimated at \$2.6 million and total Fire Department are estimated at \$2.9 million. As Mesa County proposes to implement a County-wide public safety sales tax, their proposed proportion of new tax revenue of \$500,000 for the City is not enough to adequately address the combined \$5.5 million in needs identified by the public safety departments.

Police Department and Grand Junction Regional Communications Center (GJRCC) Needs & Priorities – While there are existing capital needs, the on-going operational costs for the Police Department, including the GJRCC, are approximately \$2.6 million. This total estimation does not include some one-time costs associated with equipment and uniforms.

Police Department Operations – The most immediate need in the Police Department operations is to increase the number of authorized sworn positions. Total operational needs and priorities cost an approximate \$1.7 million:

- Adding seven officers to expand each patrol team by one officer would cost an estimated \$665,676. Alternatively, an additional team could be staffed, requiring a Sergeant. The estimated cost is \$781,679 with a Sergeant.
- Adding two detectives to the Investigations Unit, one dealing with crimes against persons and one for crimes against property would cost an estimated \$190,193.
- Adding an evidence technician would cost an estimated \$71,449.
- Adding a full-time traffic team, would cost an estimated \$285,290. Adding a traffic detective, raises the cost to approximately \$380,387.
- Adding one officer for a crisis response team consisting of a police officer, paramedic, and a mental health worker is estimated to cost \$95,097.
- Adding two School Resource Officers would cost an estimated \$190,193.

Communications Center – Immediate needs in the Communication Center are to provide sufficient staffing to alleviate pressures to maintain console coverage without the significant amount of overtime currently being incurred. Increased staffing and implementing tiered hiring can help alleviate these pressures. An additional two supervisors and 10 telecommunicators provides coverage for an additional Police Department primary channel for 12 hours per day, an additional Fire primary channel for 12 hours per day, and two additional call-taker positions covering 10 hours per day. Tiered hiring helps to remedy the gap caused by attrition and the time it takes to train telecommunication staff. The estimated cost of these increases is \$929,816 for labor and benefits.

With only \$500,000 of funding, the Communication Center could anticipate staffing only an additional PD channel for 12 hours per day, and an additional call-taker position for 10 hours per day. This would be a staffing increase of only one supervisor and five telecommunicators. With only \$500,000, the Communication Center loses the opportunity to implement a tiered hiring approach, add another Fire channel, monitor a tactical channel, and is unable to relieve staff by having dedicated call takers.

Fire Department Needs & Priorities – Total Fire Department needs are approximately \$2.9 million. This estimation does not include the capital costs of these projects.

North Fire Station – North Fire Station (Station 6) at a total cost of \$2.2 million. The fire station is needed to cover areas north of Patterson. This station will reduce response times to this area and help balance out the high call volume of Fire Stations 2 and 3. Cost estimates include salary and benefits for 18 personnel and three coverage staff. Costs also include personal protective gear, uniforms, and the firefighter training academy for station staff.

Fire Department Operations – An additional non-fire ambulance is needed to address the increasing medical demand of the community at an estimated cost of \$377,532. Costs include the salary and benefits of four personnel in addition to their personal protective gear, uniforms, and EMS academy.

Adding one paramedic for a crisis response team consisting of a police officer, paramedic, and a mental health worker is estimated to cost \$94,744.

Two fire inspector positions would conduct annual fire safety inspections of businesses that are currently assigned to operational crews at an estimated cost of \$234,106. Due to the high call volume of response crews, these inspections are not always completed, completed late, or not of the quality we expect. The cost includes salary and benefits for the two personnel, plus related operating costs.



CITY MANAGER'S OFFICE

Memorandum

TO: Mayor and Members of Council
FROM: Greg Caton, City Manager
DATE: August 1, 2018
SUBJECT: Police and Fire Department Budgetary Outlook

Last year, we provided a memorandum regarding the public safety needs of the City of Grand Junction. That memorandum identified approximately \$5.5 million in requests, with total Police Department requirements estimated at \$2.6 million and the total Fire Department needs were estimated at \$2.9 million. At the time of delivery, Mesa County had proposed their County-wide public safety sales tax, with a proposed portion designated for the City at around \$500,000. Staff identified that the City's proportion of the County's new tax revenue was not enough to adequately address the \$5.5 million in needs identified by our public safety departments. Also identified was the need for alternative sources of revenue to help bridge the gap between the expectation of services by the community and the City's ability to fund such services. The information in this memorandum is meant to continue the discussion on public safety.

The passage of the County-wide public safety tax provides new revenue for public safety organizations like the Sheriff's Office but failed to directly address other components of public safety, such as municipal police, fire departments or emergency medical services, or 911 dispatch. These first responders arguably demonstrate a similar need for additional sources of funding, and while the term *public safety* collectively refers to police, fire, and emergency medical services, it is important to differentiate between the services that contribute to public safety. In our community, fire and EMS services are typically combined as one service, which differs in scope from police services. In addition, the City provides 911 dispatch services for 23 agencies throughout the County.

The 2018 Adopted Budget includes certain public safety elements such as an additional four police officers to reestablish a traffic unit, six firefighters to establish a North-Area Ambulance Station and adds ambulances to the fleet. However, these additions do not adequately represent a complete solution to the need. This memorandum is meant as a follow up to the previous memo and to provide an updated list of public safety needs and to provide options for alternative sources of public safety funding for City Council consideration.

Fire Department Operational Needs – An additional ambulance is needed to address the increasing medical demand of the community at an estimated operational cost of \$540,076. Costs include the salary and benefits of six personnel in addition to their personal protective gear, uniforms, and training academy. Capital cost for the ambulance and equipment alone is estimated at \$271,075.

Through a State grant, two crisis response teams were added in 2018 consisting of a police or sheriff officer and a mental health worker. Originally the plan included a paramedic be part of these teams, but the grant would not cover these expenses. Adding a paramedic to each team would eliminated the need for an ambulance to respond to mental health incidents for medical clearance. Cost for two paramedics is estimated to be \$194,225.

One Fire Inspector/Investigator was added in 2018 to conduct annual fire safety inspections of businesses that are currently assigned to operational crews. Due to the high call volume of response crews, these inspections are not always completed, completed late, or not of the quality we expect. The estimated cost for one Fire Inspector/Investigator is \$117,053 which includes salary, benefits and related operating costs.

Fire Department Station Operating & Capital Needs – In 2008, a third-party Fire Station Study called for the immediate construction of three additional fire stations to meet the service needs in 2008. Without that additional revenue coupled with the recession and poor economy none of these projects have moved forward. Despite the ballot failure, the Fire Department was able to relocate and construct a new Fire Station 4 to help provide a quicker response and greater coverage area to incidents in Orchard Mesa. However, to improve public safety the additional stations listed below are needed to address the current and growing incident volume resulting from current and future growth in the community. Since the fire stations require significant staffing, the operational costs of each station are included.

North Area Fire Station (Station 6) – The cost of operating the North Fire Station (Station 6) is estimated at \$2.2 million. The fire station is needed to cover areas north of Patterson and will reduce response times as well as relieve pressure from the high call volumes of Fire Stations 2 and 3. Cost estimates include salary and benefits for 18 personnel and three coverage staff. Costs also include personal protective gear, uniforms, and the firefighter training academy for station staff. The capital cost for this station and apparatus is an additional \$4.9 million and likely will be higher due to a planned construction year of 2023.

Northwest Area Fire Station – This station is planned for the vicinity of 23 and I Roads. Currently much of the area is in the Grand Junction Rural Fire Protection District which contracts with the City for fire and medical services. The rural district board is evaluating a possible ballot issue to increase revenue to help with these projects. Costs for this station are estimated at \$2.2 million in operating and \$6 million in capital depending on a planned construction between years 2026 & 2027.

Southeast Area Fire Station – A station in the southeast area of the community in the vicinity of 31 and D Roads was identified in the 2008 Fire Station Study. City annexation, as the result of the urban growth boundary and the City/County wastewater system has created a mix of City and County that is served by both the Grand Junction Fire Department and the Clifton Fire Protection District. The City and District had previously been in negotiation for a joint station for this area, but those discussions have ceased. As this area grows in population, development and incident volume this station will become a critical need for both agencies. It only makes sense that a partnership be formed to solve this need.

The total estimated cost of capital needs for the Fire Department is approximately \$10.9 million. This estimation could increase depending on the cost of a fire station in the southeast area. The total operating costs for staffing these stations is estimated at \$6.6 million, or approximately \$2.2 million per station. When the other operational needs of approximately \$1.1 million are added to the \$6.6 million, the total operational needs for the Fire Department are \$7.7 million annually. It is important to note that the increase in the cost of Fire Department needs is the result of contemplating the cost of necessary fire stations.

Police Department Operational Needs – A primary concern for GJPD is providing an adequate level of staffing to become a more proactive and service-based police department,

rather than reactive. This means that the most immediate need for Police Department operations is to increase the number of authorized sworn positions. Rather than relying on the generally accepted ratio of 2.5 officers per 1,000 in population (which would result in 162 sworn officers as the target number), the Police Department is instead focusing on the “Rule of 60” as established by the International City & County Managers Association (ICMA) and International Association of Chiefs of Police (IACP). This rule states that for every 60 minutes of an officer’s shift, 22 minutes should be available to conduct proactive policing efforts. This roughly equates to 37% for noncommitted time, a percentage roughly three times higher than the current Grand Junction Police Department levels. As it currently stands, GJPD officers are operating at a 12% noncommitted time level, meaning that 88% of an officer’s day is spent responding to calls and completing reports based on those calls.

Currently, there are 120 sworn positions within GJPD. Given the necessary compromise from the ideal number of 162 sworn and the current staffing allocation, our approach is to look at specific need to address staffing across a variety of services. The following is a detailed request on those positions:

- Increasing the number of patrol staff will allow for officers to proactively police the neighborhoods and businesses they serve. Total estimated cost for increasing patrol staff is \$1.1 million.
- The Street Crimes Unit works on high profile crimes and is not currently staffed due to patrol shortages. Total estimated cost for a Street Crimes Unit is \$182,600 for just officers, or \$191,600 with a corporal upgrade.
- The number of required additional duties of the Police Department requires the addition of a Special Units Commander and Sergeant to oversee special units. Total estimated cost for a Special Units Commander and Sergeant is \$263,245.
- The addition of two officers to the Traffic Unit is estimated to cost \$182,600.
- The total estimated cost of adding one Police Service Technician is \$76,726.
- Adding two detectives would cost an estimated \$181,600.
- Adding an Intel Officer to assist the Crime Analyst, Detectives and Narcotics would cost approximately \$91,300.
- Increasing the number of officers increases the need to process reports and arrest records. The addition of one Lead Records Technician and one Records Technician would cost an estimated \$124,424.
- The Crime Lab will need additional staff as storage of and requests for evidence increases. Potential needs include a Lead Evidence Technician, Evidence Technician, Digital Forensic Technician, and an Equipment Technician. The estimated cost of two of these positions (based on need) is approximately \$140,000.
- To implement tiered and specialized dispatching, the Communications Center will need to hire ten telecommunicators and two supervisors to provide coverage for an additional Police Department primary channel for 12 hours per day, an additional Fire Department primary channel for 12 hours per day, and two additional call-taker positions covering ten hours per day. The total estimated cost of additional dispatchers and supervisors is \$904,270 and is not covered entirely by the County’s public safety sales tax and the cost would be split among the users of GJRCC.

The needs listed above include salaries, benefits, uniforms and gear, and vehicles if necessary. Total estimated training impact for adding 22 sworn officers, 12 personnel for the communications center, and four civilian police staff would require an additional \$100,000,

which is the average cost of training and for new academy positions. The total estimated cost of operational needs is approximately \$3.3 million annually.

Police Department Capital Needs – The Police Department currently lacks adequate space for the storage and processing of evidence. This includes all evidentiary cases, from temporary to long term storage needs. In 2016, a survey was completed for the Police Annex Building Master Plan, which would address not only evidence storage, but vehicle storage as well. The minimum cost estimated was \$13.1 million, with the higher option coming in at \$14.9 million. A temporary solution to the high cost of constructing an annex to the Police Station is to install high-density storage within the current facility. This temporary solution would cost approximately \$175,000.

Funding Options – Historically, the growing expectation to provide additional services has not been met with a proportional increase in a willingness to increase funding. At the time the previous memo was drafted, the total cost of the Police Department's needs was estimated at \$2.6 million and the total cost of the Fire Department's needs was estimated at \$2.9 million, totaling approximately \$5.5 million. Currently, the operating needs of the Police Department total an estimated \$3.3 million, and capital needs range from \$175,000 to \$14.9 million. Fire Department combined operational needs now total an estimated \$7.7 million and the total capital needs of the department are estimated at \$10.9 million. Combined public safety operating needs total approximately \$11 million, and with a temporary solution for Police, the capital needs for public safety also total approximately \$11 million.

As discussed in a previous memo, sales taxes are currently collected on only certain items at a rate of 2.75% with 0.75% going to maintaining road infrastructure and economic development. A sales tax increase of a quarter percent would increase revenues by about \$4 million. With Police Department operational needs totaling an approximate \$3.3 million and a temporary solution for Police capital needs estimated at \$175,000, new revenue from a quarter percent increase could be used to fund ongoing Police needs. The total operating needs of the Fire Department, however, are estimated at \$7.7 million. To cover these costs by sales tax would require an increase of a half-percent.

Alternative Sources of Revenue – When resources are scarce, it is important to be creative in finding solutions to funding challenges. Given the current list of public safety needs, the City could explore alternative sources of revenue to help fund public safety. Expanding the scope of the City's sales tax could generate more revenue by collecting tax on items or services not currently taxed by the City. These kinds of new revenues could be used to cover ongoing costs, while other new sources of revenues could be used to pay for one-time costs such as capital and infrastructure.

- *Sales Tax on Grocery Items* – In Colorado, certain grocery items are exempt from state sales tax, though municipalities can tax these items. The City of Fort Collins, for example, has a 2.25% tax on food for home consumption. The City of Aspen does not exempt food from sales tax but refunds a fixed amount per person that lived in the city for the entire preceding year. By doing so, Aspen is able to collect sales tax on food purchased by visitors, while minimizing the impact on residents through a refund.
- *Property Tax* – Property tax is based on the value of real estate and personal property that a person owns within a jurisdiction and is calculated by multiplying the value of the property by the assessment rate and mill levy. Increasing the City's property tax would increase revenues, however with the current rate of just 8 mills in the City of Grand

Junction, property tax would have to be significantly increased to match the potential revenues of increasing other sources, such as sales tax. For example, current property tax revenues in the City are approximately \$7.5 million from our existing 8 mills. If an increase in sales tax by 0.25% generates roughly \$4 million in additional revenue, generating a similar amount of new revenue from property tax would require the mill levy to increase by an additional 4.22 mills.

C: Ken Watkins, Fire Chief
Doug Shoemaker, Police Chief
Department Directors



CITY MANAGER'S OFFICE

Memorandum

TO: Mayor and Members of Council
FROM: Greg Caton, City Manager
DATE: September 25, 2018
SUBJECT: Public Safety Memorandum III – First Responder Tax

In a memorandum distributed to City Council on August 1st regarding the public safety needs of the City of Grand Junction, we identified the operational and capital needs of both the Fire and Police Departments. Operational needs for the Fire Department were estimated to be \$5 million while operational needs for Police were estimated at \$3.3 million. The total capital needs for two fire stations was estimated at \$10.9 million.

While the 2018 Adopted Budget included certain public safety elements such as an additional four police officers, six firefighters to establish a North-Area Ambulance Station and an ambulance, these additions did not represent a complete solution to the need. This memorandum serves as a follow up and provides an updated list of funding options for the City's first responders for City Council consideration.

First Responder Needs – As detailed in the previous memorandum, the needs of the Fire and Police Departments exceed existing resources. The Fire Department has an estimated operational need of \$6.3 million to staff three new fire stations, add a fire inspector, two civilian positions and the capital needs for these three stations of approximately \$17 million. The operational needs of the Police Department are estimated to cost \$3.8 million for 22 sworn officers and 16 civilian personnel.

Fire Department Needs – The Fire Department's greatest needs are the construction and staffing of Fire and EMS stations in areas with high incident volume or anticipated growth. These additional stations must be added in currently underserved areas to meet the increasing demand for service and response time standards. The Fire Department has been able to make some changes to address this issue, but a lack of adequate funding has prevented the department from reaching a complete solution. Fire Station 4 was recently relocated to provide better responses in Orchard Mesa. Nine full time personnel were added in the last two years, investments have been made in the development of a fire training facility, and in 2016 the Fire Department was nationally recognized for excellence in responses to cardiac emergencies.

Due to a lack of necessary stations, the Fire Department is underfunded and understaffed, and residents in outlying or high growth areas do not receive the same level of service as residents located in more central parts of the city. Currently the areas of heaviest use center around medical and assisted living facilities in the center of the city. These calls heavily rely on Stations 1, 2, and 3, and often draw resources from Stations 4 and 5, which primarily serve the outer portions of the city. For every 1,000 residents in Grand Junction, the department responds to twice as many calls as comparable departments. This high number of calls causes the department to rely on mutual aid from other agencies as evidenced by the number of calls that Clifton Fire District responds to in the City.

While GJFD is proud of the service it provides to the community, the needs of our community are changing and we have a responsibility to continue to provide excellent service. A decade ago, Emergency Services Consulting Inc. conducted a study that recommended the three new fire stations listed below, bringing the total number of fire stations to eight. The need for these additional stations has not changed and has become more critically important as the community continues to grow. Capital needs for the stations range between \$4.9 million and \$6.1 million per station because of construction inflation and continued staffing costs of \$2.2 million per additional station.

North Area Station (Station 6) – The study identified that a station around 27 Road & G Road was needed to help cover the growing north area and would help reduce the high call volumes of Fire Stations 2 & 3. The City has moved forward with a plan to open a temporary station at this site and has hired personnel for an ambulance that will respond from this location. For the permanent station, 15 additional firefighters are needed at a cost of \$1.6 million and an estimated capital cost of \$4.9 million.

Northwest Area Station (Station 7) – The study also identified the need for a northwest area station around 23 Road & I Road to address the current gap in fire protection on the western and northwestern boundary as it relates to future growth in the City. The estimated cost of this station is \$6 million, considering the year it will be built, with an additional \$2.2 million in operating and staffing costs.

Southeast Area Station (Station 8) – Finally, the study identified the need for a southeast-area station around 31 Road & D Road. This station functions best if Clifton Fire and Grand Junction Fire collaborate in building and staffing this station to meet the growth in population, development, and call volume. This station is estimated to cost \$6.1 million and an additional \$2.2 million will be needed annually for operating and staffing costs. Clifton currently uses a combination of full, part time and volunteer staff to respond to a high number of calls in their district and is currently understaffed. While the per capita demand in our community is much higher, this station would benefit both City and Clifton residents.

Community help is needed for these long-term needs. The three additional fire stations will require 57 sworn employees and capital funding for the buildings, apparatus and equipment. As the department grows it will also need three additional administrative positions for an estimated cost of \$300,000. Total capital needs for three identified fire stations is \$17 million. The total operational needs of the department are approximately \$6.3 million.

Police Department Needs – A primary concern for GJPD is providing an adequate level of staffing to become a more proactive and service-based police department, rather than reactive. As of August 15th of this year, GJPD officers are operating at a level of noncommitted time of just 10%. This means that 90% of an officer's day is spent responding to calls and completing reports based on those calls. This is down from the previously reported 12%. To reach the desired level of noncommitted time for officers, 37%, GJPD would require 142 sworn officers. Currently, there are 120 sworn positions allotted to the Grand Junction Police Department. Of those 120 sworn, we are currently at 101 deployable personnel, to include the 11 vacant positions that are open due to recent departures.

The estimated cost of the Police Department's operational needs includes salaries, benefits, uniforms and gear, and vehicles if necessary. After the Police Service Technician and four sworn officers included in the 2019 Recommended Budget, the Police need for 18 sworn

officers and 15 civilian positions would cost an estimated \$3.3 million. Due to the significant time required to hire and train personnel, these costs would not initially occur all at once. The hiring would likely be spread over the course of a few years in order for the Police Department to maintain a high level of recruiting standards that ensures the best candidates are selected.

First Responder Sales Tax – The August 1st memorandum discussed funding options to address the needs of the City's Fire and Police departments. As discussed, the growing expectation to provide additional services has not been met with a proportional increase in funding. Sales tax is currently collected on certain items at a rate of 2.75% with 0.75% going to capital and economic development. A sales tax increase of a quarter percent would increase revenues by about \$4.3 million.

It is important to understand the difference between needs that are one-time costs versus the needs that require ongoing funding. The Police Department operational needs total approximately \$3.3 million and the total operating needs of the Fire Department are estimated at \$6.3 million. Total capital needs of the Fire Department are estimated at \$17 million, and the debt repayment on these capital needs is estimated to be \$1.3 million annually. Therefore, the need to increase the number of first responders to meet the community's needs must be met with sustainable sources of funding. The following are options for funding such needs:

Option A: Utilize Current Public Safety Funding – If the City chooses to use only existing resources to fund these first responder needs, then the City risks widening the gap in service as the community continues to grow. By utilizing only existing revenues, the completion date for all capital projects and reaching full staffing levels can be expected to be far in the future since we are currently already not meeting the public safety needs of the community. A complete solution to our first responder needs would not be reached as the City is only able to add 4-5 first responder positions each year and one fire station using the resources currently available. Therefore, Option A would entail utilizing existing resources to only fund a small percentage of our needs.

Option B: First Responder Sales Tax – Posing a ballot question to increase the sales tax rate could provide the City with the opportunity to more adequately fund first responders. The total cost of the Police and Fire Departments operational needs are \$3.3 million and \$6.3 million, respectively. The \$17 million in capital costs for three fire stations would result in annual payments of approximately \$1.3 million over the life of a 20-year bond. A complete solution for first responders would total approximately \$10.9 million annually. If these needs are to be addressed solely by new revenues, our sales tax would need to be increased by 0.63%. This significant increase would bring the City's sales and use tax to 3.38%.

Option C: First Responder Sales Tax Scaled Approach – A hybrid approach could be used to leverage existing resources with new sources of revenue. If new tax revenue is able to be used for the operational costs (staffing) for two of the three identified fire stations, estimated at \$4.1 million, and 18 sworn officers and 15 non-sworn positions for the Police Department, at an estimated cost of \$3.3 million, the total operational cost would be an estimated \$7.4 million in addition to capital costs. This new operational cost could be covered by a 0.43% tax increase. The annual debt repayment on \$10.9 million in capital for two fire stations is approximately \$838,000. Therefore, the annualized cost for capital and operations needs increases to \$8.2 million and could be covered by a 0.48% increase in tax.

If City Council believes there is a percentage increase the community would support (plus or minus 0.48%), Council could consider an increase in the range between 0.38% and 0.63%. By selecting a percentage tax increase in this range, staff could modify the number of first responder positions accordingly. New revenues generated by a tax increase within this range would allow some of the first responder needs to be addressed.

Comparison to Other Colorado Communities – Other Colorado communities and special districts are entertaining tax increases to help address their respective public safety needs.

Fire Protection Districts – Fire protection districts across the state are looking to increase their revenues to both meet increases in demand and to address the challenge of the Gallagher Amendment to the Colorado Constitution. For example, Fort Lewis Mesa Fire Protection District has filed the paperwork for two ballot measures in November. The first measure is a mill levy increase, and the second measure is a proposal to “de-Gallagherize,” the district from the reigns of the Gallagher Amendment. Closer to home, Lower Valley Fire Protection District went to the voters in May to increase the mill levy by three mills. This increase was in response to increased calls for service in a district with growing population. Lands End Fire Protection District in Whitewater also went to the voters in May and increased their mill levy by five mills and was also able to de-Gallagherize.

This fall, both Clifton Fire Protection District and Central Orchard Mesa Volunteer Fire District will ask the voters to de-Gallagherize. Due to the constricting effects of the Gallagher Amendment, Clifton Fire Protection District has experienced nearly a 15% drop in funding from 2016 to 2017. Clifton Fire is asking voters this fall to let the fire district keep the revenues that the Gallagher Amendment formula would have reduced. Central Orchard Mesa is asking voters to approve a mill-levy increase from 4.035 mills to 10 mills in addition to its de-Gallagherizing measure.

Durango – Durango City Council recently reached a consensus on likely sales and property tax questions to go in front of the voters this November. Revenue from the new taxes is expected to raise about \$7.5 million in 2019 and would be used for city services such as street maintenance and police. The questions will ask for a 5.4 mill property tax increase and a 0.55% increase in sales tax, bringing the City’s total tax rate in Durango from 3% to 3.55%.



CITY MANAGER'S OFFICE

Memorandum

TO: Mayor and Members of Council
FROM: Greg Caton, City Manager
DATE: January 2, 2018
SUBJECT: Revenue Options

A core responsibility of the City of Grand Junction is to be a responsible steward of our finances. Recent community conversations have highlighted the potential need to increase funding for public safety in response to increased demands and needs. Historically, the growing expectation to provide additional services has not been met with a proportional increase in a willingness to increase funding. This creates a gap where expenditures do not match revenues. However, when resources are scarce, it is important to be creative in finding solutions to funding challenges. Given the current environment, the City could explore alternative sources of revenue to help close this gap. The following memo explores some revenue source options that the City may consider moving forward.

Increase & Expand Sales Tax – Sales tax is a major and primary source of revenue for cities. Sales taxes are currently collected on only a certain amount of items at a rate of 2.75%. This rate could be increased as the City's current sales tax rate is lower than the average of other cities in Colorado. An increase in sales tax to 3% would increase revenues by about \$4.17 million. The types of items from which sales tax is currently collected could be expanded as well:

Sales Tax on Grocery Items – In Colorado, certain grocery items are exempt from state sales tax, though municipalities can tax these items. The City of Fort Collins, for example, has a 2.25% tax on food for home consumption. The City of Aspen does not exempt food from sales tax, but refunds a fixed amount per person that lived in the city for the entire preceding year. By doing so, Aspen is able to collect sales tax on food purchased by visitors, while minimizing the impact on residents through a refund.

Sales Tax on Services – Sales tax collections could also be expanded to include services not currently taxed. Increasing revenues from services would help capture consumer dollars spent on discretionary items and would ensure that consumer spending is taxed broadly and evenly. Examples of services that are not currently taxed locally are a variety of personal services, business services, computer services, admissions and amusements, and professional services. Like collecting tax on internet sales, the standards for this would likely have to come from the Federal or state level.

Sales Tax on Internet Sales – Consumer spending patterns have shifted in recent years with an increase in spending at online retailers. Although the idea of collecting tax for online sales appears to be an easy source of revenue, it should be noted that in Colorado, physical presence applies for internet sales. While some companies like Amazon have made separate tax partnership agreements with municipalities to collect taxes on behalf of the local governments, companies that do not have a physical presence in Colorado are not required to collect sales tax on items sold to Colorado residents. Uniformly collecting tax on internet sales is a venture best made at the Federal or state-level and would likely require a special vote. A roadblock to

this concept is that Colorado lacks a universal tax base, meaning some municipalities tax items that others do not. We currently receive revenue from Amazon sales.

Lodging Tax – The current City lodging tax is 3%. Grand Junction, compared to other markets, is relatively competitive. Boulder has a 7.5% lodging tax, and guests pay 12.30% tax in total per room. Steamboat Springs, in comparison, only has a 1% lodging tax, but guests pay 11.65% in total taxes per room. An increase of 1% to Grand Junction's lodging tax would increase revenues by approximately \$500,000. An option to expand lodging tax revenue is to collect taxes on short-term vacation rentals:

Short-Term Vacation Rentals – Short-term vacation rentals, like the popular companies *Airbnb* and *VRBO*, are gaining in popularity nationwide. Municipalities frequently use tax partnerships with companies like these to help with tax collection. For example, the City of Loveland recently signed an agreement with *Airbnb* for guests staying within city limits to pay an additional 3% lodging tax on their bills. The short term vacation rental company already collects a 3% sales tax, a local marketing district tax, and a 2.9% Colorado state sales tax to price listings. *Airbnb* will collect the new tax on behalf of the city, then remit the tax back. This is a key part of the agreement, since tax collection will be ensured by being performed by the company.

TABOR and de-Brucing – The passage of the TABOR law in November 1992 required voter approval on all tax increases in all taxing districts within the state. These include tax rate increases, imposition of new taxes, and increases in property tax assessment ratios. The law also explicitly prohibits the implementation of certain types of taxes including new or increased real estate transfer taxes, local income taxes, state property taxes, and state income tax surcharges. TABOR also requires voter approval to change any existing spending limits or revenue growth limits. Equally important, TABOR restricts general revenues to the prior year's revenues adjusted for population growth and inflation. Any excess revenues must be rebated back to the population through tax reductions or cash rebates. Voter approval is needed to override any of these provisions.

There is, however, a method for reducing the restrictions brought by TABOR. When local governments are allowed to keep revenues in excess of TABOR's specified limit in lieu of returning it to the citizens, it is known as *de-Brucing*. The term *de-Bruce* is in reference to Douglas Bruce, the architect of the TABOR amendment. A common misconception of the practice is that it strips the voters of their right to vote on taxes. However, *de-Brucing* only allows local governments to keep excess revenues collected.

Mill Levy Adjustments & Property Tax – A mill levy adjustment would allow the City to maintain revenue in response to changes in property tax from the 1982 Gallagher Amendment, which maintains Colorado's base property tax ratio at 55% for commercial property and 45% for residential. It is important to remember that under this law, commercial property is assessed at a fixed 29% rate, requiring that the residential assessment rate be lowered periodically in order to balance. Grand Junction currently enjoys low mill levy rates relative to other parts of the state. Adjusting mill levies would allow the City to also maintain revenue despite changes in valuation across the state. Alternatively, rural fire districts could adjust their respective mill levies to keep their revenues from decreasing.

Property Tax – Property tax is based on the value of real estate and personal property that a person owns within a jurisdiction and is calculated by multiplying the value of the property by the assessment rate and mill levy. Increasing the City's property tax would increase revenues,

however with the current rate of just 8 mills in the City of Grand Junction, property tax would have to be significantly increased to match the potential revenues of increasing other sources, such as sales tax. For example, current property tax revenues in the City are approximately \$7.5 million from our 8 mills. If an increase in sales tax by \$0.25 generates roughly \$4 million in additional revenue, generating a similar amount of new revenue from property tax would require the mill levy to increase by an additional 4.22 mills. Furthermore, the sales tax base is much larger than the base for property tax. Using the same example, approximately \$4 million would be generated by a sales tax increase of 0.25%, compared to an increase in property tax of 0.42%.

Memorandum

TO: Mayor and Members of Council
FROM: Greg Caton, City Manager
DATE: May 31, 2018
SUBJECT: Roadway Expansion Projects

The ability to move around the community with relative ease is important to maintaining the overall quality of life of Grand Junction residents. Planning and Infrastructure is one of City Council's directives as identified in the adopted Strategic Plan. When we put forth the ballot question in the spring of 2017 (Ballot Question 2B), we knew that was a solution for improving the condition (pavement condition index) of our existing roadways; however, we knew we would need to develop another solution for roadway expansion. The purpose of this memorandum is to identify projects that expand the transportation system and begin the discussion regarding funding for these improvements.

City staff works closely with the Regional Transportation Planning Office(RTPO) on traffic models that project population growth, travel routes, and future impacts to the transportation network. These models also help forecast "hotspots" and understand which areas require attention and resources to avoid significant delays on daily trips. The current model is slated to be updated later this year and published in 2019.

Transportation capacity improvement projects proposed for consideration include:

- 29 Road & I-70 Interchange
- Widening 24 Road
- Creating the F ½ Road Parkway
- Widening 25 Road
- Riverside Parkway interchange with 24 Road

Grand Junction Loop, 29 Road & I-70 Interchange – The City currently has several transportation capacity needs, and several notable roadway expansion projects would help to complete the beltway system known as the Grand Junction Loop. For approximately thirty years, the City of Grand Junction and Mesa County have identified the need for a beltway system. The concept of the Grand Junction Loop was developed in the late 1990s. In 2008, the Riverside Parkway opened, followed by the I-70B and 29 Road interchange in 2011.

An element of the Loop not yet completed is the I-70 & 29 Road interchange. The 2010 Grand Junction Comprehensive Plan envisions the 29 Road corridor as a Multi-use Opportunity Corridor and is part of the north-south corridor of the Grand Junction Loop that not only serves as the eastern portion of the loop but also connects I-70 to US 50. The 2040 Regional Transportation Plan (RTP) plan identifies two projects for the corridor. The first project will widen 29 Road from two to four lanes between F Road north to I-70 and construct an interchange on I-70. The second project will involve widening 29 Road from three lanes to five lanes between North Avenue and Patterson Road. The planned projects are multi-modal, including pedestrian and bicycle facilities. Total project cost for the I-70 & 29 Road interchange and widening north of Patterson is approximately \$60 million.

The City of Grand Junction and Mesa County recently approved an agreement to move forward on a Planning and Environmental Linkages (PEL) study that should be completed in the next 9 months. The study will help the City, County and CDOT determine the best configuration and location for the interchange and as well as develop a budget from which to explore funding opportunities at the federal, state and local levels.

Western Corridors of the Grand Junction Loop – The western corridors of the Grand Junction Loop include the components around the Mesa Mall and commercial areas in the western part of the City. Transportation capacity improvement projects in this area include the widening of 24 Road, creating the F ½ Road Parkway, widening 25 Road and the Riverside Parkway interchange with 24 Road.

2010 Comprehensive Plan envisions 24 Road as a corridor connecting I-70 and I-70B with the Riverside Parkway. The 24 Road Corridor Plan establishes 24 Road with a distinctive “parkway” character along the roadway that can serve as a gateway to the Grand Junction community. Reconstruction of the interchange with I-70 has already occurred, creating a desired gateway feature through coordination with and project construction by CDOT. Expansion of 24 Road would create a five-lane parkway with a landscaped median, landscaped right-of-way on the west and east (including transitions to the Leach Creek natural corridor), street lighting, bike lanes, and a detached sidewalk on the west side. Currently, no sidewalk is planned for the east side because a multi-use trail is planned for the Leach Creek natural corridor. This section is planned for future transit system expansion. The cost of a project widening of 24 Road is approximately \$10 million.

The vision for a F 1/2 Road Parkway is primarily to increase mobility as well as improve safety between I-70B and 25 Road as an alternative to Patterson Road. The Parkway corridor would be constructed with multi-modal features and a distinctive “parkway” character that could serve as a bypass around the Mesa Mall area as well as serve the anticipated additional growth in residential, commercial and industrial property along the corridor. F 1/2 Road at buildout is proposed to have four lanes with a 30-foot landscaped median with 10-foot detached shared use paths on both sides complete with street and pedestrian level lighting. Future travel modes include passenger vehicles, possibly bus service, as well as bicycles and pedestrians. The estimated cost of creating an interim three lane F 1/2 Road Parkway, similar to that which exists just east of 24 Road is \$10 million.

A 25 Road widening project would provide much needed improvements to a corridor connecting a future F 1/2 Road Parkway and I-70B. This project would also join with an existing interchange between the Riverside Parkway and 25 Road, adding connectivity to the overall Grand Junction Loop System. Expansion of 25 Road would also serve future residential, commercial and industrial property along the corridor. The cost of a project to improve 25 Road is approximately \$8 million.

The Riverside Parkway and 24 Road Interchange is not as intuitive as originally envisioned and has been the subject a few suggestions by citizens. The estimated cost for more conventional ramps, right of way acquisition, and Union Pacific Railroad coordination is \$20 million.

Project Costs & Financing Options – The total estimated cost of these projects is \$108 million which makes them unattainable using the current annual capital improvement funding. Debt will

need to be issued in order to appropriately fund these sizable projects and construct them over a feasible time-frame.

In April of 2017, voters approved using TABOR excess towards pavement maintenance. Over the next several years, both the planned and authorized expenditures will allow us to bring our pavement condition index up to 73, which is the desirable condition. The voter approved authorization of dollars in excess of the TABOR limitation sunsets in 2022. Depending on sales tax growth, property tax growth and the allowed amount of growth under TABOR, the average projected revenues in excess of the TABOR imposed limitation over the next 10 years ranges from \$800,000 per year to \$1,000,000 per year.

The City currently has outstanding debt on the Riverside Parkway that matures in 2024. That annual debt service payment is \$3.8 million. Without another authorization from voters to use excess TABOR funds after 2022, the funds now being used for the Riverside Parkway debt service will be subject to a refund to the taxpayers.

An option to consider for a roadway expansion solution is to ask the voters to use TABOR excess funds beyond 2022 to help pay the debt service on these projects. Funds from TABOR excess would be combined with funds being used for the Riverside Parkway debt service (after maturity) and growth in existing capital revenues to service the debt required to construct these projects. Considering the County's estimated participation in the 29 Road and I-70 interchange, the net cost of the projects to the City would be approximately \$78 million. It is estimated that the debt service would range between \$5 and 6 million per year to fund the improvements.

As the community has recently felt the demand on the housing with additional people moving to the community, we are feeling a sense of urgency to discuss, and finalize, solutions for expanding the transportation system. Many of these projects will have a positive impact on the surrounding private properties and will create economic development opportunities. Due to the complex nature of these projects and other important factors such as available resources and existing sales tax revenue, posing a question to the voters in spring of 2019 could be advantageous for these projects.

C: Department Directors

Memorandum

TO: Mayor and Members of Council
FROM: Greg Caton, City Manager
DATE: July 18, 2018
SUBJECT: Roadway Expansion – Part II

We recently provided a memorandum regarding roadway expansion. That memorandum (attached for reference) has produced some healthy exchanges and additional questions. This memorandum is meant as a follow up to these questions and provide additional options for City Council consideration. We are seeing an increasing need for expanding the transportation system as we have felt the demand on the housing market with the recent influx of people moving to the community. Projects that improve and expand the existing transportation system will have a positive impact on properties in the City and will help create economic development opportunities. Due to the complex nature of these projects and other important factors such as available resources and existing sales tax revenue, posing a question to the voters in spring of 2019 could be advantageous for these projects. The purpose of this memorandum is to continue the discussion on roadway projects that expand the transportation system in the City of Grand Junction and our options for funding for these improvements.

Roadway Expansion Projects – As discussed in a previous memorandum, transportation capacity improvement projects proposed for consideration included the list below. The total estimated cost of these projects is \$108 million which makes them unattainable using the current annual capital improvement funding. If Mesa County participates in the 29 Road & I-70 interchange project, then the City's approximate cost of these projects is reduced to \$78 million. As discussed in the aforementioned memo, debt will need to be issued in order to appropriately fund these sizable projects and construct them over a feasible time-frame.

- | | |
|---------------------------------|---|
| - 29 Road & I-70 Interchange | - Widening of 25 Road |
| - Widening of 24 Road | - Riverside Parkway & 24 Road Interchange |
| - Creating the F ½ Road Parkway | |

Complete Roadway Expansion Projects List – We received a request from Council for a complete solution. In addition to the projects highlighted by the preceding memo (as shown above), staff has identified 24 additional roadway expansion projects that would complete the necessary expansion of the City's roadway network. The cost of these new projects is estimated to total over \$106 million. These new improvement projects increase capacity of the network and help to change roads that are currently rural in nature to those that are urbanized. Projects include:

- | | |
|-------------------------------------|---|
| - 23 Road between H Road and I-70 | - 26 ½ Road |
| - 23 Road and I-70 bridge structure | - 26 ½ Road and I-70 bridge structure |
| - 24 Road and I-70 bridge structure | - G Road from 23 Road and Horizon Drive |
| - 24 ½ Road | - 27 Road and I-70 bridge structure |
| - 25 Road from F ½ to G ¾ Roads | - Intersection improvements at G Road and 27 Road |
| - 26 Road | |
| - 26 Road and I-70 bridge structure | |

- F ½ Road
- F ½ Road
- D Road in Pear Park
- D ½ Road in Pear Park
- E Road in Pear Park
- Intersection improvements along D Road at 30, 31, and D ½ Roads
- B ½ Road in Orchard Mesa
- 27 ½ Road in Orchard Mesa
- Intersection improvements at 27 ½ Road and Unawep and B ½ Roads
- F ½ Road across Matchett Park
- F ½ Road from 30 Road to 31 Road
- South Broadway improvements in the Redlands

These projects would increase capacity for neighborhoods throughout the City of Grand Junction and would improve mobility between all areas of the city and the downtown core. Improvements to corridors such as 26 Road and 26 1/2 Road are currently identified outside the 10-year capital plan. Projects listed within the 10-year CIP are north area improvements such as to the G Road corridor, F 1/2 Rd, 24 Road and 25 Road corridors. While identified in the CIP, they are outside the balanced portion of the CIP. When added to the \$78 million described in the previous memo, the total estimated cost of all transportation expansion projects is \$184 million.

Option A: Utilize Current Transportation Funding – If the City chooses to use only existing resources to fund these transportation projects, especially without bonding, then the completion date for all projects can be expected to be far in the future. The current 10-year capital improvement plan includes some small capacity projects, such as roundabouts and turn lanes that are funded in the 5-year projection. However, in the latter years, other transportation capacity projects remain unfunded. Using the CIP as a guide, the City currently has capacity to fund approximately \$15 million in roadway infrastructure projects over ten years.

Voters approved using TABOR excess towards pavement maintenance in April of 2017. The voter approved authorization of dollars in excess of the TABOR limitation sunsets in 2022. Depending on sales tax growth, property tax growth and the allowed amount of growth under TABOR, the average projected revenues in excess of the TABOR imposed limitation over the next 10 years ranges from \$800,000 per year to \$1,000,000 per year. The City currently has outstanding debt on the Riverside Parkway that matures in 2024. That annual debt service payment is \$3.8 million. Without another authorization from voters to use excess TABOR funds after 2022, the funds now being used for the Riverside Parkway debt service will be subject to a refund to the taxpayers. The approximate amount of funds devoted to transportation is \$4.8 million. Using the resources available to the City currently, the total value of projects we can fund is approximately \$64 million. Therefore, Option A would entail utilizing existing resources, including reauthorization of the TABOR excess, to fund major projects through bonding that totals approximately \$64 million.

Option B: Sales Tax Increase – Even with bonding, the City's limited existing funds pose challenges to achieving a complete transportation solution. With consideration of increasing revenue sources, the City has the opportunity to complete more projects resulting in a comprehensive road network solution. Combined with existing resources, new sources of revenue would allow the City to pay the debt service on transportation projects throughout the community. The cost of the projects from the expanded list, indicated in this memo is approximately \$106 million. Also, of important note is the existing resources can fund \$4.8 million per year for a total of \$64 million. So, there is a gap between \$64 million that we can fund with existing resources and the \$78 million needed to fund the original list of projects. The debt

service on \$78 million and \$106 million would be \$5.8 million and \$7.8 million, respectively, over the 20-year life of the debt. Combined debt service of the complete solution would be approximately \$13.6 million.

The total estimated cost of all projects is \$184 million. Debt will need to be issued in order to appropriately fund these sizable projects and construct them over a reasonable time-frame. An option is to ask voters to increase sales tax within the City to fund these transportation projects. New revenues from sales tax, in combination with existing funds could provide a complete solution to roadway expansion. A half-percent increase on sales tax would result in approximately \$8 million in revenue to the City annually. This means that debt service on some of the proposed projects could be covered in part by increasing the sales tax.

Posing a ballot question to increase the tax rate could provide the City with the opportunity to complete capacity projects. However, with the cost of a total transportation solution estimated at approximately \$184 million, the timeline to complete these projects is also important to consider. The number of projects the City can complete is dependent on the availability of funding. A potential ballot question, in combination with existing resources, could be enough to address most of the transportation needs present in the community. Alternatively, these projects could be completed over longer periods of time. For example, the City could propose to do half of these projects with quarter percent sales tax increase and do the other half after 20 years. However, as the community continues to grow, a less aggressive approach would leave inadequate portions of the City's transportation network in place for longer. Therefore, Option B would entail additional revenue through a sales tax increase. To fully fund the \$106 million, annual debt service is approximately \$7.8 million. A half-percent would provide \$8 million annually. An alternative option (let's call it Option B Light) could be to fund approximately half of the \$106 million (or \$53 million) and request a quarter-percent sales tax increase. If Option A is combined with Option B Light, then a quarter-percent sales tax increase would be requested and in conjunction with existing revenues, we could fund \$117 million worth of major projects.

Additional and Supplemental Sources of Funding – Senate Bill 18-001 provides two years of General Fund transfers to CDOT, totaling approximately \$451.5 million, authorizes a 2019 ballot initiative for \$2.3 billion in bonds if 2018 ballot initiatives fail, and retains the first year of funds authorized by SB 17-267, with future years contingent on the outcomes of 2018 ballot initiatives.

Ballot Initiative #153 will ask Colorado voters to increase the state sales tax by 0.62% for 20 years. Of the total amount collected in year one, 45% will go to the State and is estimated to collect approximately \$345 million. Another 15% will be used for the multimodal fund and is estimated to collect \$115 million in its first year. 85% of this revenue will be used for local priorities. The final 40%, or approximately \$306.7 million in the first year will go to local agencies and is projected to net approximately \$8 billion over the span of the increase. Revenue is to be split evenly between counties and cities and will be based off the HUTF formula. The City budgeted approximately \$2.3 million for HUTF funds in 2018. New revenue from Ballot Initiative #153 is estimated to provide an additional \$2.7 million in its first year.

Attachment

Memorandum

TO: Mayor and Members of Council
FROM: Greg Caton, City Manager
DATE: May 31, 2018
SUBJECT: Roadway Expansion Projects

The ability to move around the community with relative ease is important to maintaining the overall quality of life of Grand Junction residents. Planning and Infrastructure is one of City Council's directives as identified in the adopted Strategic Plan. When we put forth the ballot question in the spring of 2017 (Ballot Question 2B), we knew that was a solution for improving the condition (pavement condition index) of our existing roadways; however, we knew we would need to develop another solution for roadway expansion. The purpose of this memorandum is to identify projects that expand the transportation system and begin the discussion regarding funding for these improvements.

City staff works closely with the Regional Transportation Planning Office(RTPO) on traffic models that project population growth, travel routes, and future impacts to the transportation network. These models also help forecast "hotspots" and understand which areas require attention and resources to avoid significant delays on daily trips. The current model is slated to be updated later this year and published in 2019.

Transportation capacity improvement projects proposed for consideration include:

- 29 Road & I-70 Interchange
- Widening 24 Road
- Creating the F ½ Road Parkway
- Widening 25 Road
- Riverside Parkway interchange with 24 Road

Grand Junction Loop, 29 Road & I-70 Interchange – The City currently has several transportation capacity needs, and several notable roadway expansion projects would help to complete the beltway system known as the Grand Junction Loop. For approximately thirty years, the City of Grand Junction and Mesa County have identified the need for a beltway system. The concept of the Grand Junction Loop was developed in the late 1990s. In 2008, the Riverside Parkway opened, followed by the I-70B and 29 Road interchange in 2011.

An element of the Loop not yet completed is the I-70 & 29 Road interchange. The 2010 Grand Junction Comprehensive Plan envisions the 29 Road corridor as a Multi-use Opportunity Corridor and is part of the north-south corridor of the Grand Junction Loop that not only serves as the eastern portion of the loop but also connects I-70 to US 50. The 2040 Regional Transportation Plan (RTP) plan identifies two projects for the corridor. The first project will widen 29 Road from two to four lanes between F Road north to I-70 and construct an interchange on I-70. The second project will involve widening 29 Road from three lanes to five lanes between North Avenue and Patterson Road. The planned projects are multi-modal, including pedestrian and bicycle facilities. Total project cost for the I-70 & 29 Road interchange and widening north of Patterson is approximately \$60 million.

The City of Grand Junction and Mesa County recently approved an agreement to move forward on a Planning and Environmental Linkages (PEL) study that should be completed in the next 9 months. The study will help the City, County and CDOT determine the best configuration and location for the interchange and as well as develop a budget from which to explore funding opportunities at the federal, state and local levels.

Western Corridors of the Grand Junction Loop – The western corridors of the Grand Junction Loop include the components around the Mesa Mall and commercial areas in the western part of the City. Transportation capacity improvement projects in this area include the widening of 24 Road, creating the F ½ Road Parkway, widening 25 Road and the Riverside Parkway interchange with 24 Road.

2010 Comprehensive Plan envisions 24 Road as a corridor connecting I-70 and I-70B with the Riverside Parkway. The 24 Road Corridor Plan establishes 24 Road with a distinctive “parkway” character along the roadway that can serve as a gateway to the Grand Junction community. Reconstruction of the interchange with I-70 has already occurred, creating a desired gateway feature through coordination with and project construction by CDOT. Expansion of 24 Road would create a five-lane parkway with a landscaped median, landscaped right-of-way on the west and east (including transitions to the Leach Creek natural corridor), street lighting, bike lanes, and a detached sidewalk on the west side. Currently, no sidewalk is planned for the east side because a multi-use trail is planned for the Leach Creek natural corridor. This section is planned for future transit system expansion. The cost of a project widening of 24 Road is approximately \$10 million.

The vision for a F 1/2 Road Parkway is primarily to increase mobility as well as improve safety between I-70B and 25 Road as an alternative to Patterson Road. The Parkway corridor would be constructed with multi-modal features and a distinctive “parkway” character that could serve as a bypass around the Mesa Mall area as well as serve the anticipated additional growth in residential, commercial and industrial property along the corridor. F 1/2 Road at buildout is proposed to have four lanes with a 30-foot landscaped median with 10-foot detached shared use paths on both sides complete with street and pedestrian level lighting. Future travel modes include passenger vehicles, possibly bus service, as well as bicycles and pedestrians. The estimated cost of creating an interim three lane F 1/2 Road Parkway, similar to that which exists just east of 24 Road is \$10 million.

A 25 Road widening project would provide much needed improvements to a corridor connecting a future F 1/2 Road Parkway and I-70B. This project would also join with an existing interchange between the Riverside Parkway and 25 Road, adding connectivity to the overall Grand Junction Loop System. Expansion of 25 Road would also serve future residential, commercial and industrial property along the corridor. The cost of a project to improve 25 Road is approximately \$8 million.

The Riverside Parkway and 24 Road Interchange is not as intuitive as originally envisioned and has been the subject a few suggestions by citizens. The estimated cost for more conventional ramps, right of way acquisition, and Union Pacific Railroad coordination is \$20 million.

Project Costs & Financing Options – The total estimated cost of these projects is \$108 million which makes them unattainable using the current annual capital improvement funding. Debt will

need to be issued in order to appropriately fund these sizable projects and construct them over a feasible time-frame.

In April of 2017, voters approved using TABOR excess towards pavement maintenance. Over the next several years, both the planned and authorized expenditures will allow us to bring our pavement condition index up to 73, which is the desirable condition. The voter approved authorization of dollars in excess of the TABOR limitation sunsets in 2022. Depending on sales tax growth, property tax growth and the allowed amount of growth under TABOR, the average projected revenues in excess of the TABOR imposed limitation over the next 10 years ranges from \$800,000 per year to \$1,000,000 per year.

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An option to consider for a roadway expansion solution is to ask the voters to use TABOR excess funds beyond 2022 to help pay the debt service on these projects. Funds from TABOR excess would be combined with funds being used for the Riverside Parkway debt service (after maturity) and growth in existing capital revenues to service the debt required to construct these projects. Considering the County's estimated participation in the 29 Road and I-70 interchange, the net cost of the projects to the City would be approximately \$78 million. It is estimated that the debt service would range between \$5 and 6 million per year to fund the improvements.

As the community has recently felt the demand on the housing with additional people moving to the community, we are feeling a sense of urgency to discuss, and finalize, solutions for expanding the transportation system. Many of these projects will have a positive impact on the surrounding private properties and will create economic development opportunities. Due to the complex nature of these projects and other important factors such as available resources and existing sales tax revenue, posing a question to the voters in spring of 2019 could be advantageous for these projects.

C: Department Directors

First Responder Needs

City Council Workshop
December 17th, 2018

First Responder Needs

- Fire

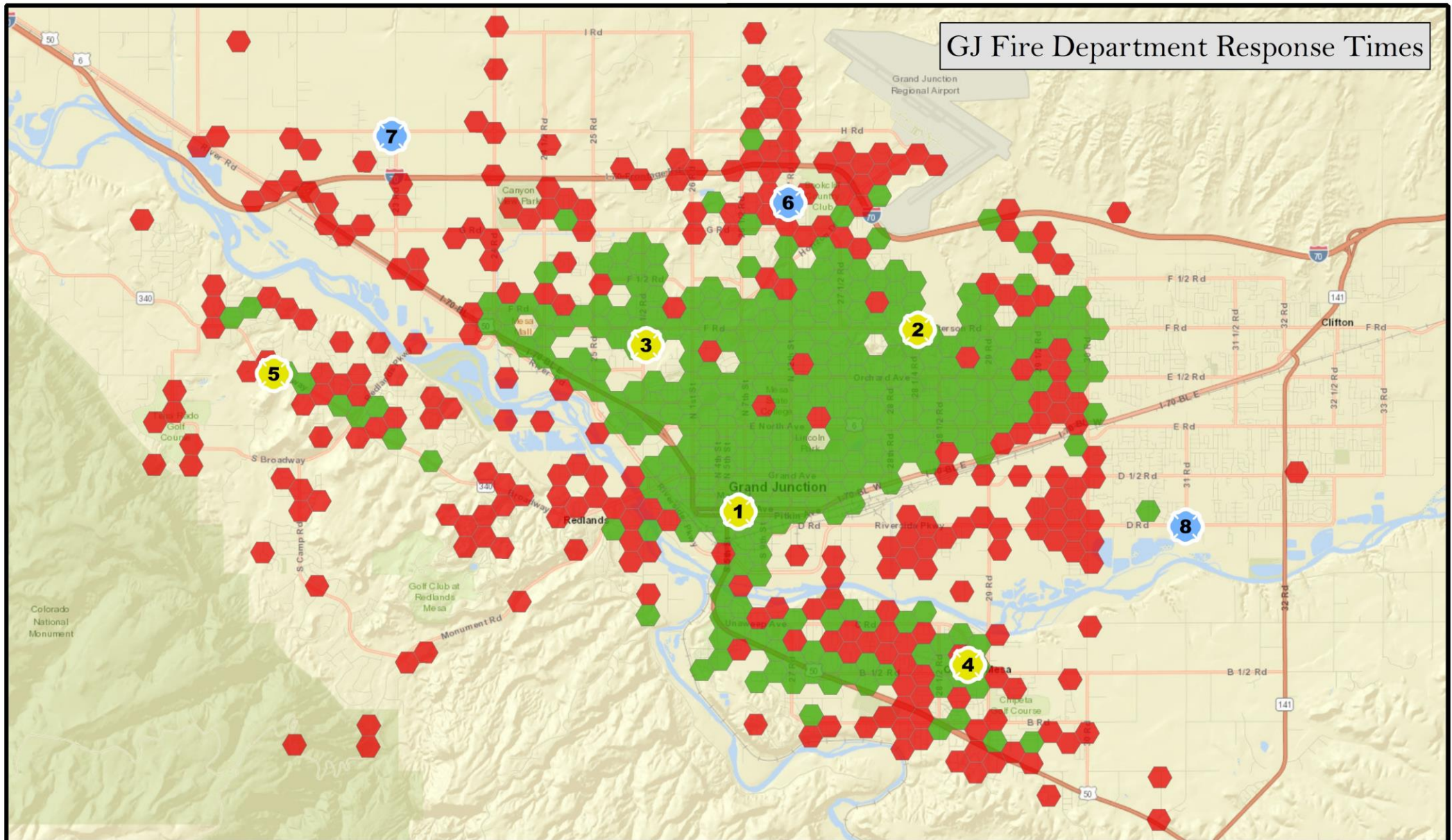
- Build, staff, and operate three stations-Need 60 total positions
 - Station #6 North Area (731 27 Rd)
 - Station #7 Northwest Area (23 Rd & H Rd)
 - Station #8 East Area (31 Rd & D Rd)
- Total ongoing need of \$6.3 million per year

- Police

- 18 sworn positions, 8 communication center positions, and 5 civilian positions
- Total ongoing need of \$3.3 million per year

- Total for First Responders \$9.6 million per year

GJ Fire Department Response Times



 Response < 6 Minutes
 Response > 6 Minutes

 Existing Station

 Proposed Station



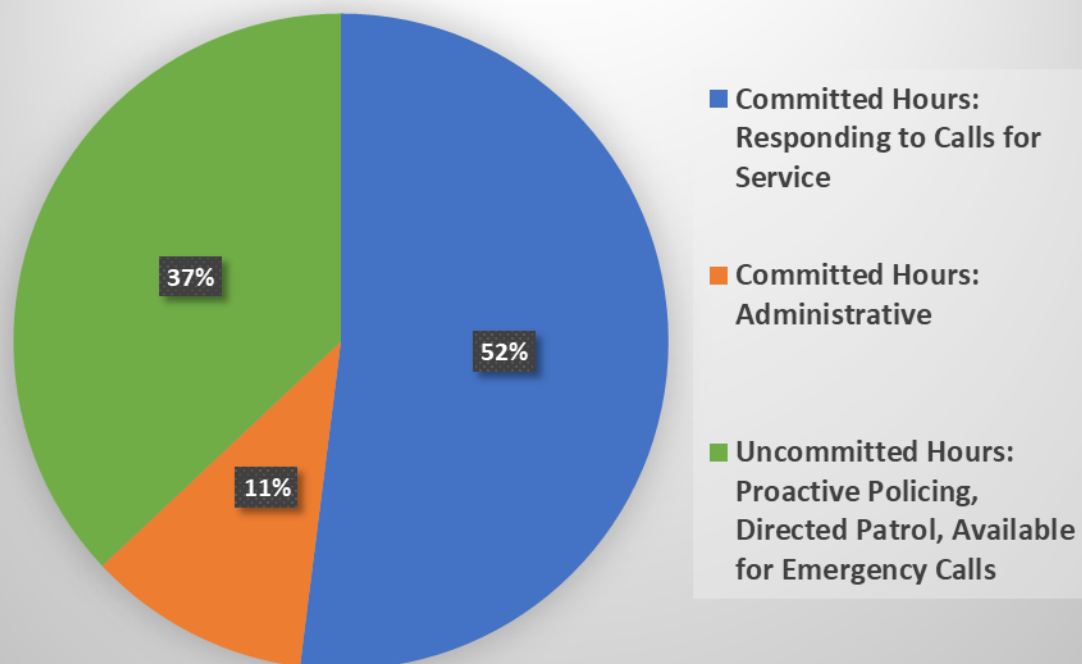
0 1 2 Miles

Published: 12/10/2018

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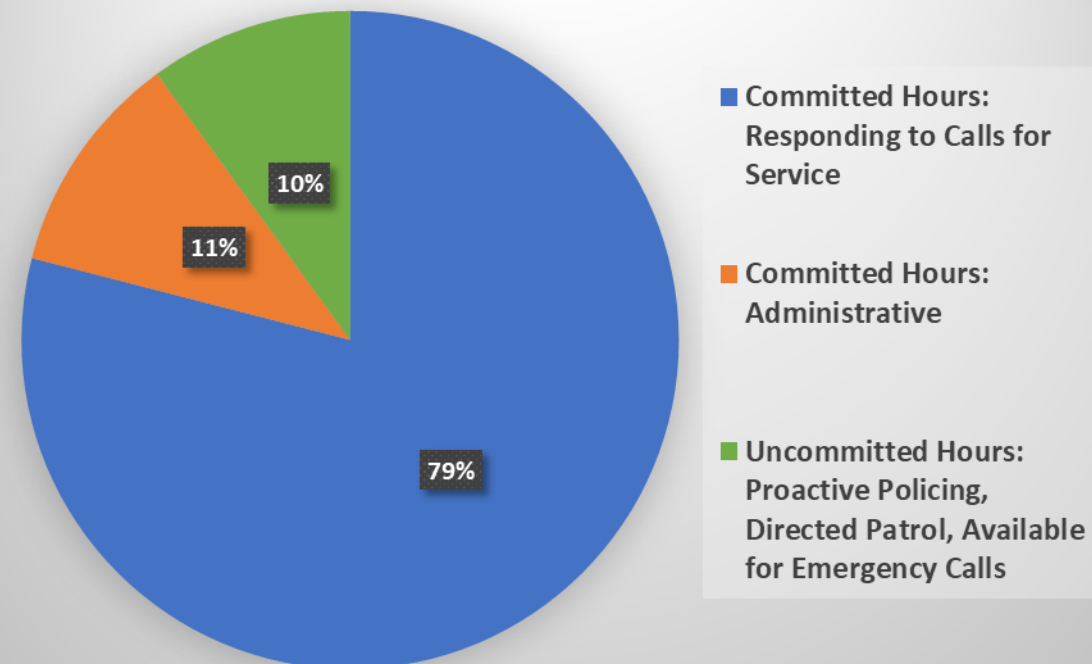
Grand Junction Police Department

Recommended* *Minimum* Availability 37%



*Recommended By: International Association of City & County Managers and International Association of Chiefs of Police

Current GJPD Availability 10%



Based on a 10 hour shift, this means only **1 hour** is available for Proactive Policing which has a direct impact on reducing criminal activity.

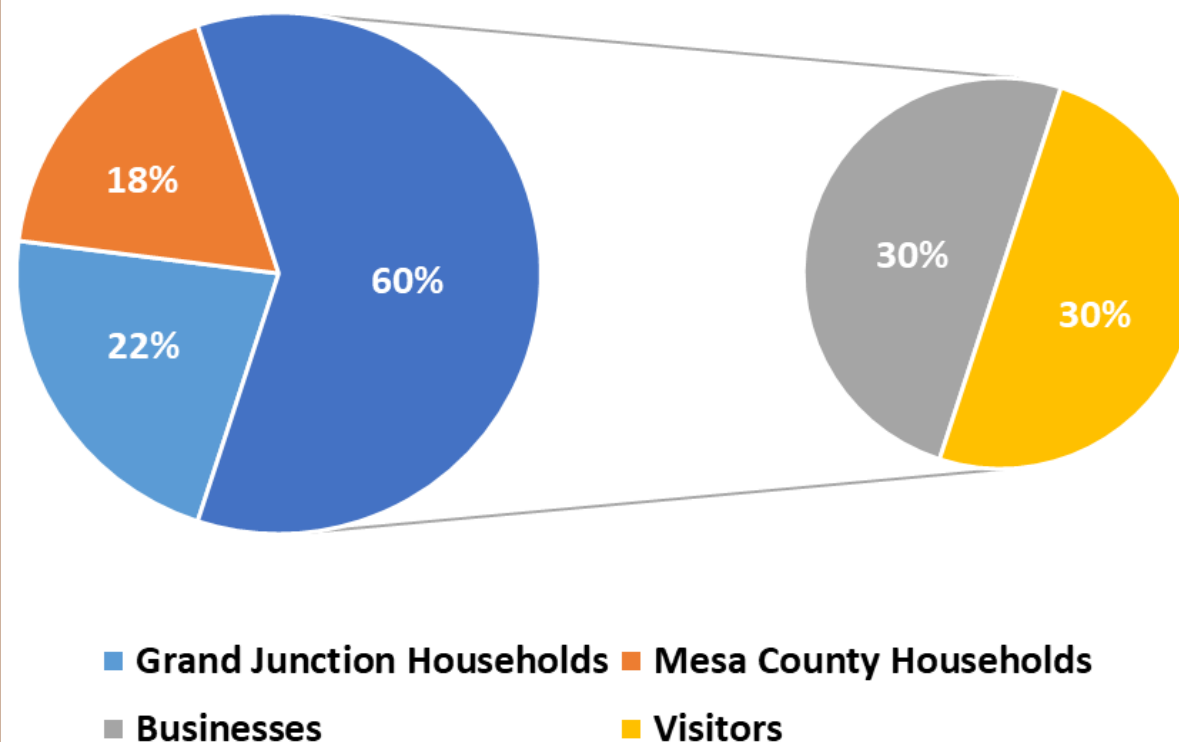
Sales Tax

Total Sales Tax Breakdown in Grand Junction

City of Grand Junction General Fund	2.00%
City of Grand Junction Capital and Economic Development	0.75%
City of Grand Junction Total	2.75%
Mesa County (City receives 16% or 32% of second 1%)	2.00%
Mesa County Public Safety Tax (City receives 6.97%)	0.37%
Mesa County Total	2.37%
State of Colorado Total	2.90%
Total Combined Sales Tax Rate	8.02%

City's Share of Mesa County Public Safety Tax is currently estimated at \$500,000 per year.

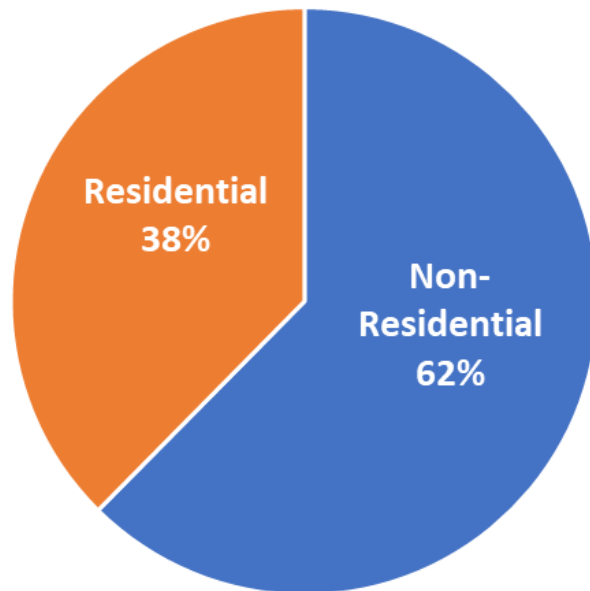
Who Pays Sales Tax



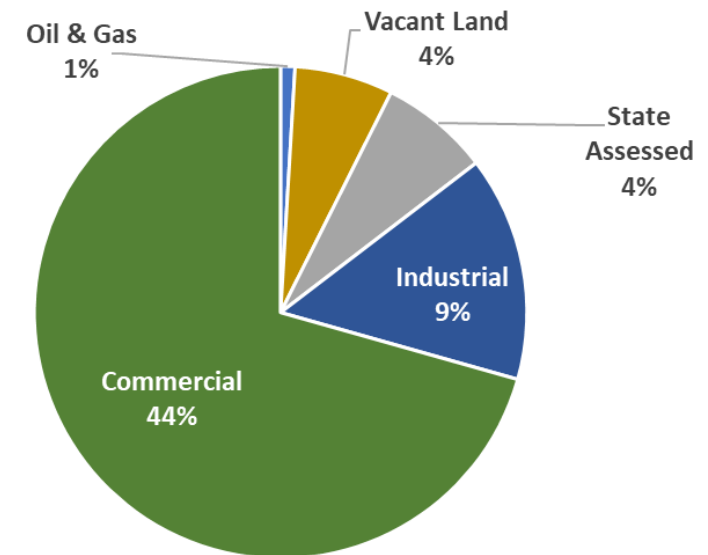
Property Tax

- Property tax comprises 10% of revenue from a levy of 8 mills
- Property tax mill levy has not been increased in over 25 years

City Property Tax



Non-Residential City Property Tax



First Responder Funding Sources

- Sales tax is a major source of revenue and is paid in large part by non-City residents and businesses
- Increase in sales tax is spread over a large population and reduces the tax burden to City residents
- A .25% increase in sales tax generates \$4.3 million based on current retail sales
- In order to reduce a tax increase to City residents and businesses, an option is to eliminate property tax

First Responder Funding Options

Option A-Fund Fire and Police Sales Tax Increase		.50%
<u>Funded</u>	<u>Sales Tax Increase</u>	
Fire		0.35%
Police		0.15%
Total		0.50%

City Sales Tax Rate Total 3.25%

Option B-Fund Fire Only .35% Sales Tax Increase	
<u>Funded</u>	<u>Sales Tax Increase</u>
Fire	0.35%

City Sales Tax Rate Total 3.10%

First Responder Funding Options

Option C-Fund Police Only .15% Sales Tax Increase

<u>Funded</u>	<u>Sales Tax Increase</u>
Police	0.15%

City Sales Tax Rate Total 2.90%

Option D-Fund Fire and Police, Eliminate Property Tax, 1% Sales Tax Increase

<u>Funded</u>	<u>Sales Tax Increase</u>
Fire	0.35%
Police	0.15%
Replace Property Tax Revenue	0.50%
Total	1.00%

City Sales Tax Rate Total 3.75%

Roadway Expansion Needs

- Grand Junction Loop with 29 Road & I-70 Interchange estimated costs total \$78 million
 - 29 Road & I-70 Interchange (County pays 1/2)
 - Riverside Parkway & 24 Road
 - Widening of 24 Road Creating F ½ Road Parkway
- Widening 25 Road Roadway Expansion Projects Part II estimated costs total \$106 million
 - 24 projects increasing capacity for neighborhoods and improving mobility
- Total estimated cost of expansion projects is \$184 million

Combined with funds used currently for debt service and estimated TABOR excess, Option E is estimated to fund \$117 million in road expansion projects.

Option E-Fund Fire and Police, Eliminate Property Tax, Fund Roadway Expansion, 1.25% Sales Tax Increase

<u>Funded</u>	<u>Sales Tax Increase</u>
Fire	0.35%
Police	0.15%
Replace Property Tax Revenue	0.50%
Roadway Expansion Projects	0.25%
Total	1.25%

City Sales Tax Rate Total 4.00%

Monthly Impact of Potential Tax Increases

All Based on a Monthly Comparison							
	Sales Tax Rate Increase	Sales Tax Increase Per Grand Junction Household	Residential Property Tax Reduction Based on Median Home Value \$240,000	Residential Property Tax Reduction Based on Home Value \$300,000	Residential Property Tax Reduction Based on Home Value \$350,000	Commercial Property Tax Reduction Based on Property Value of \$500,000	Commercial Property Tax Reduction Based on Property Value of \$1,000,000
Current		\$ 30.84					
Option A-Fire and Police	0.50%	\$ 5.61	\$ -	\$ -	\$ -		
Option B-Fire Only	0.35%	\$ 3.93	\$ -	\$ -	\$ -		
Option C-Police Only	0.15%	\$ 1.68	\$ -	\$ -	\$ -		
Option D-Fire, Police, Eliminate Property Tax	1.00%	\$ 11.21	\$ (11.52)	\$ (14.40)	\$ (16.80)	\$ (96.67)	\$ (193.33)
Option E-Fire, Police, Eliminate Property Tax, Fund Roadway Expansion	1.25%	\$ 14.02	\$ (11.52)	\$ (14.40)	\$ (16.80)	\$ (96.67)	\$ (193.33)

Annual Impact of Potential Tax Increases

All Based on an Annual Comparison							
	Sales Tax Rate Increase	Sales Tax Increase Per Grand Junction Household	Residential Property Tax Reduction Based on Median Home Value \$240,000	Residential Property Tax Reduction Based on Home Value \$300,000	Residential Property Tax Reduction Based on Home Value \$350,000	Commercial Property Tax Reduction Based on Property Value of \$500,000	Commercial Property Tax Reduction Based on Property Value of \$1,000,000
Current		\$ 370.08					
Option A-Fire and Police	0.50%	\$ 67.32	\$ -	\$ -	\$ -	\$ -	\$ -
Option B-Fire Only	0.35%	\$ 47.16	\$ -	\$ -	\$ -	\$ -	\$ -
Option C-Police Only	0.15%	\$ 20.16	\$ -	\$ -	\$ -	\$ -	\$ -
Option D-Fire, Police, Eliminate Property Tax	1.00%	\$ 134.52	\$ (138.24)	\$ (172.80)	\$ (201.60)	\$ (1,160.00)	\$ (2,320.00)
Option E-Fire, Police, Eliminate Property Tax, Fund Roadway Expansion	1.25%	\$ 168.24	\$ (138.24)	\$ (172.80)	\$ (201.60)	\$ (1,160.00)	\$ (2,320.00)

Sales Tax Rates Across the State

- Grand Junction is currently on the lower end for stand-alone city sales tax rates compared to other full- service cities around Colorado. Many other cities tax food for home consumption and residential utilities; Grand Junction does not tax these basic necessities.
- Most front range cities have a dedicated transportation tax for public transit.
- The City of Grand Junction funds fire and emergency medical services (EMS) through sales tax and property tax.
- Many cities have fire protection districts that provide fire and EMS to their residents. Those residents pay an additional property tax for those services.
- For illustration purposes, a City of Fruita resident pays 3% Fruita City Sales tax and a property tax mill of 10.14 for City services (fire and EMS not included). They also pay a mill levy of 8.31 to the Lower Valley Fire District for fire and EMS.

Sales Tax Rates Across the State

By City Rate

**Handout
will be
provided.**

Comparison of Sales Tax Rates		City Council Workshop December 17th, 2018		City of Grand Junction Current City of Grand Junction Options		Surrounding Communities			
City		City Sales Tax Rate	County Sales Tax Rate	State Sales Tax Rate	Total Combined Sales Tax Rate	Fire District	Effective City Sales Tax Rate	Tax Food for Home Consumption	Tax Residential Utilities
1 Commerce City		4.50%	0.75%	2.90%	8.15%	Yes	5.84%	No	Yes
2 Broomfield		4.15%	0.00%	2.90%	7.05%	Yes	6.15%	Yes	Yes
3 Greeley		4.11%	0.00%	2.90%	7.01%	No	4.11%	Yes	Yes
4 Grand Junction-Option E		4.00%	2.37%	2.90%	9.27%	No	4.00%	No	No
5 Castle Rock		4.00%	1.00%	2.90%	7.90%	No	4.00%	Yes	Yes
6 Boulder		3.86%	0.99%	2.90%	7.75%	No	3.86%	Yes	Yes
7 Westminster		3.85%	0.75%	2.90%	7.50%	No	3.85%	Yes	Yes
8 Fort Collins		3.85%	0.55%	2.90%	7.30%	Yes	5.29%	Yes	Yes
9 Grand Junction-Option D		3.75%	2.37%	2.90%	9.02%	No	3.75%	No	No
10 Aurora		3.75%	0.75%	2.90%	7.40%	No	3.75%	No	Yes
11 Glenwood Springs		3.70%	1.00%	2.90%	7.60%	No	3.70%	Yes	No
12 Pueblo		3.70%	1.00%	2.90%	7.60%	No	3.70%	No	Yes
13 Longmont		3.53%	0.99%	2.90%	7.42%	No	3.53%	Yes	Yes
14 Englewood		3.50%	0.25%	2.90%	6.65%	No	3.50%	No	Yes
15 Arvada		3.46%	0.75%	2.90%	7.11%	Yes	5.46%	Yes	Yes
16 Montrose		3.30%	1.75%	2.90%	7.95%	Yes	4.46%	Yes	Yes
17 Grand Junction-Option A		3.25%	2.37%	2.90%	8.52%	No	3.25%	No	No
18 Colorado Springs		3.12%	1.23%	2.90%	7.25%	No	3.12%	No	No
19 Grand Junction-Option B		3.10%	2.37%	2.90%	8.37%	No	3.10%	No	No
20 Fruita		3.00%	2.37%	2.90%	8.27%	Yes	4.13%	No	No
21 Delta		3.00%	2.00%	2.90%	7.90%	Yes	3.65%	Yes	Yes
22 Loveland		3.00%	0.55%	2.90%	6.45%	Yes	3.00%	Yes	Yes
23 Lakewood		3.00%	0.50%	2.90%	6.40%	Yes	4.68%	No	Yes
24 Golden		3.00%	0.50%	2.90%	6.40%	No	3.00%	Yes	Yes
25 Littleton		3.00%	0.25%	2.90%	6.15%	Yes	4.25%	Yes	Yes
26 Grand Junction-Option C		2.90%	2.37%	2.90%	8.17%	No	2.90%	No	No
27 Grand Junction-Current		2.75%	2.37%	2.90%	8.02%	No	2.75%	No	No
28 Palisade		2.00%	2.37%	2.90%	7.27%	No	n/a	No	No
29 Collbran		2.00%	2.37%	2.90%	7.27%	Yes	2.70%	No	No
30 De Beque		2.00%	2.37%	2.90%	7.27%	Yes	2.54%	No	No

(a) Includes an estimated equivalent sales tax rate based on the property tax paid for fire service through a mill levy in a separate fire district using same median income and home value as Grand Junction.

Sales Tax Rates Across the State

By Effective Rate With Fire Service

**Handout
will be
provided.**

Comparison of Sales Tax Rates		City Council Workshop December 17th, 2018		City of Grand Junction Current City of Grand Junction Options		Surrounding Communities			
City	Effective City Sales Tax Rate (a)	City Sales Tax Rate	County Sales Tax Rate	State Sales Tax Rate	Total Combined Sales Tax Rate	Fire District	Tax Food for Home Consumption	Tax Residential Utilities	
1 Broomfield	6.15%	4.15%	0.00%	2.90%	7.05%	Yes	Yes	Yes	
2 Commerce City	5.84%	4.50%	0.75%	2.90%	8.15%	Yes	No	Yes	
3 Arvada	5.46%	3.46%	0.75%	2.90%	7.11%	Yes	Yes	Yes	
4 Fort Collins	5.29%	3.85%	0.55%	2.90%	7.30%	Yes	Yes	Yes	
5 Lakewood	4.68%	3.00%	0.50%	2.90%	6.40%	Yes	No	Yes	
6 Montrose	4.46%	3.30%	1.75%	2.90%	7.95%	Yes	Yes	Yes	
7 Littleton	4.25%	3.00%	0.25%	2.90%	6.15%	Yes	Yes	Yes	
8 Fruita	4.13%	3.00%	2.37%	2.90%	8.27%	Yes	No	No	
9 Greeley	4.11%	4.11%	0.00%	2.90%	7.01%	No	Yes	Yes	
10 Grand Junction-Option E	4.00%	4.00%	2.37%	2.90%	9.27%	No	No	No	
11 Castle Rock	4.00%	4.00%	1.00%	2.90%	7.90%	No	Yes	Yes	
12 Boulder	3.86%	3.86%	0.99%	2.90%	7.75%	No	Yes	Yes	
13 Westminster	3.85%	3.85%	0.75%	2.90%	7.50%	No	Yes	Yes	
14 Grand Junction-Option D	3.75%	3.75%	2.37%	2.90%	9.02%	No	No	No	
15 Aurora	3.75%	3.75%	0.75%	2.90%	7.40%	No	No	Yes	
16 Glenwood Springs	3.70%	3.70%	1.00%	2.90%	7.60%	No	Yes	No	
17 Pueblo	3.70%	3.70%	1.00%	2.90%	7.60%	No	No	Yes	
18 Delta	3.65%	3.00%	2.00%	2.90%	7.90%	Yes	Yes	Yes	
19 Longmont	3.53%	3.53%	0.99%	2.90%	7.42%	No	Yes	Yes	
20 Englewood	3.50%	3.50%	0.25%	2.90%	6.65%	No	No	Yes	
21 Grand Junction-Option A	3.25%	3.25%	2.37%	2.90%	8.52%	No	No	No	
22 Colorado Springs	3.12%	3.12%	1.23%	2.90%	7.25%	No	No	No	
23 Grand Junction-Option B	3.10%	3.10%	2.37%	2.90%	8.37%	No	No	No	
24 Loveland	3.00%	3.00%	0.55%	2.90%	6.45%	Yes	Yes	Yes	
25 Golden	3.00%	3.00%	0.50%	2.90%	6.40%	No	Yes	Yes	
26 Grand Junction-Option C	2.90%	2.90%	2.37%	2.90%	8.17%	No	No	No	
27 Grand Junction-Current	2.75%	2.75%	2.37%	2.90%	8.02%	No	No	No	
28 Collbran	2.70%	2.00%	2.37%	2.90%	7.27%	Yes	No	No	
29 De Beque	2.54%	2.00%	2.37%	2.90%	7.27%	Yes	No	No	
30 Palisade	2.00%	2.00%	2.37%	2.90%	7.27%	No	No	No	

(a) Includes an estimated equivalent sales tax rate based on the property tax paid for fire service through a mill levy in a separate fire district using same median income and home value as Grand Junction.

Questions & Discussion

First Responder and Roadway Expansion Needs and Funding Options Discussion

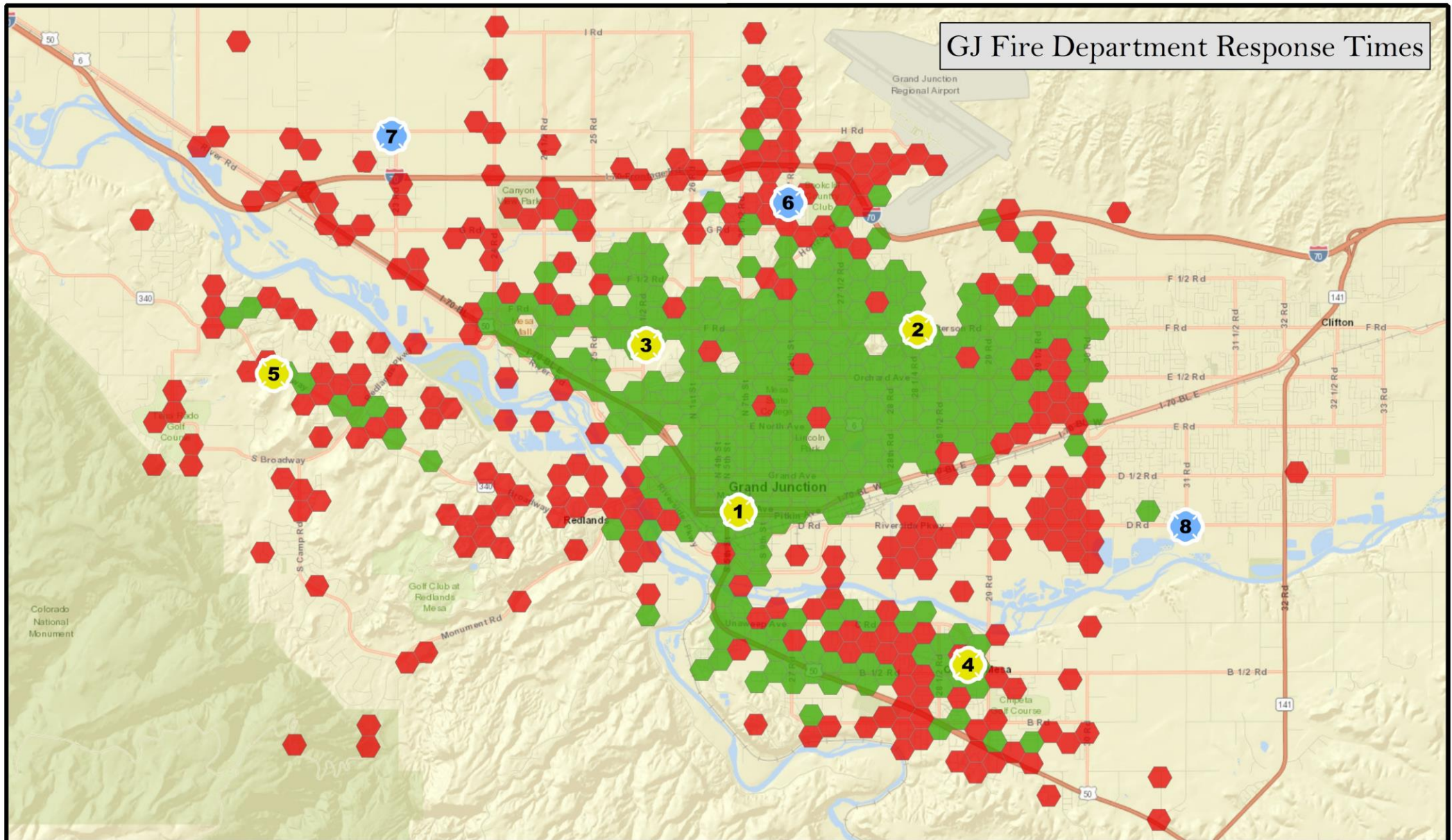
City Council Meeting
January 16, 2019

Fire and Emergency Medical Services

- The last fire station was added 15 years ago.
- Calls for service have more than doubled since 2004.
- Grand Junction Fire Department responds to twice the number of calls per citizen compared to other Colorado Cities.
- There is no Fire Station North of Patterson.
- An estimated 21,000 people live in the areas with longer response times.
- 2008 Station Study indicated immediate need for three additional stations to meet national standards for response time.
- Need to build, staff, and operate three stations-Need 60 total positions:
 - Station #6 North Area (731 27 Rd)
 - Station #7 Northwest Area (23 Rd & H Rd)
 - Station #8 East Area (31 Rd & D Rd)
- Total ongoing cost of \$6.3 million per year.



GJ Fire Department Response Times



 Response < 6 Minutes
 Response > 6 Minutes

 Existing Station

 Proposed Station



0 1 2 Miles

Published: 12/10/2018

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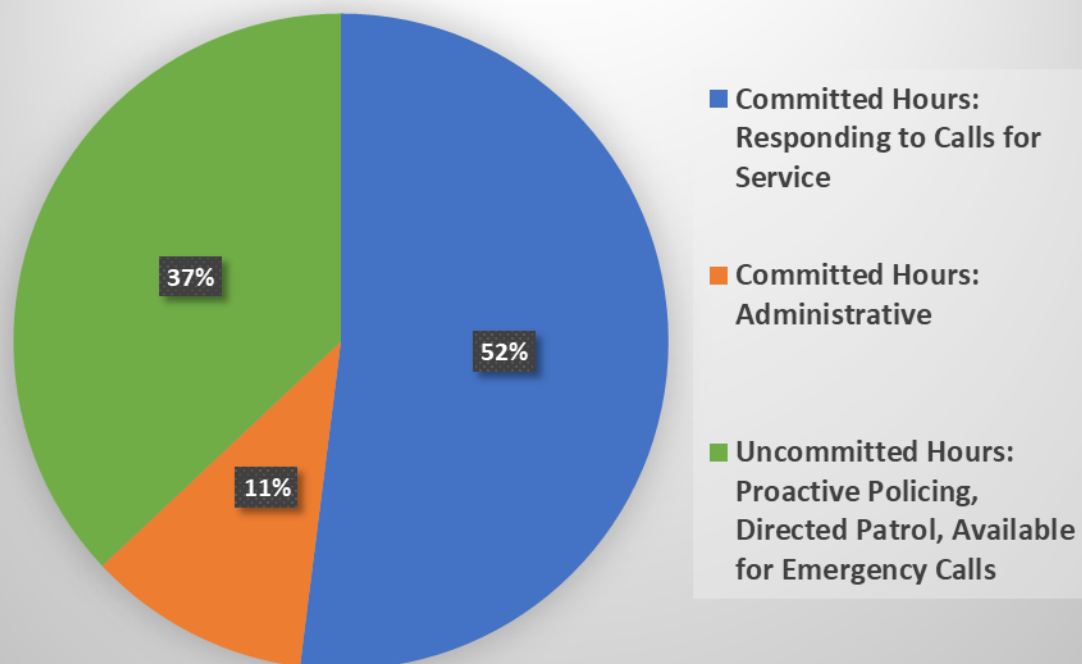
Police and Emergency Communication Center

- Since 2012 calls for service have increase by 21% to 76,000 per year – this makes up 50% of *all* calls for service received by the Grand Junction Regional Communication Center in a year, which dispatches for 23 agencies.
 - By comparison, the Mesa County Sherriff's Office has 43,000 calls for service per year.
- Since 2012, SWAT Callouts have increased by more than five times with 31 in 2018.
- Currently Police Officers only have 10% time available for proactive policing which reduces criminal activity, while the ICMA/IACP recommended *minimum time* available is 37%.
- Need 31 new positions to meet *current* needs.
- Total ongoing cost of \$3.3 million per year.



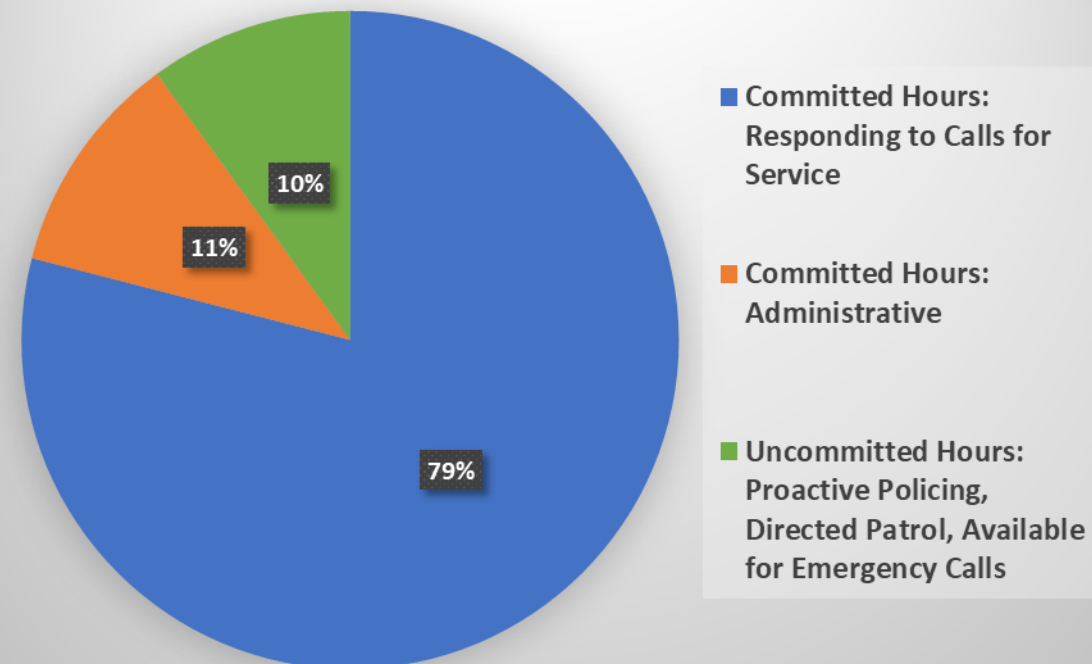
Grand Junction Police Department

Recommended* *Minimum* Availability 37%



*Recommended By: International Association of City & County Managers and International Association of Chiefs of Police

Current GJPD Availability 10%



Based on a 10 hour shift, this means only **1 hour** is available for Proactive Policing which has a direct impact on reducing criminal activity.

Transportation

- Ability to move around the community is important to maintaining quality of life and creating economic development opportunities.
- Population increases and housing demand generating a sense of urgency and congestion on the roads.
- In the City's 10 year capital plan \$254 million in projects are *unfunded*.
- TABOR funds authorized in April 2017 are combined and used with existing resources for improvement of existing infrastructure only.
- Advanced planning required for expansion of major transportation corridors, the loop, and I-70 interchange as well as transforming many rural "farm" roads into complete urban streets.

Roadway Expansion Projects

- Total estimated cost of expansion projects is \$184 million.
- Grand Junction Loop with 29 Road & I-70 Interchange estimated costs total \$78 million:
 - 29 Road & I-70 Interchange \$30 million (total project \$60 million-County pays 1/2)
 - Riverside Parkway & 24 Road Interchange \$20 million
 - Widening of 24 Road \$10 million
 - Creating F ½ Road Parkway \$10 million
 - Widening 25 Road \$8 million
- Major Roadway Expansion Projects estimated costs total \$106 million.
 - Projects increasing capacity for neighborhoods and improving mobility.

**Proposed
24 Road Widening**

**Improve
Riverside Pkwy
Interchange with 24 Road**

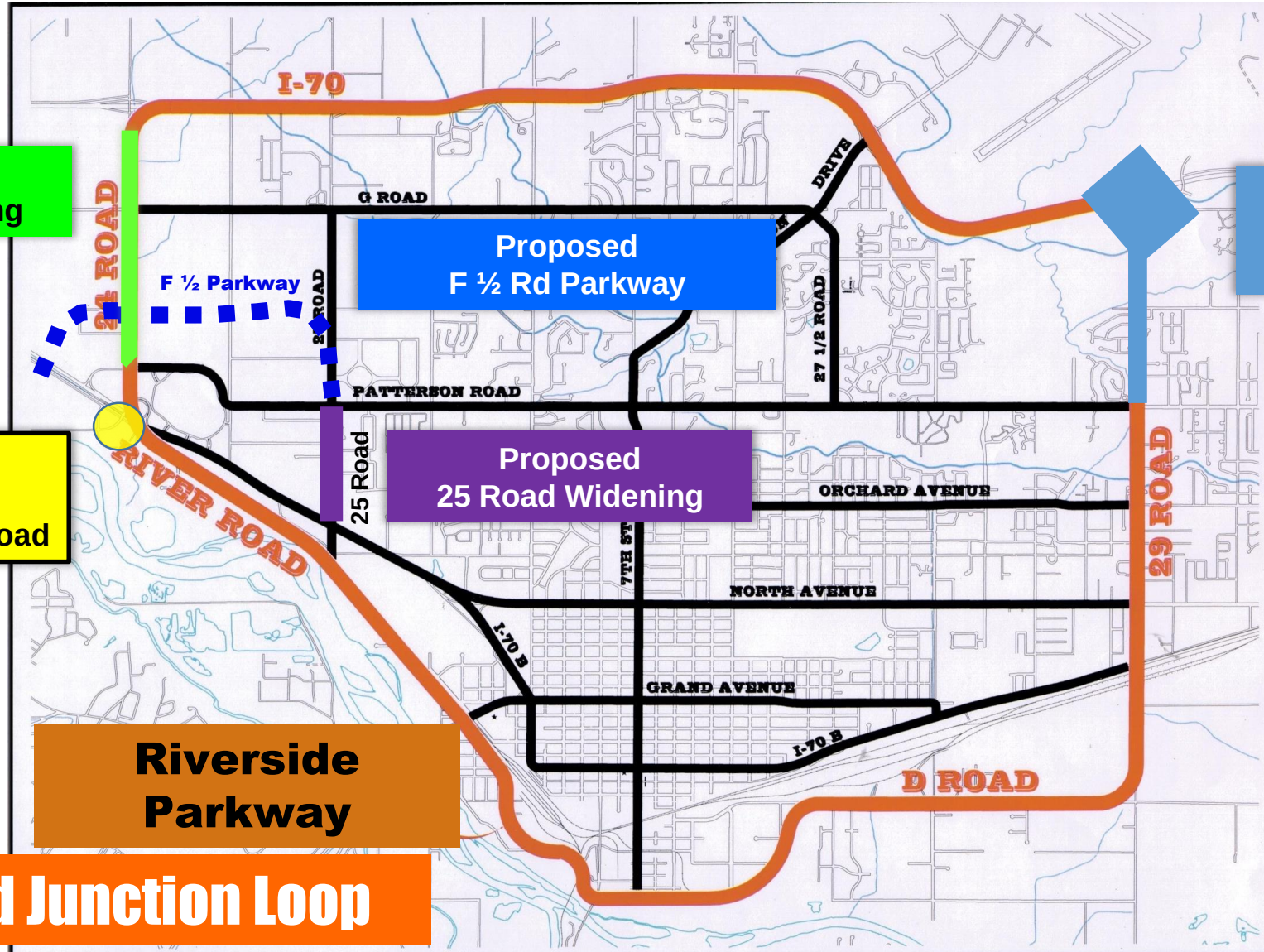
**Riverside
Parkway**

Grand Junction Loop

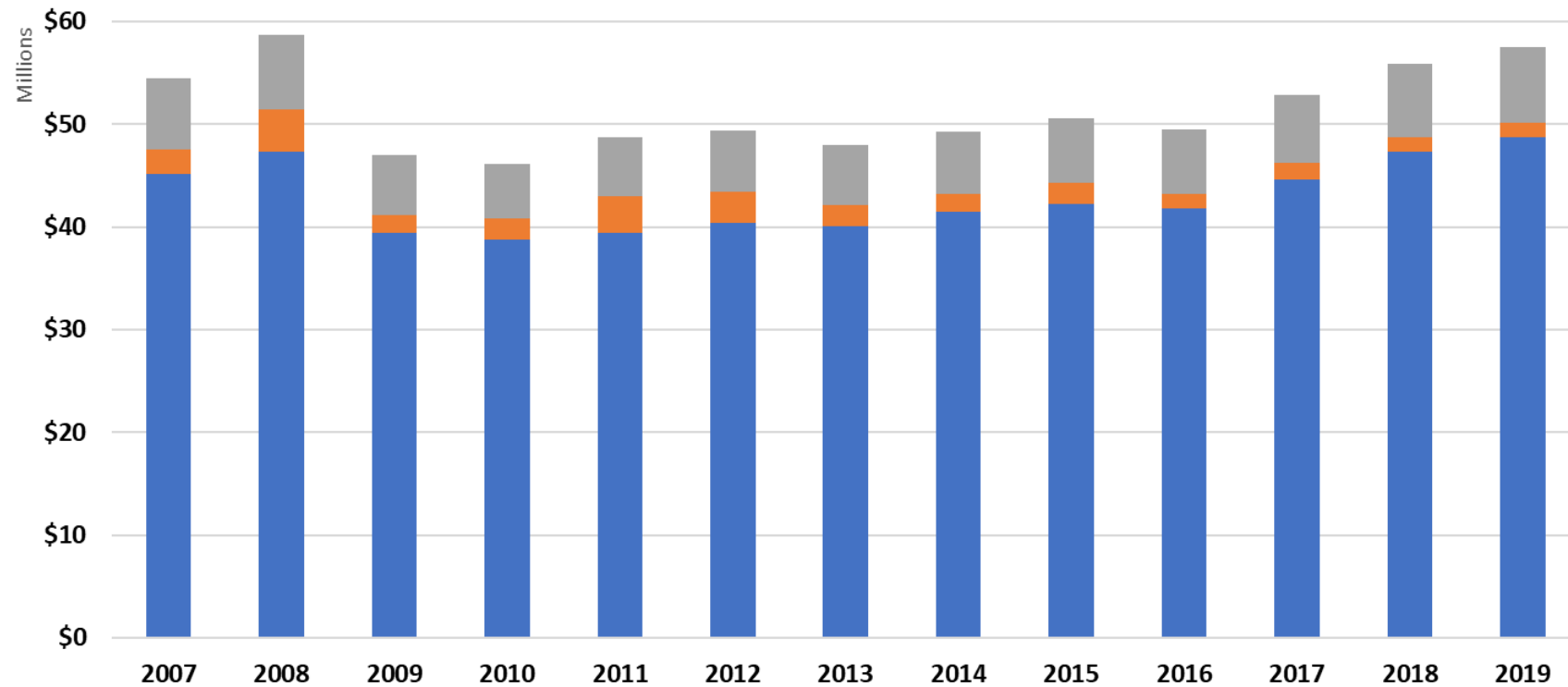
**Proposed
F ½ Rd Parkway**

**Proposed
25 Road Widening**

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

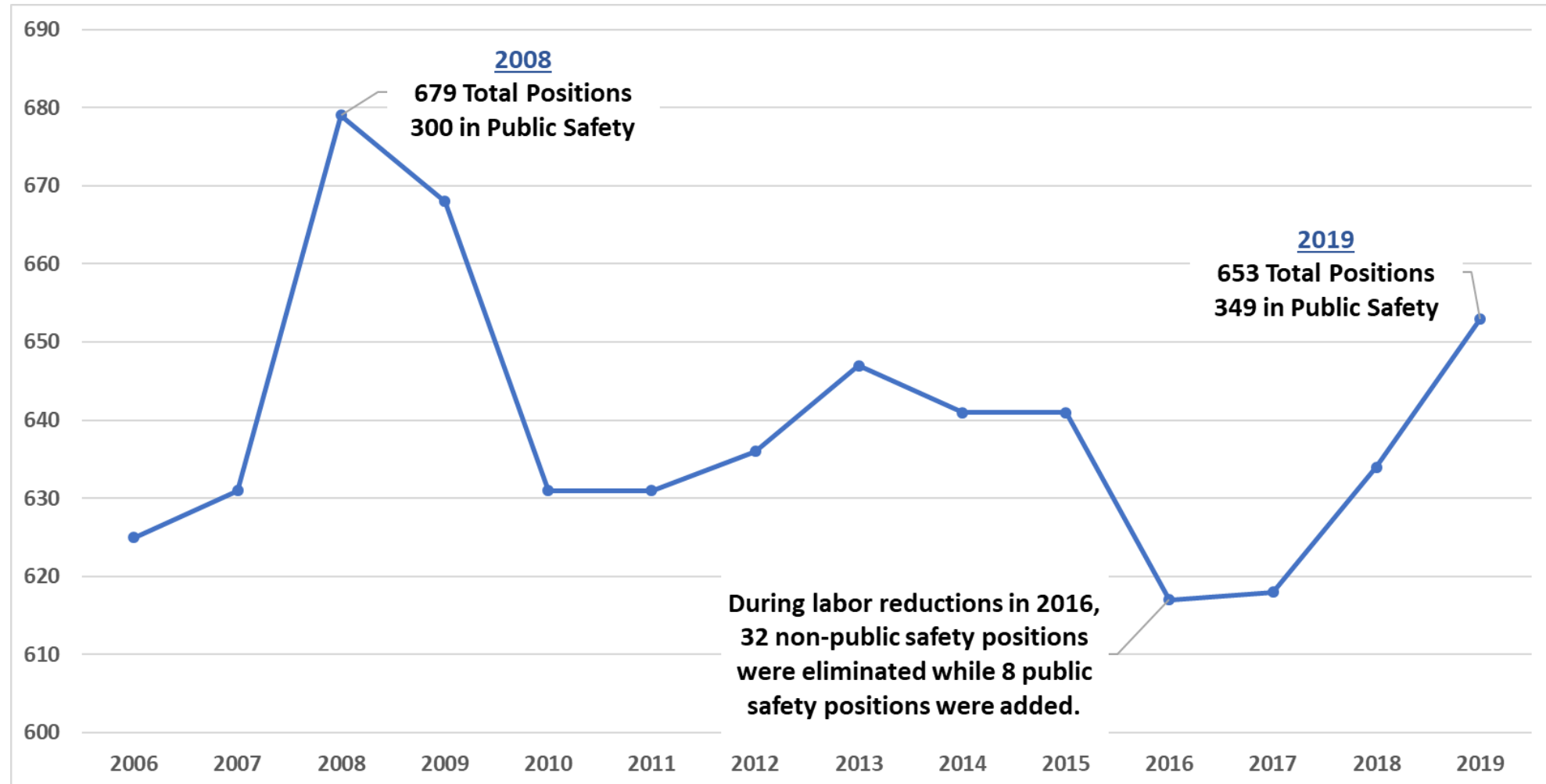


City Historical Sales and Use Taxes



Sales Tax	\$	45.18	\$	47.28	\$	39.39	\$	38.79	\$	39.48	\$	40.36	\$	40.05	\$	41.43	\$	42.24	\$	41.82	\$	44.58	\$	47.37	\$	48.79
Use Tax	\$	2.38	\$	4.13	\$	1.79	\$	1.99	\$	3.57	\$	3.03	\$	2.06	\$	1.83	\$	2.05	\$	1.44	\$	1.65	\$	1.39	\$	1.40
City Share of County 2%	\$	6.92	\$	7.25	\$	5.85	\$	5.33	\$	5.70	\$	5.96	\$	5.90	\$	6.06	\$	6.33	\$	6.19	\$	6.60	\$	7.15	\$	7.37
Total	\$	54.47	\$	58.66	\$	47.03	\$	46.11	\$	48.74	\$	49.36	\$	48.01	\$	49.31	\$	50.61	\$	49.45	\$	52.83	\$	55.91	\$	57.56

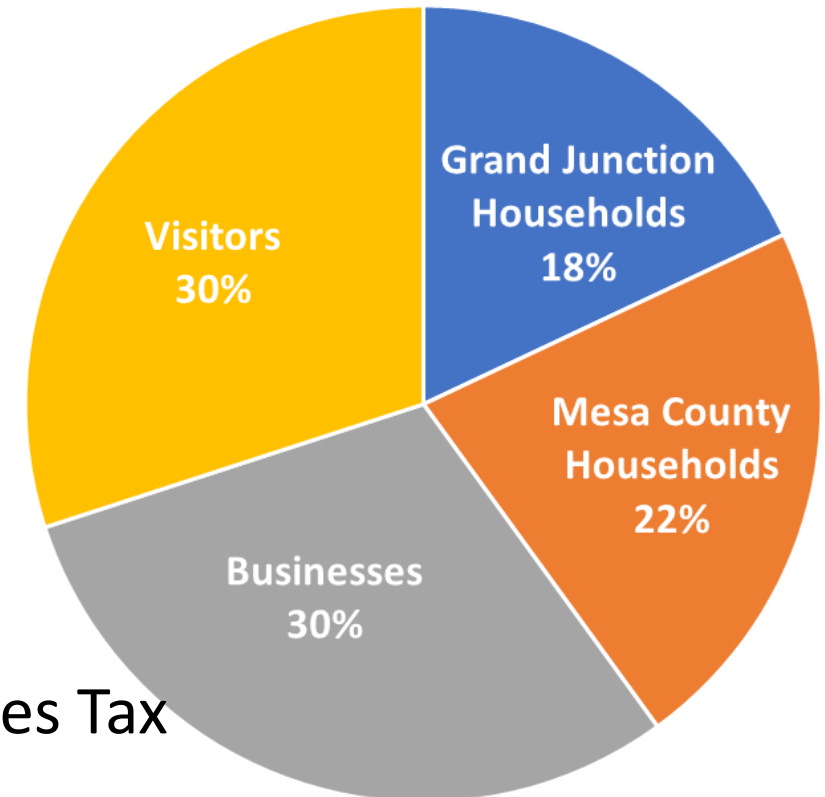
History of Authorized Full Time Positions



City of Grand Junction Sales Tax

- City Sales Tax is 2.75%:
 - One of the lowest in the State
 - 2% to General Fund (operations)
 - .75% to Capital and Economic Development
- City does not tax these essentials:
 - Groceries
 - Medication
 - Gasoline
 - Residential Utilities
- The City receives a portion of the Mesa County Sales Tax (16% of 2% or 32% of 1%)
- The City's Share of the Mesa County Public Safety Tax passed in November of 2017 is only @ \$500,000 per year.

Who Pays City Sales Tax



Funding Options

- Option 1 – Fund Fire and Police for a .5% increase in City Sales Tax.
- Option 2a – Fund Roadway Expansion Projects with a .25% City Sales Tax Increase.
- Option 2b – Fund Roadway Expansion Projects without increasing taxes. Ask voters to authorize the use of TABOR Excess funds beyond the current authorization through 2022 for a term of 10 - 15 years. This could include debt authorization.
- Option 3 – No Tax Increase, No Additional TABOR/Debt Authorization.
 - No additional dedicated source of revenue, which will result in modification of level of first responder services.
 - No additional dedicated source of revenue means roadway expansion projects can not be constructed.

Sales Tax Rates Across the State

- Grand Junction is currently on the lower end for stand-alone city sales tax rates compared to other full- service cities around Colorado.
- Most front range cities have a dedicated transportation tax for public transit.
- The City of Grand Junction funds fire and emergency medical services (EMS) through sales tax and property tax.
- Many cities have fire protection districts that provide fire and EMS to their residents. Those residents pay an additional property tax for those services.
- It is estimated that on average a City household pays around \$31 per month in City sales tax.

Sales Tax Rates Across the State

- The Tax Rate Comparison chart calculates an effective sales tax rate for cities that have either a fire district or recreation district mill levy in order to fairly compare the cost of providing the services.
- Similarly, if we restate the City's effective sales tax rate as compared to other cities around the State who tax food for home consumption (groceries) the City of Grand Junction's effective rate decreases from 2.75% to 2.37%. This is done to make a more equitable comparison to Cities who do charge sales tax on groceries.
- If the City's sales tax rate were to increase by .5% (Option 1), or by .25% (Option 2a), or by .39% (Community Center), then Grand Junction's sales tax rate would still be in the lower half of comparable cities.
- If the City's sales tax rate were to increase by all three for a total of 1.14%, then Grand Junction's sales tax rate would be in the middle as compared to other cities.
- The Tax Rate Comparison Chart also shows the combined State, County, and City Rates. The chart is provided as a hand out.

Questions & Discussion

City Council Meeting
January 16, 2019

City of Grand Junction Current

Community Center

Surrounding Communities

City of Grand Junction First Responder/Roadway Expansion Options

Line Ref	City	Effective City Sales Tax Rate Including Fire & Recreation Districts	City Sales Tax Rate	County Sales Tax Rate	State Sales Tax Rate	Total Combined Sales Tax Rate	Fire District	Recreation District	Tax Food for Home Consumption	Tax Residential Utilities
1	Broomfield	6.53%	4.15%	0.00%	2.90%	7.05%	Yes		Yes	Yes
2	Arvada	6.10%	3.46%	0.75%	2.90%	7.11%	Yes	Yes	Yes	Yes
3	Commerce City	5.84%	4.50%	0.75%	2.90%	8.15%	Yes			Yes
4	Littleton	5.41%	3.00%	0.25%	2.90%	6.15%	Yes	Yes	Yes	Yes
5	Fort Collins	5.29%	3.85%	0.80%	2.90%	7.55%	Yes		Yes	Yes
6	Montrose	4.98%	3.30%	1.75%	2.90%	7.95%	Yes	Yes	Yes	Yes
7	Lakewood	4.79%	3.00%	0.50%	2.90%	6.40%	Yes			Yes
8	Fruita	4.13%	3.00%	2.37%	2.90%	8.27%	Yes			
9	Greeley	4.11%	4.11%	0.00%	2.90%	7.01%			Yes	Yes
10	Castle Rock	4.00%	4.00%	1.00%	2.90%	7.90%			Yes	Yes
11	Grand Junction-Option 1, 2a, Community Center Combined	3.89%	3.89%	2.37%	2.90%	9.16%				
12	Boulder	3.86%	3.86%	0.99%	2.90%	7.75%			Yes	Yes
13	Westminster	3.85%	3.85%	0.75%	2.90%	7.50%			Yes	Yes
14	Aurora	3.75%	3.75%	0.75%	2.90%	7.40%				Yes
15	Glenwood Springs	3.70%	3.70%	1.00%	2.90%	7.60%			Yes	
16	Pueblo	3.70%	3.70%	1.00%	2.90%	7.60%				Yes
17	Delta	3.65%	3.00%	2.00%	2.90%	7.90%	Yes		Yes	Yes
18	Longmont	3.53%	3.53%	0.99%	2.90%	7.42%			Yes	Yes
19	Englewood	3.50%	3.50%	0.25%	2.90%	6.65%				Yes
20	Grand Junction-Option 1	3.25%	3.25%	2.37%	2.90%	8.52%				
21	Grand Junction-Community Center	3.14%	3.14%	2.37%	2.90%	8.41%				
22	Colorado Springs	3.12%	3.12%	1.23%	2.90%	7.25%				
23	Loveland	3.00%	3.00%	0.55%	2.90%	6.45%	Yes		Yes	Yes
24	Golden	3.00%	3.00%	0.50%	2.90%	6.40%			Yes	Yes
25	Grand Junction-Option 2a	3.00%	3.00%	2.37%	2.90%	8.27%				
26	Grand Junction-Current	2.75%	2.75%	2.37%	2.90%	8.02%				
27	Collbran	2.70%	2.00%	2.37%	2.90%	7.27%	Yes			
28	De Beque	2.47%	2.00%	2.37%	2.90%	7.27%	Yes			
29	Grand Junction-Restated (a)	2.37%	2.37%	2.37%	2.90%	7.64%				
30	Palisade	2.00%	2.00%	2.37%	2.90%	7.27%				

(a) City of Grand Junction's Current Effective Rate after restating for not taxing groceries is 2.37% and when combined with State and County is 7.64%



Grand Junction City Council

Regular Session

Item #8.a.

Meeting Date: January 16, 2019

Presented By: John Shaver, City Attorney

Department: City Attorney

Submitted By: Jamie B. Beard

Information

SUBJECT:

Ordinance to Adopt the 2018 International Building Codes including the Building, Plumbing, Mechanical, Fuel Gas, Existing Building, Residential, the 2009 Energy Conservation, and the National Electrical Code and Amendments Thereto, Repealing All Other Ordinances and Parts of Ordinances in Conflict Therewith

RECOMMENDATION:

Adopt an Ordinance to for the 2018 International Building Codes including the Building, Plumbing, Mechanical, Fuel Gas, Existing Building, Residential, along with the 2009 Energy Conservation Code, and the National Electrical Code and Amendments thereto, repealing all other ordinances and parts of ordinances in conflict therewith.

EXECUTIVE SUMMARY:

The proposed Ordinance will adopt the 2018 International Code editions for the Building, Residential, Plumbing, Mechanical, Fuel Gas, and Existing Building, plus the 2009 edition of the International Energy Conservation Code, and the National Electric Code as adopted by the State of Colorado. These codes regulate building construction. Mesa County has adopted the same code set.

BACKGROUND OR DETAILED INFORMATION:

This request is for updating all the building and construction codes in place within the City of Grand Junction, eight (8) codes in all. The Existing Building Code is a new code being adopted while the 2018 edition of the Property Maintenance Code (PMC) is not being adopted. The Existing Building Code covers matters previously included in the International Building Code. Amendments have been made to the proposed adopted

codes to include those sections relied upon for enforcement purposes under the Property Maintenance Code (PMC) so its adoption would be superfluous.

All but one of the building codes currently adopted are the 2012 editions (the Energy Conservation Code is the 2009 edition and will remain). The proposed ordinance will provide for adoption of the most current editions available, which is necessary to keep pace with more modern construction methods, materials, and techniques.

The codes under consideration are the 2018 Editions of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, and Existing Building Code and 2009 Edition of the International Energy Conservation Code, plus the National Electrical Code as adopted by the State of Colorado. Mesa County has adopted the same codes. Pursuant to Colorado law, C.R.S. 31-16-203, notice of the hearing shall be published twice in the newspaper, once at least 15 days preceding the hearing and once at least eight days preceding. The notice shall also state that copies of the proposed codes are on file with the City Clerk and are open for public inspection.

The City contracts with Mesa County to administer the building codes including licensing, permitting, and inspection.

FISCAL IMPACT:

Nominal costs for printed materials.

SUGGESTED MOTION:

I move to (adopt or deny) Ordinance No. 4829, an ordinance adopting and amending the latest edition of the International Building Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Residential Code, the National Electric Code, and the 2009 International Energy Conservation Code to be applied throughout the City of Grand Junction with certain amendments regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings or structures in the City of Grand Junction; and repealing all other ordinances and parts of ordinances in conflict herewith, with notice and copies of the Codes to be provided by the City Clerk according to law on final passage and order final publication in pamphlet form.

Attachments

1. IBC Ordinance
2. Adoption Summary

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND AMENDING THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE NATIONAL ELECTRIC CODE, AND THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE TO BE APPLIED THROUGHOUT THE CITY OF GRAND JUNCTION WITH CERTAIN AMENDMENTS REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES IN THE CITY OF GRAND JUNCTION; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

RECITALS:

Pursuant to the constitutional, statutory and Charter authority of the City Council of the City of Grand Junction to adopt ordinances for the protection of the health safety and general welfare of the population of the City the following ordinance is proposed.

After full hearing and consideration of the ordinance and upon recommendation by the City staff the Council finds that adoption of the ordinance is necessary to preserve the health, safety and general welfare of the people of the City of Grand Junction. The International Codes, which are hereby adopted, are the state of the art. The Codes are mutually adopted by the City and Mesa County, which provides for efficient building and enforcement practices. As well, the International Codes are increasingly common in many communities, which further increase the benefits of standardization. This ordinance and the codes which it adopts regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Grand Junction.

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

Title 15 of the Municipal Code of Ordinances of the City of Grand Junction is hereby amended as follows:

15.12.010 Adoption of International Building Code and Standards.

(a) The International Building Code, 2018 Edition, promulgated by the International Code Council, Inc., together with amendments set forth below (hereafter "IBC" or "International Building Code") is hereby adopted to provide minimum standards to safeguard life and limb, health, property and the public welfare by regulating and controlling various matters including, but not limited to, the design, construction, quality

of materials, use and occupancy, location and maintenance of all buildings, and structures within the jurisdiction.

(b) The following chapters of the Appendix of the International Building Code, 2018 Edition, are adopted:

- (1) Chapter C, Group U – Agricultural Buildings;
- (2) Chapter I, Patio Covers.

No other chapters of the Appendix are adopted.

15.12.020 Amendments to International Building Code.

The building code adopted in GJMC [15.12.010](#) is hereby amended as follows:

- (a) Section 101: **101.4.4 Property maintenance** is deleted in its entirety.
- (b) Section 103: **103.3 Deputies** last sentence is deleted.
- (c) Section 105: **105.2 Work exempt from permit** is amended by the addition of the word “Platforms” to Item 6 and the addition of Item 14 to read: “Plastic covered crop production shelters where access to public is prohibited.”
- (d) Section 109: **109.2 Schedule of permit fees** is amended by adding the following language: “Permit fees shall be determined by City Council and set forth in a Resolution.”
- (e) Section 109: **109.6 Refunds** is amended by adding the following language:

Building permit fees may be refunded at the rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced or after 180 days of issuance.
- (f) Section 109: **109.7 Fees for agriculture buildings** is added to read as follows:

No fees shall be required for a building permit obtained for Agricultural Buildings defined as “buildings or structures used for the sole purpose of providing shelter for agricultural implements, farm products, livestock or poultry, that is not a place of employment or open to the public.” This agricultural building fee exemption does not include fees for electrical, mechanical, and plumbing permits for said structures.
- (g) Section 110: **110.7 Inspections for agricultural buildings** is added to read as follows:

No inspection shall be required for a building permit obtained for agricultural buildings as defined above. This exemption is not an exception of the minimum building standards set forth in the International Building Code, or to the other requirements for inspections for electrical, mechanical, and plumbing.

(h) Section 113: **113 Board of appeals** is amended by deletion thereof. The Board of Appeals established in GJMC [15.08.010](#) shall serve as the Board of Appeals.

(i) Section 114: **114.4 Violation penalties** is deleted in its entirety. Refer to GJMC 15.08.050 for violations and penalties.

(j) Section 116: **116.1 Conditions** is amended with the additional paragraph:

The building official may cause the premises to be closed up and secure through any available public agency or contractor arrangement by private persons and the cost thereof shall be charged against the real property upon which the structure is located and shall be a lien upon such property and may be collected by all legal means. The building official may condemn unsafe structures.

(k) Section 305: **305.2.3 Twelve or fewer children in a dwelling unit** is amended by deleting “Five” and inserting “Twelve” where indicated.

(l) Section 308: **308.2.4 Five or fewer persons receiving custodial care** is amended by deleting “provided an automatic sprinkler system is installed in accordance with section 903.3.1.3 or with section P2904 of the International Residential Code.”

(m) Section 310: **310.4.1 Care facilities within a dwelling** is amended by deleting “provided an automatic sprinkler system is installed with accordance with section 903.3.1.3 or with section 2904 of the International Residential Code.”

(n) Section 310: **310.5 Residential Group R-4** is amended by adding to the last sentence of the last paragraph “or shall comply with the International Residential Code.”

(o) Section 602: **Table 602 Fire-Resistance rating requirements exterior walls based on fire separation distance** is amended by the addition of footnote j. to E occupancies.

Footnote j. Group E Day Care occupancies that accommodate 12 or fewer persons shall have fire resistive ratings as required for International Residential Code occupancies.

(p) Section 1004: **Table 1004.5 Maximum floor area allowances per occupant** is amended to change the maximum floor area allowance per occupant of Agricultural Building from “300 gross” to “500 gross.”

(q) Section 3001: **3001.1 Scope** is amended to read as follows:

This chapter governs the design construction, installation, alterations, maintenance and repair of new and existing installations of elevators, dumbwaiters, escalators, and moving walks, requiring permits therefor and providing procedures for the inspection and maintenance of such conveyances.

(r) Section 3001: **3001.2** is deleted in its entirety.

(s) Chapter 30: **Elevators and conveying systems** is amended by the addition of four new sections and subsections to read as follows:

SECTION 3009 PERMITS & CERTIFICATES OF INSPECTION

3009.1 Permits Required. It shall be unlawful to install any new elevator, moving walk, escalator or dumbwaiter or to make alterations to any existing elevator, dumbwaiter, escalator or moving walk, as defined in Part XII of ASME A17.1, without first having obtained a permit for such installations and/or alterations from the building official. Permits shall not be required for maintenance or minor alterations.

3009.2 Certificates of Inspection Required. It shall be unlawful to operate any elevator, dumbwaiter, escalator or moving walk without a current certificate of inspection issued by an approved inspection agency. Such certificates shall be issued upon payment of prescribed fees and a valid inspection report indicating that the conveyance is safe and that the inspection and tests have been performed in accordance with Part X of ASME A17.1. Certificates shall not be issued when the conveyance is posted as unsafe pursuant to Section 3012.

Exception: Certificates of Inspection shall not be required for conveyances within a dwelling unit.

3009.3 Applications for Permits. Applications for a permit to install shall be made on forms provided by the building official, and the permit shall be issued to an owner or the owner's representative, upon payment of the permit fees specified in this section.

3009.4 Applications for Certificates of Inspection. Applications for an inspection and certificates of inspection shall be made to an approved inspection agency by the owner of an elevator, dumbwaiter, escalator or moving walk. Fees for inspections and certificates of inspection shall be determined by the approved inspection agency.

3009.5 Fees. A fee for each permit shall be paid to the building official as determined by City Council and set forth in a Resolution.

SECTION 3010 DESIGN

3010.1 Detailed requirements. For detailed design, construction and installation requirements see Chapter 16 and the appropriate requirements for ASME A17.1.

SECTION 3011 REQUIREMENTS FOR OPERATION AND MAINTENANCE

3011.1 General. The owner shall be responsible for the safe operation and maintenance of each elevator, dumbwaiter, escalator and moving walk installation and

shall cause periodic inspections to be made on such conveyances as required by this section.

3011.2 Periodic Inspection and Tests. Routine and periodic inspections and tests shall be made as required by ASME A17.1.

3011.3 Alterations, Repairs and Maintenance. Alterations, repairs and maintenance shall be made as required by Part XII of ASME A17.1.

3011.4 Inspection Costs. All costs of such inspections shall be paid by the owner.

SECTION 3012 UNSAFE CONDITIONS

3012.1 Unsafe Conditions. When an inspection reveals an unsafe condition of an elevator, escalator, moving walk or dumbwaiter, the inspector shall immediately file with the owner and the building official a full and true report of inspection and unsafe condition. If the building official finds that the unsafe condition endangers human life, the building official shall cause to be placed on such conveyance, in a conspicuous place, a notice stating that such conveyance is unsafe. The owner shall see to it that such notice of unsafe condition is legibly maintained where placed by the building official. The building official shall also issue an order in writing to the owner requiring the repairs or alterations to be made to such conveyance that are necessary to render it safe and may order the operation thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed. A posted notice of unsafe conditions shall be removed by the building official when satisfied that the unsafe conditions have been corrected.

(t) Section 3109: **3109.1 General** is deleted and replaced with the following:

Swimming pools, spas, and hot tub barriers shall comply with section 305 of the International Swimming Pool and Spa Code, 2018 Edition.

15.16.010 Adoption of National Electrical Code.

The National Electrical Code published by the National Fire Protection Association as amended and adopted by the State of Colorado Electrical Board pursuant to Title 12, Article 23, C.R.S., (hereafter “NEC” or “National Electrical Code”) is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of electrical systems.

15.16.020 Amendments to the National Electrical Code.

The National Electrical Code adopted in GJMC 15.16.010 is amended to include:

Applicants shall pay for each electrical permit at the time of issuance, a fee for electrical permits and inspections as determined by City Council and set forth in a resolution.

15.20.010 Adoption of International Plumbing Code.

(a) The International Plumbing Code, and applicable chapters of the International Residential Code as published by the International Code Council, and as amended and adopted by the State of Colorado Plumbing Board pursuant to Title 12, Article 58 C.R.S. (hereafter “IPC” or “International Plumbing Code”) is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, and maintenance of plumbing systems.

15.20.020 Amendments to International Plumbing Code.

The plumbing code adopted in GJMC [15.20.010](#) is hereby amended as follows:

(a) Section 106: **106.6.2 Fee schedule** is amended by the addition of the following: “A fee for each permit shall be as determined by City Council and set forth in a Resolution.”

(b) Section 106: **106.6.3 Fee refunds** is deleted as written and replaced with the following:

Building permit fees may be refunded at the rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced or after 180 days of issuance.

(c) Section 109: **109 Means of appeal** is amended by deleting as written and replacing with the following: “The Colorado State Plumbing Board serves as the Board of Appeals for the International Plumbing Code.”

15.24.010 Adoption of International Mechanical Code.

(a) The International Mechanical Code, 2018 Edition, promulgated by the International Code Council, Inc., together with amendments set forth below (hereafter “IMC” or “International Mechanical Code”) is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of mechanical systems within the jurisdiction.

15.24.020 Amendments to International Mechanical Code.

The mechanical code adopted in GJMC [15.24.010](#) is hereby amended as follows:

(a) Section 106: **106.5.2 Fee schedule** is amended by deleting as written and replacing with the following: “Fees shall be as determined by City Council and set forth in a Resolution.”

(b) Section 106: **106.5.3 Fee refunds** is deleted as written and replaced with the following;

Building permit fees may be refunded at the rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced or after 180 days of issuance.

(c) Section 108: **108.4 Violation penalties** is deleted as written and replaced with the following:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed in GJMC 15.08.050.

(d) Section 109: **109 Means of appeal** is amended by deleting as written and replacing with the following:

The Board of Appeals established in GJMC [15.08.010](#) shall serve as the Board of Appeals.

15.28.010 Adoption of International Fuel Gas Code.

(a) The International Fuel Gas Code, 2018 Edition, as promulgated by the International Code Council, Inc., together with amendments set forth below (hereafter "IFGC" or "International Fuel Gas Code") is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location relocation replacement, addition to, use and maintenance of fuel gas systems.

(b) The following chapters of the Appendix of the International Fuel Gas Code, 2018 Edition, are adopted:

- (1) Chapter A, Sizing and Capacities of Gas Piping;
- (2) Chapter B, Sizing of Vent Systems;
- (3) Chapter C, Exit Terminals of Mechanical Draft and Direct-Venting Systems.

No other chapters of the Appendix are adopted.

15.28.020 Amendments to International Fuel Gas Code.

The fuel gas code adopted in GJMC [15.28.010](#) is hereby amended as follows:

(a) Section 106: **106.6.2 Fee schedule** is amended by the deleting as written section and replacing with the following: "A fee for each permit shall be as determined by City Council and set forth in a Resolution."

(b) Section 106: **106.6.3 Fee refunds** is deleted as written and replaced with the following;

Building permit fees may be refunded at the rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced or after 180 days of issuance.

(c) Section 108: **108.4 Violations** is deleted as written and replaced with the following:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed in GJMC 15.08.050.

(d) Section 109: **109 Means of appeal** is amended by deletion thereof and replaced with the following: "The Board of Appeals established in GJMC 15.08.010 shall serve as the Board of Appeals."

The Code is amended to include **Chapter 15.30 International Existing Building Code**.

15.30.010 Adoption of International Existing Building Code.

The International Existing Building Code, 2018 Edition, as published by the International Code Council, Inc., together with amendments set forth below (hereafter "IEBC" or "International Existing Building Code") is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, repairs, location, relocation, replacement, addition to, use and maintenance of existing buildings.

15.30.020 Amendments to the International Existing Building Code.

The existing building code adopted in GJMC 15.30.010 is hereby amended as follows:

- (a) Section 108: **108.2 Schedule of permit fees** by deleting as written and replacing with the following: "A fee for each permit shall be as determined by City Council and set forth in a Resolution."
- (b) Section 112: **112 Board of appeals** is amended by deleting as written and replacing with the following: "The Board of Appeals established in GJMC 15.08.010 shall serve as the Board of Appeals."
- (c) Section 113: **113.4 Violations** is amended by deleting as written and replacing with the following: "Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed in GJMC 15.08.050."
- (d) Section 115: **115 Unsafe buildings and equipment** is amended by deleting as written and replacing with: "As amended in section 116 of the 2018 International Building Code."

Chapter 15.32 Property Maintenance Code is hereby repealed.

15.36.010 Adoption of International Residential Code.

(a) The International Residential Code, 2018 Edition, promulgated by the International Code Council, Inc., together with amendments set forth below (hereafter “IRC” or “International Residential Code”) is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of one- and two-family dwellings and townhouses not more than three stories in height within the jurisdiction.

(b) The following chapters of the Appendix of the International Residential Code, 2018 Edition, are adopted:

- (1) Appendix A, Sizing and Capacities of Gas Piping;
- (2) Appendix B, Sizing of Vent Systems Serving Appliances Equipped With Draft Hoods, Category 1 Appliances, and Appliances Listed For Use With Type B Vents;
- (3) Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems;
- (4) Appendix D, Recommended Procedures for Safety Inspections of Existing Appliance Installations;
- (5) Appendix H, Patio Covers;
- (6) Appendix J, Existing Buildings and Structures
- (7) Appendix Q, Tiny Homes;

No other chapters of the Appendix are adopted.

15.36.020 Amendments to International Residential Code.

The residential code adopted in GJMC [15.36.010](#) is hereby amended as follows:

(a) Section R101: **R101.2 Scope** is amended by moving “Owner-occupied lodging houses with five or fewer guestrooms” from exception to scope. In addition, the following is added:

Child Care Facilities as permitted under Title 12, Article 2509-8 C.C.R. but not to exceed 12 Children.

(b) Section R102: **R102.7 Existing Structures** is amended by deleting “International Property Maintenance Code.”

(c) Section R105: **R105.2 Work exempt from permit**,

(1) Building Item 1 is amended to read: “One-story detached accessory structures, provided that the floor area does not exceed 200 square feet and is not designed or used as a garage.”

(2) Building Item 5 is amended to read: “Sidewalks, driveways and platforms not more than 30 inches above adjacent grade and not over any basement or story below.”

(3) Building Item 10 is amended to read as follows: “Decks that are not more than 30 inches above grade at any point.”

(d) Section R105: **R105.2 Work exempt from permit** is amended by addition of the following new subsections:

(1) Building Item 11. Re-siding of buildings regulated by this code.

(2) Building Item 12. Re-roofing of buildings regulated by this code that do not exceed the limits of Sections R908.3.1 and 908.3.1.1.

(3) Building Item 13. Plastic covered crop production shelters where access to the public is prohibited.

(e) Section R105: **R105.3.1.1 Buildings in flood hazard areas** is deleted in its entirety.

(f) Section R106: **R106.3.1 Construction documents** is amended by deleting the second sentence of the first paragraph.

(g) Section R106: **R106.5 Retention of construction documents** is deleted in its entirety.

(h) Section R108: **R108.2 Schedule of permit fees** is deleted and replaced with the following: “Fees shall be as determined by City Council and set forth in a Resolution.”

(i) Section R112: **R112 Board of Appeals** is deleted as written and replaced with the following: “The Board of Appeals established in GJMC [15.08.010](#) shall serve as the Board of Appeals.”

(j) Section R113: **R113.4 Violation penalties** is amended by deleting as written and replacing with the following: “Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed in GJMC 15.08.050.”

(k) Section R116: **R116 Unsafe structures and equipment** is added to read: “Section 116 of the 2018 International Building Code as amended is applicable to those structures and equipment covered in the IRC.”

(l) Table R302.1: **Table R302.1(1) Exterior Walls**, is amended by changing the following:

Walls (not fire resistance rated) Minimum Fire Separation Distance = 3 feet

Projections (not fire resistance rated) Minimum Fire Separation Distance = 2 feet

Openings (unlimited) Minimum Fire Separation Distance = 3 feet

Openings (deleted 25%) Maximum Wall Area/0 Hours/3 feet

Penetrations (all) Minimum Fire Separation Distance < 3 feet, compliance with Section R302.4 and at 3 feet or greater, no requirements.

(m) Section R302: **R302.2 Townhouses** is amended to include the following:

For the purpose of this section, “townhouse” shall include two (2) or more attached units as defined in Section R202.

(n) Section R303: **R303.1 Habitable rooms**, Exception 3 is deleted as written and replaced with the following: “Use of sunroom additions and patio covers, as defined in Section R202, shall be permitted for natural ventilation provided the space has adequate openings to the outside.”

(o) Section R309: **R309.1 Garages and carports** is amended by deletion of the second paragraph.

(p) Section R309: **R309.5 Fire sprinklers** is deleted in its entirety.

(q) Section R310: **R310.1 Emergency escape and rescue openings required** first sentence is amended to read: “Basements, floors above grade plane, habitable attics, and every sleeping room shall have not less than one operable emergency escape and rescue opening.”

(r) Section R313: **R313.1 Townhouse automatic fire sprinkler system** and **R313.2 On- and two-family dwellings automatic fire sprinkler systems** is amended by the deletion of “shall be installed” and replaced with “may be installed.”

(s) Section R315: **R315.2.2 Alterations, repairs, and additions** exception 2 is amended to read: “Installation, alteration, or repair of non-fuel fired plumbing or mechanical systems.”

(t) Section R326: **R326.1 Swimming pools, spas and hot tubs** is deleted in its entirety.

(u) Section R328: **Section R328 Wildfire Hazard Areas** is added to read:

1. **R328.1 Wildfire Hazards defined.** Areas that have a wildfire hazard rating of medium or above (as shown on the Mesa County Wildfire Hazard Map).
2. **R328.2 Roof Covering.** Roof coverings for new buildings or structures or additions thereto or roof covering utilized for re-roofing, shall be Class A or B, tested in accordance with ASME E108 or UL790 or an approved noncombustible roof covering. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire stopped to preclude entry of flames or embers or have one layer of 72-pound (32.4 kg) mineral-

surfaced, non-perforated cap sheet complying with ASTM D3909 installed over the combustible decking.

3. **R328.3 Roof Valleys.** Roof valleys where provided, valley flashings shall be not less than 0.019-inch (0.44 mm) (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36-inch-wide (914 mm) underlayment consisting of one layer of 72-pound (32.4 kg) mineral-surfaced, non-perforated cap sheet complying with ASTM D3909 running the full length of the valley.

4. **R328.4 Attic.** Ventilation openings are not permitted within ten feet of finished grade.

5. **R328.5** Reserved.

6. **R328.6 Moved Buildings.** Any building or structure moved within or into any Wildfire Hazard Area shall be made to comply with all the requirements for new buildings in the Wildfire Area.

7. **R328.7 Replacement or repairs to buildings or structures** in existence prior to the adoption of this code that are replaced or have 25 percent or more replaced in a 12-month period shall meet the requirements of this section for new construction.

(v) Chapter 11: **Chapter 11 Energy efficiency** is deleted in its entirety and replaced with the following:

See 2009 International Energy Conservation Code as adopted for energy code requirements.

15.40.010 Adoption of International Energy Conservation Code.

The International Energy Conservation Code, 2009 Edition, promulgated by the International Code Council, Inc., (hereafter "IECC" or "International Energy Conservation Code") is hereby adopted as the code for the City of Grand Junction regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of the building envelope, mechanical, lighting and power systems in the City of Grand Junction.

15.40.020 Amendments to International Energy Conservation Code.

The energy conservation code adopted in GJMC [15.40.010](#) is hereby amended as follows:

(a) Section 107: **107.2 Schedule of permit fees** is deleted and replaced with the following: "Fees shall be as determined by City Council and set forth in a Resolution."

(b) Section 108: **108 Stop work order** is deleted in its entirety.

(c) Section 109: **109 Board of appeals** is deleted and replaced with: "The Board of Appeals established in GJMC 15.08.010 shall serve as the Board of Appeals."

- (d) Section 402: **402.5 Maximum fenestration U-factor and SHGC** is deleted in its entirety.
- (e) Section 403: **403.2.2 Sealing verification by 1 or 2** is deleted in its entirety.
- (f) Section 403: **403.6 Equipment sizing** is amended to read: "IRC regulated structures that exceed 4,500 square feet of conditioned space or space to be conditioned requires an engineered design."
- (g) Section 404: **404.1 Electrical power and lighting systems** is deleted in its entirety.

Miscellaneous provision:

All sections of the referenced Codes not specifically amended by this Ordinance are adopted as published.

The remaining chapters in Title 15 not specifically set forth herein or in conflict herewith shall remain in full force and effect. All other resolutions and/or ordinances in conflict herewith are hereby repealed except as otherwise provided herein.

PUBLIC HEARING:

A public hearing on the adoption by reference thereto of the International Building Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Existing Building Code, the International Residential Code, the National Electrical Code and the International Energy Conservation Code, with certain amendments is scheduled in the City Council Chambers at 250 N. 5th Street, Grand Junction Colorado on January 16, 2019 at 6:00 P.M. and the City Clerk is hereby directed to publish Notice of said public hearing in the manner and style and pursuant to the schedule of such publication prescribed in C.R.S. 31-16-201 *et. seq.*

At least one copy of the Codes, as described herein together with certain amendments thereto all certified to be true copies, shall be on file in the office of the City Clerk of the City of Grand Junction, Colorado. At least one copy of each Code including the appendices thereto, together with certain amendments, all certified to be true and correct, shall be on file as aforesaid in the office of the City Clerk at least fifteen (15) days preceding said hearing and may be inspected by any interested person between the hours of 7:30 A.M. and 5:00 P.M., Monday through Friday, holidays excepted.

Introduced the 5th day of December, 2018.

Passed on second reading the _____ day of _____, 2019.

President of the Council

Attest:

City Clerk

ADOPTION OF THE 2018 INTERNATIONAL CODES

The following illustrates the proposed changes/revisions to adopting the 2018 versions of the international codes.
The additional differences between the 2012 and the 2018 Editions is for clarification and consistency only.

20012 Ordinance	Proposed 2018 Changes	Narrative
The 2012 International Property Maintenance (IPMC) Code was adopted.	The 2018 IPMC and its referenced sections throughout all codes are not recommended for adoption.	The IPMC is designed to be used by Code Enforcement. Any concerns that have arisen under 2012 that arose with the IPMC complaints may be addressed with the other International Codes being adopted or through other ordinances enforced by Code Enforcement. All building safety regulations are still addressed with the applicable International Codes recommended for adoption, including the 2018 International Existing Building Code.
The 2012 International Building Code (IBC) definition for an agriculture building that is exempt from permit fees and inspections is out of chapter 2 of the IBC	Section 15.12.020.109.7 New definition for Agricultural Buildings is “Building or structure used for the sole purpose of providing shelter for agricultural implements, farm products, livestock, poultry and is not a place of employment or open to the public.”	This aligns with the state definition and allows the use of AG buildings by the IBC as it was intended. This definition should eliminate most of the existing confusion of the allowed use of an exempt AG building.
IBC Section 116 no amendments	Section 15.12.020.116 is amended by adding a paragraph to read “The Building Official may cause the premises to be closed up and secure through any available public agency or contractor arrangement by private persons and the cost thereof shall be charged against the real-estate and may be collected by any other legal resource. The building official may condemn unsafe structures”.	This is how the process currently is being done but by having it in this ordinance the path is clear and more enforceable by legal staff should it be required. Other codes in this ordinance are referenced to this section for consistency.

2012 IBC Sections 305 and 308 were not amended.	Sections 15.12.020.305 and 15.12.020.308 are amended by deleting the requirements for a sprinkler system in dwelling units and allows 12 instead of 5 children in a home daycare.	By amending these sections, it allows for smaller number of occupants in group homes, daycare, etc. to not require fire sprinkler systems. The change in number of occupants aligns with state requirements for in home daycare.
Chapter 34 Existing Structures of the IBC.	2018 International Existing Building Code (IEBC)	The existing structure section is no longer in the IBC therefore the adoption of the IEBC is essential for work in existing buildings to allow remodeling and additions without making the entire building meet current codes. Only amendments are administrative to be consistent with the other codes recommended for adoption.
International Residential Code (IRC) Appendix Q Electrical Provisions.	Section 15.36.010 appendix in 2018 IRC Q Tiny Homes and J Existing Buildings and Structures.	An appendix for Electrical Provisions no longer exists. Recommending two additional appendices for Tiny Homes and Existing Buildings to give designers and owner's additional guidance and choices.
Section R101 of the IRC no amendments	Section 15.36.020.R101.2 Owner occupied lodging houses with 5 or fewer guestrooms and Child care facilities with 12 or fewer children are moved from exception to scope.	This is new to the 2018 by moving them to the scope residential sprinkler systems are not required. Daycares are licensed and regulated by the State of Colorado. This change allows up to 12 children as long as the state requirements are met.
Section R315 of the IRC no amendments	Section 15.36.020.R315.2.2 this is an exception to not require carbon monoxide alarms on plumbing and mechanical additions and repairs only if it is on non-fuel fired system.	This exception would not have required a carbon monoxide on plumbing and mechanical work. This is amended to meet current state and local requirements for safety.
Wildfire Hazard Area Section R328 was Section R908	Section R328 sets minimum standards for wildfire hazard areas	In the 2012 ordinance only roofs were addressed for fire protection. This addresses

		some other elements such as additions and attic ventilation from the Wildland Fire Code. This only applies to the areas with a medium hazard rating or above per the Mesa County Map.
2009 International Energy Conservation Code (IECC) with several amendments	2009 IECC with a few amendments to address some existing concerns and to allow the use of a newer code compliance method should the owner and/or contractor choose to do so.	The 2009 Energy Code is a widely used and is very effective. Larger high energy consumption buildings can comply and benefit from a newer code. As newer technology is produced cost will go down and the ease of compliance for new codes will go up. The flexibility as an alternative for our local environment will keep our economy growing while having energy efficient homes and buildings.



Grand Junction City Council

Regular Session

Item #8.b.

Meeting Date: January 16, 2019

Presented By: John Shaver, City Attorney, Ken Watkins, Fire Chief

Department: City Attorney

Submitted By: Jamie B. Beard, Assistant City Attorney
Steve Kollar, Fire Marshal

Information

SUBJECT:

Adopt an Ordinance for the 2018 International Fire Code and Amendments Thereto, Repealing All Other Ordinances and Parts of Ordinances in Conflict Therewith

RECOMMENDATION:

Adopt Ordinance for the 2018 International Fire Code and amendments thereto, repealing all other ordinances and parts of ordinances in conflict therewith.

EXECUTIVE SUMMARY:

The 2018 edition of the International Fire Code ("IFC 2018") is the updated version of the 2012 edition, which is presently part of the Grand Junction Municipal Code found in Chapter 15.44. The IFC 2018 is part of the 2018 International Code set currently being considered for adoption by the City.

BACKGROUND OR DETAILED INFORMATION:

Prior to the year 2000, there were three major codes used in the United States - the BOCA, Southern, and Uniform codes. In 1999 the three code organizations merged to form one family of codes, which are known as the International Codes, to be used throughout the country. City Council adopted the 2000 edition of the International Codes in December 2000; the 2006 edition was adopted by City Council replacing the 2000 edition in January 2007; the 2012 edition was adopted by City Council in February 2012 replacing the 2006 Edition; and that 2012 edition has been revised and updated by the International Code Council with the proposed 2018 edition.

The IFC 2018 was published in 2017 and has been reviewed and its adoption, together with some amendments, is recommended by staff. The IFC 2018 has been clarified and reorganized for ease of use and represents the current industry standards. To accommodate some local concerns, Staff has recommended some additions and changes to the IFC 2018 and with those, the Staff recommends approval of the Ordinance.

Please refer to the attached "Highlights and Amendments of interest".

FISCAL IMPACT:

Nominal costs for printed materials.

SUGGESTED MOTION:

I move to (adopt or deny) Ordinance No. 4830, an ordinance adopting the 2018 Edition of the International Fire Code prescribing regulations governing conditions hazardous to life and property from fire or explosion; amending certain provisions in the adopted Code; amending Chapter 15.44 of the Municipal Code and amending all ordinances in conflict or inconsistent herewith, with notice and copies of the Codes to be provided by the City Clerk according to law on final passage and order final publication in pamphlet form.

Attachments

1. Highlights and Amendments of Interest
2. Proposed Ordinance for Adoption of the International Fire Code

HIGHLIGHTS AND AMENDMENTS OF INTEREST

Outdoor Burning Regulations. Section 307 governs open burning, recreational fires, fire pits, portable outdoor fireplaces (chimineas, burn bowls, etc.) and permanent fire pits and fireplace. The proposed regulations mirror those that became effective via City Ordinance No. 4733 in February of 2017. The ordinance and some minor verbiage have been re-organized and/or modified slightly to reflect lessons learned and its more efficient inclusion in the new fire code. A cost recovery fee has been added to address out-of-control fires. Delivery of the regulations will be supplemented with a robust educational focus.

Chapter 11 (Construction Requirements for Existing Buildings). Chapter 11 consists of retroactive construction requirements related to emergency responder radio coverage, fire alarm systems, fire sprinkler systems, single station smoke alarms, carbon monoxide alarms, etc. (not all-inclusive). A focus on fire protection systems has been established and some portions of this chapter have been deleted in their entirety as many are regulated by other entities (i.e. elevators, means of egress construction, vertical openings, institutional occupancies). Fire Departments across Colorado have addressed this chapter in a myriad of ways from keeping it, deleting it or modifying it to reflect local needs. It is intended to bring certain construction elements of existing buildings into compliance with contemporary codes. It differs from most retroactive code applications in that it does not require construction work to be completed prior to its implementation. The local amendments proposed here in Grand Junction honor the previously adopted building and fire codes utilized while respecting the retroactive intent of Chapter 11 by establishing thresholds regulating when the fire code official is authorized to implement its provisions. Those thresholds have been established when a building undergoes the equivalent of a Level -3 Alteration in the form of a remodel or addition (i.e. 50% overall building area) as described in the International Existing Buildings Code (2018 Edition) and is identified at the time of plan review. "Changes of Use" classifications immediately initiate the use of Chapter 11. Some exceptions apply relating to Emergency Responder Radio Coverage, Smoke Alarms, and Carbon Monoxide Alarms. In cases where a distinct hazard has been identified, the fire department is authorized to require their installation regardless if any new construction takes place.

Fire Department Access. Chapter 5 and Appendix D addresses matters related to fire department apparatus roads (i.e. fire lanes). Amendments have been proposed to better facilitate a balance of fire department needs with urban planning principles. Most of the regulations pertaining to street width and no parking signage have existed for many code cycles and are used modestly in alternative streets designs. Minor modifications have been proposed as they relate to fire apparatus turnaround dimensions allowing for smaller sizes. There are new amendments proposed that recognize the use of fire sprinkler systems in structures thereby providing exceptions and/or development flexibility when it comes to code required fire apparatus turnaround locations and aerial apparatus road widths.

Mobile Food Preparation Vehicles (Food Trucks). Section 319 introduces new requirements for food trucks and trailers which contain cooking equipment that

produce smoke or grease-laden vapors (fryers, grills, etc.). An operational permit is required (Section 105.6.30). The most impactful change will be requirements related to the installation of exhaust hoods, fire extinguishing suppression systems, cooking oil storage and cooking appliance fuel systems (CNG, LP-Gas). Food trucks and/or trailers have not historically been regulated from a fire code standpoint in the jurisdiction. These regulations do not pertain to all food trucks and/or trailers. Adoption of this section is proposed to go into effect July 1, 2020 in order to educate those affected and to set up the program.

Tents, Temporary Special Event Structures and Other Membrane Structures.

The operational use and construction permit threshold to use or construct a tent, temporary special event structure or other membrane structures has been increased via amendment from 400 square feet to 2400 square feet. Tents involving high occupant loads or concerning materials such as circuses, theaters, special amusement structures and the sale of retail fireworks remain at the 400 square foot threshold. Emergency egress and fire safety provisions contained in the fire code apply to all tents and membrane structures regardless of size and remains the responsibility of the owner and/or event coordinator.

New Chapters. The national ICC code committees have added several new chapters this cycle. The Chapters have either been created, added new information or consolidated previous information into single chapters. These new chapters include, but may not be limited to Higher Education Laboratories, Processing and Extraction (Plant Oils) Facilities, and Energy Systems.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; AMENDING CERTAIN PROVISIONS IN THE ADOPTED CODE; AMENDING CHAPTER 15.44 OF THE MUNICIPAL CODE AND AMENDING ALL ORDINANCES IN CONFLICT OR INCONSISTENT HEREWITH

RECITALS:

Pursuant to the constitutional, statutory and Charter authority of the City Council of the City of Grand Junction to adopt ordinances for the protection of the health safety and general welfare of the population of the City the following ordinance is proposed.

After full hearing and consideration of the ordinance and upon recommendation by the City staff the Council finds that adoption of the ordinance is necessary to preserve the health, safety and general welfare of the people of the City of Grand Junction. The International Fire Code (Code), which is hereby adopted, is state of the art. The Code is common in many communities, which further increase the benefits of standardization.

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

Chapter 15.44 of the Municipal Code of Ordinances of the City of Grand Junction is hereby amended as follows:

15.44.010 Adoption of the International Fire Code.

For the purposes of prescribing regulations governing conditions hazardous to life and property from fire, explosion, and chemical release, the International Fire Code (hereinafter "International Code" or "International Fire Code" or "IFC"), promulgated by the international Code Council, **including Appendices Chapters B, C, D, E, F, G, H, I, and N 2018 Edition**, except such portions as are hereinafter deleted, modified or amended by GJMC 15.44.040 are hereby adopted. Not less than one copy of the international Fire Code is filed in the office of the City Clerk. From the date on which this chapter shall take effect, the provisions of the International Code shall be controlling within the limits of the City of Grand Junction, Colorado.

15.44.020 Establishment and duties of fire prevention.

(a) The International Code shall be enforced by the Division of Fire Prevention in the Fire Department of the City of Grand Junction which has been previously established and which shall be operated under the supervision of the Chief of said Fire Department.

(b) The Fire Marshal in charge of the Division of Fire Prevention in the Fire Department of the City of Grand Junction shall be appointed by the Chief of the Fire Department.

(c) The Chief of the Fire Department may detail such members of the Fire Department as inspectors as he shall from time to time deem necessary. The Chief of the Fire Department shall recommend to the City Manager the employment of technical inspectors as necessary.

15.44.030 Definitions.

(a) Wherever the word “jurisdiction” is used in the International Fire Code, it shall be held to mean the City of Grand Junction, Colorado.

(b) Wherever the term “corporation counsel” is used in the International Fire Code, it shall be held to mean the City Attorney for the City.

(c) Wherever the term “City Manager” is used, it shall mean the City Manager or any employee of the City designated by the City Manager, such as but not limited to the Fire Chief, the Fire Marshal or the Finance Director of the City.

(d) Wherever an officer of the City, such as “City Manager” or “Fire Chief,” is mentioned or designated herein, such officer may delegate, informally or in writing, the duties and responsibilities to a designee who shall have the full power and authority of the named or designated officer.

15.44.040 Amendments to the International Fire Code.

The International Fire Code is amended and changed in the following respects:

Chapter 1 Administration

Section 105.1.7. Add a new Section 105.1.7 to read as follows:

105.1.7 Permit Fees. Permit rates and fees shall be as adopted by City Council by resolution.

105.6 Required operational permits. Delete Section 105.6 including all subsections in its entirety with the exception of 105.6.2 (Amusement Buildings), 105.6.4 (Carnivals and fairs), 105.6.8 (Compressed gases), 105.6.10 (Cryogenic fluids), 105.6.13 (Exhibits and trade shows), 105.6.14 (Explosives), 105.6.16 (Flammable and combustible liquids), 105.6.20 (Hazardous materials), 105.6.22 (High-piled storage), 105.6.27 (LP-gas), 105.6.28 (Magnesium), 105.6.30 (Mobile food preparation vehicles), 105.6.32 (Open Burning), 105.6.35 (Organic coatings), 105.6.36 (Outdoor assembly event), 105.6.38 (plant extraction system), 105.6.39 (Private fire hydrants), 105.6.40 (Pyrotechnic special effects material), 105.6..41 (Pyroxylin plastics), 105.6.45 (Spraying or dipping), 105.6..47 (Temporary membrane structures and tents).

The absence of a required Operational Permit does not absolve any person(s) or processes from adherence to other provisions as stated in this code. The fire code official

is authorized to utilize other City of Grand Junction administrative review processes such as Temporary Use Permits, Special Event Permits, etc. to evaluate IFC compliance.

Section 105.6.30 Mobile food preparation trucks. Add additional sentence that reads:

Section 105.6.30 will become effective July 1, 2020.

Section 105.6.47. Amend Section 105.6.47 to read as follows:

105.6.47 Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure, a temporary special event structures, or a tent having an individual or contiguous area in excess of 2400 square feet.

Exception 1: Tents used exclusively for recreational camping purposes.

Exception 2: Funeral tents and curtains, or extensions attached thereto, when used for funeral services.

Exception 3: Temporary membrane structures, temporary special event structures and tents utilized for the purposes of retail fireworks sales, special amusement buildings or outdoor assembly events such as a circus, carnival, theater, dance hall or other similar use shall require an operational permit when the area exceeds 400 square feet.

Section 105.7.25. Amend Section 105.7.25 to read as follows:

105.7.25 Temporary membrane structures and tents. A construction permit is required to operate an air-supported temporary membrane structure, a temporary stage canopy, or a tent having an individual or contiguous area in excess of 2400 square feet.

Exception 1: Tents used exclusively for recreational camping purposes.

Exception 2: Funeral tents and curtains, or extensions attached thereto, when used for funeral services.

Exception 3: Temporary membrane structures, temporary special event structures and tents utilized for the purposes of retail fireworks sales, special amusement buildings or outdoor assembly events such as a circus, carnival, theater, dance hall or other similar use shall require an operational permit when the area exceeds 400 square feet.

Section 109.1. Amend Section 109.1 to read as follows:

Section 109.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals to be known as the Fire Board of Appeals. The Board of Appeals established in GJMC 15.08.010 shall serve as the Fire Board of Appeals.

**Chapter 2
Definitions**

Section 202 General Definitions. Section 202 Residential Group R-3 Care Facilities within a dwelling shall be amended to read as follows:

Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code.

Section 202 General Definitions. Section 202 Residential Group R-4 the last paragraph shall be amended to read as follows:

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in the International Building Code or shall comply with the International Residential Code.

The following definitions shall be amended to read as follows and/or adopted to be included as a definition.

Bonfire. An outdoor fire utilized for ceremonial purposes which is limited to a solid wood fuel size of 8 feet in diameter and 4 feet high and conducted by non-profit organizations, religious institutions, school districts, or governments.

Fire Pit (Non-portable, wood burning). A depression dug into the ground and/or an enclosure made from stones, masonry, etc. for keeping a fire used for cooking or warmth. Non-portable wood burning fire pits are regulated as recreational fires in accordance with the International Fire Code.

Household Waste. Any waste including garbage and trash, derived from households including single and multiple residences, hotels and motels, and other places used for temporary or permanent human habitation.

Nonattainment Area. An area which has been designated under the Clean Air Act as nonattainment for one or more of the national ambient air quality standards by the federal environmental protection agency.

Open burning. Any manner of burning, typically vegetative material, whether caused, suffered or allowed, not in a device or chamber designed to achieve combustion, where

the products of combustion are emitted, directly or indirectly, into the open air; open burning does not include the detonation of manufactured explosives. The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames, recreational fires, portable outdoor fireplaces, fire pits (non-portable wood burning), and permanent fire pits and fire places. For the purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open. Open burning must be conducted at least 50 feet from any structure (including combustible fences), occupied dwelling(s), workplace (s), or any other place(s) where people congregate, which is on property owned by or under possessory control of, another person.

Permanent Fire Pit or Fireplace. A permanent outdoor, wood burning or gas fire pit or fireplace is constructed of steel, iron, concrete, clay, masonry or other noncombustible material(s). A permanent outdoor fire pit or fireplace is aboveground and purchased or constructed in a manner that attaches the component to a deck, patio or ground such that it is not portable. A permanent outdoor fire pit or fireplace may be open in design or may be equipped with a chimney and/or a hearth. Permanent outdoor fire pits or fireplaces burning gas or wood shall not be operated within five feet of a structure or combustible material unless otherwise approved in accordance with the International Residential Code or International Building Code.

Recreational Fire. A wood burning outdoor fire, typically in a homemade enclosure of rocks or bricks or other materials the fire code official deems safe for the purpose. Recreational fires are not portable and burn materials other than rubbish or household waste and the wood being burned is not contained in an incinerator, portable outdoor fireplace, barbeque grill, barbeque pit, or permanent outdoor fire pit or fireplace and has a fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purpose (i.e. fire pits as defined herein, fire rings or campfires).

Salvage Operation. Any operation to salvage or reclaim any material for use or sale, such as reprocessing of used motor oils, metals, wire, chemicals, shipping containers, or drums, and specifically including automobile graveyards and junkyards.

Vegetative Material. Plant material including: bushes, shrubs and clippings from bushes and shrubs resulting from maintenance of yards or other private or public lands. Nothing larger than one-inch in diameter;

Field stubble, grass (not in piles), weeds in fields, and vegetation along fences, ditches/ditch banks; and

Wood waste, including chipped tree stumps, tree limbs, bark, small piles of dried leaves (not to exceed 3 cubic feet) that are well aeriated and does not smolder when burned and

scraps resulting from maintenance or trees. Nothing shall be larger than one-inch in diameter and shall not have been treated with any compound(s) containing chromium, copper, arsenic, pentachlorophenol, creosote, tar or paint.

Chapter 3 General Requirements

Section 304.1.2. Amend Section 304.1.2 to add exception.

Exceptions:

Vegetation located at one- and two-family dwellings and multiple single family dwellings (townhouses).

Section 307. Amend Section 307 to read as follows:

SECTION 307 Outdoor Burning

Section 307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any outdoor burning or open burning unless conducted and approved in accordance with Sections 307.1.1 through 307.7.

Any open burning not expressly allowed, not expressly prohibited, or not otherwise specifically addressed under section 307 or 8.08.010 (NUISANCES) shall be conducted only pursuant GJMC Chapter 15.44 and pursuant to and in accordance with a permit issued by the Grand Junction Fire Department (GJFD) or its designee. Instructions and stipulations of the permit shall be adhered to.

Open burning as allowed or prohibited in Section 307 is not considered a stationary source for purposes of applicability of other air quality regulations.

Open burning regulations do not extend to indoor burning practices which are subject to the requirements stated in the most recently adopted version of the International Fire Code (IFC) and/or by City ordinance.

Requirements that are essential for the public safety of an existing or proposed burning activity which are not specifically provided for by Section 307 or by the most recently adopted version of the International Fire Code (IFC) shall be determined by the Fire Code Official.

Section 307.1.1 Prohibited open burning.

Section 307.1.1.1. Open burning, bonfires, recreational fires, portable outdoor fireplaces, fire pits (non-portable wood burning), and permanent fire pits and fire places shall be prohibited when atmospheric conditions or local circumstances make such fires

hazardous. Burning is not permitted when sustained winds exist or when a red flag warning issued by the National Weather Service.

Exception:

1. Permanent fire pits and fire places or portable outdoor fire places operated with LP-gas containers.
2. Prescribed burning for the purposes of reducing the impact of wildland fire when authorized by the fire code official.

Section 307.1.1.2. The burning of household waste or rubbish is prohibited including, but not limited to:

- (a) Natural or synthetic rubber products, including tire;
- (b) Waste oil and/or used oil filters and waste automotive, machine fluid or lubricant, pesticide, herbicide and/or any other chemical, process fluid or the constituents thereof;
- (c) Insulated wire;
- (d) Plastic, including polyvinyl chloride ("PVC") pipe, tubing, and connectors;
- (e) Tar, asphalt, asphalt shingles, or tar paper;
- (f) Railroad ties;
- (g) Wood, wood waste, or lumber which has been painted, stained or which has been treated with preservatives containing arsenic, chromium, pentachlorophenol, or creosote;
- (h) Batteries;
- (i) Motor vehicle bodies;
- (j) Pathogenic wastes;
- (k) Asbestos or asbestos containing materials.

Section 307.1.1.3. Open burning as a part of any salvage operation is prohibited.

307.1.2 Location of burning. No person shall burn upon the land of another without permission of the owner thereof.

307.1.3 Burn restrictions and burn bans. The Fire Chief or his designee is authorized to issue burn restrictions and/or burn bans as deemed necessary when local conditions make open burning, bonfires, recreational fires, permanent fire pits or fireplaces, portable outdoor fireplaces, fireworks, other open flames or similar activities hazardous or objectionable. Violations of burn restrictions or burn bans shall be punishable in accordance with GJMC 1.04.090.

307.2 Permit required. A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for all outdoor burning, opening burning, and ceremonial bonfires when fires are subject to and in accordance with regulatory, process and safety provisions stated in the permit issued by the GJFD or its designee in accordance with the Grand Junction Municipal Code (GJMC) and the most recently adopted version of the International Fire Code as amended. Recreational fires, portable outdoor fireplaces, fire pits (non-portable wood burning), and permanent fire pits

or fireplaces do not require a permit, but must adhere to all requirements listed in the GJMC and most recently adopted version of the IFC.

Application of such approval shall only be presented by and permits issued to the owner of the land on which the fire is to be kindled.

307.2.1 Authorization. Where required by state and local law or regulations, open burning shall only be permitted with prior approval from state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

307.3 Extinguishment authority. When open burning or other types of burning creates, or adds to a hazardous situation; or when parameters set forth in this section 307, GJMC 15.44, and the most recently adopted version of the IFC have not been followed or a required permit for the open burning or other burning activities has not been obtained, the Fire Code Official is authorized to order the extinguishment of the open burning or other burning activities. Extinguishment may be by the permit holder, another competent person or Fire Department personnel.

Section 307.4 Specific Requirements.

307.4.1 Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure, property line, or combustible material (including combustible fences). Conditions which could cause a fire to spread within 50 feet (15 240 mm) surrounding the bonfire shall be eliminated prior to ignition. The total fuel area of a bonfire shall not be greater than 8 feet (2440 mm) in diameter and 4 feet (1220 mm) in height unless approved by the fire code official.

307.4.2 Recreational fires. Recreational fires shall not be conducted within 25 feet (7620 mm) of structure, property line, or combustible material (including combustible fences). Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure, property line or combustible material (including combustible fence) shall be eliminated prior to ignition. The total fuel area of a recreational fire shall not be greater than 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

307.4.3 Portable outdoor fireplaces. Portable outdoor fire places burning gas or wood shall not be used within 15 feet (3048 mm) of structure, property line, or combustible material (including combustible fences). Conditions which could cause a fire to spread within 15 feet (3048 mm) of a structure, property line or combustible material (including combustible fence) shall be eliminated prior to ignition.

307.4.4 Fire Pit, Non-Portable Wood Burning. Fire Pit (non-portable wood burning), shall be regulated as recreational fires and shall not be conducted within 25 feet (7620 mm) of a structure, property line, or combustible material (including combustible fences). Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure, property line or combustible material (including combustible fence) shall be eliminated

prior to ignition. The total fuel area of a fire pit (non-portable wood burning) shall not be greater than 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

307.4.5 Permanent Fire Pit or Fireplace. Permanent fire pit or fireplaces burning gas or wood shall not be operated within 5 feet of a structure, property line, or combustible material (including combustible fences). Conditions which could cause a fire to spread within 5 feet of a structure, property line or combustible material (including combustible fence) shall be eliminated prior to ignition.

307.4.6 General and Agricultural Open Burning.

When burning vegetative materials as defined by this code, a permit is required and the activities shall maintain strict adherence to the permit issued by the Grand Junction Fire Department or their designee in accordance with the Grand Junction Municipal Code and the most recently adopted version of the International Fire Code as amended.

1. Open burning of vegetative material for the purposes of disposal of such material that originated on the property, provided that burning of areas with non-piled vegetative material occurs on a parcel of land 1 acre or greater (or if less than 1 acre the burning is only to maintain irrigation or drainage ditches/laterals) and that the burning by the owner/agent does not exceed ten (10) acres per day, or burning of piled vegetative material does not exceed 250 cubic feet of pile volume per day. In determining acreage, daily burn area and daily burn pile volume, property, areas or piles that are within three hundred feet of each other shall be considered to constitute a single burn if the burning occurs on the same day and on a property under ownership or possessory control of the same person. Burning in excess of these daily limits shall be presumed to constitute a nuisance and be subject to GJMC 8.08.010 (NUISANCE).
2. Burning of vegetative material shall be allowed during a two-month window in the spring and a one-month window in the fall as determined by the Fire Chief and stated on the annual burn permit.
3. Burning of vegetative material shall be conducted at least 50 feet from any structure (including combustible fences), occupied dwelling(s), workplace (s), or any other place(s) where people congregate, which is on property owned by or under possessory control of, another person.
4. Burning of vegetative material shall begin no earlier than one hour after sunrise and shall be extinguished no later than one hour before sunset.
5. Burning shall at all times be attended by a competent person until fully extinguished and the person shall be in immediate possession of a valid burn permit.

6. The attendant to the burning shall have an adequate extinguishing source available for immediate use sufficient for the type and size of the fire as determined in the sole discretion of the fire code official or his designee.
7. The owner or agent shall notify the Grand Junction Fire Department or its designee prior to burning by obtaining a valid open burn permit for the time period in which the burning is taking place.
8. The burning of vegetative material in excess of 1-inch in diameter is prohibited.
9. The burning of tree stumps, grass clippings and leaves (volume of leaves must not exceed 3 cubic feet) is prohibited.
10. No person shall burn upon the land of another without permission of the owner thereof.
11. The vegetative material to be burned shall be as dry as practical.
12. Burning of vegetative material is prohibited in the event of the State and/or Mesa County imposing ozone, PM 10, 2.5 or other nonattainment area(s) restrictions or otherwise declaring a "no burn" day on a "high pollution day" as defined by GJMC 8.20.030 or the imposition of any other general or specific air quality controls.

307.4.7 Prescribed burns. Prescribed burns kindled for fire fuels management, as back fires to prevent or control wildfire, recognized silvicultural or range or wildlife management practices, and prevention or control of disease or pests or for other fires similar in nature may be allowed by the fire code official on a case-by-case basis when the prescribed burn or burning is i) permitted in advance and ii) the permittee does not deviate from the activity specific permit requirements required by the fire code official.

307.5 Attendance. Open burning, bonfires, recreational fires, portable outdoor fire places, fire pits (non-portable wood burning) and permanent fire pits and fire places shall be constantly attended by a competent person (adult) until the fire is extinguished. Not fewer than one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization. The extinguishing source must be sufficient for the type and size of fire.

307.6 Unrestricted fires. Permit(s) not required:

1. Maintenance of canals, irrigation and drainage ditches owned and/or operated by a Drainage District or Canal and/or Irrigation Company or District. Such burning shall be regulated as General or Agricultural Open Burning.
2. Agricultural Burns as permitted by Mesa County and State of Colorado regulations. Agricultural burns shall be for management, control or eradication of pestilence,

plague and/or other disease, insects, vermin or other agricultural emergency(ies). The owner of the property on which the burn is to occur shall make notification to the fire department when an agricultural burn permit has issued and when the burning is to take place. The parameters set forth in the permit shall be adhered to.

3. Cooking fires:

- a. Open-flame cooking devices in the form of LP-gas or charcoal burner grills that are subject to regulatory and safety provisions stated in the most recently adopted IFC.
- b. Solid-wood fueled cooking fires utilized in outdoor kitchens (permanent masonry fireplaces/pizza ovens), barbecue (also BBQ) smoke houses, BBQ smokers and in-ground cooking pits or devices.

4. Propane or natural gas burning permanent or portable fireplaces and fire pits shall be used in accordance with manufacturers specifications.

5. Recreational fires as defined herein.

6. Portable outdoor fireplaces as defined herein.

7. Fire pits (non-portable wood burning) as defined herein.

8. Permanent fire pits and fire places as defined herein.

9. Recreational fires located in developed municipal, county, or state approved picnic or campground areas contained in portable or non-portable fire pits or fire grates furnished at the picnic or campground area.

10. Other liquid-fueled or gas fueled open-flame devices in the form of heaters and decorative devices such as tiki-torches, lanterns, candles or similar items that are subject to regulatory and safety provisions stated in the most recently adopted IFC.

11. Burning (flaring) of natural gas at the sewer treatment plant and when performed in conjunction with drilling, completion and workover operations of oil and gas wells and when flaring operation of wells is reasonable necessary in the opinion of the well operator to avoid serious hazard to safety.

12. Fire suppression or GJFD training activities.

307.7 Cost Recovery Fee. Any person in violation of this Section 307 for a fire that is determined to be out of control which requires fire suppression activities by the GJFD and/or its designee shall pay a cost recovery fee as determined and established by the City of Grand Junction. The charges shall be the City's actual costs for labor, equipment

and materials, plus an administrative penalty to be determined by City Council by Resolution. The City Manager may set a minimum labor, equipment, and material charge. The cost recovery fee shall be paid within 20 days of the notice of assessment. Any amounts not paid by the 20th day may result in the imposition of a late fee, a 20 percent charge to defray the cost of collection, and interest at a rate of eight percent per annum on all unpaid amounts. Upon failure to pay the full assessment, the matter may be referred to the City Attorney for collection and the City Manager shall, pursuant to §31-20-105, C.R.S., certify the same to the Treasurer of Mesa County to be collected and paid over by the Treasurer of the County in the same manner as taxes are collected. Any action or other process provided by law may be maintained by the City Attorney to recover or collect any amounts owing.

Section 308.1.4.1. Add a new Section 308.1.4.1 to read as follows:

308.1.4.1 Egress from buildings. Charcoal burners, open flame cooking devices and LP-gas cooking devices shall not be used or stored in or near stairwells, corridors or other areas that are intended to be used as a means of egress or considered an interior living space.

Section 308.1.6.3. Amend Section 308.1.6.3 to read as follows:

308.1.6.3 Sky lanterns. A person shall not release or cause to be released a tethered or untethered sky lantern.

Section 311.1.1. Delete Section 311.1.1 and replace with the following:

311.1.1 Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the International Building Code.

Section 311.3. Add a new Section 311.3.1, 311.3.2, 311.3.3 and 311.3.4 to read as follows:

311.3.1 Enforcement. In case of failure of any owner or lessee of such building(s) to remove all accumulations of hazardous materials, abate said building, and secure the premises, in a manner approved by the Fire Chief, and upon the election by the Fire Chief to remove said waste or rubbish and/or to secure or remove/install barricading of building(s), the Fire Chief is authorized to give notice by certified mail addressed to the last known address of the owner of such building, which shall require the removal of such waste or rubbish, or otherwise require the securing of said building(s) or removal of the problem causing the public nuisance, within sixty (60) days of the date of the notice. In the event such work is not done within the sixty (60) days, the City Manager may then

proceed to have the work done as soon as practicable. The costs of such work shall be collected by the City Manager. The charge shall be the actual costs for labor, equipment, and materials plus ten (10) percent for administration, supervision and inspection. The Fire Chief may cause any building to be barricaded or secured immediately after a fire has been extinguished. Any and all barricading or securing shall be at the owner's expense.

311.3.2 Notice. The City Manager, as soon as may be practicable after such charge is made, shall send by mail, addressed to the last known address of the owner of such property, a notice of such assessment. The notice shall contain a description of the lots or parcels of land, the name of the owner or owners, and the amount of the assessment, together with a brief description of said assessment.

311.3.3 Assessment. It shall be the duty of the owner to pay such assessment within twenty (20) days after the mailing of such notice, and in case of his failure to do so, he shall be liable personally for the amount of the assessment and the same shall be a lien upon the respective lots or parcels of land from the time of such assessment. In case the owner shall fail to pay such assessment within twenty (20) days after notice has been mailed to him, as provided by this chapter, then it shall be the duty of the City Manager to certify the amount of the assessment to the County Treasurer or other officer of the County having custody of the tax list, for the current year, to be collected in the same manner as other taxes are collected, with ten (10) percent penalty thereon to defray the cost of collection. All of the laws of the State of Colorado for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full effect for the collection of all such assessments.

311.3.4 Municipal Code Provisions. The fact that assessments have been made against property as provided in this chapter for removal of waste and rubbish, abatement and/or barricading or securing of said building(s) shall not prevent the owner, agent or lessee from being punished by fine or imprisonment under the provisions of GJMC [1.04.090](#), but such fine or penalty may be imposed on those found guilty of violating any provision hereof in all cases, whether an assessment has or has not been made in accordance with the provisions hereof.

Section 311.5. Amend Section 311.5 to read as follows:

Section 311.5 Placards. The fire code official is authorized, when executive permission from the Fire Chief is granted, to require placarding in accordance with Sections 311.5.1 through 311.5.5 when any vacant or abandon buildings or structures are determined to be unsafe pursuant to Section 111 of this code relating to structural or interior hazards.

Section 319 Mobile Food Preparation Vehicles. Add additional sentence that reads:

Section 319 will become effective July 1, 2020.

Chapter 5

Fire Service Features

Section 503.1. Amend Section 503.1 to read as follows:

Section 503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3. The Fire Chief or his designee is authorized to utilize the TEDS and Appendix D of this code for more detailed fire apparatus road and alternative street designs.

Section 503.2.3.1. Add a new Section 503.2.3.1 to read as follows:

Section 503.2.3.1. Type of Surface. All fire apparatus access roads shall be finished by application of all-weather driving surface of hot mix asphaltic concrete or concrete pavement over a flexible base capable of supporting a design wheel load of 18,000 pounds (GVW 80,000 pounds minimum; H-20 loading). The roadway must be prepared and certified by an engineer registered in the State of Colorado. All access roadways must be properly maintained and kept clear for emergency use at all times. Any alternatives to these specifications must be reviewed and approved by the fire code official prior to construction.

Section 503.2.4 Add sentence to Section 503.2.4 to read as follows:

The fire code official is authorized to require the use of computer modeling to determine that fire apparatus turning radius and maneuverability is in compliance with local fire apparatus specifications and with this code as amended.

Section 503.2.5. Add new exception to read as follows:

Exceptions:

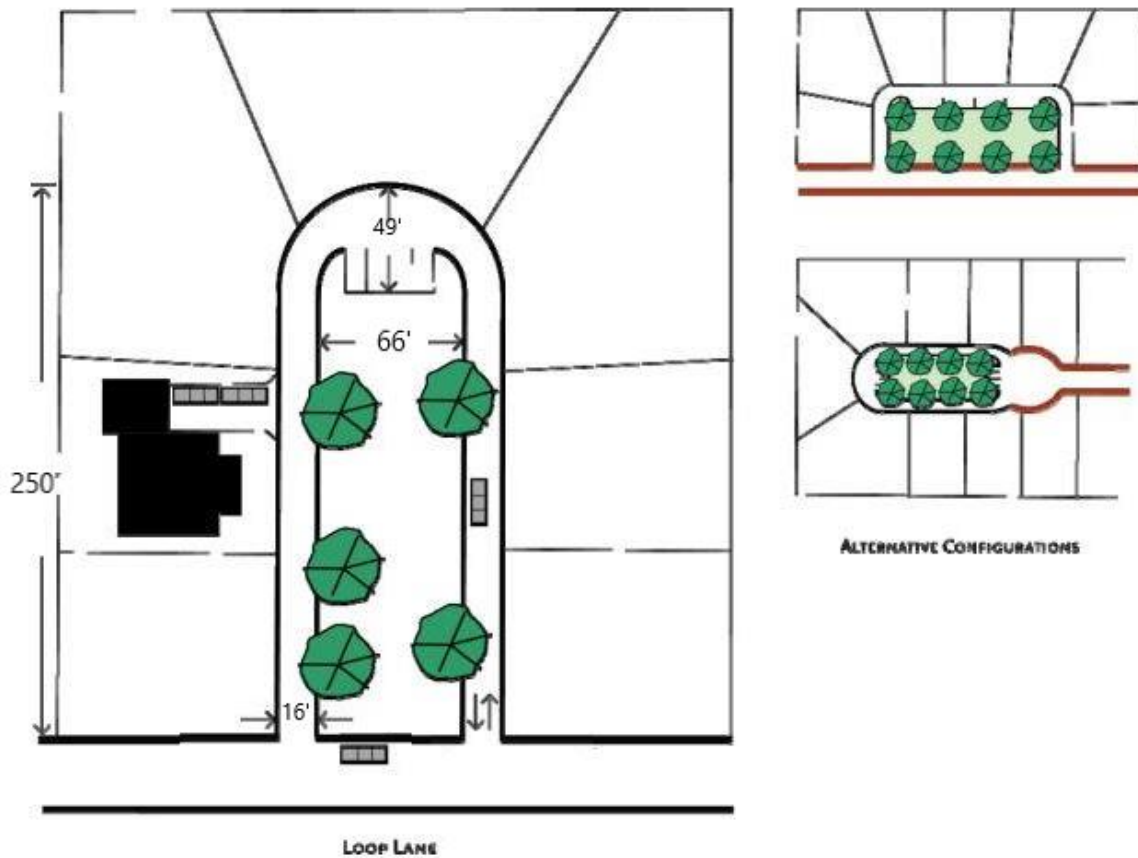
1. When all buildings are equipped throughout with approved automatic sprinkler systems installed in accordance with NFPA 13, NFPA 13R or NFPA 13D/IRC P2904 the fire code official is authorized to allow a dead-end fire apparatus road to extend to 300 feet before a turnaround is required.

Section 503.2.9 Add a new Section 503.2.9 to read as follows:

Section 503.2.9 Loop Lanes. Loop lanes may, notwithstanding the foregoing paragraphs, have an unobstructed width of not less than sixteen feet (16') if constructed as a loop ("loop lane"), as indicated in the diagram shown below and if all of the following conditions are met:

1. A loop lane is considered an alternative street design. In addition to the below listed requirements, any variation of a loop lane design shall require a design exception as described in the TEDS and must be approved by the fire code official.
2. A maximum of seven homes may access off the loop lane;

3. The loop lane shall be a minimum 16 feet (16') wide from flow line to flow line and shall consist of an all-weather surface.
4. No curve on any portion of the flow line of the fire loop lane shall have an inside radius of less than thirty-three feet (33') and an outside radius of less than forty-eight feet (48'). "Flow line" means the area between the curbs or equivalent if curbs are not present.
5. No portion of the loop lane shall extend more than 250 feet from the abutting street right-of-way
6. A minimum separation of sixty-six feet (66') is required between the right of way on each side of the loop.
7. Four guest parking spaces, located in the public right-of-way, are required at the end of the loop lane.
8. The loop lane and parking stalls shall be dedicated to and maintained by the City.
9. No parking signs shall be installed and maintained so that no parking is allowed between the curbs on any travelled portion of the loop lane, except the guest parking spaces.
10. Two-way traffic is allowed on the loop lane
11. Corner lots with frontage on the loop lane and the abutting street shall be required to access from the loop lane only.
12. Each residence shall provide and maintain four off-street parking spaces, two of which may be within a garage or carport. No front loading garage or carport may be closer than 30 feet to the front lot line. Side loading garages or carports may be 25 feet from the property line.
13. The loop lane shall only connect to a street where on-street parking exists now and is expected to remain or is planned as a part of the City's development process.
14. Loop lanes are considered fire apparatus roads and shall be developed in accordance with Chapter 5 and Appendix B, Appendix C and Appendix D as determined by the fire code official.

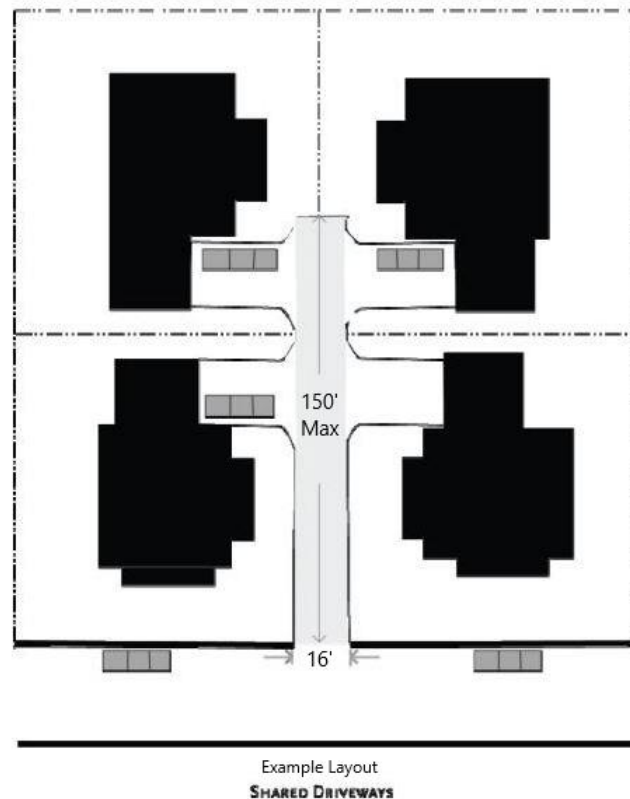


Section 503.2.10 Add a new Section 503.2.10 to read as follows:

Section 503.2.10 Shared Driveways. Shared driveways shall comply with the following standards:

1. A shared driveway shall be owned and maintained by the owners of the parcels or lots which abut the shared driveway;
2. Not more than five single-family lots shall abut or touch any portion of the shared driveway and no more than five single-family units may access a shared driveway.
3. A shared driveway shall be at least sixteen feet (16') wide and not longer than one hundred and fifty feet (150');
4. Parking on a shared driveway is prohibited;
5. Each lot abutting a shared driveway must provide four (4) on-site parking spaces. For homes on shared driveways that access a cul-de-sac, five on-site parking spaces shall be provided. These additional parking spaces may be provided on the shared driveway if it is widened to accommodate such parking and is approved by the fire code official.

6. Each lot abutting a shared driveway must access off the shared driveway unless approved otherwise at the time of subdivision.
7. A shared driveway may be used only where it intersects a street where on-street parking exists and is expected to remain, according to the City Engineer, based on such factor as the City capital program and any adopted street plans.
8. Shared driveways are considered fire apparatus roads and shall be developed in accordance with Chapter 5 and Appendix B, Appendix C and Appendix D as determined by the fire code official.
9. No parking signs shall be required as determined by the fire code official and the City of Grand Junction Public Works Department.



Section 511. Add a new Section 511 Recreational Vehicle, Mobile Home, and Manufactured Housing Parks, Sales Lots, and Storage Lots.

Section 511.1. Add a new Section 511.1 to read as follows:

Recreational vehicle, mobile home, and manufactured housing parks, sales lots and storage lots shall provide and maintain fire hydrants and access roads in accordance with Section 503, Section 507, Appendix B, Appendix C, Appendix D as amended.

Chapter 9

Fire Protection and Life Safety Systems

Section 901.3.1. Add a new Section 901.3.1 to read as follows:

901.3.1 Relocations and additions to fire sprinkler and fire alarm systems in existing facilities. Any additions or remodeling to existing commercial fire sprinkler systems that involve 20 sprinkler heads or less, or fire alarm systems that involve 5 devices or less, will not require a permit when approved by the fire code official via a scope of work letter review process. The review letter process shall comply with the guidance documents established and provided by the GJFD.

Section 903.3.1.1.3. Add a new Section 903.3.1.1.3 to read as follows:

903.3.1.1.3 Shell building design. Fire sprinkler systems in shell buildings, other than specified office buildings, shall be designed according to the requirements set forth in NFPA 13 for Ordinary Hazard Group II criteria.

Section 903.3.1.3. Amend Section 903.3.1.3 by the addition of the following:

Where domestic water is provided by a public water system, any required 13D system must be supplied by the public water system. The water tap must be adequate to supply the hydraulic demand of the fire sprinkler system.

Section 903.3.7. Amend Section 903.3.1.3 by the addition of the following:

Fire department connections must be located within 150 feet of the nearest fire hydrant.

Section 903.4.2. Amend Section 903.4.2 to read as follows:

903.4.2 Alarms. An approved audible and visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system and cause fire alarm notification as set forth in Section 907.5. When buildings have multiple tenant spaces, notification appliances shall be installed in accordance with Section 907.5 in each tenant space.

Section 907.6.6. Add a new Sections 907.6.6.3, 907.6.6.3.1, 907.6.6.3.2, 907.6.6.3.3, and 907.6.6.3.4 to read as follows:

907.6.6.3 False Alarms. Whenever the activation of any fire alarm is due to a malfunction of the alarm or alarm system and that alarm or alarm system has had a multifunction within the same calendar year quarter, or more than six (6) times during any calendar

year, the owner and/or operator of the alarm or alarm system shall pay a false alarm fee to offset some of the costs involved in the dispatching and responding of the equipment to the location of the alarm.

907.6.6.3.1. It is the responsibility of the owner or operator of an alarm system to prevent the improper use of the system, such as intentional activating of a false alarm or the intentional activation of a smoke or heat detector to produce a false alarm. After three (3) such activations within the same quarter of a calendar year, or more than six (6) during any calendar year, from the same alarm system, the fee schedule for false alarms shall become effective.

907.6.6.3.2. Whenever the Fire Chief cannot determine how a false alarm was activated and three (3) such unexplained alarms occur within a calendar year quarter, or alarm(s) exceeding six (6) during a calendar year, the fee schedule for false alarms shall become effective with the fourth and seventh and subsequent alarm(s) respectively.

907.6.6.3.3. A fee, in accordance with the fee schedule established by resolution of the City Council and on file with the City Clerk, shall be charged for false alarms.

907.6.6.3.4. A new alarm system shall be allowed thirty (30) days to become stabilized before charges will accrue for false alarms.

Chapter 11

Construction Requirements for Existing Buildings

Section 1101.1. Amend Section 1101.1 to read as follows:

1101.1 Scope. The provisions of this chapter shall apply to existing buildings constructed prior to this code and the fire code official is authorized to initiate its use when buildings are undergoing an addition or alteration utilizing the Alterations – Level 3 Method (Chapter 9), Prescriptive Compliance Method (Chapter 5), and Performance Compliance Method (Chapter 13) of the International Existing Buildings Code (2018 Edition). This chapter's use is authorized for Prescriptive and Performance Compliance Methods when work equivalent to an Alterations - Level 3 Method have been achieved.

The fire code official is authorized to apply this chapter when any building or portion of a building is undergoing a change of occupancy in accordance with the International Building Code (2018 Edition) or International Existing Buildings Code (2018 Edition).

Official acceptance and interpretation of the above methods as it relates to the applicability of Chapter 11 shall be determined by the fire code official.

Exception 1: This chapter does not apply to detached one- and two- family dwellings and multiple single-family dwellings (townhouses) governed by the International Residential Code.

Exception 2: The fire code official is authorized when executive approval from the Fire Chief is granted to require existing buildings to be in compliance with Section 1103.2 [Emergency Responder Radio Coverage] at any time if deemed a distinct hazard without the structure engaging in an addition, alteration or change of use.

Exception 3: The fire code official is authorized to require existing buildings to be in compliance with Section 1103.8 [single- and multiple-station smoke alarms] and Section 1103.9 [Carbon monoxide alarms] at any time if deemed a distinct hazard without the structure engaging in an addition, alteration or change of use. Section 1103.9 does not apply to occupancies that are already governed, regulated and enforced by requirements listed in Colorado House Bill 09-1091 [Concerning a requirement that Carbon Monoxide Alarm Be Installed in Residential Properties.]

Section 1103.1. Amend Section 1103.1 to read as follows:

1103.1 Required construction. Existing buildings shall comply with not less than the minimum provisions specified in adopted sections of Table 1103.1 and as enumerated in Sections 1103.2, 1103.5, 1103.7, 1103.8, 1103.9 and 1103.10 as amended. When this chapter is referenced in other portions of this code, only the sections listed shall be applicable.

The provisions of this chapter shall not be construed to allow the elimination of fire protection systems or a reduction in the level of fire safety provided in buildings constructed in accordance with previously adopted codes. Nothing shall preclude the Building Code Official from utilizing deleted sections of this chapter from being implemented when the said section is referenced by another code such as the International Building Code, International Existing Building Code, or another similar code.

Exceptions:

1. [No Change]
2. [No Change]

Section 1103.3 Existing elevators. Delete Section 1103.3 and all subsections in its entirety.

Section 1103.4 Vertical Openings. Delete Section 1103.4 and all subsections in its entirety.

Section 1103.6 Standpipes. Delete Section 1103.6 and all subsections in its entirety.

Section 1104 Means of egress for existing buildings. Delete Section 1104 and all subsections in its entirety.

Section 1105 Construction requirements for existing group I-2. Delete Section 1105 and all subsections in its entirety.

Section 1106 Requirements for outdoor operations. Delete Section 1106 and all subsections in its entirety.

Chapter 31

Tents, Temporary Special Event Structures and Other Membrane Structures

Section 3103.2. Amend Section 3103.2 to read as follows:

3103.2 Approval Required. Tents and membrane structures having an area in access of 2400 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official. Emergency egress and fire safety provisions contained therein apply to all tents and membrane structures regardless of size and is the responsibility of the owner and/or event coordinator.

Exception 1: Tents used exclusively for recreational camping purposes.

Exception 2: Funeral tents and curtains, or extensions attached thereto, when used for funeral services.

Exception 3: Temporary membrane structures, temporary special event structures and tents utilized for the purposes of retail fireworks sales, special amusement buildings or outdoor assembly events such as a circus, carnival, theater, dance hall or other similar use shall require an operational permit when the area exceeds 400 square feet.

Chapter 34

Tire Rebuilding and Tire Storage

Section 3405 Outdoor Storage. Delete Section 3405.1 through 3405.7 and replace to read as follows:

Section 3405.1. No person shall store more than 500 tires on any parcel, tract, or lot of land.

Section 3405.2. Tires shall be arranged as required in Sections 3405.3 through 3405.8.

Section 3405.3. Maximum pile or stack height shall not exceed six (6) feet.

Section 3405.4. Pile or stack width and length shall not exceed eight (8) feet.

Section 3405.5. Twenty (20) feet of clearance shall be maintained between piles or stacks.

Section 3405.6. Piles or stacks shall not be placed closer than twenty (20) feet from any structure or property lot line.

Section 3405.7. Piles or stacks shall be stored so as to provide ready access by the Fire Department in the event of a fire.

Section 3405.8. Piles or stacks shall not be located under bridges, elevated trestles, elevated roadways, or elevated railroads.

Appendix B Fire-Flow Requirements for Buildings

Section B103.4. Add New Section B103.4 to read as follows:

B103.4 Alternative Methods. In areas which are mostly developed where not more than two buildable lots are created (at the same time) after the effective date hereof, and the existing water lines and fire flow are inadequate in the area, the Fire Chief may allow a residential structure to be built if equipped with an approved fire sprinkler system and if he determined that water upgrades would be impractical. In such event, the Fire Chief shall record a memorandum indicating the fire protection measure used and the facts concerning the inadequate water lines.

Appendix C Fire Hydrant Locations and Distribution

Section C102.2. Add New Section C102.2 to read as follows:

C102.2 Water supply lines. Hydrants shall be on a looped (receiving water from more than one direction) water supply line of at least six inches (6") in diameter.

Exceptions:

1. One or two-family residential developments may have hydrants supplied by a dead-end water line where there are 30 or fewer dwelling units. Up to 60 dwelling units may have hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In any case, the Fire Chief may require such developments provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.
2. Multiple-family residential developments having up to 100 dwelling units may be protected by fire hydrants supplied by a dead-end water line. Up to 200 dwelling units may be protected by fire hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1,000 feet in length. The Fire Chief may require such developments provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.

3. For commercial and industrial developments, any building not exceeding three stories or 30 feet in height may be protected by fire hydrants supplied by a dead-end water line.

4. For commercial and industrial developments, buildings or facilities having a gross building area up to 62,000 square feet may be protected by fire hydrants supplied by a dead-end water line. The gross building area may be increased to 124,000 square feet without a looped water line when all buildings are equipped with an approved automatic fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1,000 feet in length. The Fire Chief may require such developments to provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.

5. The Fire Chief may allow a new development that would otherwise be required to provide a looped water line for required fire hydrants, to have a dead-end line as long as the development provides a means to connect to a looped system as future development occurs. The time period and conditions under which this exception is allowed shall be as determined by the Chief.

6. The Fire Chief may allow fire hydrants to be supplied by other than a looped water line when the permittee can demonstrate, to the satisfaction of the Fire Chief, that a looped system is not practicable. In such event, the Fire Chief shall make his findings in writing and shall copy such findings to the Public Works and Planning Director. In such cases, additional fire protection may be required as determined by the Fire Chief.

C102.3 Fire Hydrant Installation. The distance from the center of the fire hydrant pumper connection to the finished grade shall not be less than 22 inches. Pumper connections shall face the access road or as directed by the fire code official.

Appendix D

Fire Apparatus Access Roads

Section D102.1 Amend Section D102.1 to read as follows:

Section D102.1 Required Access. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with asphalt, concrete or other approved drivable surface capable of supporting the imposed load of fire apparatus weighing up to GVW 80,000 pounds minimum; H-20 loading. The use of alternative drivable surfaces known as engineered alternative fire apparatus road systems to include, but not limited to surfaces commonly known as gravel, pavers, grasspave, or grasscrete require review and approval of the fire code official.

Section D102.2. Add new Section D102.2 to read as follows:

Section D102.2 Private Driveway. A private driveway is defined as a driveway that is 12-foot-wide minimum and intended for the use of occupants of no more than two single-family dwelling units, or one two-family dwelling unit. If the most remote area of the dwelling unit's exterior is located more than 150 feet from an approved fire apparatus access road, then the private driveway must meet minimum design standards of this code related to fire department access to include, but not limited to surface, weight support, grade, apparatus turnarounds, etc. as determined by the fire code official. The fire code official is authorized to increase the minimum width requirement where sharp curves and grades are factors.

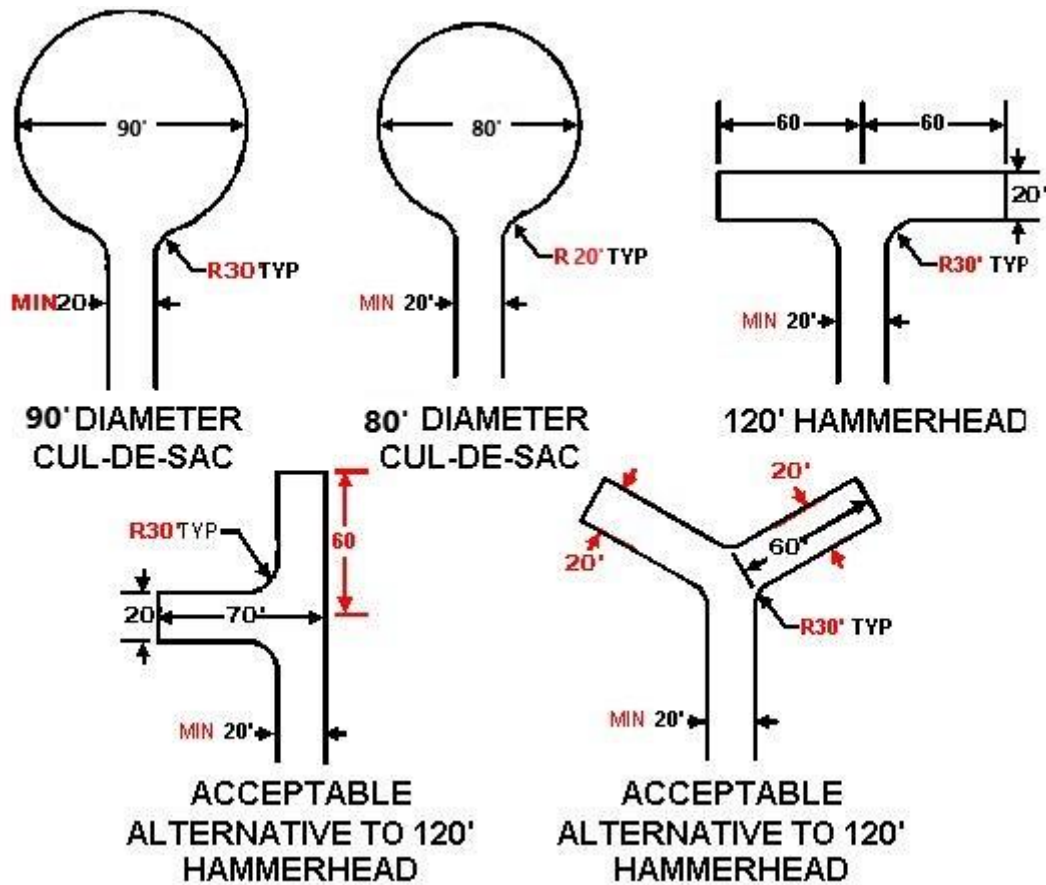
Section D103.1. Delete Section D103.1 and replace with the following:

Section D103.1 Dead-end fire apparatus access road turnarounds. Dead end fire apparatus road turnarounds shall be designed and constructed utilizing Figure D103.1 and City of Grand Junction's Transportation Engineering Design Standards (TEDS). Specifically, all residential and commercial/industrial court Cul-De-Sac designs shall adhere to TEDS. All designs must be approved by the fire code official.

Figure D103.1. Dead-End Fire Apparatus Access Road Turnaround
Is deleted in its entirety.

Figure D103.1. Add New Figure D103.1 to read as follows:

Figure D103.1 Dead-End Fire Apparatus Access Road Turnaround



Section D103.2. Amend Section D103.2 to read as follows:

D103.2 Grade. Fire apparatus access roads shall not exceed 8% in grade and comply with City or County design standards for both Public and Private Street Access routes. Grades on fire department turnaround shall not exceed 4%.

Exception:

1. Grades steeper than 10 percent as approved by the fire code official.

Section D103.4. Add New Table D103.4.1 to read as follows:

**TABLE D103.4.1
REQUIREMENTS FOR DEAD-END
FIRE APPARATUS ACCESS ROADS
FIRE SPRINKLER PROVISION EXCEPTION**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-300	20	None Required
301-500	20	120-foot Hammerhead, 60-foot" Y" or 90-foot diameter cul-de-sac in accordance with Figure D 103.1
501-750	20	120-foot Hammerhead, 60-foot" Y" or 90-foot diameter cul-de-sac in accordance with Figure D 103.1
Over 750		Special Approval Required

For SI: 1 foot = 304.8 mm

Section D103.4.2. Add new Section D103.4.2 to read as follows:

D104.4.2 Intermediate Fire Apparatus Turnarounds. The fire code official is authorized to require an intermediate fire apparatus turnaround where a single point of access exceeds 500 feet or when development projects utilize an alternative streets design in accordance with the TEDS. All designs must accommodate for fire apparatus turn radius requirements and be approved by the fire code official.

Section D103.6. Amend Section D103.6 to read as follows:

D103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING – FIRE LANE signs complying with Figure D103.6 or TEDS. Sign locations must be approved by the fire code official.

Section D103.6.1 Amend Section D103.6.1 to read as follows:

D103.6.1 Roads between 16 to 22 feet in width. NO PARKING – FIRE LANE signs shall be posted along both sides of the access route.

Section D103.6.2 Amend Section D103.6.2 to read as follows:

D103.6.2 Roads between 22 to 28 feet in width. NO PARKING – FIRE LANE signs shall be posted along one side of the access route.

Section D103.6.3 Add New Section D103.6.3 to read as follows:

D103.6.3 Fire Department Access Road Turnarounds. NO PARKING – FIRE LANE signs shall be posted along both sides of the turnaround areas.

Section D103.6.4 Add New Section D103.6.4 to read as follows:

D103.6.4 Cul-de-sacs. NO PARKING – FIRE LANE signs shall be posted along the outside of the turnaround area when required by the fire code official.

Section D105.1 Add new exception to read as follows:

Exceptions:

1. Buildings equipped throughout with an approved NFPA 13 automatic sprinkler system installed in accordance with Section 903.3.1.1 and when approved by the fire code official.

Section D107.1 Delete and replace exception 1 to read as follows:

Exceptions:

1. Where there are 60 or fewer dwelling units on a single public or private access way and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2, 903.3.1.3, or P2904 (International Residential Code), access from two directions shall not be required.

Section D107.2. Add new sentences to Section D107.2 to read as follows:

The second access road must be made available to the public and cannot be designated for sole use by emergency responders unless otherwise approved by the fire code official.

15.44.050 New materials, processes or occupancies which may require permits.

The Fire Chief and the Fire Marshal shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the International Fire Code. The Fire Marshal shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

15.44.060 Zones in which storage of flammable or combustible liquids in outside aboveground tanks is permitted.

(a) Section 5704 of the International Fire Code limits the storage of flammable or combustible liquids in outside aboveground tanks. Storage of flammable or combustible liquids is permitted as follows:

On lands within the City that are zoned in the categories of C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit storage of flammable or combustible liquids in aboveground tanks on lands within the jurisdiction which are zoned C-1 (light commercial) when it can be demonstrated to the Fire Chief or his designee that such use may be safely undertaken in the particular location.

(b) Section 5706.4 of the International Fire Code limits the siting of bulk plants for flammable or combustible liquids. New bulk plants or terminals for flammable or combustible liquids are permitted as follows:

On lands within the City that are zoned in the categories of C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit such use in C-1 (light commercial) when it can be demonstrated to the satisfaction of the Fire Chief or his designee that such use may be safely undertaken in the particular location.

15.44.070 Zones in which storage of liquefied petroleum gases is restricted.

Section 6104 of the International Fire Code restricts the storage of liquefied petroleum gas. Liquefied petroleum gas may be stored as follows:

On lands within the City that are zoned in the categories of C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit such use in C-1 (light commercial) when it can be demonstrated to the satisfaction of the Fire Chief or his designee that such use may be safely undertaken in the particular location.

15.44.080 Zones in which storage of explosives and blasting agents is prohibited.

Storage of explosives and blasting agents, within the limits of the City, is prohibited. This restriction shall not prohibit such use where the storage is made by an individual or company under proper safeguards as may be prescribed by the Fire Chief or his designee.

15.44.90 Appeals.

Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the International Fire Code do not apply or that the true intent and meaning of the International Fire Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the Board of Appeals created by Section 109 of the International Fire Code, by filing with the

Fire Chief a written appeal along with a fee as established by resolution of the City Council and on file in the City Clerk's office, within 30 days from the date of the decision appealed.

15.44.100 Penalty provision.

GJMC 1.04.090 shall apply as though fully set forth in each code and provision adopted in this chapter.

MISCELLANEOUS PROVISION:

All sections of the 2018 IFC not specifically amended by this Ordinance are adopted as published.

All other resolutions and/or ordinances in conflict herewith are hereby repealed except as otherwise provided herein.

PUBLIC HEARING:

A public hearing on the adoption by reference thereto of the International Fire Code with certain amendments is scheduled in the City Council Chambers at 250 N. 5th Street, Grand Junction Colorado on January 16, 2019 at 6:00 P.M. and the City Clerk is hereby directed to publish Notice of said public hearing in the manner and style and pursuant to the schedule of such publication prescribed in 31-16-201 *et. seq.* C.R.S.

At least one copy of the 2018 IFC, as described herein together with certain amendments thereto certified to be a true copy, shall be on file in the office of the City Clerk of the City of Grand Junction, Colorado. At least one copy of the 2018 IFC including the appendices thereto, together with certain amendments, certified to be true and correct, shall be on file as aforesaid in the office of the City Clerk at least fifteen (15) days preceding said hearing and may be inspected by any interested person between the hours of 7:30 A.M. and 5:00 P.M., Monday through Friday, holidays excepted.

Introduced the ____ day of _____, 2018.

Passed on second reading the _____ day of _____, 201____.

President of the Council

Attest:

City Clerk