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**CITY COUNCIL AGENDA
WEDNESDAY, MARCH 16, 2022
250 NORTH 5TH STREET – CITY HALL AUDITORIUM
[VIRTUAL MEETING](#) - [LIVE STREAMED](#)
BROADCAST ON CABLE CHANNEL 191
5:30 PM – REGULAR MEETING**

Call to Order, Pledge of Allegiance, Moment of Silence

Proclamations

Proclaiming March 31, 2022 as Cesar Chavez Day in the City of Grand Junction

Proclaiming April 2022 as Water Conservation Month in the City of Grand Junction

Appointments

To the Urban Trails Committee

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.

Citizens have four options for providing Citizen Comments: 1) in person during the meeting, 2) virtually during the meeting (registration required), 3) via phone by leaving a message at 970-244-1504 until noon on Wednesday, March 16, 2022 or 4) submitting comments [online](#) until noon on Wednesday, March 16, 2022 by completing this form. Please reference the agenda item and all comments will be forwarded to City Council.

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. Minutes of the February 28, 2022 Special Meeting
- b. Minutes of the March 2, 2022 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 Ordinances Amending Multiple Sections of the Grand Junction Municipal Code Regarding Regulation of Cannabis and Setting a Public Hearing for April 6, 2022
- b. Quasi-judicial
 - i. Introduction of an Ordinance Zoning Approximately 1.83 Acres from County Planned Unit Development (PUD) to R-8 (Residential – 8 du/ac) for the Keyser Court Annexation, Located at 3110 through 3117 Keyser Court, and Setting a Public Hearing for April 6, 2022

REGULAR AGENDA

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

3. Public Hearings

- a. Legislative
 - i. Lincoln Park Multipurpose Building with Colorado Mesa University -
Continued to April 6, 2022

An Ordinance Making Supplemental Appropriations for the Lincoln Park Multipurpose Building with Colorado Mesa University - *Continued to April 6, 2022*

Procurement Approval Authorizing the Guaranteed Maximum Price for the Stadium Multipurpose Building - *Continued to April 6, 2022*

Intergovernmental Agreement with Colorado Mesa University for the Multipurpose Building at Lincoln Park Stadium - *Continued to April 6, 2022*

b. Quasi-judicial

- i. A Resolution Accepting the Petition for the Annexation of 0.88 Acres of Land and Ordinances Annexing and Zoning the Trinklein Annexation to R-4 (Residential - 4 du/ac), Located at 2067 Ferree Drive
- ii. An Ordinance Amending the Planned Development Zoning and Outline Development Plan (ODP) for the Riverfront at Dos Rios, on 58.8 Acres, Located on the Northeast Bank of the Colorado River Between Highway 50 and Hale Avenue

4. Resolutions

- a. A Resolution Authorizing Condemnation Action Against Usher NV, LLC for Right-of-Way and Easements for the 24 Road and G Road Transportation Expansion Project and the 24 Road Multi-Modal Path Project

5. 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.

6. Other Business

7. Adjournment



City of Grand Junction, State of Colorado

Proclamation

- Whereas,** César Chávez has become an enduring symbol of our nation's commitment to encourage progress, create opportunity, and expand development at the grass roots level in the developing world; and
- Whereas,** on his birthday we celebrate a man who reminded us, that we all share a common humanity, each of us having our own value and contributing to the same destiny, and we carry forward his legacy by echoing his peaceful and eloquent calls for a more just and equal society; and
- Whereas,** César Chávez demonstrated that true courage is revealed when the outlook is darkest and the resistance is strongest, and we will find it within ourselves to stand up for what we believe in; and
- Whereas,** in the face of extraordinary adversity and opposition, he stood up for the inherent dignity of every person, no matter their race, color, creed, or sexual orientation, and for the idea that when workers are treated fairly they give meaning to our founding ideals; and
- Whereas,** we will also keep up our efforts to reform our nation's broken immigration system so more people can contribute to our country's success; and
- Whereas,** today, we honor César Chávez by continuing to fight for what he believed in, including a living wage for workers and their right to unionize and provide for their family. Workers should have a safe workplace and the comfort of knowing that if they work hard, they can feed their families, earn decent benefits, and gain the skills they need to move up and get ahead.

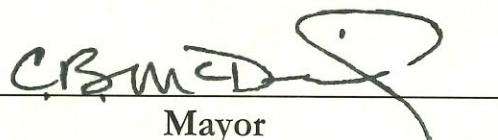
NOW, THEREFORE, I, C.B. McDaniel, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim March 31, 2022 as

"César Chávez Day"

in the City of Grand Junction and invite our community to reach for the America he knew as possible - one in which hard work is rewarded, prosperity is shared, and equal opportunity is the right of all our people.

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 March, 2022.




Mayor



City of Grand Junction, State of Colorado

Proclamation

- Whereas,** the City of Grand Junction and its partner water providers - Ute Water Conservancy District and Clifton Water District – continue to explore ways to manage consumption of water, and to inspire community members to care for our natural resources; and
- Whereas,** Grand Junction is located in an arid climate where drought is a critical and ever-present factor in water use; and
- Whereas,** municipal and other water providers can engage in efforts to inspire our community, as well as our neighboring communities, to become better environmental stewards; and
- Whereas,** The eleventh annual National Mayor's Challenge for Water Conservation presented by the Wyland Foundation and Toyota, is a healthy, non-profit competition between cities across the US for water use reduction; and
- Whereas,** with the encouragement of City Council, residents may register their participation in the Challenge, by making an online pledge to decrease their water use for a period of one year; and
- Whereas,** as part of the competition with other cities across the US, our community and participants stand to benefit from winning prizes and garnering recognition as a result of our participation; and
- Whereas,** as a result of the competition, Grand Junction hopes to be among the winning cities, but more importantly, hopes to spread more understanding about the importance of water conservation; and
- Whereas,** from April 1- 30, 2022, the City of Grand Junction wishes to inspire its residents and its neighboring communities to take the "Wyland Mayor's Challenge for Water Conservation" by making a series of online pledges at mywaterpledge.com to reduce their impact on the environment and to see savings in their water bills;

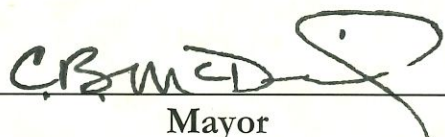
NOW, THEREFORE, I, C.B. McDaniel, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim April 2022 as

"Water Conservation Month"

in the City of Grand Junction, in support of the Wyland Mayor's Challenge for water conservation and encourages all residents to take an active role in water conservation, both during April as well as all year, by signing an online pledge to reduce water consumption.

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 March, 2022.




Mayor



Grand Junction City Council

Regular Session

Item #

Meeting Date: March 16, 2022

Presented By: Laura Bauer, Interim City Clerk

Department: City Clerk

Submitted By: Kerry Graves

Information

SUBJECT:

To the Urban Trails Committee

RECOMMENDATION:

To appoint the interview committee's recommendation to the Urban Trails Committee.

EXECUTIVE SUMMARY:

There are three full-term vacancies on the Urban Trails Committee.

BACKGROUND OR DETAILED INFORMATION:

Andrew Gingerich, Orin Zyvan, and Shana Wade have terms expiring June 30, 2022. Valerie Dobbs resigned effective March 9, 2022.

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
MINUTES OF THE SPECIAL MEETING
City Hall Administration Conference Room**

February 28, 2022

Call to Order

Mayor McDaniel called the Special Meeting of the Grand Junction City Council to order at 5:30 p.m. on the 28th day of February 2022. Those present were Councilmembers Abe Herman, Phillip Pe'a, Randall Reitz, Dennis Simpson, Anna Stout and Rick Taggart.

Also present was City Manager Greg Caton

Executive Session

Councilmember Stout moved and Councilmember Pe'a seconded to enter into EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS UNDER AND PURSUANT TO C.R.S. 24-6-402(4)(f)(1) OF THE OPEN MEETINGS LAW RELATIVE TO A CITY COUNCIL EMPLOYEE, SPECIFICALLY THE CITY MANAGER. THE CITY MANAGER HAS NOT REQUESTED DISCUSSION IN OPEN SESSION

AND

AN EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS UNDER AND PURSUANT TO SECTION 24-6-402(4)(f)(1) C.R.S. OF THE OPEN MEETINGS LAW RELATIVE TO A CITY COUNCIL EMPLOYEE, SPECIFICALLY THE CITY ATTORNEY. THE CITY ATTORNEY HAS NOT REQUESTED DISCUSSION IN OPEN SESSION.

City Manager Greg Caton was excused, and City Attorney John Shaver entered between the two Executive Session topics.

Upon completion of the Executive Sessions, Council moved and seconded to return to open session in the City Hall Administration Conference Room.

Adjournment

There being no further business to come before City Council, the meeting adjourned at 8:26 p.m.

Laura Bauer, MMC
Interim City Clerk



GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

March 2, 2022

Call to Order, Pledge of Allegiance, Moment of Silence

The City Council of the City of Grand Junction convened into regular session on the 2nd day of March 2022 at 5:32 p.m. Those present were Councilmembers Abe Herman, Phillip Pe'a, Randall Reitz, Dennis Simpson, Anna Stout, Rick Taggart and Council President Chuck McDaniel.

Also present were City Manager Greg Caton, City Attorney John Shaver, Interim City Clerk Laura Bauer, Deputy City Clerk Janet Harrell, Finance Director Jodi Welch and Utilities Director Randi Kim.

Council President McDaniel called the meeting to order. Councilmember Reitz led those present in the Pledge of Allegiance, followed by a moment of silence.

Proclamations

Proclaiming February 27 - March 5, 2022 as National Peace Corps Week in the City of Grand Junction

Council President McDaniel read the proclamation and former Peace Corps Volunteer Bennett Boeschenstein accepted the proclamation.

Citizen Comments

Bruce Lohmiller said the City budgeted \$1 million for housing and suggested staff look into little houses to help address homelessness. He also spoke about the Russian-Ukrainian War.

City Manager Report

City Manager Greg Caton did not provide a report.

Council Reports

Councilmember Herman attended the Grand Junction Economic Partnership meeting and announced the next virtual community meeting will be hosted by himself and Council President McDaniel on March 3rd.

Councilmember Reitz attended the Historic Preservation Board meeting and noted the Board will host their first Historic Preservation Day on May 14th during Historic

Preservation Month. He also attended the Grand Junction Downtown Development Authority (DDA) meeting and noted Council and the DDA have an upcoming joint meeting.

Councilmember Stout attended the Business Incubator Center meeting and noted the Executive Director and Small Business Development Center Director positions are open and there are four new board members. She also attended the Colorado Municipal League Legislative Committee Workshop in Denver and announced she will host an evening community meeting on March 22nd.

Council President McDaniel said Council supported Colorado Mesa University's grant request to rebuild the Robinson Theater and will also submit a letter of support for the Marillac Clinic's request for an Enterprise Zone in order to construct a new building.

CONSENT AGENDA

Councilmember Taggart moved and Councilmember Herman seconded to adopt Consent Agenda items #1 - #4. Motion carried by unanimous voice vote.

1. Approval of Minutes

- a. Summary of the February 14, 2022 Workshop
- b. Minutes of the February 16, 2022 Regular Meeting

2. Set Public Hearings

- a. Legislative
 - i. Introduction of an Ordinance Making Supplemental Appropriations to the 2022 Budget of the City of Grand Junction, Colorado for the Year Beginning January 1, 2022 and Ending December 31, 2022 and Setting a Public Hearing for April 6, 2022
- b. Quasi-judicial
 - i. Introduction of an Ordinance Zoning Approximately 0.88 Acres from County RSF-4 (Residential Single Family – 4 du/ac) to R-4 (Residential - 4 du/ac) for the Trinklein Annexation, Located at 2067 Ferree Drive, and Setting a Public Hearing for March 16, 2022
 - ii. Introduction of an Ordinance Amending the Planned Development Zoning and Outline Development Plan (ODP) for the Riverfront at Dos Rios, on 58.8 Acres Located on the Northeast Bank of the Colorado River Between Highway 50 and Hale Avenue and Setting a Public Hearing for March 16, 2022

- iii. 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 Keyser Court Annexation of 1.83 Acres, Located at 3110 through 3117 Keyser Court, and Setting a Public Hearing for April 6, 2022

3. Procurements

- a. Procurement Approval for Setting a Guaranteed Maximum Price for the Construction of Grand Junction Fire Station 8
- b. Purchase Traffic Signal Cabinets and Components

4. Resolutions

- a. A Resolution Issuing a Revocable Permit to Allow a Free-Standing Monument Sign for the Pinnacle Ridge Subdivision Located at the Intersection of Mariposa Drive and Aiguille Drive within the Right-of-Way on the North Side of the Intersection

REGULAR AGENDA

Ridges Irrigation Pumphouse Equipment

The Shadow Lake Pumphouse, located at 376 Ridges Boulevard has been in service since 1987. This facility is part of the supply system providing irrigation water to the Ridges community and the Redlands Golf Course. The facility design remains mostly unchanged with only minor modifications and standard equipment replaced due to deterioration and wear. The facility is now over 34 years old and although all electrical equipment has been well maintained, there is a need to replace components of the aging Motor Control Center (MCC) switchgear to provide reliable water distribution to customers. The existing main breaker in the Ridges Pumphouse is tripped on a regular basis, especially during the summer months due to surges. Equipment that is older has a secondary challenge of obsolescence and decreased repair parts availability. Replacing the existing MCC with new switchgear in 2022 will allow for continued service for several decades.

Finance Director Jodi Welch and Utilities Director Randi Kim introduced these items.

An Ordinance Making Supplemental Appropriations for the Ridge Irrigation Pumphouse Equipment

This supplemental appropriation will provide necessary spending authority for the Ridges Irrigation pumphouse equipment. In the 2022 Adopted Budget, the replacement

of a MCC in the Ridges irrigation system was funded for \$175,000 through an internal loan between the Water and Irrigation Funds. This project recently went to bid and the low bid came in at \$215,649, so an additional \$40,649 is needed to move forward with the project. This amount will be added to the internal loan from the Water Fund.

The public hearing opened at 5:48 p.m.

There were no comments.

The public hearing closed at 5:48 p.m.

Councilmember Simpson requested supplemental appropriations not be done as it exceeds the City's approved budget.

Councilmember Reitz moved and Councilmember Pe'a seconded to adopt Ordinance No. 5058, an ordinance making Supplemental Appropriations and Amending the 2022 Budget of the City of Grand Junction, Colorado for the year beginning January 1, 2022 and ending December 31, 2022 for the Ridges irrigation pumphouse equipment on final passage and ordered final publication in pamphlet form. Motion carried by roll call vote with Councilmember Simpson voting no.

Procurement Approval for Shadow Lake Pump Station Electrical Improvements

This request is to award a contract to EC Electric for the installation of new electrical equipment at the Shadow Lake Pumphouse. The improvements include the replacement of existing electrical switchgear for better reliability of service at the pumphouse.

Councilmember Taggart moved and Councilmember Pe'a seconded to authorize the City Purchasing Division to execute a contract with EC Electric of Grand Junction, CO for the Shadow Lake Pump Station Electrical Improvements in the amount of \$215,648.73 subject to approval of supplemental appropriation by Council. Motion carried by unanimous voice vote.

A Resolution Adopting Rates, Fees, and Charges for Ridges Irrigation Golf Course Effective January 1, 2022

Recommended changes to rates, fees, and charges were discussed in the Council Budget Workshops. Rate changes for Ridges Irrigation are in accordance with the financial plan and rate studies conducted and approved. Rates for residential customers were approved by Council on December 1, 2021. However, the golf course rate was not explicitly set with that resolution which brings this action. Rates for the Golf Course are increased 5%, consistent with residential customers.

Councilmember Pe'a moved and Councilmember Simpson seconded to adopt

Resolution No. 25-22, a resolution adopting rates, fees and charges for Ridges irrigation. Motion carried by unanimous voice vote.

Lincoln Park Multipurpose Building with Colorado Mesa University (CMU)

With the renovation of the Lincoln Park Stadium, an additional improvement was proposed by CMU and approved by Council to construct a Multipurpose Building south of Stocker Stadium and west of the Barn. The new building will feature lockers with associated facilities to be used by the CMU football team. The other major component are meeting rooms which will be used by CMU and the City. These are designed to allow CMU coaches space for meetings during football practice and the season and for multipurpose use by the City to compliment the Barn and help meet the significant demand for indoor facility space.

Council President McDaniel explained the IGA was not finalized and requested these three interrelated items be continued to the March 16, 2022 Regular Meeting. Councilmember Herman asked that the IGA be “red lined” when next sent to Council.

An Ordinance Making Supplemental Appropriations for the Lincoln Park Multipurpose Building with Colorado Mesa University**Intergovernmental Agreement (IGA) with Colorado Mesa University for the Multipurpose Building at Lincoln Park Stadium****Procurement Approval Authorizing the Guaranteed Maximum Price for the Stadium Multipurpose Building**

Council President McDaniel moved and Councilmember Stout seconded to continue 1) an Ordinance Making Supplemental Appropriations for the Lincoln Park Multipurpose Building with Colorado Mesa University, 2) an Intergovernmental Agreement with Colorado Mesa University for the Multipurpose Building at Lincoln Park Stadium and 3) Procurement Approval Authorizing the Guaranteed Maximum Price for the Stadium Multipurpose Building together to the Regular Meeting on March 16, 2022. Motion carried by unanimous voice vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Stout received a citizen email asking the City to show support for the Ukrainian people by displaying blue and yellow lights.

City Manager Caton deferred the request to Council as a policy question, but staff will be happy to implement per Council's direction.

Council supported the request.

Councilmember Stout thanked Senior Assistant to the City Manager Greg LeBlanc on behalf of Council for his service and wished him well in his next endeavor.

Councilmember Simpson expressed concern that two of the six newly constructed lanes for the I-70 Business Loop expansion, specifically along 1st Street and Pitkin Avenue, are dedicated bus lanes for Greyhound, Bustang and Grand Valley Regional Transportation as they would be minimally used. He suggested Council discuss this topic at a future meeting or allow CDOT (Colorado Department of Transportation) to determine their best use.

City Manager Greg Caton said Council adopted Resolution No. 89-21 at the October 20, 2021 regular meeting supporting and approving CDOT's design for this project.

Council President McDaniel said there was discussion with CDOT regarding whether to construct four or six lanes. Although current traffic counts do not warrant six lanes it was decided to construct six in anticipation of future growth and to use two as dedicated bus lanes until growth warranted using all six.

Councilmember Herman noted six traffic lanes create significant impacts to non-motorized transportation, CDOT projects look to increase capacity for current and long-term growth, and CDOT has long budgeting cycles which would probably delay incremental upgrades to the area. To work with those challenges, it was decided to construct six lanes (four traffic and two temporary bus lanes) and include large multi-model paths and signalized lights as part of the realignment.

Councilmember Reitz said he sees disparity in the City's non-profit funding specifically as it related to the Commission on Arts & Culture and their subsequent grant program. He suggested outsourcing this to Western Colorado Community Foundation or United Way to create a more competitive and transparent process that aligns with the City's Strategic Plan.

Councilmember Herman said Mesa County Valley School District 51 created D51 Affordable Homeownership Program Committee and two members invited him to participate on the committee.

Councilmember Stout asked if the committee had a mission and/or vision statement yet and expressed concerns regarding potential conflicts of interest. She suggested he serve as a liaison rather than a member.

Councilmember Herman said the committee did not have governing documents yet and agreed being a liaison rather than a member would be a better fit.

Adjournment

The meeting adjourned at 6:19 p.m.



Laura Bauer, MMC
Interim City Clerk



Grand Junction City Council

Regular Session

Item #2.a.i.

Meeting Date: March 16, 2022

Presented By: Tamra Allen, Community Development Director, John Shaver, City Attorney

Department: City Attorney

Submitted By: Staff Cannabis Team

Information

SUBJECT:

Introduction of Ordinances Amending Multiple Sections of the Grand Junction Municipal Code Regarding Regulation of Cannabis and Setting a Public Hearing for April 6, 2022

RECOMMENDATION:

Staff recommends adoption of the three ordinances.

EXECUTIVE SUMMARY:

The voters approved referred measures 2A and 2B at the City election on April 6, 2021. The approval of those measures provides the City Council an opportunity to establish tax rates and regulations for the retail cannabis industry in Grand Junction.

The City Council met on July 13, 2020, November 30, 2020, December 17, 2020, January 4, 2021, January 20, 2021, March 1, 2021, May 3, 2021, June 7, 2021, July 19, 2021, July 21, 2021, September 20, 2021, November 1, 2021, January 10, 2022, February 14, 2022, and March 14, 2022, to discuss and provide direction regarding the regulation of Cannabis (Marijuana) Retail Sales within the City of Grand Junction. The proposed ordinances are the product of these extensive discussions and the culmination of the City's effort to create a system for regulating cannabis retail sales businesses that protect the health, safety and welfare of the community while creating a fair and equitable process to select qualified operators of up to ten retail sales locations.

BACKGROUND OR DETAILED INFORMATION:

Ordinances Overview

Based upon direction received from the City Council at and during previous meetings

and workshops and having reviewed ordinances from across Colorado as a baseline, staff has prepared three ordinances that work collectively to regulate cannabis retail sales. A brief summary of each ordinance is provided herein and where changes have been made to the March 14th drafts, both a redline and clean version of the proposed ordinances have been attached.

Cannabis Uses, Licenses and Regulation Ordinance

This ordinance amends Title 5 of the Grand Junction Municipal Code creating Chapter 13 regulating the uses, licensing, and regulation of regulated cannabis. Staff has authored modifications to this ordinance based on comments received from Council at the March 14th workshop. The ordinance also reflects clerical and clarification edits made by staff and incorporates numerous edits reflective of written public comments received. A redline and a clean version have been attached.

Sales and Use Tax and Excise Tax Ordinance

The City Council confirmed the special sales and use tax and excise tax at a rate of 6 percent. The attached ordinance will amend Chapters 3.12 and 3.16 of the Grand Junction Municipal Code regarding imposition and rate of tax, licensing and reporting, and expenditure of the tax. The ordinance articulates the uses of the special sales and use tax and excise tax of 6 percent from the City's regular sales tax collection of 3.25 percent. Medical marijuana sales if co-located with retail marijuana is subject to the City's regular sales and use tax of 3.25 percent and is exempt from the City's special 6 percent tax and City excise tax.

Zoning and Development Code Ordinance

This ordinance amends Title 21, including Chapter 4, Chapter 6 and Chapter 10, includes proposed changes to the use table, location specific limitations (Horizon Drive BID and Downtown), buffering from specific land uses, and signage regulations. The ordinance also amends Title 27, Chapter 12 pertaining to signage regulations within the Horizon Drive Overlay. Clerical issues were edited from the March 14th version and as such, clean and redline versions of the ordinance have been attached.

FISCAL IMPACT:

SUGGESTED MOTION:

- 1) I move to introduce an ordinance to amend Title 5 creating Chapter 13 in the Grand Junction Municipal Code to include certain marijuana, also known as cannabis, uses, licenses and regulations in the City of Grand Junction, Colorado and set a public hearing for April 6, 2022.
- 2) I move to introduce an ordinance to amend Title 21 Chapter 4, Chapter 6, and Chapter 10 and to amend Title 27, Chapter 12 of the Grand Junction Municipal Code regarding use standards and for specific buffering between certain schools, and rehabilitation facilities, and adopting regulations for signage of cannabis businesses,

and definitions for such businesses and set a public hearing for April 6, 2022.

3) I move to introduce an ordinance to amend Title 3 of the Grand Junction Municipal Code to include a retail marijuana sales and use tax and a marijuana excise tax and set a public hearing for April 6, 2022.

Attachments

1. ORD-Cannabis Regulatory - 031522 Redline v2
2. ORD-Cannabis Regulatory - 031522 Final Clean
3. ORD-ZDC Cannabis -031522 Redline
4. ORD-ZDC Cannabis -031522 Clean Final
5. ORD-Cannabis Tax - 031522 Redline
6. ORD-Cannabis Tax - 031522 Clean Final
7. Public Comment-A.Walsh
8. Public Comment-D.Baird
9. Public Comment-J.Bonin
10. Public Comment-T.Bradley

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 5 CREATING CHAPTER 13 IN THE GRAND JUNCTION MUNICIPAL CODE TO INCLUDE CERTAIN MARIJUANA, ALSO KNOWN AS CANNABIS, USES, LICENSES AND REGULATIONS IN THE CITY OF GRAND JUNCTION, COLORADO.

RECITALS:

Federal law criminalizes the use and possession of marijuana as marijuana is categorized as a Schedule 1 controlled substance under the Controlled Substance Act. Federal law criminalizes knowing or intentional marijuana possession, even if a person has no intent to manufacture, distribute, or dispense marijuana.

On November 7, 2000, Colorado voters passed Amendment 20 which allows the use of marijuana in the state for approved patients with written medical consent. It allows the possession of up to two ounces of medical marijuana and cultivation of no more than six marijuana plants (three flowering plants) at a time for patients. Amendment 20 does not provide a legal manner for patients to obtain medical marijuana unless the patient grows the marijuana, or the marijuana is grown by the patient's primary caregiver.

On November 16, 2009, City Council, as an exercise of police powers, adopted Ordinance 4392 which declared a twelve-month moratorium on the licensing, permitting and operation of marijuanacannabis businesses in the City and provided penalties for any such violation. The moratorium applied to any person or entity applying to function, do business, or hold itself out as a medical marijuanacannabis dispensary in the City of Grand Junction, regardless of the person, entity, or zoning.

On June 7, 2010, Governor Ritter signed into law House Bill 10-1284 and Senate Bill 10-109 which, among other things, authorized the City to adopt an ordinance to license, regulate or prohibit the cultivation and/or sale of marijuanacannabis (C.R.S. 12-43.3-103(2)). The law also allowed a city to vote, either by a majority of the registered electors or a majority of the City Council, to prohibit the operation of medical marijuana dispensariescannabis-centers, optional premises cultivation operations and medical marijuanacannabis infused products manufacturers.

On October 4, 2010, City Council adopted Ordinance 4437 which prohibited the operation of medical marijuanacannabis businesses and amended the Grand Junction Municipal Code by adding Section 5.14.010 which prohibited certain uses relating to marijuanacannabis. Ordinance 4437 also extended the moratorium established by Ordinance 4392 to January 1, 2011. Prior to Ordinance 4437 becoming effective, a protest petition was filed and found to be sufficient, and Ordinance 4437 was suspended from taking effect. On October 13, 2010, City Council adopted Ordinance 4446 which extended the moratorium to July 1, 2011.

At the April 5, 2011, City election, the electorate voted in favor of prohibiting the operation of medical marijuanacannabis businesses and the amendment of the Grand Junction Municipal Code by adding a section that prohibited marijuanacannabis (referred to as Measure A).

On November 6, 2012, Amendment 64 was passed by the voters, amending Article 18 of the Colorado Constitution by adding Section 16 which allowed retail marijuanaregulated cannabis stores and made it legal for anyone 21 years or older to buy cannabis at such stores. In addition, Amendment 64 allowed anyone over 21 years of age to legally possess and consume up to one ounce of marijuanacannabis. Amendment 64 did not change the Federal law; it still remains illegal under Federal law to produce and/or distribute marijuanacannabis.

On February 6, 2013, City Council approved Resolution 07-13 adopting marijuanacannabis policies for the City and restrictions for persons or entities from applying to function, do business, or hold itself out as a marijuanacannabis facility, business, or operation of any sort in the City limits. Later that same year, City Council adopted Ordinance 4599 which prohibited the operation of marijuanacannabis cultivation facilities, marijuanacannabis product manufacturing facilities, marijuanacannabis testing facilities, and retail marijuanaregulated cannabis stores. Ordinance 4599 also amended Sections in Title 5, Article 15 of the Grand Junction Municipal Code that prohibited certain uses relating to marijuanacannabis.

In late 2015, the City, Mesa County and Colorado Mesa University, by and through the efforts of the Grand Junction Economic Partnership (GJEP), were successful in establishing the *Colorado Jumpstart* business development program. One business that was awarded the first *Jumpstart* incentive planned to develop a laboratory and deploy its advanced analytical processes for genetic research and its ability to mark/trace chemical properties of agricultural products, one of which was marijuanacannabis. In October 2016, City Council passed Ordinance 4722 which amended Ordinance 4599 and Section 21.04.010 of the Grand Junction Municipal Code to allow marijuanacannabis testing facilities in the City.

On January 20, 2021, the City Council approved Resolution 09-21, the adoption of which referred a ballot question to the regular municipal election on April 6, 2021, to repeal Measure A contingent on and subject to voter approval of taxation of marijuanacannabis businesses. A majority of the votes cast at the election were in favor of repealing the moratorium on marijuanacannabis businesses and in favor of taxation of marijuanacannabis businesses.

Accordingly, City Council has determined that certain cannabis businesses, subject to regulations adopted by the City, may operate within the City. City Council, with this ordinance, will amend the Grand Junction Municipal Code to provide rules and regulations for licensing and operating regulated cannabis businesses.

City staff and community members, including the Cannabis Working Group, have researched, reviewed, and discussed various approaches to taxation, permitting and regulation of cannabis. Regulations for ~~marijuanacannabis~~ uses have been established at the state level with the adoption and implementation of the Colorado Marijuana Code (C.R.S. 44-10-101, *et. seq.*); however, regulation of ~~marijuanacannabis~~ uses at the state level alone are not adequate to address the impacts of cannabis on the City.

In the interest of the public health, safety and welfare the City intends to regulate the location and other aspects of ~~marijuanacannabis~~ businesses in a manner that is consistent with constitutional and statutory standards. ~~Limiting the concentration of any type of business in specific areas will tend to promote high-quality neighborhoods. To that end, the City intends to desires to facilitate the provision of quality, regulated cannabis in a safe manner within the City. Regulation of~~ the manner of operation and location of regulated cannabis businesses ~~and in turn will~~ further the health, safety, and welfare of both the public and the ~~businesses'~~ customers.

Protection of the public health and safety will occur through reasonable limitations on business operations as they relate to air quality, integrating business operations with neighborhoods, minimum security standards for the businesses and their personnel, and other concerns. Sale of cannabis may impact health, safety, and community resources, and the proposed ordinance is intended to allow certain regulated cannabis businesses such that those businesses will have as minimal an impact and reduce potential negative impacts as reasonably is possible.

This ordinance amends the City's Code (also known as the GJMC) to include time, place, and manner restrictions for operating regulated cannabis businesses in the City while protecting the public health and safety through reasonable limitations on business operations. Regulated cannabis businesses may include retail and/or co-located retail and medical cannabis businesses.

Furthermore, this ordinance proposes the imposition of application and/or operating fees to defray some of the City's costs of licensing regulated cannabis businesses.

This ordinance also requires buffering (distance requirements) of cannabis businesses:

- 1,000 feet from any private or public elementary school, middle school, junior high school, high school, Colorado Mesa University and Western Colorado Community College; and

- 500 feet from any services for prevention, treatment or recovery from substance use and mental health concerns, as licensed by the Colorado Department of Human Services, Office of Behavioral Health (OBH).

Lastly, this ordinance creates a mechanism for monitoring compliance of regulated cannabis businesses in coordination with the laws of the State of Colorado.

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

Title 5 Chapter 13 shall read as follows: (Additions to the GJMC are shown in **bold face**
type – deletions or modifications are shown in ~~strike through~~.)

5.13.00 REGULATED CANNABIS

5.13.010 Purpose and legislative intent; incorporation of state law.

On January 20, 2021, the City Council approved Resolution 09-21, the adoption of which referred a ballot question to the regular municipal election on April 6, 2021, to repeal Referred Measure A contingent on and subject to voter approval of taxation of ~~marijuana~~**cannabis** businesses. The voters approved the April 2021 ballot measures and by and with such authority, City Council intends to regulate the use, possession, and distribution of ~~marijuana~~**cannabis** in a manner that is consistent with Article XVIII, Sections 14 and 16 of the Colorado Constitution and the Colorado Marijuana Code, C.R.S. § 44-10-101, et seq. With the adoption of this Chapter, any provisions of the City's Code that conflicts with this Chapter shall be superseded.

Article XVIII, Section 16(5)(g) of the Colorado Constitution authorizes a system of state licensing for businesses engaging in the regulated sale of ~~marijuana~~**cannabis**, collectively referred to as "regulated ~~marijuana~~**cannabis** establishments". This provision allows a municipality within its jurisdiction to prohibit licensing of regulated ~~marijuana~~**cannabis** establishments; regulate the time, place and manner in which regulated ~~marijuana~~**cannabis** establishments may operate; and limit the total number of regulated ~~marijuana~~**cannabis** establishments.

The authority of localities to prohibit or regulate regulated ~~marijuana~~**cannabis** establishments within their respective jurisdictions, including the authority to engage in local licensing of ~~marijuana~~**cannabis** establishments is also provided in various provisions of the Colorado Marijuana Code. The Colorado Marijuana Code, among other things, affords municipalities the option to determine whether to license certain regulated ~~marijuana~~**cannabis** establishments within their respective jurisdictions. Consistent with its lawful authority this Chapter affirmatively authorizes licensing and regulating cannabis related businesses in the City of Grand Junction and to designate a local licensing authority to issue and process applications submitted for such licenses within the City.

This Chapter is adopted pursuant to the constitutional and statutory authority referenced above as well as the City's Charter and home rule authority to adopt

and enforce ordinances under its police powers all in order to preserve the public health, safety and general welfare. By adopting this Chapter, the City intends to implement provisions of the Colorado Marijuana Code and any rules and regulations thereunder except to the extent that more restrictive or additional regulations may be set forth in herein.

Further, the purposes of this Chapter are to:

- (1) provide time, place, and manner restrictions for operating a regulated cannabis business in the City;
- (2) protect public health and safety through reasonable limitations on business operations as they relate to air quality, security for the business and its personnel, and other health and safety concerns;
- (3) promote high quality neighborhoods by limiting the concentration of regulated cannabis businesses in specific areas;
- (4) impose fees to defray some of the costs to the City of licensing regulated cannabis businesses;
- (5) adopt a mechanism for monitoring compliance with the provisions of this Chapter;
- (6) create regulations that address the particular needs of the residents, the businesses, and the City and coordinate with laws enacted by the State of Colorado regarding cannabis; and,
- (7) issue regulated cannabis business licenses only to Applicants that demonstrate the intent and capability to comply with the law.

This Chapter is to be construed to protect the interests of the public over the interests of the regulated cannabis businesses. Operation of a regulated cannabis business is a revocable privilege and not a right in the City. There is no property right for any person and/or business to have a regulated cannabis license in the City.

Nothing in this Chapter is intended to promote or condone the production, distribution, or possession of cannabis in violation of any applicable law.

5.13.011 Applicability.

(a) This Chapter is known and may be cited as the “City of Grand Junction Regulated Cannabis Code.” Reference to the City of Grand Junction Regulated Cannabis Code, Code or Chapter and the applicable section(s) thereof shall be sufficient when citing the provisions hereof in any legal document, including but not limited to, summons, subpoena, pleading, summons and compliant, and memorandum.

(b) This Chapter, together with all other titles and chapters of the Grand Junction Municipal Code (hereinafter referred to as “GJMC”), and any resolution(s) and/or administrative regulation(s) of the City shall govern all applications submitted for licensing of any regulated cannabis business in the City on and after the effective date.

5.13.012 Applicability of state laws and other laws.

(a) Except as otherwise specifically provided herein, this Chapter incorporates and adopts the requirements and procedures set forth in the Colorado Marijuana Code and the provisions of the Colorado Rules and Regulations promulgated thereunder, as amended, relating to the definition of terms, licensing, sales, hours of sale, records, inspection, unlawful acts, and all other matters pertaining to regulated cannabis, as set out in full therein and herein. In the event of any conflict between the provisions of this Chapter and the provisions of the Colorado Marijuana Code or any other applicable state or local law, the more restrictive provision shall control. Licensees shall comply with and conduct their business in compliance with all applicable state and local laws, rules and regulations, and the terms and conditions of their license. Noncompliance with any applicable state or local laws, rules or regulations shall be grounds for suspension, revocation or non-renewal of any license issued hereunder and/or imposition of fine(s), and/or fine(s) in lieu of suspension, and other allowable sanctions.

(b) Compliance with any applicable state law or regulation shall be deemed additional requirements for issuance of any license and conduct of any business under this Chapter, and noncompliance with any applicable law or regulation shall be grounds for suspension, revocation or non-renewal of any license issued hereunder and/or imposition of fines and other allowable sanctions.

(c) If the state prohibits the sale or other distribution of cannabis through regulated businesses, any license issued hereunder shall be deemed immediately revoked by operation of law.

5.13.013 Definitions.

The definitions set forth in Article XVIII, Subsections 14(2) and 16(2) of the Colorado Constitution, as well as the definitions provided by the Colorado Marijuana Code, the Colorado Code of Regulations, and the Department of Revenue Regulated Marijuana Enforcement Division Rules and regulations as amended, are adopted herein unless by reference specifically amended hereby.

“Advertise” means the act of drawing the public’s attention, whether in print, signs, or electronic means, to a regulated cannabis business in order to promote the sale of cannabis by the business.

“Affiliated entity” or “affiliate” means a person as defined herein, having ownership or any level of control in common with an entity, in whole or in part, including without limitation, an entity’s parent corporation, franchisor, licensor and any subsidiary(ies) or affiliates or such corporation(s). Affiliate also means a person using the same trade name as another person.

~~“Appealing to minors” means any display on the internet, by audio, in print on a sign, or similar presentation visible to individuals under 21 years of age that contains visual, audio or print depictions of cartoon characters, caricatures, consumable products, individuals that seem under 21 years of age or engaging in activities not typical of adults. Visual, audio or print depictions of animals may be allowed so long as they do not violate other restrictions in the GJMC.~~

“Application fee” shall mean the fee paid to the City by each Applicant at the time of submitting an application to the City.

“Applicant” shall mean any person or entity who has applied for a license or renewal of a license issued pursuant to this Chapter. If the Applicant is an entity and not a natural person, Applicant shall include all persons who are the members, managers, officers, directors, and shareholders of such entity.

“Cannabis”, also known as marijuana, shall have the same meaning as the term “usable form of marijuana” as set forth in Article XVIII, Section 16(2)(f) of the Colorado Constitution or as may be more fully defined in any applicable State law or regulation. “Marijuana” may alternatively be spelled “marihuana”.

“Cannabis business” shall means regulated cannabis business as defined in this Chapter.

“Cannabis operator” means a medical cannabis business operator or a retail cannabis business operator.

285 “Cannabis paraphernalia” or “paraphernalia” shall mean devices, contrivances,
286 instruments and paraphernalia for inhaling or otherwise consuming regulated
287 cannabis, including, but not limited to, rolling papers, related tools, water pipes
288 and vaporizers.

289
290 “Cannabis product” means medical cannabis product or retail cannabis product.

291
292 “Cannabis product manufacturer” means a medical cannabis products
293 manufacturer or a retail cannabis products manufacturer.

294
295 “Cannabis testing facility” means a medical cannabis testing facility or a retail
296 cannabis testing facility.

297
298 “City Attorney” means the City Attorney or the City Attorney’s designee.

299
300 “City Manager” means the City Manager or the City Manager’s designee.

301
302 “Colorado Marijuana Code” shall mean Title 44, Article 10, C.R.S. and any rules or
303 regulations promulgated thereunder.

304
305 ~~“Company material” means any information printed or transmitted electronically~~
306 ~~that includes the name and logo of a particular cannabis business(es) and~~
307 ~~promotes the business or describes cannabis or cannabis product distributed by~~
308 ~~the business(es). Company material may include promotion of the business to~~
309 ~~potential employees over the age of 21, or investors, or instructions for use of any~~
310 ~~cannabis or cannabis products distributed by the business(es).~~

311
312 “Coupon” means a printed voucher or token entitling the holder to a discount for
313 a particular product or service. Coupon does not include showing a government-
314 issued verification of age or military status, or registration for a charitable event,
315 or similar item the showing of which, without providing a separate printing to the
316 business, entitles the holder to a discount for a particular product or service.

317
318 “Distribution” or “distribute” means the actual, constructive, or attempted transfer,
319 delivery, sale, or dispensing to another, with or without remuneration.

320
321 “Educational material” means materials prepared by a governmental or non-profit
322 entity that are designed to provide information, facts, instructions, and warnings
323 related to the legal use or consumption of cannabis and cannabis products.
324 Educational materials do not include arguments for or against the legalization of
325 cannabis or encourage the use of cannabis or advertisements, including the name
326 and logo for any cannabis business.

328 **“Entity” means a domestic or foreign corporation, cooperative, general**
329 **partnership, limited liability partnership, limited liability company, limited**
330 **partnership, limited liability limited partnership, limited partnership association,**
331 **nonprofit association, nonprofit corporation or any other organization or**
332 **association that if formed under a statute or common law of the state of Colorado**
333 **or any other jurisdiction as to which the laws of Colorado or the laws of any other**
334 **jurisdiction govern(s) relations among owners and between the owners and the**
335 **organization or association and that is recognized under the laws of the state of**
336 **Colorado or the other jurisdiction as a separate legal entity.**

337
338 **“Fees” means that fee(s) set and established by Resolution of City Council and**
339 **paid annually to the City by each Licensee. Fees may be charged by the City for**
340 **costs including but not limited to licensing, inspection, administration, and**
341 **enforcement of cannabis businesses authorized pursuant to the Colorado**
342 **Constitution, the Colorado Marijuana Code, this Code, and any of the rules and**
343 **regulations adopted pursuant thereto.**

344
345 **“Financier” means any person who lends money or otherwise provides assets to**
346 **any person applying for license under this Chapter. If a financier is an entity rather**
347 **than an individual, the same disclosure shall be required for each entity with [ana](#)**
348 **financial interest until a managing member that is a natural person is identified.**
349 **Financier shall not include a bank, savings and loan association, credit union, or**
350 **industrial bank supervised and regulated by an agency of the state or federal**
351 **government, or any person in the business of leasing equipment or cannabis**
352 **business for which the rental amount does not include any percentage of the**
353 **business or its profits, or any person that has been qualified as a beneficial owner**
354 **(as defined by the Colorado Marijuana Code).**

355
356 **“Financial interest” shall mean any ownership interest(s).**

357
358 **“Good cause”, for the purposes of approving, refusing or denying the issuance or**
359 **renewal of a license, means:**

- 360
361 **a. The Licensee or Applicant has violated, does not meet, or has failed**
362 **to comply with any terms, conditions, or provisions of the Colorado**
363 **Marijuana Code, the City Code, any rule and regulation adopted**
364 **pursuant thereto, or any supplemental relevant state or local law, rule**
365 **or regulation related to the cultivation, processing, manufacture,**
366 **storage, sale, distribution, transportation, and research, or**
367 **consumption of any form of cannabis;**
368

- 369 b. The Licensee or Applicant has failed to comply with any special term
370 or condition placed on the license by order of the state licensing
371 authority or the Local Licensing Authority;
372
373 c. Evidence the Licensee's licensed premises has been operated in a
374 manner that adversely affects the public health, safety or the general
375 welfare of the City or the immediate neighborhood where the business
376 is located, which evidence may include a continuing pattern of
377 violations of the Colorado Marijuana Code, the City's Code, or terms
378 and conditions of a license issued pursuant to this Chapter, a
379 continuing pattern of unlawful or violent activity occurring in the
380 location and in association with the operation of the business; or
381 d. Evidence the Applicant or Licensee, or any officer, director, owner,
382 manager, agent or employee of the Applicant or Licensee is not of
383 good moral character.
384

385 "Good moral character" means an individual who has a personal history
386 demonstrating honesty, fairness, and respect for the rights of other and for
387 conformance to the law which, except as provided by C.R.S 44-10-308(4) for a
388 person who qualifies as a Social Equity Licensee, may include considerations of
389 whether an individual has:
390

- 391 a. Ever had a professional or occupation license denied, suspended, or
392 revoked;
393
394 b. Ever had a business or sales tax license denied, suspended, or
395 revoked;
396
397 c. Ever surrendered, been denied, or had any type of cannabis related
398 license or permit placed on an administrative hold, suspended or
399 revoked;
400
401 d. Ever been denied any type of cannabis related business license;
402
403 e. Ever had a business temporarily or permanently closed for failure to
404 comply with any tax, health, building, fire, zoning or safety law;
405
406 f. Ever had any administrative, civil or criminal finding of delinquency
407 for failure to file or failure to pay state or local sales or use taxes or
408 any other taxes;
409
410 g. Ever been convicted of or pled guilty or no contest to a crime of moral
411 turpitude; or

- 412
- 413 h. Within the previous five years been convicted of any misdemeanor,
- 414 petty offense or any local ordinance violation related to the cultivation,
- 415 processing, manufacture, storage, sale, distribution, transportation,
- 416 testing, research, or consumption of any form of cannabis, drug or
- 417 controlled substance; or within the previous five years been convicted
- 418 of a non-drug related felony; or, at any time, been convicted of a felony
- 419 related to the cultivation, processing, manufacture, storage, sale,
- 420 distribution, transportation, testing, research, or consumption of any
- 421 form of cannabis, drug or controlled substance.
- 422

423 “Handbill”, “leaflet” or “flyer” means a flat or folded sheet of printed material that

424 is a notice, advertisement, or announcement, usually for distribution by hand, for

425 free, either directly to an individual or by placement on vehicles or other locations.

426 Handbill, leaflet, or flyer does not include educational materials without the name

427 or logo of a cannabis business, or information made available within the licensed

428 premises of a cannabis business.

429

430 “Horizon Drive Association Business Improvement District means and area, which

431 is described as all commercial property bounded on the south by G Road, north

432 on Horizon Drive through and including H Road, bounded on the west by 27

433 Road/15th Street, and on the east by 27 ½ Road northeast to Walker Field Airport

434 Authority. The boundaries of the Horizon Drive Association District include, but are

435 not limited to, Horizon Court, Compass Drive Association, Crossroads Boulevard,

436 Crossroads Court, Skyline Court, Sundstrand Way and Hilaria Avenue, or as the

437 boundaries otherwise may be amended.

438

439 “Immature plant” means a nonflowering cannabis plant that is no taller than eight

440 inches and no wider than eight inches; is produced from a cutting, clipping, or

441 seedling; and is in a cultivating container.

442

443 “Incidental to sponsorship of charitable events” means the printing of the names

444 of all sponsors of a particular charitable event by the event organizer on

445 advertisements, banners, clothing, programs, or similar items. Incidental to

446 sponsorship of charitable events does not include the placement of a booth(s) or

447 distribution of material(s) that does not list or is for the use of all sponsors of the

448 event.

449

450 “License” shall mean to grant a revocable privilege to lawfully operate in the City

451 a cannabis related business activity authorized pursuant to the Colorado Marijuana

452 Code and this Chapter. A License may include a Social Equity License as defined

453 herein and by applicable Colorado law, rules and regulations.

454
455 **“License fee” shall mean that fee set and established by Resolution of City Council**
456 **and paid annually to the City by each Licensee.**
457

458 **“Licensed premises” means the premises specified in an application for a license**
459 **or permit authorized pursuant to the Colorado Marijuana Code and this Chapter,**
460 **which are owned or in the legal possession of the Licensee and within which the**
461 **Licensee is authorized to cultivate, manufacture, distribute, research, sell, store,**
462 **transport, or test cannabis, cannabis products, and cannabis concentrates in**
463 **accordance with all applicable laws.**
464

465 **“Licensee” means any person licensed or granted a permit pursuant to the**
466 **Colorado Marijuana Code or this Chapter, including the cannabis business named**
467 **on the cannabis business license and all individuals named in the cannabis**
468 **business license application or later reported to the City, including without**
469 **limitation, owners, managers, financiers, and individuals owning any part of the**
470 **entity that holds a financial or ownership interest in the cannabis business.**
471

472 **“Local Licensing Authority” also known as “Cannabis Licensing Authority”**
473 **(“Authority”) means an authority designated by the City Council.**
474

475 **“Manager” means:**

476 **a. A member of a limited liability company in which management is not**
477 **vested in managers rather than members;**

478 **b. A manager of a limited liability company in which management is**
479 **vested in managers rather than members;**

480 **c. A member of a limited partnership association in which management**
481 **is not vested in managers rather than members;**

482 **d. A manager of a limited partnership association in which management**
483 **is vested in managers rather than members;**

484 **e. A general partner;**

485 **f. An officer or director of a corporation, a nonprofit, a cooperative, or a**
486 **limited partnership association; or**

487 **g. Any person whose position with respect to an Entity, as determined**
488 **under the constituent documents and organic statutes of the Entity,**
489 **without regard to the Person’s title, is the functional equivalent of any of**
490 **the positions described in this definition.**

491 **“Minor” means a person under 21 years of age.**

492 **“Modification of premises” means a change to a regulated cannabis business that**
493 **requires a building or other permit from the City or changes any part of the plans**
494 **required as part of the application for the cannabis business license. Modification**
495 **of premises does not include routine maintenance, including replacement of**
496 **lightbulbs or filters, painting, cleaning or replacement of non-mechanical items**
497 **such as windows and flooring so long as the maintenance does not result in a**
498 **change to the plans required as part of the application.**

499 **“Owner” means the person or persons whose beneficial interest in a regulated**
500 **cannabis business bears a risk of loss other than an insurer, has an opportunity to**
501 **gain profit from the operation or sale of the business and has a controlling interest**
502 **in a cannabis businesses, business entity or license, and includes any other**
503 **person(s) that qualifies as an owner pursuant to state law, rules or regulations.**

504 **“Person” shall mean a natural person, partnership, association, company,**
505 **corporation, limited liability company or other organization or entity or a manager,**
506 **agent, owner, officer or employee thereof.**

507 **“Place open to the general public” means any property owned, leased, or used by**
508 **a public entity, and any place on private property open to the public, common area**
509 **of buildings, private clubs, vehicles, those portions of any private property upon**
510 **which the public has an express or implied license to enter or remain, and any**
511 **place visible from such places.**

512 **“Possess” or “possession” means having physical control of the premises in**
513 **which an object is located or having the power and intent to control an object,**
514 **without regard to whether the one in possession has ownership of the object.**
515 **Possession may be held by more than one person at a time. Use of the object is**
516 **not required for possession. The owner of a regulated cannabis business shall be**
517 **considered in possession of the regulated cannabis business at all times. The**
518 **manager of a regulated cannabis business shall be considered in possession of**
519 **the regulated cannabis business at all times that the manager is on the premises**
520 **of the business or has been designated by the owner as the manager in the**
521 **absence of the owner in accordance with this Chapter.**

522 **“Premises” means a distinct and definite location, which may include a building, a**
523 **part of a building, a room, or any other defined contiguous area.**

524 **“Regulated cannabis businesses aka “Regulated marijuana businesses” means:**

525 **any Medical Marijuana Business and Retail Marijuana Business as defined by**
526 **Colorado law.**

The term regulated cannabis business shall not include the private cultivation, possession, or use within a person's residence of no more than:

(a) six plants in an enclosed, locked space, or

(b) one ounce of cannabis; or

(c) the cannabis derived from no more than six plants on the premises where the plants were grown if the plants were grown in an enclosed, locked space.

"Regulated cannabis plant" means a cannabis seed that is germinated and all parts of the growth therefrom, including, without limitation, roots, stalks, and leaves. Cannabis plant shall include immature plants except where specifically exempted in this Code. For purposes of this Chapter, the portion of regulated cannabis plant harvested from the plant or converted to a usable form of regulated cannabis for medical use is not considered part of the plant upon harvesting.

"Restricted area" means the portion of a cannabis business within which the "Licensee" defines on its application it intends to distribute, possess, or produce regulated cannabis and which area is clearly identified as the restricted area on the floor plan submitted with the cannabis business license application for the business.

"Safe" means a metal box, attached to the building structure, capable of (a) being locked securely by either a mechanical or electronic combination lock that is protected by a case hardened drill resistant steel plate or drill resistant material of equivalent strength; (b) having door hinges that prevent the removal of the door, including but not limited to hinges that are not exposed to the outside, interlocking door designs, dead bars, jeweler's lugs and an active locking bolts; (c) being constructed in a manner to prevent opening by human or mechanical force, or through the use of common tools, including but not limited to hammers, bolt cutters, crow bars or pry bars; and (d) being certified by the manufacturer to be adequate for securely storing the quantity of monetary funds and physical cannabis product of the cannabis business.

"Social Equity Licensee" means a natural person who meets the criteria established by this Code and C.R.S. 44-10-308(4).

"Violation of any law" means a plea or finding of a violation of any law in a criminal, civil, or administrative proceeding whether part of a plea agreement, settlement agreement or determination by an arbitrator, hearing officer, court, or jury.

5.13.014 License Required.

- (a) It shall be unlawful for any person to engage in any form of business or commerce or activity involving cultivation, processing, manufacturing, storage, sale, distribution, transportation, testing, research or consumption of any form of cannabis or cannabis products other than those forms of business and commerce activities that are expressly contemplated by Sections 14 and 16 of Article XVIII of the Colorado Constitution, Colorado Marijuana Code, this Code, or other applicable provisions of the GJMC.
- (b) It shall be unlawful for any person to operate a regulated cannabis business in the City without a license to operate issued pursuant to the requirements of this Chapter while concurrently holding a license in good standing from the state and in compliance with any and all applicable laws.
- (c) No regulated cannabis business shall operate without obtaining any other license(s) or permit(s) required by any federal, state, or local law, by way of example, a regulated sales and use tax license, a retail food business license, or any applicable zoning or building permit. No two or more different regulated cannabis businesses may be treated as one premise unless approved as co-located businesses. Retail and medical cannabis may be co-located; however, if not co-located medical licenses will not be separately considered in accounting for the 10 (ten) license cap.
- (d) The license(s) required to lawfully conduct business must be in full force and effect, all applicable fees and taxes have been paid in full, and all conditions of the license application be satisfied in order to conduct business. Each and every license applies to the person/entity named thereon and the activity(ies) authorized by the license and the location where the sale and/or possession occurs. Failure to maintain a current, valid license shall constitute a violation of this Chapter.
- (e) It shall be unlawful for any person to exercise any of the privileges granted by a License other than the person(s) issued the License.
- (f) It shall be unlawful for any person(s) granted a license to allow any other person to exercise any privilege granted under the License.
- (g) It shall be unlawful for any person to operate any cannabis business in the City without a License issued by the City and the State licensing authorities pursuant to the Colorado Marijuana Code, this Chapter and other applicable provisions of the GJMC and applicable law.
- (h) The issuance of a City license pursuant to this Chapter does not create an exception, defense, or immunity to any person in regard to any potential

602 criminal liability the person may have for the production, distribution,
603 storage, transportation or possession of cannabis.

- 604
- 605 (i) All persons who are engaged in or who are attempting to engage in the
606 distribution, and/or sale of regulated cannabis in any form shall do so only
607 in strict compliance with the terms, conditions, limitations, and restrictions
608 in Section 14 and 16 of Article XVIII of the Colorado Constitution, state law,
609 the Colorado Marijuana Rules, the GJMC , and all other laws, rules, and
610 regulations.

611

612 **5.13.015 Licensing Authority (Cannabis Licensing Authority).**

613

614 For the purpose of regulating and controlling the licensing and the sale of
615 regulated cannabis in the City, there is hereby created a local licensing authority
616 appointed by the City Council, hereafter referred to as Authority. ~~The Authority~~
617 ~~shall act in conjunction with the City's Liquor and Beer Licensing Authority.~~

618

619

620 **(a) Structure of Authority.**

- 621
- 622 **1. Hearing Officer.** A Hearing Officer for the Authority shall be appointed by,
623 and serve at the pleasure of, the City Council. Alternate hearing officer(s)
624 may be appointed to serve if the Hearing Officer is absent and/or a conflict
625 exists for which the Hearing Officer must be recused.

- 626
- 627 i. The Hearing Officer shall be a resident of the City and have an
628 active license to practice law in the State of Colorado.

- 629
- 630 ii. **Duties of the Hearing Officer.** The Hearing Officer shall:

- 631
- 632 1. Conduct all hearings required under this Chapter, rules
633 and regulations, and codes construing and implementing
634 the same.

- 635
- 636 2. Conduct all hearings for initial licenses, renewal of
637 licenses, for proposed changes of ownership of licenses
638 and changes of the corporate structure of license, and for
639 proposed changes of location of licensed premises or
640 modification of premises.

- 641
- 642 3. Conduct all hearings brought under such codes when
643 violations of the codes or the regulations under the codes
644 have been alleged to have occurred and to impose

penalties against Licensees in the manner provided by this Chapter on its own motion or on complaint by the City Attorney for any violation by the Licensee after investigation and public hearing at which the Licensee shall be afforded an opportunity to be heard.

4. Promulgate rules and regulations concerning the procedures for hearings before the Authority.

5. Require any Applicant or Licensee to furnish any relevant information required by the Authority.

6. Grant or deny motions, make findings and orders, administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records at any hearing which the Authority is authorized to conduct.

iii. The Hearing Officer may be removed by the City Council for nonattendance to duty, or with or without ~~for~~ cause as determined by City Council. If the Hearing Officer fails to attend three (3) consecutive meetings of the Authority, he/she shall be removed from the Hearing Officer position unless the City Council excuses any such absences.

2. The City Manager shall serve as the secretary of the Authority and shall provide or cause to be provided the necessary administrative and reporting services for the Authority. The City Manager shall accept and process applications, schedule hearings for the Authority, provide public notice for the hearings, prepare the hearing room, be present at all hearings, ensure the hearings are recorded, take meeting minutes and any other duties as necessary. The City Manager shall be present at all hearings.

3. The City Attorney shall serve as legal advisor for the Authority and shall be present at all hearings providing legal assistance to the Hearing Officer and the City Manager.

(b) Powers of the Authority.

i. The Authority shall have and is vested with authority to grant or to refuse a license application or renewal. The Authority may order special terms and conditions on licenses in the event of an emergency or as temporarily required to protect the public

688 health, safety and wellbeing without the need for a public
689 hearing. Notice of such action and for a public hearing before
690 the Authority on the matter shall be provided to the Licensee.
691

692 ii. The Authority shall have all the powers provided in this Chapter,
693 and as set forth in C.R.S. 44-10-301 *et. seq.* and the Colorado
694 Marijuana Rules, and the regulations promulgated thereunder.

695 iii. The Authority may promulgate such rules and regulations as
696 it deems necessary for the proper administration and
697 enforcement of this Chapter, provided that the same are not in
698 conflict with the Colorado Marijuana Code, Colorado
699 Constitution, and the Colorado Department of Revenue
700 Enforcement Rules.
701

702 iv. The Authority may exercise all other powers and duties as are
703 set forth in the Colorado Marijuana Code, the Colorado
704 Constitution, the Colorado Department of Revenue Marijuana
705 Enforcement Division Rules, the GJMC and any rule or
706 regulation adopted pursuant thereto.
707

708 v. Under any and all circumstances in which Colorado law
709 requires communication to the City by the State licensing
710 authority or any other State agency in regard to any license
711 authorized by this Chapter, or in which State law requires any
712 review or approval by the City of any action taken by the State
713 licensing authority, the exclusive department in the City for
714 receiving such communications and granting such approvals
715 shall be the Authority.
716

717 **(c) Action of the Authority.**
718

719 1, The Authority may issue subpoenas to require the presence of persons
720 and the production of papers, books and records necessary to the
721 determination of any hearing the Authority is authorized to conduct.
722

723 2. The Authority, acting by and through the Hearing Officer, may suspend, or
724 revoke licenses granted under this Chapter for cause or as set forth in this
725 Chapter or as applicable law may provide.
726

727 3. The Authority, acting by and through the Hearing Officer, may summarily
728 suspend a license issued pursuant to this Chapter without notice pending
729 any prosecution or public hearing for a period not to exceed 15 days when
730 the Authority determines a Licensee or an agent or employee of the

Licensee has violated the Colorado Marijuana Code, the Colorado Department of Revenue Enforcement Division Marijuana Rules, the Colorado Constitution, the City's Code, or any rule and regulation related to the storage, sale, distribution, transportation, testing, or consumption of any form of cannabis, or when the public health, safety or wellbeing imperatively requires emergency action, and incorporates such findings in the notice for a public hearing before the Authority on the matter.

(d) Nothing in this Chapter shall be construed to limit a law enforcement agency's ability to investigate unlawful activity in relation to a License issued pursuant to this Code.

(e) Authority Hearing procedures.

1. Hearings shall be scheduled as determined by the Authority and generally with the same frequency as the Liquor and Beer Licensing Authority or at special meetings as scheduled by the Authority.

2. The Hearing Officer may establish such procedures and local rules to be followed in actions before her/him. Such procedures shall include the following:

i. Control the mode, manner and order of all proceedings and hearings.

ii. The adoption of rules, procedures, and policies for its own proceedings and for filing applications and requests.

iii. The adoption of application forms and submission requirements, including a requirement that applications, complaints and other documents be filed in a digital format approved by the Authority and to refuse applications, complaints and other documents not filed in the approved digital format.

iv. To perform any act that the Authority is authorized to perform by law.

v. To promulgate such rules and regulations deemed necessary to properly administer and enforce this Chapter, and to exercise all other powers and duties as set forth in this Chapter, as well as those set forth in the Colorado Marijuana Code and Subsection 5(f) of Section 16 of Article XVIII of the Colorado Constitution. The Authority shall provide all proposed rules and subsequent changes thereto, to City Council for approval by Resolution.

774 vi. Powers in the conduct of hearings. The Hearing Officer shall conduct
775 hearings under and in accordance with this Chapter, local rules and
776 procedures, and the Colorado Marijuana Code.
777

778 vii. Contempt. In the event that any person, in the immediate presence of the
779 Authority or within its sight or hearing, while the Authority is in session
780 during a hearing, commits a direct contempt of the Authority by speech,
781 gesture or conduct which disobeys a lawful order of the Authority, shows
782 gross disrespect to the Authority tending to bring the Authority into public
783 ridicule, or substantially interferes with the Authority's proceedings, the
784 Authority may hold such person in contempt. Contemptuous conduct by any
785 principal, registered manager or employee shall be imputed to the Licensee.
786 The Authority may impose the following sanctions for contempt:
787

- 788 1. Removal of the person committing the contempt from the
789 proceedings, the hearing room and its environs;
790
- 791 2. Public censure, which shall be made a matter of the
792 Licensee's record and may be used as an aggravating factor
793 in determining any fine, suspension, revocation or renewal;
794
- 795 3. A prohibition against the individual or the Licensee
796 introducing into the record testimony, documents, exhibits
797 or other evidence;
798
- 799 4. An order striking, disregarding and refusing to consider
800 pleadings, applications, documents, objections, testimony,
801 exhibits or other evidence or arguments already introduced
802 by such person;
803
- 804 5. A fine, enforced by suspension of the License until the fine
805 is paid;
806
- 807 6. Default of any motion, compliant or other action then
808 pending against the Licensee; and/or
809
- 810 7. Denial of any application by the Licensee then pending
811 before the Authority.
812

813 viii. Determinations with respect to hearings.
814

- 815 1. The Hearing Officer shall make his/her determination after
816 hearings in accordance with this Code, the Colorado

Marijuana Code and established legal principles. The decision of the Hearing Officer shall be final, and appeal from that decision shall be to the District Court of the 21st Judicial District.

2. Actions taken by the Authority are subject to review by the courts pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. Any person applying to the Court for review shall be required to pay the cost of preparing a transcript of proceedings before the Authority whenever such a transcript is necessary for purposes of an appeal.

3. Appeals of Hearing Officer Decision(s). If the Authority imposes a condition on the license and/or suspends or revokes a license or imposes a fine, the Licensee may appeal the Authority's order to the Mesa County District Court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The Licensee's failure to timely appeal any decision/order of the Authority is a waiver of the Licensee's right to contest the decision/order. Any person applying to the court for review shall be required to pay the cost of preparing a transcript of proceedings before the Authority whenever such a transcript is necessary for the purposes of the appeal.

5.13.016 Application process/requirements.

- (a) Applications. All applications for any license authorized by this Chapter shall be submitted to the City Manager upon forms provided by the Authority and shall include supplemental materials as required by this Chapter, the Colorado Marijuana Code, and any rules and regulations adopted pursuant thereto. To the extent any of the foregoing materials have been included with the Applicant's state license application and forwarded to the City by the State, the Authority may rely upon the information forwarded by Applicants without requiring resubmittal of the same materials in conjunction with the local license application.
- (b) The Authority may, at the Authority's discretion, require additional information and/or documentation for the consideration of the application as it may deem necessary to enforce the requirements of the Colorado Marijuana Code and this Chapter.
- (c) The general procedures and requirements of licenses, as more fully set forth in Chapter 5.04 of the Grand Junction Municipal Code, shall apply to regulated cannabis business licenses. To the extent of conflict between the provisions of this Chapter and Chapter 5.04, the provisions of this Chapter shall control for regulated cannabis licenses.

(d) **The City Manager will provide public notice of any open application period.** ~~in accordance with 5.13.027(b)(2).~~

(e) Initial Application.

1. Complete Application. The City Manager shall receive all Applications for a license authorized by this Chapter. The City Manager will review and, if demonstrated from the Application, find an Application to be complete if the Applicant, on forms provided by the City, provides materials and information demonstrating that all requirements for licensure can or will be met by the Applicant at the time of licensure as provided in this section and in § 05.13.024 of this Code. A complete application must comply in all material respect with this GJMC, and the application forms and processes of this Code, resolutions and administrative regulations of the City.

2. No person or entity, to include an affiliate(s)/affiliated entity, shall apply for more than one license for any location in the City, unless applying for a co-located (medical and retail) licensure.

3. ~~Each~~ The Applicant may file only one ~~provides an~~ application for only one license at one location for each class of cannabis business license authorized by this Chapter. A co-located medical and retail cannabis business location shall be deemed one license. A location for a license shall be established and determined by lawful street addressing. A unit(s) in a building that is not separately, legally created and addressed is(are) not a separate location(s). ~~Upon receipt of an Application for a addressan address, t~~ The City Manager shall not accept more than any one additional a Application(s) for the same address. Applications shall be date and time stamped and the first in time Application for an address in time shall be the only Applicationfirst considered. and aA subsequent ny Application for the same address shall be rejected.

4. The Applicant has registered with the Authority the name(s) of the manager(s) of the cannabis business, and has provided to the Authority the names of all persons having ten percent (10%) financial interest, in the cannabis business that is subject of the Application or, if the Applicant is an Entity, having a ten percent (10%) financial interest in the Entity together with the following:

i. Name, address, date of birth;

ii. Acknowledgment and consent that the City may conduct a background investigation, including a criminal history check, and the City will be entitled to full and complete disclosure of all financial records of the regulated cannabis business and of

any or all financial interests thereof, including records of deposit, withdrawals, balances and loans;

iii. If the Applicant is an Entity, information regarding the Entity, including without limitation, the name and address of the Entity, its legal status, and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State, as applicable;

iv. If the Applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a cannabis business and specifying the type of regulated cannabis business(es) permitted;

v. A copy of the deed reflecting the Applicant's ownership of, or the lease or contract reflecting the legal right of the Applicant to possess the proposed licensed premises for no less than three years from the date of application submittal. selection in the random selection process;

5. The Applicant must disclose in writing any financial interests, including individuals and/or entities.

6. The Applicant must disclose in writing if the named owner(s), member(s), manager(s), Financier(s), agent(s), or person(s) named on the Application has(have) been:

i. Denied an application for a cannabis business license pursuant to this Chapter, or any state or local licensing law, rule, or regulation, or had such a license suspended or revoked.

ii. Denied an application for liquor license pursuant to Title 44, Article 47 or Article 46, C.R.S. or any similar state or local licensing law, or had such a license suspended or revoked.

1. In the event an owner, member, agent, manager, financier, or other person named on the Application contains information regarding violations of any law or previous denial or revocation of a license, that person must include with the Application any information regarding such violation(s), denial, or revocation. Such information must include, but is not limited to, a statement of the violation(s)

and penalty(ies) for such violation(s), evidence of rehabilitation, character references, and educational achievements, and other regulatory licenses held without compliance violations, especially those items pertaining to the period of time between the Applicant's last violation of any law and the date of the application.

2. The City may, prior to issuance of the certificate of occupancy for the cannabis business, perform an inspection of the proposed licensed premises to determine compliance with any applicable requirements of this Chapter or other provisions of this Code, the International Fire Code or the International Building Code.

7. The Applicant must provide affirmation in writing that the Applicant officers, directors, other owners, any person having a direct or indirect financial interest in the business, and agents or employees of the Applicant are of Good Moral Character considering the factors in the Colorado Marijuana Code, this Chapter, and rules and regulations adopted pursuant thereto; have no felony convictions in the last five years, no drug related local ordinance, petty offense or misdemeanor convictions in the last five years, and no drug related felony convictions.

8. The Applicant must provide affirmation in writing that the Applicant has no overlapping partner(s), investor(s) or immediate family member(s) of a partner(s) or investor(s) (Affiliate or Affiliated Entity) with another Application and that no Application is an Affiliate or Affiliated Entity with another Application. An Application that includes an Affiliated Entity shall not be considered for review or licensure.

9. The Applicant must provide affirmation in writing that the Applicant's principal officers, directors, members, or owners who now, or at any time in the past, have had ten percent (10%) or more ownership in any cannabis business have not had, or the business has not had, a cannabis license suspended or revoked by the State of Colorado or any other state, or any other jurisdiction's local authority or other controlling authority;

109. The Applicant must submit a *Findings of Suitability* form.

110. The Applicant must provide written proof of a binding quote for insurance as provided by § 5.13.030 of this Chapter;

121. The Applicant shall provide a written zoning and buffering verification from Community Development Department Director that states the location proposed for licensing complies with ~~the any and all~~ zoning and land use laws of the City, and any ~~and all~~ restrictions on location set forth in this Code. If drive thru cannabis service is contemplated, the Applicant shall provide sufficient detail to demonstrate the drive thru will comply with the GJMC, specifically those requirements of the Zoning and Development Code and Transportation Engineering Design Standards. If the Director makes a determination that the proposed license location would be in violation of any zoning law or other restriction on location set forth in the GJMC and/or any Administrative Regulation(s) construing the same, then the Director shall, no later than ten (10) working days from the date the Applicant requested the zoning and buffering verification, notify the Applicant in writing that the proposed license location cannot be verified to be in compliance. As provided by the GJMC, the Applicant may appeal the Directors decision.

132. The Applicant must provide a written operating plan that includes, but is not limited to, the items in § 5.13.036.

143. The Applicant must provide a written security plan indicating how the Applicant will comply with the requirements set forth in the Colorado Marijuana Code, this Chapter, and any other applicable law, rule, or regulations pursuant thereto. The security plan includes specialized details of security arrangements and will be protected from disclosure as provided under the Colorado Open Records Act § 24-72-203(2)(a)(VIII), C.R.S. If the City finds that such documents are subject to inspection, it will provide notice to the Applicant as provided by the Colorado Open Records Act. If drive thru cannabis service is contemplated, the Applicant shall provide i) a description of security measures to prevent and address diversion of cannabis to youth and ii) how the Applicant will reduce potential criminal behavior such service may encourage, and iii) how the drive thru complies with is required a the zoning/land use GJMC. permit. As allowed by this Code, the Zoning and Development Code, and any other applicable provision of the GJMC, a Licensee may apply for a modification of the Licensed premises to add a drive thru. The security plan includes specialized details of security arrangements and will be protected from disclosure as provided under the Colorado Open Records Act § 24-72-203(2)(a)(VIII), C.R.S. If the City finds that such documents are subject to inspection, it will provide notice to the Applicant as provided by the Colorado Open Records Act.

154. The Applicant must provide a written plan for preventing underage persons from entering the premises.

1020 165. The Applicant must provide a written plan for disposal of any
1021 regulated cannabis that is not sold in a manner that protects any portion
1022 thereof from being possessed or ingested by any person or animal.

1023 176. The Applicant must provide a written plan for ventilation of the
1024 regulated cannabis business that describes the ventilation systems that
1025 will be used to prevent unreasonable odor of cannabis off the premises
1026 of the business;

1027 187. The Applicant must provide any supplemental materials required to
1028 be provided by the State in order to receive a State-issued cannabis
1029 business license pursuant to the Colorado Marijuana Code and rules
1030 adopted pursuant thereto.

1031 198. The Applicant must provide any supplemental materials to comply
1032 with City laws and any additional information that the Authority
1033 reasonably determines to be necessary in connection with the
1034 investigation and review of the Application.

1035 2019. The Applicant shall provide affirmation in writing that it has and will
1036 satisfy and continuously meet, if a license is awarded, all the terms,
1037 conditions, provisions, and requirements imposed upon the Applicant or
1038 the Licensee by the applicable provisions of the Colorado Marijuana
1039 Code, the City's Code, and all the rules and regulations adopted pursuant
1040 thereto, and all applicable building, fire, health or zoning, codes,
1041 ordinances, rules or regulations adopted pursuant thereto related to the
1042 cultivation, processing, manufacture, storage, sale, distribution, testing,
1043 research, transporting, or consumption of any form of cannabis.

1044 210. The Applicant shall provide affirmation in writing the license
1045 application contains no fraudulent, misrepresented, or false statements
1046 of a material or relevant fact.

1047 221. The Applicant shall pay all applicable application and licensing fees.

1048 232. The Applicant provides affirmation in writing that it or the Licensee
1049 is not overdue on his/her/its payment of any taxes, fines, interest,
1050 penalties or collection costs assessed against or imposed upon such
1051 Applicant in any business matters, affairs or dealings of the Applicant in
1052 any state, county, municipality in which the Applicant conducts
1053 business.

1054 243. The Applicant provides affirmation in writing that the Applicant will,
1055 if selected for licensure, make all the improvements to the licensed
1056 premises as required by the GJMC or will have a plan and timeline to
1057 improve the proposed license location so that the cannabis business

operations shall begin within 12six months of the Application being selected for licensure in the random selection process.

254. The Applicant affirms in writing, the Applicant is not a sheriff, deputy, police officer, prosecuting officer, or an officer or employee of the state; and,

265. The Applicant affirms in writing, the Applicant is not a person whose authority to be a primary caregiver as defined in § 25-1.5-106(2), C.R.S., has been revoked by the state health agency.

(f) Incomplete Application. Upon review of an application, the City Manager shall provide a notice of initial determination to the Applicant in writing as to whether the Applicant's application is complete and if found to be incomplete that the Applicant may supplement its application so long as the Application is made complete -within the application period.

(g) Denial of initial application. The City Manager may deny any application that does not meet the requirements of this Chapter, the Colorado Marijuana Code, or any other applicable state or City law or regulation. In addition to prohibitions on persons as licensees found in the Colorado Marijuana Code, should the Applicant fail to affirm any information or representation(s) as required by 5.13.016(d), or the City discovers evidence that any affirmation was contrary, false, misleading or incomplete, such shall constitute full and adequate grounds for denial of any application.

1. Notice of denial. If, after investigation and discovery, the City Manager determines that the application will be denied, the City Manager shall:

- a. Provide notice in writing to the Applicant that the Application is denied and reasons for the denial;
- b. Notify the State in writing of the City Manager's decision to deny the application.

2. Appeal of denial. An Applicant may appeal the City Manager's decision of denial by submitting a written request on a form provided by the City, received by the City Manager within 120 days of the date on the written notice of denial. The appeal request shall include any legal and factual support for the appeal. An appeal hearing will be set before the Hearing Officer for a written appeal. The Hearing Officer shall only review and consider those issues specifically addressed in the written appeal.

5.13.017 Randomized selection process.

- (a) All applications that are confirmed to be complete and in accordance with all applicable laws and regulations by the Hearing Officer shall enter the randomized selection process if there are more such applications than available licenses. In the event the number of confirmed applications is the same or fewer than the number of available license(s), the randomized selection process will not occur; however, if more than two applications are submitted for a location within Horizon Drive Association Business Improvement District, the City shall conduct a random selection process for the Horizon Drive applications only.
- (b) The random selection from qualified applications will be held by the Authority at City Hall, 250 N. 5th Street, Grand Junction, CO 81501. The random selection will be conducted publicly. Applicants need not be present at the selection.
- (c) All qualified applicants will be placed within the selection container and randomly selected and assigned a number in the order they are drawn from first to last.
- (d) Following the assignment of a random number, the numbers will be are placed back in the selection container and ten numbers will be randomly selected and those ten such Applicants will have an opportunity to be issued a cannabis business license. The Authority will notify those selected in writing within seven (7) days of selection by United States mail return receipt requested at the address set forth in the application.
- (e) Those selected shall have the opportunity to operate a regulated cannabis business at the location specific to its Application and so long as it commences operations as specified in §5.13.017(d)(12). If any Applicant(s) selected at the random selection does not commence operations of the business, then another random selection process will occur in the same format as provided by this Code.
- ~~(f) If less than ten Applicants are eligible to be randomly selected for issuance of a cannabis business license then no randomized selection process shall occur; however, if more than two applications are for a location on Horizon Drive the City shall conduct a random selection process for the Horizon Drive Applications only.~~
- ~~(fh)~~ In no event may a qualified Applicant sell its position in the randomized selection process nor may an Applicant selected for licensure be allowed to sell, transfer or otherwise assign its position/license to any other person or entity. (See, §§5.13.029 and 030)

5.13.018 Investigation and fingerprinting of Applicant.

Prior to the acceptance of applications for a License, transfer of ownership, change of corporate structure, or other permit as provided in this Chapter, the Colorado Marijuana Code and the Colorado Marijuana Rules, the following individuals shall provide verified fingerprint information to the Grand Junction Police Department:

(a) If the Applicant is a natural person, that person;

(b) If the Applicant is a partnership, all of the partners; and

(c) If the Applicant is a corporation, both the officers and directors, together with any person owning more than ten percent (10%) of the stock thereof.

5.13.019 Duty to supplement.

(a) If, at any time before or after a license is issued pursuant to this Chapter, any information required by the Colorado Marijuana Code, or any rule and regulation adopted pursuant thereto, changes from that which is stated in the application, the Applicant or Licensee shall supplement its application with the updated information within ten days from the date upon which such change occurs.

(b) An Applicant or Licensee has a duty to notify the Authority of any pending criminal charge(s) and any criminal conviction(s) by the Applicant, Licensee, any owner, officer, director, manager, agent or employee of the Applicant or Licensee within ten days of the event.

(c) An Applicant or Licensee has a duty to notify the Authority of any pending violation of, and any conviction for, a violation of any building, fire, health or zoning statute, code or ordinance related to the cultivation, processing, manufacture, transportation, storage, sale, distribution, testing, research, or consumption of any form of cannabis by the Applicant, Licensee, any owner, officer, director, manager, agent or employee of the Applicant or Licensee within ten days of the event.

5.13.020 Number of licenses.

(a) No more than ten regulated cannabis business licenses, excluding any cannabis testing facilities and any medical cannabis business license(s) co-located with a Retail Cannabis business license, shall be issued.

(b) Included within the ten (10) license limit referenced above in (a), no more than two cannabis business licenses may be issued in the Horizon Drive Association Business Improvement District, ~~which is described as all commercial property bounded on the south by G Road, north on Horizon~~

~~Drive through and including H Road, bounded on the west by 27 Road/15th Street, and on the east by 27 ½ Road northeast to Walker Field Airport Authority. The boundaries of the Horizon Drive Association District include, but are not limited to, Horizon Court, Compass Drive Association, Crossroads Boulevard, Crossroads Court, Skyline Court, Sundstrand Way and Hilaria Avenue, as otherwise amended.~~

5.13.021 Classes of licenses authorized.

For the purpose of regulating testing, distribution, offering for sale and sale of cannabis, the Licensing Authority, in its sole discretion, may issue and grant to the Applicant a local license from any of the following classes, and the City hereby authorizes issuance of the licenses of the following classes by the state licensing authority in locations in the City, subject to the provisions in this Chapter:

- (a) Retail Cannabis Store
- (b) Co-located Medical Cannabis Store
- (c) Retail Cannabis Testing Facility
- (d) Medical Cannabis Testing Facility(ies)

5.13.022 Requirements of Issuance of a License.

The Authority shall not issue a cannabis business license except when each of the following requirements have been met:

- (a) The City Manager approved the Applicant's initial application; and,
- (b) The Hearing Officer finds in writing the initial application to be complete, and after a public hearing refers the initial application to the randomized selection process for possible selection for licensure for a license authorized by this Chapter;
- (c) If there is to be a randomized selection process, the initial Application was selected for licensure in that process; and,
- (d) The Applicant submitted all documents to the Authority that it provided to the State for marijuana cannabis business licensure; and,
- (e) At the time of issuance of a License, the Applicant has paid all fees and intends has or will have to commence operation within 12 6 months of selection in the random selection process;

~~The~~ Hearing Officer may extend the period for the Applicant to commence operation for a period of up to 18 months and not to exceed 24 months from the date of selection in the random selection process, if the Applicant

petitions the Authority for an extended commencement date and after hearing the Hearing Officer finds good cause to grant the extension.

(f) The Applicant and the Applicant's owner(s) and financier(s) are in compliance with all federal, state and local tax laws; and,

(g) A Licensee shall report each and every change of financial interest in the License and/or the Licensee to the Authority prior to any such change pursuant to and in accordance with the provisions of law and the Colorado Marijuana Rules. A report shall be required for transfers of capital stock of any corporation regardless the size, for transfers of member interests of any limited liability company regardless of the size, and for any transfer of an interest in a partnership or other entity or association regardless of size;

5.13.023 Fees.

(a) A nonrefundable Application Fee shall be paid to the state upon application to the state for a cannabis business license.

(b) The Application and License Fees shall be paid to the City at the time of application for a cannabis business license. The License Fee may be refunded if an application is withdrawn by the Applicant, denied by the City Manager or Hearing Officer, or the Applicant is not selected in the randomized selection process. ~~A request for a refund must be made in writing by the Applicant to the City Manager~~ will refund to the License Fee within 30 days of the date of the withdrawal, denial of the application or failure of the Applicant license to be selected in the randomized selection process for issuance of a cannabis business license. The Application Fee is nonrefundable.

(c) Renewal, change of location, inspection and all other fees may be imposed as necessary for the administration, regulation and implementation of this Code shall be set by City Council resolution.

(d) License and application fees shall be set City Council resolution, and, as deemed necessary, adjusted to reflect the direct and indirect costs incurred by the City in connection with the adoption, administration, and enforcement of this Code.

(e) In addition to fees and any other monetary remedy provided by this Code, the City shall have the right to recover all sums due and owing hereunder by any civil remedy available at law.

5.13.024 No vested rights; commencement of operations.

- 1240
- 1241 (a) Notwithstanding anything contained in this Chapter, an application
- 1242 initially approved for consideration of licensure and found to be
- 1243 complete by the Hearing Officer, or in the event a license is issued,
- 1244 creates no vested right(s) to the License or the renewal of a License, and
- 1245 no property right in the License or the renewal of a License is created.
- 1246
- 1247 (b) In the event that a cannabis business does not commence operations
- 1248 within 126 months of selection through the randomized selection
- 1249 process, the license shall be deemed forfeited and the business may not
- 1250 commence operation, unless the Authority has granted an extension
- 1251 pursuant to section, ~~which extension shall in no event exceed 24~~
- 1252 ~~months from the date of selection in the randomized selection process.~~
- 1253 (See §5.13.022(e).)
- 1254
- 1255 (c) It shall be unlawful for the owner of a building to allow the use of any
- 1256 portion of the building by a cannabis business unless the tenant has a
- 1257 valid regulated cannabis business license or has applied for one and
- 1258 been awarded a regulated cannabis business license or no cannabis is
- 1259 located on the premises until a license has been issued by the City. In
- 1260 the event that the City has an articulable reason to believe that a
- 1261 regulated cannabis business is being operated in a building, it shall be
- 1262 unlawful for the owner of the building to refuse to allow the City access
- 1263 to the portion of the building in which the suspected cannabis business
- 1264 is located to determine whether any cannabis is on the premises.
- 1265

1266 **5.13.025 Transfer.**

1267

- 1268 (a) A cannabis business license is not transferrable or assignable, in whole or
- 1269 in part, including, without limitation, to a different premise or to a different
- 1270 type of business for a period of three years of issuance of the license by the
- 1271 City as described in subsection (b) below. A regulated cannabis business
- 1272 license is valid only for the owner named thereon, the type of business
- 1273 disclosed on the application for the License(s), and the location for which
- 1274 the license is issued. The Licensee(s) of a regulated cannabis business are
- 1275 only those persons disclosed in the Application or subsequently disclosed
- 1276 to the City in accordance with this Chapter.
- 1277
- 1278 (b) Transfer of ownership of any interest of the Licensee may not occur within
- 1279 three years of issuance of the license by the City unless by Court order or
- other operation of law such as probate or lawful seizure/dispossession.
- 1280
- 1281 (c) Transfer of ownership of any regulated cannabis business license issued
- pursuant to this Chapter shall be governed by the standards and procedures

set forth in the Colorado Marijuana Code and any regulations adopted pursuant thereto and the Authority shall administer transfers of local licenses in the same manner as the state licensing authority administers transfers of state licenses. The public hearing requirement set forth in § 5.13.027 of this Chapter shall apply to all applications for transfer of ownership of any regulated cannabis license.

(d) In determining whether to permit a transfer of ownership, the Authority may consider the requirements of law and the Colorado Marijuana Rules. No application for transfer of ownership will be considered by the Authority if, at the time of such application, the Licensee is under a notice of violation or other unlawful acts issued by either the Authority or the state licensing authority.

(e) The submission or pendency of an application for transfer of ownership does not relieve the Licensee from the obligation to properly apply to renew such License.

(f) No owner may apply for a transfer of ownership of any regulated cannabis business license issued pursuant to this Chapter if the transferee is an owner of or an affiliate of any other business entity holding another regulated cannabis license in the City.

5.13.026 Change in corporate structure.

(a) A change of corporate structure of any regulated cannabis business that results in any of the change(s) in subsections 1 through 3 below shall require the filing of an application and payment of the requisite fees and shall be subject to all requirements of the licensing process. A change of corporate structure shall be heard and approved or denied by the Authority.

1. Any transfer or assignment of ten percent or more of the capital stock of any corporation, or transfer of ten percent or more of the ownership interests of any limited partnership interest in any year, or transfer of any liability company interest in a limited liability company of any kind, joint venture or business entity that results in any individual owning more than ten percent of ownership interest in the business entity if that individual's ownership interest did not exceed ten percent prior to transfer.

2. Any change of officer or directors of a corporation that involves the addition or substitution of individual(s) who was not previously an officer or director of the corporation during a period of time that the corporation held the license.

1319 (b) A change of corporate structure that results in any transfer or assignment
1320 of less than ten percent of the capital stock of any corporation or less than
1321 ten percent of the ownership interests of any limited partnership interest in
1322 any year to a person who currently has an interest in the business, and that
1323 does not result in a change of controlling interest, shall not require an
1324 application for change of corporate structure.

1325 (c) No application for transfer of ownership or change in corporate structure
1326 may be approved by the Authority until all City and state occupational taxes,
1327 City and state sales and use taxes, excise taxes, any fines, penalties, and
1328 interest assessed against or imposed upon such Licensee in relation to
1329 operation of the licensed business are paid in full.

1330 (d) A Licensee shall report each and every change of financial interest in the
1331 license and/or the Licensee to the Authority prior to any such change
1332 pursuant to and in accordance with the provisions of law and the Colorado
1333 Marijuana Rules. A report shall be required for transfers of capital stock of
1334 any corporation regardless the size, for transfers of member interests of
1335 any limited liability company regardless of the size, and for any transfer of
1336 an interest in a partnership or other entity or association regardless of size.

1337 (e) No owner may apply for a change in corporate structure of any regulated
1338 cannabis business licensed entity issued pursuant to this Chapter if the
1339 change adds any person or entity as an owner, officer or member of the
1340 corporation or entity as an affiliate of any other business entity holding
1341 another regulated cannabis license in the City.

1342 5.13.027 Public Hearing and Notice Requirements.

1343

1344 (a) The public hearing procedure shall apply to any Application that has been
1345 first approved by the City Manager for any regulated cannabis business and
1346 to any application for licensing renewal if the renewal application is referred
1347 to the Licensing Authority by the City Manager pursuant to § 5.13.035 of this
1348 Chapter.

1349 (b) Public notice of the application shall be given as follows or as more
1350 particularly required by C.R.S. 44-10-303 as applicable.

1351 1. Posting a sign by the applicant on the premises for which an
1352 application has been made, not less than 14 days prior to the public
1353 hearing, stating the date of the application, the date of the hearing, the
1354 name and address of the applicant and such information as may be
1355 required to fully apprise the public of the nature of the application. The
1356 City Clerk shall provide the sign to the applicant for posting. If the
1357 building in which the regulated cannabis business is to be located is in

1358 existence at the time of the application, any sign posted shall be placed
1359 so as to be conspicuous and plainly visible to the general public.

1360
1361 2. Publication of notice by the City Manager not less than 14 days prior to
1362 the public hearing, in the same manner as the City posts notice of other
1363 public hearing matters.

1364
1365 (c) Any decision of the Authority, acting by and through the Hearing
1366 Officer, approving or denying an application shall be in writing stating
1367 the reasons therefor and a copy of such decision shall be mailed by
1368 certified mail to the Applicant at the address shown in the Application
1369 and to the State licensing authority.

1370 **5.13.028 Persons prohibited as Licensees.**

1371 (a) No license shall be issued to, held by or renewed by any of the following:

1372 1. Any person until the annual fee for the license has been paid;

1373 2. Any natural person who is not of good moral character;

1374 3. Any entity of whose officers, directors, **stockholders**, or managing
1375 members are not of good moral character;

1376 4. Any person employing, assisted by, or financed in whole or in part
1377 by any other person who is not of good moral character;

1378 5. Any natural person who has been released within five years
1379 immediately preceding the application from any form of
1380 incarceration or court-ordered supervision, including a deferred
1381 sentence, resulting from a conviction of any felony or any crime
1382 under the laws of the State would be a felony; or any crime of which
1383 fraud or intent to defraud element, whether in the State or
1384 elsewhere; or any felonious crime of violence, whether in the State
1385 or elsewhere;

1386 6. Any person with ten percent (10%) or greater financial interest in
1387 the entity that has been convicted of any of the offenses set forth
1388 in (1) above;

1389 7. Any Applicant who has made a false, misleading or fraudulent
1390 statement or who has intentionally omitted pertinent information
1391 on his or her application for a license;

1392 8. Any natural person who is under 21 years of age;

- 1393 9. Any person who operates or manages a regulated cannabis
1394 business contrary to the provisions of this Chapter, any other
1395 applicable law, rule, or regulation or conditions imposed on land
1396 use or license approvals, or contrary to the terms of the plans
1397 submitted with the license application or has operated a business
1398 in violation of any law;
- 1399 10. Any person applying for a license to operate a regulated cannabis
1400 business who has been licensed to operate another regulated
1401 cannabis business in the City pursuant to this Chapter;
- 1402 11. A person licensed pursuant to this Chapter who, during a period
1403 of licensure, or who, at the time of application, has failed to remedy
1404 an outstanding delinquency for taxes owed, or an outstanding
1405 delinquency for judgments owed to a government;
- 1406 12. A sheriff, deputy, police officer, prosecuting officer, or an officer
1407 or employee of the state or Authority; and,
- 1408 13. A person whose authority to be a primary caregiver as defined in
1409 § 25-1.5-106(2), C.R.S., has been revoked by the state health
1410 agency.
- 1411 14. No owner of any business applying for a License or in possession
1412 of a License within the City may apply for or be an owner of or be
1413 an affiliateAffiliate of any other business entity applying for
1414 another cannabis license within the City.
- 1415 (b) In making an evaluation of the good moral character of an individual
1416 identified on an application or amendment thereof, the Authority shall
1417 consider the following:
- 1418 1. An Applicant's violation of law shall not, by itself, be grounds for
1419 denying an application;
- 1420 2. Verification of or lack of ability to verify items disclosed by the
1421 Applicant;
- 1422 3. When a person has a history of violation of any law or a history
1423 including denial, revocation, or suspension of a license, the types
1424 and dates of violations; the evidence of rehabilitation, if any,
1425 submitted by the individual; whether the violations of any laws are
1426 related to moral turpitude, substance abuse, or other violations of
1427 any laws that may directly affect the individual's ability to operate
1428 a regulated cannabis business; or whether the violations of any law
1429 are unrelated to the individual's ability to operate such a business;

~~4. The evidence or lack of evidence regarding the ability of the individual to refrain from being under the influence of intoxicating or controlled substances while performing regular tasks and operating a regulated cannabis business;~~

5.4. Rules adopted by the Authority to implement this Chapter;

6.5. Law, rules, and regulations applicable to evaluation of other types of licenses issued by the City that consider the good moral character of the Applicant; and,

7.6. Any additional information the Authority may request of the Applicant if the Applicant has a violation of any laws, an administrative or judicial finding of violation of laws regarding use of alcohol or controlled substances or items disclosed by the individual which require additional information in order for the manager Authority to make a determination regarding issuance of the License.

5.13.029 Security requirements.

Security measures at all licensed premises shall comply with the requirements of the Colorado Marijuana Code and applicable rules and regulations promulgated thereunder. In addition, thereto, the following security practice are required:

(a) A security plan submitted with the Application, as it may be amended, shall provide equipment, which shall be in good working order, monitored, and secured 24 hours per day. The plan, at a minimum, shall include:

1. The installation and use of security cameras to monitor and record all areas of the premises (except restrooms), and where persons may gain or attempt to gain access to cannabis or cash maintained by the regulated cannabis business. Cameras shall record operations of the business to the off-site location, as well as all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of 40 days in a secure offsite location in the City or through a service over a network that provides on-demand access, commonly referred to as a "cloud". The offsite location shall be included in the security plan submitted to the City and provided to the Grand Junction Police Department and updated within 72 hours of any change of such location.
2. The installation and use of a safe for storage and any processed cannabis and cash on the premises when the business is closed to

the public. The safe, as defined in 5.13.013, shall be incorporated into the building structure or securely attached thereto.

3. The installation and use of an alarm system that is monitored by a company that is staffed 24 hours a day, seven days a week. The security plan submitted to the City shall identify the company monitoring the alarm, including contact information, and updated within 72 hours of any change of monitoring company. **If the alarm system includes a panic alarm, an operable dedicated phone for law enforcement to respond to the alarm shall remain on the premises at all times.**

4. The installation and use of outdoor lighting and a diagram and description of where the lighting shall be placed in accordance with the GJMC.

4.5. If drive thru cannabis service is contemplated, the Applicant shall provide i) a description of security measures to prevent and address diversion of cannabis to youth and ii) how the Applicant will reduce potential criminal behavior such service may encourage.

(b) The security plan shall be designed to:

1. Prevent the use of cannabis on the licensed premises;
2. Prevent unauthorized individuals from entering the limited access area portion of the licensed premises;
3. Prevent theft or the diversion of cannabis, including maintaining all cannabis in a secure, locked room that is accessible only to authorized persons and, when the business is closed to the public, in a safe or vault or equivalent secured fixture.

5.13.030 Insurance.

(a) All Applicants must provide at time of application a binder ing quote for worker's compensation insurance as required by state law and general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit.

(b) Licensee shall at all times maintain in force and effect worker's compensation insurance as required by state law and general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit.

(c) Insurance shall:

- 1502 1. Provide primary coverage;
- 1503 2. Carry limits as provided in this Chapter;
- 1504 3. Issue from a company licensed to do business in Colorado having an AM
1505 Best rating of at least A-VI; and,
- 1506 4. Be procured and maintained in full force and effect for duration of the
1507 License.

1508 (d) Licensee shall be required to maintain insurance under this section and shall
1509 annually provide the City a certificate of insurance evidencing the existence
1510 of a valid and effective policy. The certificate shall show the following:

- 1511 1. The limits of each policy, the name of the insurer, the effective date and
1512 expiration date of each policy, the policy number, and the names of the
1513 additional insureds; and,
- 1514 2. A statement that Licensee shall notify the City of any cancellation or
1515 reduction in coverage within seven days of receipt of insurer's
1516 notification to that effect. The Licensee shall forthwith obtain and submit
1517 proof of substitute insurance in the event of expiration or cancellation of
1518 coverage within 30 days.

1519 **5.13.031 Report requirements.**

1520 A cannabis business shall report to the City Manager each of the following within
1521 the time specified. If no time is specified, the report(s) shall be provided within 72
1522 hours of the event:

- 1523 (a) Transfer or change of financial interest, manager or Financier in the license
1524 to the City at least 30 days before the transfer or change;
- 1525 (b) ~~Sales and taxable transactions and~~ file sales and use tax reports to the
1526 City monthly, and report use and excise tax transactions;
- 1527 (c) Any violation of law by any Licensee, Applicant, or employee of a regulated
1528 cannabis business;
- 1529 (d) A notice of potential violation of any law to any license;
- 1530 (e) Upon City request, any report that the regulated cannabis business is
1531 required to provide to the State; and;

(f) Licensee and any agent, manager or employee thereof shall immediately report to the Grand Junction Police Department any disorderly act, conduct or disturbance and any unlawful activity committed in or on the licensed premises, including, but not limited to, any unlawful sale of regulated cannabis, and shall also immediately report any such activity of which the Licensee has knowledge in the immediate vicinity of the business within twelve hours of the occurrence.

(g) Each Licensee shall post and keep at all times visible to the public in a conspicuous place on the premises a sign with a minimum height of 14 inches and a minimum width of 11 inches with each letter to be minimum of one-half inch in height, which shall read as follows:

WARNING:

Grand Junction Police Department shall be notified of any disorderly act(s), conduct or disturbance(s) and all unlawful activity(ies) which occur on or within the premises of this licensed establishment.

(h) It shall not be a defense to a prosecution of a License under this section that the Licensee was not personally present on the premises at the time such unlawful activity, disorderly act, conduct, or disturbance was committed.

(i) Failure to comply with the requirements of this section shall be considered by the Authority in any action relating to the issuance, revocation, suspension or nonrenewal of a license.

5.13.032 Public health and labeling requirements.

(a) All regulated cannabis sold or otherwise distributed by the Licensee shall be labeled in a manner that complies with the requirements of the Colorado Marijuana Code and all applicable rules and regulations promulgated thereunder.

(b) All regulated cannabis sold or otherwise distributed by the Licensee shall be packaged and labeled in a manner accompanied by a warning that advises the purchaser that it contains cannabis and specifies the amount of cannabis in the product, that the cannabis is intended for regulated use solely by the person to whom it is sold, and that any resale or redistribution of the regulated cannabis to a third person is prohibited. In addition, the label shall comply with all applicable requirements of the State of Colorado and any other applicable law.

~~(c) The product shall be packaged in a sealed container that cannot be opened without obvious damage to the packaging.~~

5.13.033 Cannabis sales; walk-up and drive thru. ~~(See §5-13-016(13))~~

(a) Regulated cannabis stores licensed may serve customers through drive-up window as permitted by the City and the State. If a licensed business intends to permit a walk-up and/or drive-thru sales, this must be included in the business plan submitted to the City in the application process.

(b) As allowed by this Code, the Zoning and Development Code, and any other applicable provision of the GJMC, a Licensee may apply for a modification of the Licensed premises to add a drive thru.

(b) Order and identification requirements.

1. Prior to transferring cannabis to a customer, the regulated cannabis business must ensure that the consumer is the minimum sales 21 years of age or older by inspecting the consumer's identification.

2. Regulated cannabis stores may accept telephone or online orders or may accept orders from the consumer at the walk-up window or drive-up window, to the extent allowed under state law.

3. All orders received through a walk-up window or drive-thru window must be placed by the customer from a menu. The regulated cannabis store may not display cannabis at the walk-up or drive-thru window.

4. Delivery windows for walk-up sales must be at a separate location on the premises than those for drive-thru sales.

5. For every transfer of regulated cannabis through either a walk-up window or drive-up window, the regulated cannabis store video surveillance must record the consumer's facial features with sufficient clarity to establish their identity (and consumer's vehicle in the event of drive-up window) and must record the Licensee verifying the consumer's identification and completion of the transaction through the transfer of regulated cannabis.

5.13.034 Prohibited acts. It shall be unlawful:

(a) For any person to sell cannabis or cannabis products without valid regulated cannabis business licenses from the City and a valid regulated cannabis business license from the State;

- 1601 (b) at a licensed regulated cannabis store any time not permitted by this Code;
1602 For any person to operate a regulated cannabis business
- 1603 (c) For any person to sell or distribute cannabis to persons under the age of 21;
- 1604 (d) For any underage person under 21 years of age to be on or within the limited
1605 access area of any cannabis business;
- 1606 (e) For any person to display, transfer, cultivate, distribute, transfer, serve, sell,
1607 give away, produce, dispose of, smoke, use, or ingest cannabis or any
1608 cannabis openly or publicly in a place open to the general public;
- 1609 (f) For any person to possess or operate a cannabis business in violation of
1610 this Chapter or in a manner that is not consistent with the items disclosed in
1611 the application for the cannabis business or be in violation of any plan made
1612 part of the License Application and/or License;
- 1613 (g) For any person to produce, distribute, or possess more cannabis than
1614 allowed by law, or than disclosed in the application to the State of Colorado
1615 and the Authority for a cannabis business license, or other applicable law;
- 1616 (h) For any person to refuse or fail to provide video surveillance footage to the
1617 Grand Junction Police Department, the City Manager, the City Attorney, or
1618 the Authority in connection with a criminal and/or license violation
1619 investigation, or to refuse to allow inspection of a cannabis business.
1620
- 1621 (i) For any person to refuse to allow inspection of a regulated cannabis
1622 business upon request of a City employee. Any Licensee, owner, manager,
1623 or operator of a regulated cannabis business, or the owner of the property
1624 where a regulated cannabis business is located, may be charged with this
1625 violation;
- 1626 (j) For any person to store or keep cannabis intended for sale or distribution by
1627 the Licensee in any place outside of the licensed premises;
- 1628 (k) For any person to smoke, use, or ingest on the premises of a regulated
1629 cannabis business cannabis, fermented malt beverage, malt, vinous, and
1630 spirituous liquor or any controlled substance(s), except in compliance with
1631 the directions on a legal prescription for the person from a doctor with
1632 prescription writing privileges;
- 1633 (l) For any person to operate or be in physical control of any cannabis business
1634 while under the influence of alcohol or other intoxicant, or cannabis, or any
1635 controlled substance(s), except in compliance with the directions on a legal
1636 prescription for the person from a doctor with prescription writing privileges;

- 1637
- 1638 (m) For alcohol beverages to be on the licensed premises;
- 1639 (n) ~~For any person to purchase cannabis in the City from any person not~~
1640 ~~properly licensed to sell cannabis;~~
- 1641 (o) For any person to possess or operate a regulated cannabis business in
1642 violation of this Chapter;
- 1643 (p) For any person to produce, distribute, or possess more cannabis than
1644 allowed by law; or than disclosed in the application to the State of Colorado
1645 for a regulated cannabis business license, or other applicable law;
- 1646 (q) For any person to give away, dispense, or otherwise distribute cannabis for
1647 free or without use of a coupon approved and defined by this Code;
- 1648 (r) For any person to knowingly conduct or permit any employee to conduct any
1649 sale(s) transaction(s) when the video surveillance system or equipment is
1650 inoperable;
- 1651 (s) For any person to distribute cannabis for remuneration without a regulated
1652 cannabis license or outside of the restricted area of the regulated cannabis
1653 business;
- 1654 (t) For any person to possess regulated cannabis, or own or manage a
1655 regulated cannabis business, or own or manage a building with a regulated
1656 cannabis business, where there is possession of regulated cannabis, by a
1657 person who is not lawfully permitted to possess regulated cannabis;
- 1658 (u) For any person to possess or operate a regulated cannabis business in a
1659 location for which a regulated cannabis business license is prohibited by
1660 law;
- 1661 (v) For any person to operate a regulated cannabis business in a manner that is
1662 not consistent with the Application for the regulated cannabis business or is
1663 in violation of any plan made part of the license application/issued license;
- 1664 (w) For any person to operate a regulated cannabis business without obtaining
1665 and passing all building inspections and obtaining all permits required by
1666 the City;
- 1667 (x) For any person to operate a regulated cannabis business in violation of any
1668 building, fire, zoning, plumbing, electrical, or mechanical code(s) as adopted
1669 and amended by the City;

- (y) For any person to operate a regulated cannabis business without disclosing, in the application for a regulated cannabis business license or an amendment thereto, an agent who ~~either (i) acts with managerial authority, (ii) provides advice to the regulated cannabis business for compensation, or (iii) receives periodic compensation totaling \$1,000 or more in a single year for services related to the regulated cannabis business. It shall be an affirmative defense that the undisclosed person was an attorney, accountant, bookkeeper, or mail delivery person;~~
- (z) For any person to operate a regulated cannabis business without a sales tax license as required by the GJMC;
- (aa) For any person to make any change(s), or for the Licensee to allow any change(s), to the terms of any plan(s) submitted with the license application and approved by the City, or the person(s) entity(ies) named in the application, without prior approval of the City;
- (bb) For any person to attempt to use or display a regulated cannabis business license at a different location or for a different business entity than the location and business entity disclosed on the application for the issued license;
- (cc) For any person to cultivate, produce, distribute or possess regulated cannabis or own or manage a regulated cannabis business in which another person cultivates, produces, distributes, or possesses cannabis, in violation of law;
- (dd) For any person to allow an owner or manager that has not been disclosed to the City as required by law to operate the business;
- (ee) For any person to dispose of regulated cannabis or any by-product of regulated cannabis containing cannabis in a manner contrary to law;
- (ff) For a person to distribute a regulated cannabis plant to any person, except as permitted by law for immature plants;
- (gg) For any person to deliver regulated cannabis between regulated cannabis businesses except in strict compliance with law;
- (hh) For any person to advertise or publish materials, honor coupons, sell or give away products, or display signs that are in violation of this Code or the laws of the State of Colorado;
- (ii) For any person to violate any provision of this Code or any condition of a license granted pursuant to this Code or any law, rule, or regulation

- 1705 applicable to the use of regulated cannabis or the operation of a regulated
1706 cannabis business;
- 1707 (jj) For any person to permit any other person to violate any provision of this
1708 Code or any condition of an approval granted pursuant to this Code, or any
1709 law, rule, or regulation applicable to the use of regulated cannabis or the
1710 operation of a regulated cannabis business;
- 1711 (kk) For any person to lease any property to a regulated cannabis business that
1712 has cannabis on the property without a regulated cannabis business license
1713 from the City;
- 1714 (ll) For any person to distribute cannabis within a regulated cannabis business
1715 to any person who shows visible signs of intoxication from alcohol,
1716 cannabis, or other drug(s)/intoxicant(s);
- 1717 (mm) For any person to be on or within the licensed premises if such person is
1718 under 21 years of age;
- 1719 (nn) For any person to permit any person under 21 years of age on the premises
1720 of the regulated cannabis business; it is presumed that the Licensee is
1721 aware of the age of all people on the premises if identification is not
1722 specifically checked at the entry to the building;
- 1723 (oo) For any person to fail to confiscate fraudulent proof of age and notify the
1724 Grand Junction Police Department. It shall be an affirmative defense to
1725 failure to confiscate the fraudulent proof of age if an attempt to confiscate
1726 a fraudulent proof of age caused a reasonable person to believe the act
1727 created a threat to any person;
- 1728 (pp) For any person to fail to provide a copy or record of a coupon issued by or
1729 redeemed at the regulated cannabis business upon request of an authorized
1730 City employee;
- 1731 (qq) For any licensee or any manager, agent or employee of such licensee to fail
1732 to immediately report to the Grand Junction Police Department and the
1733 Authority any disturbance(s), disorderly conduct or criminal activity
1734 occurring at the regulated cannabis business, on the licensed premises,
1735 within the licensed premises, or any property under the control or
1736 management of the Licensee, including any associated contiguous parking
1737 area used by Licensee's patrons. For the purpose of this subsection,
1738 "report" means to either:
- 1739 1. Immediately, verbally, and directly in person notify any on-site
1740 uniformed Grand Junction Police Officer whether on duty or working
1741 secondary employment; or

1742 2. Immediately place and complete a telephone call to the non-
1743 emergency line at the Grand Junction Police Department; or

1744 3. Immediately place and complete a telephone call to the emergency
1745 line at the Grand Junction Police Department.

1746 (rr) For any person to fail to post the premises with signs notifying the public of
1747 the closure of the business during a suspension as required by this Chapter;

1748 (ss) For any licensee holding a regulated cannabis store license, or for any agent,
1749 manager or employee thereof, to sell, give, dispense or otherwise distribute
1750 cannabis or regulated cannabis paraphernalia from any outdoor location;

1751 (tt) For any person to employ a business manager that has not been properly
1752 registered with the City; and,

1753 (uu) For any person to operate or possess a regulated cannabis business license
1754 in violation of any ordinance or regulation of the City, or any applicable law,
1755 rule or regulation.

1756 Any person who pleads guilty or no contest to, or who, after hearing, is found to
1757 have violated any of the foregoing shall be subject to penalties pursuant to Chapter
1758 1.04.080 and any penalties specifically referenced within the GJMC.

1759 **5.13.035 Nonrenewal, suspension or revocation of license.**

1760 (a) The term and renewal of the license shall be governed by the standards and
1761 procedures set forth in the Colorado Marijuana Code, the City's Code and
1762 any rules and regulations adopted pursuant thereto.

1763 (b) The Authority, acting by and through the Hearing Officer, may, after notice
1764 and hearing, suspend, revoke or deny renewal of a license for any of the
1765 following reasons:

1766 1. The Applicant or licensee, or his or her agent, manager or employee,
1767 manager, or financier has violated, does not meet, or has failed to comply
1768 with, any of the terms, requirements, conditions, or provisions of this
1769 Code or with or with any applicable state or local law, rule or regulation;

1770 2. The Applicant or Licensee, or his or her agent, manager or employee, or
1771 financier has failed to comply with any special terms or conditions of its
1772 license pursuant to an order of the state or the Authority, including those
1773 terms and conditions that were established at the time of issuance of the
1774 license and those imposed as a result of any disciplinary
1775 proceeding(s) held subsequent to the issuance of the license;

- 1776 3. The regulated cannabis business has been operated, by a preponderance
1777 of the evidence, in a manner that adversely affects the public health,
1778 safety or welfare;
- 1779 4. Misrepresentation or omission of any material fact, or false or misleading
1780 information, on the application any amendment thereto, or renewal
1781 request, or any other information provided to the City related to the
1782 regulated cannabis business;
- 1783 5. Violation of any law by which, if occurring prior to and during submittal
1784 and review of the application, could have been cause for denial of the
1785 license application;
- 1786 6. Distribution of cannabis, including, without limitation, in violation of this
1787 Chapter or any other applicable law, rule, or regulation;
- 1788 7. Failure to maintain, or provide to the City upon request, any books,
1789 recordings, reports, or other records required by this Chapter;
- 1790 8. Failure of the Licensee to file any report(s), notification(s) or furnish any
1791 information as required by the provisions of this Chapter, or any rule or
1792 law adopted pursuant thereto relating to any license authorized by law;
- 1793 9. Failure to timely notify the City and to complete necessary form(s) for
1794 change(s) in financial interest, manager(s), financier, or agent;
- 1795 10. Temporary or permanent closure, or other sanction of the business, by
1796 the City, or by the County or State of Colorado or other governmental
1797 entity with jurisdiction, for failure to comply with health and safety
1798 provisions of this Chapter or otherwise applicable to the business or any
1799 other applicable law;
- 1800 11. Revocation or suspension of another regulated cannabis business or any
1801 other license issued by the City, the State, or any other jurisdiction held
1802 by any Licensee of the regulated cannabis business;
- 1803 12. Failure to timely correct any violation of any law or comply with any order
1804 to correct a violation of any law within the time stated in the notice or
1805 order;
- 1806 13. Abandonment of the licensed premises by the Licensee or otherwise
1807 ceasing of operations without notifying the Authority and the state
1808 licensing authority within 48 hours in advance and without accounting for
1809 and forfeiting to the state licensing authority for the destruction of all
1810 cannabis or products containing cannabis;

- 1811 **14. Failure to comply with the provisions of the Colorado Marijuana Code, the**
1812 **City's Code, and any rule or regulation adopted pursuant thereto, or any**
1813 **special term or condition placed upon the Licensee by order of the**
1814 **Authority or State licensing authority.**
- 1815 **15. Violations of any conditions imposed in connection with the issuance or**
1816 **renewal of the license;**
- 1817 **16. Failure to pay all required fines, interest, costs, fees, or penalties**
1818 **assessed against or imposed upon such Licensee in relation to the**
1819 **licensed cannabis business;**
- 1820 **17. Failure to file tax returns when due as required by this Code, or the**
1821 **Licensee is overdue on his or her payment to the state or local taxes**
1822 **related to the operation of the business associated with the License;**
- 1823 **18. Loss of right of possession to the licensed premises;**
- 1824 **19. Failure of the licensee to comply with the duty to supplement the license**
1825 **application;**
- 1826 **20. Failure of the licensee to operate in accordance with any special term or**
1827 **condition placed upon a license by the Authority or the state licensing**
1828 **authority;**
- 1829 **21. The licensee, or any of agent(s) or employee(s) of the Licensee, have**
1830 **committed any unlawful act as described in this Chapter or violated any**
1831 **ordinance of the City or any state law on the premises or have permitted**
1832 **such a violation on the premises by any person;**
- 1833 **22. The licensee has knowingly permitted or encouraged, or has knowingly**
1834 **and unreasonably failed to prevent a public nuisance within the meaning**
1835 **of this Chapter from occurring or in or about the licensed premises;**
- 1836 **23. The odor of cannabis is perceptible to an ordinary person at the exterior**
1837 **of the building at the licensed premises or is perceptible within any space**
1838 **adjoining the licensed premises;**
- 1839 **24. The licensee knowingly permitted or allowed the consumption of**
1840 **cannabis on the licensed premise;**
- 1841 **25. The licensee knowingly permitted the possession or consumption of an**
1842 **alcohol beverage within the licensed premises. At any hearing for**
1843 **violation of this subsection, any bottle, can, or other container label**
1844 **indicating the contents of such bottle, can, or other container, shall be**
1845 **admissible into evidence and shall be prima facie evidence that the**

1846 contents of the bottle, can, or other container was composed in whole or
1847 in part an alcohol beverage;

1848 **26. The licensee has failed to appear upon a Municipal Court summons;**

1849 **27. The licensee, or any of the officer(s), director(s), owner(s), manager(s),**
1850 **agent(s), or employee(s) has(have) been convicted of a felony or drug**
1851 **related criminal offense within the previous 12 months;**

1852 **28. The licensee engaged in any form of business or commerce involving the**
1853 **cultivation, processing, manufacturing, storage, sale, distribution,**
1854 **transportation, research or consumption of any form of cannabis or**
1855 **cannabis product other than the privileges granted under the regulated**
1856 **cannabis business license;**

1857 **29. The licensee has materially or substantially, changed, altered, or modified**
1858 **the licensed premises, or use of the licensed premises, without obtaining**
1859 **prior approval to make such changes, alterations, or modifications from**
1860 **the Authority;**

1861 **30. The licensee has failed to maintain a valid state license; and,**

1862 **31. The licensee, or any of the agent(s), servant(s) or employee(s) of the**
1863 **licensee has/have violated any ordinance of the City or any state or**
1864 **federal law on the premises or have permitted such a violation on the**
1865 **premises by any other person.**

1866 **(c) Evidence to support a finding of a violation(s) may include, without**
1867 **limitation, one or a combination of the following;**

1868 **1. A continuing pattern of disorderly conduct, disturbance(s) or criminal**
1869 **activity occurring at the location, on the licensed premises, within the**
1870 **licensed premises, or any adjoining grounds or property under the**
1871 **control or management of the licensee;**

1872 **2. An ongoing nuisance condition emanating from or caused by the**
1873 **regulated cannabis business.**

1874 **(d) In the event a business or Licensee is charged with violation of any law, upon**
1875 **which a final judgment would be grounds for suspension or revocation of a**
1876 **license, the City may suspend the license pending the resolution of the**
1877 **alleged violation.**

1878 **(e) If the City revokes or suspends a license, the regulated cannabis business**
1879 **may not move any cannabis from the premises except under the supervision**
1880 **of the Grand Junction Police Department.**

(f) The Authority shall conduct a review of all licenses at least annually and, in addition to examining the factors enumerated in this subsection, may hold a hearing on each license at which the general public may be invited to appear and provide testimony as to the effects of the license on the surrounding community and the City at large, and the Authority may take such views into consideration when deciding whether to continue or renew such license.

(g) In the event of the suspension of a regulated cannabis business license, during the period of suspension, the business:

1. Shall post two notices provided by the Authority, in conspicuous places, one on the exterior and one on the interior of its premises for the duration of the suspension; and
2. Shall not sell or otherwise distribute or transport cannabis, nor allow any customers into the licensed premises.

5.13.036 Operational Standards.

All regulated cannabis businesses shall comply with the applicable state and local laws, rules and regulations, as amended. In addition, Licensees shall comply with the following local operational standards. Failure to comply with any State or local law, rule or regulation or any operational standard(s) may be grounds to suspend or revoke any license and impose civil penalties where applicable.

(a) Odor management – ventilation required. For all cannabis businesses, ventilation shall be installed so that the odor of cannabis cannot be detected by a person with a normal sense of smell at the exterior of a regulated cannabis business or at any adjoining use or property.

(b) Hours of operation. A regulated cannabis business shall be closed to the public, and no sale or other distribution of cannabis shall occur upon the premises between the hours of 10 p.m. and 8 a.m. Provided, however, in the event that a planned delivery of cannabis cannot be completed on the day scheduled, the cannabis may be returned to the business.

(c) Display of licenses required. The name and contact information for the owner or owners and any manager of the regulated cannabis business, the regulated cannabis business license, and the sales tax business license shall be conspicuously posted inside the business near the main entrance.

(d) During the term of the License, the Licensee shall have the ongoing obligation to operate in conformance with this Code and all other applicable laws, rules and regulations:

1916 (e) Provide the City with copies of all material that it voluntarily files or is required
1917 to file with the Colorado Department of Revenue Marijuana Enforcement
1918 Division; and,

1919
1920 (f) Post a 24-inch x 36-inch A sign(s) shall be posted within the licensed premises
1921 of a regulated cannabis business which includes the warning statements that
1922 comport with Marijuana Enforcement Division regulations, as the same may be
1923 amended from time to time and as presently, set forth in Rule 6-115 of the
1924 Colorado Department of Revenue Marijuana Enforcement Division Permanent
1925 Rules Related to the Colorado Regulated Marijuana Code, as amended.

1926
1927 ~~(e)(g)~~ Owner or manager required on premises. No regulated cannabis
1928 business shall be managed by any person other than the Licensee, or the
1929 manager(s)-listed on the Application for the License or a renewal thereof.
1930 Such Licensee or manager(s) shall be on the premises and responsible for all
1931 activities within the licensed business during all times when the business is
1932 open, ~~or in the possession of another person.~~

1933
1934 **5.13.037 Records.**

1935 (a) Each Licensee shall keep a complete set of books of account, invoices,
1936 copies of orders and sales, shipping instructions, bills of lading, weigh
1937 bills, correspondence, bank statements, including cancelled checks and
1938 deposit slips, and all other records necessary to show fully the business
1939 transactions of such Licensee. Receipts shall be maintained in a
1940 computer program or by pre-numbered receipts and used for each sale.
1941 The records of the business shall clearly track regulated cannabis
1942 product inventory purchased and sales and disposal thereof to clearly
1943 track revenue from sales of any regulated cannabis from other
1944 paraphernalia or services offered by the regulated cannabis business.

1945 (b) All records shall be open at all times during business hours for the
1946 inspection and examination of the City or its duly authorized
1947 representatives.

1948 (c) The City shall require any Licensee to furnish such information as it
1949 considers necessary for the proper administration of this Chapter. The
1950 records shall clearly show the source, amount, price, and dates of all
1951 cannabis received or purchased, and the amount, price, dates, customer

1952 names, addresses, and contact information for all regulated cannabis
1953 sold.

1954 (d) By applying for a regulated cannabis business license, the Licensee is
1955 providing consent to disclose the information required by this Chapter,
1956 including information about customers. Any records provided by the
1957 Licensee that includes customer confidential information may be
1958 submitted in a manner that maintains the confidentiality of the documents
1959 under the Colorado Open Records Act, § 24-72-201, *et seq.*, C.R.S., or
1960 other applicable law. Any document that the Applicant considers eligible
1961 for protection under the Colorado Open Records Act shall be clearly
1962 marked as confidential, and the reasons for such confidentiality shall be
1963 stated on the document. In the event that the Licensee does appropriately
1964 submit documents so as not to be disclosed under the Colorado Open
1965 Records Act, the City shall not disclose it to other parties who are not
1966 agents of the City, except law enforcement agencies. If the City finds that
1967 such documents are subject to inspection, it will provide at least 24-hour
1968 notice to the Applicant prior to such disclosure.

1969 **5.13.038 Audits, examinations and inspections.**

1970 (a) The City may require an audit, examination or inspection to be made of
1971 the books of account and financial records of a regulated cannabis
1972 business on such occasions as it may deem consider necessary. Such
1973 audit may be made by ana person(s) auditor to be selected by the City
1974 that shall likewise have access to all books, records and information of
1975 the regulated cannabis business. The expense of any audit, examination
1976 or -inspection determined necessary by the City shall be paid by the
1977 regulated cannabis business.

1978 (b) Application for regulated cannabis business license and/or operation of
1979 a regulated cannabis business, or leasing property to a regulated
1980 cannabis business, constitutes consent by the Applicant, and all
1981 owner(s), manager(s), and employees of the business, and the owner of
1982 the property to permit the Authority or agent of the Authority, or anyone
1983 authorized to conduct routine inspections of the regulated cannabis
1984 business to ensure compliance with this Chapter or any other applicable
1985 law, rule, or regulation. The owner or manager on duty shall retrieve and
1986 provide the records of the business pertaining to the inspection. For
1987 purposes of Rule 241 of the Colorado Rules of Municipal Procedure,
1988 inspections of regulated cannabis businesses and recordings from
1989 security cameras in such businesses are part of the routine policy of
1990 inspection and enforcement of this Chapter for the purposes of
1991 protecting the public safety, individuals operating and using the services
1992 of the regulated cannabis business, and the adjoining properties and
1993 neighborhood. This section shall not limit any inspection authority

1994 authorized under any other provision of law or regulation, including those
1995 of police, fire, building, and code enforcement officials. Application for a
1996 regulated cannabis business license constitutes consent to inspection of
1997 the business as a public premises without a search warrant, and consent
1998 to seizure of any surveillance records, camera recordings, reports, or
1999 other materials required as a condition of a regulated cannabis license
2000 without a search warrant.

2001 (c) The licensed premises, including any places of storage where regulated
2002 marijuana or regulated marijuana products are stored, sold, dispensed,
2003 or tested are subject to inspection by the City, during all business hours
2004 and other times of apparent activity, for the purpose of inspection or
2005 investigation. When any part of the licensed premises consists of a
2006 locked area, upon demand to the Licensee, such area must be available
2007 for inspection without delay, and upon request by the City, the Licensee
2008 shall open the area for inspection.

2009 (d) Initial inspection. The City may inspect any regulated cannabis
2010 businesses prior to final issuance of a license to verify that the facilities
2011 are constructed and can be operated in accordance with the Application
2012 submitted and the requirements of laws.

2013 (e) Regular inspections. The City is authorized to perform regular
2014 inspections on a quarterly basis during the first year following licensure,
2015 and on a yearly basis prior to license renewal following the first year of
2016 operation.

2017 (f) Random inspections. Regular licensing inspection(s) shall not prevent
2018 the City from inspecting regulated cannabis businesses at random
2019 intervals and without advance notice pursuant to the City's Code, the
2020 Colorado Marijuana Code, the Colorado Department of Revenue
2021 Enforcement Division Marijuana Rules, the Colorado Constitution, the
2022 City's Code, or any rule and regulations adopted thereto.

2023 (g) Inspection of records. The records to be maintained by each regulated
2024 cannabis business shall include the source and quantity of any cannabis
2025 distributed, produced, or possessed within the premises. Such reports
2026 shall include, without limitation, for both acquisitions from wholesalers
2027 and transactions to patients or caregivers, the following:

2028 1. Name and address of seller or purchaser;

2029 2. Date, weight, type of cannabis, and monetary amount or other
2030 consideration of transaction;

2031 3. For wholesaler transactions, the state and City, if any, sales and
2032 use tax license number of the seller.

2033 (h) Disposal of regulated cannabis and cannabis byproducts. All regulated
2034 cannabis and any product containing a usable form of cannabis must be
2035 made unusable and unrecognizable prior to removal from the business in
2036 compliance with all applicable laws. This provision shall not apply to
2037 licensed law enforcement, including without limitation, the Grand
2038 Junction Police Department and the Grand Junction Fire Department.

2039 (i) The manager of a regulated cannabis business is required to respond by
2040 telephone or email within 24 hours of contact by a City official concerning
2041 its cannabis business at the telephone number or email address provided
2042 to the City as the contact for the business. Each 24-hour period during
2043 which an owner or manager does not respond to the City official shall be
2044 considered a separate violation.

2045 **5.13.039 Modification of premises.**

2046 (a) Any modification of the licensed premises shall be governed by the
2047 standards and procedures set forth in the Colorado Marijuana Code, this
2048 Chapter, and any regulations adopted pursuant thereto.

2049 (b) The Authority shall administer applications to modify the premises in the
2050 same manner as the state licensing authority administers changes of
2051 location and modifications of premises for state licenses.

2052 (c) Any application for a proposed modification of the licensed premises shall
2053 comply with and shall be subject to review and approval of the Building
2054 Departments and any other agency that is required to approve such
2055 modification.

2056 **5.13.040 Renewals.**

2057
2058 (a) A regulated cannabis business license issued pursuant to this Chapter shall
2059 be valid for one year from the date of issuance and shall automatically expire
2060 on the last day of the month in which the License is issued of the year
2061 following issuance or renewal of the License.

2062
2063 ~~(b) During the term of the License, the Licensee shall have the ongoing~~
2064 ~~obligation to:~~

2065
2066 ~~1. Provide the City with copies of all material that it voluntarily files or is~~
2067 ~~required to file with the Colorado Department of Revenue Marijuana~~
2068 ~~Enforcement Division; and,~~

~~2. Post a 24 inch x 36 inch A sign shall be posted within the licensed premises of a regulated cannabis business which includes the warning statements that comport with Marijuana Enforcement Division regulations, as amended. set forth in Rule 6-115 of the Colorado Department of Revenue Marijuana Enforcement Division Permanent Rules Related to the Colorado Regulated Marijuana Code, as amended.~~

~~(c)(b)~~ Licensee must apply for the renewal of an existing license at least 45 days prior to the License's expiration date. The Licensee shall apply for renewal using forms provided by the City. If the Licensee fails to timely file a renewal application, the Licensee must provide a written explanation detailing the circumstances surrounding the late filing. If the Authority accepts the application, then it administratively continues the License beyond the expiration date, but for no longer than 45 days after the expiration date, while the Authority completes the renewal licensing process, in which case, the Licensee shall pay an additional fee to the City prior to issuance of the renewed license. The renewal license fee, and late fee if applicable, shall accompany the renewal application. Such fee(s) are nonrefundable.

~~(d)(c)~~ In the event that there has been a change to any of the plans submitted with the license application, a renewal, or modification of the premises application, such change(s) shall be specifically proposed and described prior to being made by the Licensee and/or approved, if at all, by the Authority.

~~(e)(d)~~ In the event any person who has an interest in the License or any manager, financier, agent as defined herein, or employee has been charged with or accused of violations of any law since issuance of the License, the renewal application shall include the name of the violator, the date of the violation, the court and case number where the violation was filed, and the disposition of the violation with the renewal application.

~~(f)(e)~~ In the event the regulated cannabis business Licensee has received any notice of violation of any law, the renewal application shall include a copy of the notice or suspension.

~~(g)(f)~~ The renewal application shall include verification that the business has a valid state license and the state license is in good standing.

~~(h)(g)~~ The Authority shall not accept renewal applications after the expiration of the License.

~~(h)~~(h) No renewal application shall be accepted by the Authority that is not complete. Any application mailed to or deposited with the Authority that, upon examination, is found to have some omission or error, shall be returned to the Applicant for completion or correction.

~~(j)~~(i) In the event there have been allegations of violations of this Chapter, if the Licensee has a history of violation(s), or if the Licensee has committed unlawful acts, and/or if there are allegations against the Licensee that would constitute cause as defined herein by any of the Licensee(s) or the business submitting a renewal application, the Authority may hold a hearing pursuant to § 5.13.027 of this Chapter, prior to approving the renewal application. The hearing shall be to determine whether the application and proposed Licensee(s) comply with this Chapter. If the Authority holds a hearing and the application and the Licensee is found to meet the requirements of this Chapter, or the business has been operated in the past in violation of law, rule or regulation, then the renewal application may be denied or issued with conditions, and the Authority's decision shall be final subject to judicial review.

~~(k)~~(j) All renewal applications shall be reviewed and evaluated by the Authority if no hearing is scheduled. The Authority may refuse to renew any license for good cause as ~~that term is~~ defined by the Hearing Officer in accordance with in this Chapter, and any applicable ~~local~~ law, rule, or regulation.

~~(l)~~(k) In the event a regulated cannabis business that has been open and operating and submitting monthly sales and use tax returns to the City ceases providing sales and use tax returns to the City for a period of three months or longer, the cannabis business license shall be set for a public hearing for the Authority to determine if the License shall be revoked.

~~(m)~~ In the event the City incurs costs in the inspection, clean-up, or any other necessary or required action to remove regulated cannabis of any regulated cannabis business, or any person cultivating, producing, distributing, or possessing cannabis, or otherwise cause the business to be in compliance with applicable law, the Licensee shall reimburse the City all costs incurred by the City for such inspection and/or cleanup.

5.13.041 Compliance monitoring.

(1) The City shall monitor compliance with this Chapter, as it deems appropriate.

(2) The City shall have the discretion to consider any or all previous compliance check histories of a Licensee in determining how frequently to conduct compliance checks of a Licensee with respect to any licensee(s).

(3) Compliance checks shall be conducted as the City determines appropriate so as to allow the City to determine, at a minimum, if the regulated cannabis business is conducting business in a manner that complies with law.

(4) It shall not be a violation of the law for a person under the minimum sale age for cannabis purchases or possession to purchase or possess cannabis products if the underage person is participating in a compliance check supervised by any person authorized by the City or the State of Colorado to conduct compliance monitoring.

5.13.042 Sales tax.

Each regulated cannabis business shall collect and remit City sales and use tax on all regulated cannabis, paraphernalia and other tangible property used or sold at the licensed premises as provided by the Grand Junction Municipal Code and other applicable law.

5.13.043 Violations and Penalties.

(a) The Authority shall hear all actions relating to the suspension or revocation of licenses pursuant to this Chapter. The Authority shall have the authority to impose disciplinary actions, sanctions, penalties upon a Licensee including but not limited to additional terms and conditions on the license, a fine in lieu of a suspension, a suspension or a revocation of a license issued by the Authority for any violation by the Licensee or by any of the agents or employees of the Licensee of any provision of the Colorado Marijuana Code, the City's Code, any rule or regulation adopted pursuant thereto, any building, fire, health or zoning statute, code, or ordinance, or any of the rules and regulations adopted pursuant thereto, in addition to any other penalties prescribed by this Code.

(b) In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this Chapter, any person, including but not limited to, any Licensee, manager or employee of a regulated cannabis business, or any customer of such business, who violates any of the provisions of this Chapter, shall be guilty of a misdemeanor offense punishable in accordance with § 1.04.090 of this Code. A person

committing a violation shall be guilty of a separate offense for each and every day during which the offense is committed or continued to be permitted by such person and shall be punished accordingly.

(c) The City shall ~~initiate~~ ~~commence~~ suspension or revocation proceedings by petitioning the Authority to issue an order to the Licensee to show cause that the Licensee's license should not be suspended or revoked. The Authority shall issue such an order to show cause if the petition demonstrates that evidence exists to determine that one or more grounds exist to suspend or revoke the Licensee's license. The order to show cause shall set the matter for a public hearing before the Licensing Authority.

~~(d) The City Manager shall give written notice of the public hearing no later than fifteen days prior to the hearing by mailing, either electronically or by first class mail, the notice to the Licensee at the address contained in the Licensee's license. At a Public Hearing, the hearing, the Licensee shall have the opportunity to be heard, to present evidence and witnesses, and to cross examine witnesses presented by the City. The Authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing that the Authority is authorized to conduct. The standard of proof at such hearings shall be a preponderance of the evidence. The burden of proof shall be upon the City. The Authority shall be permitted to accept any evidence that the Hearing Officer finds to be relevant to the show cause proceeding.~~

(e) If the Authority, acting by and through the Hearing Officer, finds that a violation has occurred, the Authority may:

(1) Revoke the license for any period up to and including permanent revocation;

(2) Suspend the license for any period of time; (6 months?)

(3) Impose a fine or fine in lieu of suspension of at least \$500.00 but no more than \$100,000.00;

(4) Establish conditions that must be met before the license holder may apply for reinstatement of the license; and,

(5) The Authority may impose the costs to conduct a public hearing upon a Licensee who has violated any of the provisions prescribed by this Chapter.

(f) Payment of fines or costs pursuant to the provisions of this Chapter shall be in the form of a certified check or cashier's check made payable to the City of Grand Junction and paid within seven days of the imposed sanction.

(g) If the Authority finds that the license shall be suspended or revoked or a fine imposed in lieu of a suspension, the Licensee shall be provided written notice of such fine, suspension or revocation with the reasons therefore within 20 days following the date of the hearing.

(h) The Authority will establish factors to consider when determining the amount of fine to impose and adopt guidance for penalties and/or fines. That guidance will be used consistently for all imposed penalties.

(j) If a license is suspended, the Licensee must post notice that states the License is under suspension or revocation due to violation(s) of this Chapter, and that all sales of cannabis products are prohibited for the period of the suspension. The signage shall be prominently displayed at all entrances on the premises for the entirety of the suspension or revocation.

(k) When a License has been revoked, no new license shall be issued to the same Licensee for the period of two years after the revocation.

(l) All Licensees are assumed to be fully aware of the law and the City shall not therefore be required to issue warnings before issuing citations for violation(s) of this Chapter.

(m) If the Authority suspends or revokes a license or imposes a fine the Licensee may appeal the fine, suspension or revocation to the Mesa County District Court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The Licensee's failure to timely appeal the decision is a waiver of the Licensee's right to contest the fine imposed or the suspension or revocation of the Licensee.

(n) No fee or portion thereof previously paid by a Licensee in connection with a license shall be refunded if the licensee's license is suspended or revoked.

5.13.044 Remedies.

The City is specifically authorized to seek an injunction, abatement, restitution, or any remedy necessary to prevent, enjoin, remove or prosecute any violation or unlawful act under this Chapter, and any remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law or in equity. Any and all action(s) shall be filed in the Municipal Court.

5.13.045 No City liability; indemnification.

(a) By accepting a license issued pursuant to this Chapter, the Licensee waives and releases the City, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of municipal, state or federal laws, rules or regulations.

(b) By accepting a license issued pursuant to this Chapter, all Licensees, jointly and severally if more than one (1), agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, attorneys, agents and insurers against all liability, claims and demands on account of any injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the regulated cannabis business that is the subject of the license.

5.13.046 Severability.

This chapter is necessary to protect the public health, safety, and welfare of the residents of the City and covers matters of local concern or matters of mixed State and local concern as provided by § [44-11-101](#), C.R.S.

If any provision of this chapter is found to be unconstitutional or illegal, such finding shall only invalidate that part or portion found to violate the law. All other provisions shall be deemed severed or severable and shall continue in full force and effect.

5.13.047 Administrative regulations; Action by City Council.

(a) The City Manager is authorized to promulgate such rules, regulations, and forms as are necessary to effectuate the implementation, administration and enforcement of this Chapter.

(b) The City Council may consistent with the Charter and other applicable law amend this Chapter in order to stay current with applicable state laws, rules and regulations so long as no amendment, restriction, provision, rule or regulation shall be no less stringent than that imposed, if at all by Colorado law.

Introduced on first reading the _____ day of _____, 2022 and ordered published in pamphlet form.

Adopted on second reading this ____ day of _____ 2022 and ordered published in pamphlet form.

ATTEST:

C. B. McDaniel
President of City Council

Laura J. Bauer, Interim City Clerk
City Clerk

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 5 CREATING CHAPTER 13 IN THE GRAND JUNCTION MUNICIPAL CODE TO INCLUDE CERTAIN MARIJUANA, ALSO KNOWN AS CANNABIS, USES, LICENSES AND REGULATIONS IN THE CITY OF GRAND JUNCTION, COLORADO.

RECITALS:

Federal law criminalizes the use and possession of marijuana as marijuana is categorized as a Schedule 1 controlled substance under the Controlled Substance Act. Federal law criminalizes knowing or intentional marijuana possession, even if a person has no intent to manufacture, distribute, or dispense marijuana.

On November 7, 2000, Colorado voters passed Amendment 20 which allows the use of marijuana in the state for approved patients with written medical consent. It allows the possession of up to two ounces of medical marijuana and cultivation of no more than six marijuana plants (three flowering plants) at a time for patients. Amendment 20 does not provide a legal manner for patients to obtain medical marijuana unless the patient grows the marijuana, or the marijuana is grown by the patient's primary caregiver.

On November 16, 2009, City Council, as an exercise of police powers, adopted Ordinance 4392 which declared a twelve-month moratorium on the licensing, permitting and operation of marijuana businesses in the City and provided penalties for any such violation. The moratorium applied to any person or entity applying to function, do business, or hold itself out as a medical marijuana dispensary in the City of Grand Junction, regardless of the person, entity, or zoning.

On June 7, 2010, Governor Ritter signed into law House Bill 10-1284 and Senate Bill 10-109 which, among other things, authorized the City to adopt an ordinance to license, regulate or prohibit the cultivation and/or sale of marijuana (C.R.S. 12-43.3-103(2)). The law also allowed a city to vote, either by a majority of the registered electors or a majority of the City Council, to prohibit the operation of medical marijuana dispensaries, optional premises cultivation operations and medical marijuana infused products manufacturers.

On October 4, 2010, City Council adopted Ordinance 4437 which prohibited the operation of medical marijuana businesses and amended the Grand Junction Municipal Code by adding Section 5.14.010 which prohibited certain uses relating to marijuana. Ordinance 4437 also extended the moratorium established by Ordinance 4392 to January 1, 2011. Prior to Ordinance 4437 becoming effective, a protest petition was filed and found to be sufficient, and Ordinance 4437 was suspended from taking effect. On October 13, 2010, City Council adopted Ordinance 4446 which extended the moratorium to July 1, 2011.

At the April 5, 2011, City election, the electorate voted in favor of prohibiting the operation of medical marijuana businesses and the amendment of the Grand Junction Municipal Code by adding a section that prohibited marijuana (referred to as Measure A).

On November 6, 2012, Amendment 64 was passed by the voters, amending Article 18 of the Colorado Constitution by adding Section 16 which allowed retail marijuana stores and made it legal for anyone 21 years or older to buy cannabis at such stores. In addition, Amendment 64 allowed anyone over 21 years of age to legally possess and consume up to one ounce of marijuana. Amendment 64 did not change the Federal law; it still remains illegal under Federal law to produce and/or distribute marijuana.

On February 6, 2013, City Council approved Resolution 07-13 adopting marijuana policies for the City and restrictions for persons or entities from applying to function, do business, or hold itself out as a marijuana facility, business, or operation of any sort in the City limits. Later that same year, City Council adopted Ordinance 4599 which prohibited the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores. Ordinance 4599 also amended Sections in Title 5, Article 15 of the Grand Junction Municipal Code that prohibited certain uses relating to marijuana.

In late 2015, the City, Mesa County and Colorado Mesa University, by and through the efforts of the Grand Junction Economic Partnership (GJEP), were successful in establishing the *Colorado Jumpstart* business development program. One business that was awarded the first *Jumpstart* incentive planned to develop a laboratory and deploy its advanced analytical processes for genetic research and its ability to mark/trace chemical properties of agricultural products, one of which was marijuana. In October 2016, City Council passed Ordinance 4722 which amended Ordinance 4599 and Section 21.04.010 of the Grand Junction Municipal Code to allow marijuana testing facilities in the City.

On January 20, 2021, the City Council approved Resolution 09-21, the adoption of which referred a ballot question to the regular municipal election on April 6, 2021, to repeal Measure A contingent on and subject to voter approval of taxation of marijuana businesses. A majority of the votes cast at the election were in favor of repealing the moratorium on marijuana businesses and in favor of taxation of marijuana businesses.

Accordingly, City Council has determined that certain cannabis businesses, subject to regulations adopted by the City, may operate within the City. City Council, with this ordinance, will amend the Grand Junction Municipal Code to provide rules and regulations for licensing and operating regulated cannabis businesses.

City staff and community members, including the Cannabis Working Group, have researched, reviewed, and discussed various approaches to taxation, permitting and regulation of cannabis. Regulations for marijuana uses have been established at the state level with the adoption and implementation of the Colorado Marijuana Code (C.R.S. 44-10-101, *et. seq.*); however, regulation of marijuana uses at the state level alone are not adequate to address the impacts of cannabis on the City.

79 In the interest of the public health, safety and welfare the City intends to regulate the
80 location and other aspects of marijuana businesses in a manner that is consistent with
81 constitutional and statutory standards. To that end, the City intends to regulate the
82 manner of operation and location of regulated cannabis businesses and in turn further the
83 health, safety, and welfare of both the public and the businesses' customers.

84 Protection of the public health and safety will occur through reasonable limitations on
85 business operations as they relate to air quality, integrating business operations with
86 neighborhoods, minimum security standards for the businesses and their personnel, and
87 other concerns. Sale of cannabis may impact health, safety, and community resources,
88 and the proposed ordinance is intended to allow certain regulated cannabis businesses
89 such that those businesses will have as minimal an impact and reduce potential negative
90 impacts as reasonably is possible.

91 This ordinance amends the City's Code (also known as the GJMC) to include time, place,
92 and manner restrictions for operating regulated cannabis businesses in the City while
93 protecting the public health and safety through reasonable limitations on business
94 operations. Regulated cannabis businesses may include retail and/or co-located retail
95 and medical cannabis businesses.

96 Furthermore, this ordinance proposes the imposition of application and/or licensing fees
97 to defray some of the City's costs of licensing regulated cannabis businesses.

98 This ordinance also requires buffering (distance requirements) of cannabis businesses:

99 1,000 feet from any private or public elementary school, middle school, junior high
100 school, high school, Colorado Mesa University and Western Colorado Community
101 College; and

102 500 feet from any services for prevention, treatment or recovery from substance
103 use and mental health concerns, as licensed by the Colorado Department of
104 Human Services, Office of Behavioral Health (OBH).

105 Lastly, this ordinance creates a mechanism for monitoring compliance of regulated
106 cannabis businesses in coordination with the laws of the State of Colorado.

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

109 Title 5 Chapter 13 shall read as follows: (Additions to the GJMC are shown in **bold face**
110 **type** – deletions or modifications are shown in ~~strikethrough~~.)

5.13.00 REGULATED CANNABIS

5.13.010 Purpose and legislative intent; incorporation of state law.

On January 20, 2021, the City Council approved Resolution 09-21, the adoption of which referred a ballot question to the regular municipal election on April 6, 2021, to repeal Referred Measure A contingent on and subject to voter approval of taxation of marijuana businesses. The voters approved the April 2021 ballot measures and by and with such authority, City Council intends to regulate the use, possession, and distribution of marijuana in a manner that is consistent with Article XVIII, Sections 14 and 16 of the Colorado Constitution and the Colorado Marijuana Code, C.R.S. § 44-10-101, *et seq.* With the adoption of this Chapter, any provisions of the City's Code that conflicts with this Chapter shall be superseded.

Article XVIII, Section 16(5)(g) of the Colorado Constitution authorizes a system of state licensing for businesses engaging in the regulated sale of marijuana, collectively referred to as "regulated marijuana establishments". This provision allows a municipality within its jurisdiction to prohibit licensing of regulated marijuana establishments; regulate the time, place and manner in which regulated marijuana establishments may operate; and limit the total number of regulated marijuana establishments.

The authority of localities to prohibit or regulate regulated marijuana establishments within their respective jurisdictions, including the authority to engage in local licensing of marijuana establishments is also provided in various provisions of the Colorado Marijuana Code. The Colorado Marijuana Code, among other things, affords municipalities the option to determine whether to license certain regulated marijuana establishments within their respective jurisdictions. Consistent with its lawful authority this Chapter affirmatively authorizes licensing and regulating cannabis related businesses in the City of Grand Junction and to designate a local licensing authority to issue and process applications submitted for such licenses within the City.

This Chapter is adopted pursuant to the constitutional and statutory authority referenced above as well as the City's Charter and home rule authority to adopt and enforce ordinances under its police powers all in order to preserve the public health, safety and general welfare. By adopting this Chapter, the City intends to implement provisions of the Colorado Marijuana Code and any rules and regulations thereunder except to the extent that more restrictive or additional regulations may be set forth in herein.

Further, the purposes of this Chapter are to:

- 155 (1) provide time, place, and manner restrictions for operating a regulated
156 cannabis business in the City;
157
158 (2) protect public health and safety through reasonable limitations on business
159 operations as they relate to air quality, security for the business and its
160 personnel, and other health and safety concerns;
161
162 (3) promote high quality neighborhoods by limiting the concentration of
163 regulated cannabis businesses in specific areas;
164
165 (4) impose fees to defray some of the costs to the City of licensing regulated
166 cannabis businesses;
167
168 (5) adopt a mechanism for monitoring compliance with the provisions of this
169 Chapter;
170
171 (6) create regulations that address the particular needs of the residents, the
172 businesses, and the City and coordinate with laws enacted by the State of
173 Colorado regarding cannabis; and,
174
175 (7) issue regulated cannabis business licenses only to Applicants that
176 demonstrate the intent and capability to comply with the law.
177

178 This Chapter is to be construed to protect the interests of the public over the
179 interests of the regulated cannabis businesses. Operation of a regulated cannabis
180 business is a revocable privilege and not a right in the City. There is no property
181 right for any person and/or business to have a regulated cannabis license in the
182 City.
183

184 Nothing in this Chapter is intended to promote or condone the production,
185 distribution, or possession of cannabis in violation of any applicable law.
186

187 5.13.011 Applicability. 188

- 189 (a) This Chapter is known and may be cited as the “City of Grand Junction
190 Regulated Cannabis Code.” Reference to the City of Grand Junction
191 Regulated Cannabis Code, Code or Chapter and the applicable section(s)
192 thereof shall be sufficient when citing the provisions hereof in any legal
193 document, including but not limited to, summons, subpoena, pleading,
194 summons and compliant, and memorandum.
195
196 (b) This Chapter, together with all other titles and chapters of the Grand
197 Junction Municipal Code (hereinafter referred to as “GJMC”), and any

198 resolution(s) and/or administrative regulation(s) of the City shall govern all
199 applications submitted for licensing of any regulated cannabis business in
200 the City on and after the effective date.
201

202 **5.13.012 Applicability of state laws and other laws.**
203

204 (a) Except as otherwise specifically provided herein, this Chapter incorporates
205 and adopts the requirements and procedures set forth in the Colorado
206 Marijuana Code and the provisions of the Colorado Rules and Regulations
207 promulgated thereunder, as amended, relating to the definition of terms,
208 licensing, sales, hours of sale, records, inspection, unlawful acts, and all
209 other matters pertaining to regulated cannabis, as set out in full therein and
210 herein. In the event of any conflict between the provisions of this Chapter
211 and the provisions of the Colorado Marijuana Code or any other applicable
212 state or local law, the more restrictive provision shall control. Licensees
213 shall comply with and conduct their business in compliance with all
214 applicable state and local laws, rules and regulations, and the terms and
215 conditions of their license. Noncompliance with any applicable state or local
216 laws, rules or regulations shall be grounds for suspension, revocation or
217 non-renewal of any license issued hereunder and/or imposition of fine(s),
218 and/or fine(s) in lieu of suspension, and other allowable sanctions.
219

220 (b) Compliance with any applicable state law or regulation shall be deemed
221 additional requirements for issuance of any license and conduct of any
222 business under this Chapter, and noncompliance with any applicable law or
223 regulation shall be grounds for suspension, revocation or non-renewal of
224 any license issued hereunder and/or imposition of fines and other allowable
225 sanctions.
226

227 (c) If the state prohibits the sale or other distribution of cannabis through
228 regulated businesses, any license issued hereunder shall be deemed
229 immediately revoked by operation of law.
230

231 **5.13.013 Definitions.**
232

233 The definitions set forth in Article XVIII, Subsections 14(2) and 16(2) of the Colorado
234 Constitution, as well as the definitions provided by the Colorado Marijuana Code,
235 the Colorado Code of Regulations, and the Department of Revenue Regulated
236 Marijuana Enforcement Division Rules and regulations as amended, are adopted
237 herein unless by reference specifically amended hereby.
238

239 **“Advertise” means the act of drawing the public’s attention, whether in print, signs,**
240 **or electronic means, to a regulated cannabis business in order to promote the sale**
241 **of cannabis by the business.**

243 **“Affiliated entity” or “affiliate” means a person as defined herein, having ownership**
244 **or any level of control in common with an entity, in whole or in part, including**
245 **without limitation, an entity’s parent corporation, franchisor, licensor and any**
246 **subsidiary(ies) or affiliates or such corporation(s). Affiliate also means a person**
247 **using the same trade name as another person.**

249 **“Application fee” shall mean the fee paid to the City by each Applicant at the time**
250 **of submitting an application to the City.**

252 **“Applicant” shall mean any person or entity who has applied for a license or**
253 **renewal of a license issued pursuant to this Chapter. If the Applicant is an entity**
254 **and not a natural person, Applicant shall include all persons who are the members,**
255 **managers, officers, directors, and shareholders of such entity.**

257 **“Cannabis”, also known as marijuana, shall have the same meaning as the term**
258 **“usable form of marijuana” as set forth in Article XVIII, Section 16(2)(f) of the**
259 **Colorado Constitution or as may be more fully defined in any applicable State law**
260 **or regulation. “Marijuana” may alternatively be spelled “marihuana”.**

262 **“Cannabis business” shall means regulated cannabis business as defined in this**
263 **Chapter.**

265 **“Cannabis operator” means a medical cannabis business operator or a retail**
266 **cannabis business operator.**

268 **“Cannabis paraphernalia” or “paraphernalia” shall mean devices, contrivances,**
269 **instruments and paraphernalia for inhaling or otherwise consuming regulated**
270 **cannabis, including, but not limited to, rolling papers, related tools, water pipes**
271 **and vaporizers.**

273 **“Cannabis product” means medical cannabis product or retail cannabis product.**

275 **“Cannabis product manufacturer” means a medical cannabis products**
276 **manufacturer or a retail cannabis products manufacturer.**

278 **“Cannabis testing facility” means a medical cannabis testing facility or a retail**
279 **cannabis testing facility.**

281 **“City Attorney” means the City Attorney or the City Attorney’s designee.**

282 **“City Manager” means the City Manager or the City Manager’s designee.**

283
284 **“Colorado Marijuana Code” shall mean Title 44, Article 10, C.R.S. and any rules or**
285 **regulations promulgated thereunder.**

286
287 **“Coupon” means a printed voucher or token entitling the holder to a discount for**
288 **a particular product or service. Coupon does not include showing a government-**
289 **issued verification of age or military status, or registration for a charitable event,**
290 **or similar item the showing of which, without providing a separate printing to the**
291 **business, entitles the holder to a discount for a particular product or service.**

292
293 **“Distribution” or “distribute” means the actual, constructive, or attempted transfer,**
294 **delivery, sale, or dispensing to another, with or without remuneration.**

295
296 **“Educational material” means materials prepared by a governmental or non-profit**
297 **entity that are designed to provide information, facts, instructions, and warnings**
298 **related to the legal use or consumption of cannabis and cannabis products.**
299 **Educational materials do not include arguments for or against the legalization of**
300 **cannabis or encourage the use of cannabis or advertisements, including the name**
301 **and logo for any cannabis business.**

302
303 **“Entity” means a domestic or foreign corporation, cooperative, general**
304 **partnership, limited liability partnership, limited liability company, limited**
305 **partnership, limited liability limited partnership, limited partnership association,**
306 **nonprofit association, nonprofit corporation or any other organization or**
307 **association that if formed under a statute or common law of the state of Colorado**
308 **or any other jurisdiction as to which the laws of Colorado or the laws of any other**
309 **jurisdiction govern(s) relations among owners and between the owners and the**
310 **organization or association and that is recognized under the laws of the state of**
311 **Colorado or the other jurisdiction as a separate legal entity.**

312
313 **“Fees” means that fee(s) set and established by Resolution of City Council and**
314 **paid annually to the City by each Licensee. Fees may be charged by the City for**
315 **costs including but not limited to licensing, inspection, administration, and**
316 **enforcement of cannabis businesses authorized pursuant to the Colorado**
317 **Constitution, the Colorado Marijuana Code, this Code, and any of the rules and**
318 **regulations adopted pursuant thereto.**

319
320 **“Financier” means any person who lends money or otherwise provides assets to**
321 **any person applying for license under this Chapter. If a financier is an entity rather**
322 **than an individual, the same disclosure shall be required for each entity with a**
323 **financial interest until a managing member that is a natural person is identified.**
324 **Financier shall not include a bank, savings and loan association, credit union, or**

325 industrial bank supervised and regulated by an agency of the state or federal
326 government, or any person in the business of leasing equipment or cannabis
327 business for which the rental amount does not include any percentage of the
328 business or its profits, or any person that has been qualified as a beneficial owner
329 (as defined by the Colorado Marijuana Code).

330
331 “Financial interest” shall mean any ownership interest(s).

332
333 “Good cause”, for the purposes of approving, refusing or denying the issuance or
334 renewal of a license, means:

- 335
- 336 a. The Licensee or Applicant has violated, does not meet, or has failed
337 to comply with any terms, conditions, or provisions of the Colorado
338 Marijuana Code, the City Code, any rule and regulation adopted
339 pursuant thereto, or any supplemental relevant state or local law, rule
340 or regulation related to the cultivation, processing, manufacture,
341 storage, sale, distribution, transportation, and research, or
342 consumption of any form of cannabis;
 - 343
 - 344 b. The Licensee or Applicant has failed to comply with any special term
345 or condition placed on the license by order of the state licensing
346 authority or the Local Licensing Authority;
 - 347
 - 348 c. Evidence the Licensee’s licensed premises has been operated in a
349 manner that adversely affects the public health, safety or the general
350 welfare of the City or the immediate neighborhood where the business
351 is located, which evidence may include a continuing pattern of
352 violations of the Colorado Marijuana Code, the City’s Code, or terms
353 and conditions of a license issued pursuant to this Chapter, a
354 continuing pattern of unlawful or violent activity occurring in the
355 location and in association with the operation of the business; or
 - 356 d. Evidence the Applicant or Licensee, or any officer, director, owner,
357 manager, agent or employee of the Applicant or Licensee is not of
358 good moral character.
 - 359

360 “Good moral character” means an individual who has a personal history
361 demonstrating honesty, fairness, and respect for the rights of other and for
362 conformance to the law which, except as provided by C.R.S 44-10-308(4) for a
363 person who qualifies as a Social Equity Licensee, may include considerations of
364 whether an individual has:

- 365
- 366 a. Ever had a professional or occupation license denied, suspended, or
367 revoked;

- 368
- 369 b. Ever had a business or sales tax license denied, suspended, or
- 370 revoked;
- 371
- 372 c. Ever surrendered, been denied, or had any type of cannabis related
- 373 license or permit placed on an administrative hold, suspended or
- 374 revoked;
- 375
- 376 d. Ever been denied any type of cannabis related business license;
- 377
- 378 e. Ever had a business temporarily or permanently closed for failure to
- 379 comply with any tax, health, building, fire, zoning or safety law;
- 380
- 381 f. Ever had any administrative, civil or criminal finding of delinquency
- 382 for failure to file or failure to pay state or local sales or use taxes or
- 383 any other taxes;
- 384
- 385 g. Ever been convicted of or pled guilty or no contest to a crime of moral
- 386 turpitude; or
- 387
- 388 h. Within the previous five years been convicted of any misdemeanor,
- 389 petty offense or any local ordinance violation related to the cultivation,
- 390 processing, manufacture, storage, sale, distribution, transportation,
- 391 testing, research, or consumption of any form of cannabis, drug or
- 392 controlled substance; or within the previous five years been convicted
- 393 of a non-drug related felony; or, at any time, been convicted of a felony
- 394 related to the cultivation, processing, manufacture, storage, sale,
- 395 distribution, transportation, testing, research, or consumption of any
- 396 form of cannabis, drug or controlled substance.
- 397

398 **“Handbill”, “leaflet” or “flyer” means a flat or folded sheet of printed material that**

399 **is a notice, advertisement, or announcement, usually for distribution by hand, for**

400 **free, either directly to an individual or by placement on vehicles or other locations.**

401 **Handbill, leaflet, or flyer does not include educational materials without the name**

402 **or logo of a cannabis business, or information made available within the licensed**

403 **premises of a cannabis business.**

404

405 **“Horizon Drive Association Business Improvement District” means an area**

406 **described as all commercial property bounded on the south by G Road, north on**

407 **Horizon Drive through and including H Road, bounded on the west by 27 Road/15th**

408 **Street, and on the east by 27 ½ Road northeast to Walker Field Airport Authority.**

409 **The boundaries of the Horizon Drive Association District include, but are not**

410 **limited to, Horizon Court, Compass Drive Association, Crossroads Boulevard,**

Crossroads Court, Skyline Court, Sundstrand Way and Hilaria Avenue, or as the boundaries may be amended.

“Immature plant” means a nonflowering cannabis plant that is no taller than eight inches and no wider than eight inches; is produced from a cutting, clipping, or seedling; and is in a cultivating container.

“Incidental to sponsorship of charitable events” means the printing of the names of all sponsors of a particular charitable event by the event organizer on advertisements, banners, clothing, programs, or similar items. Incidental to sponsorship of charitable events does not include the placement of a booth(s) or distribution of material(s) that does not list or is for the use of all sponsors of the event.

“License” shall mean to grant a revocable privilege to lawfully operate in the City a cannabis related business activity authorized pursuant to the Colorado Marijuana Code and this Chapter. A License may include a Social Equity License as defined herein and by applicable Colorado law, rules and regulations.

“License fee” shall mean that fee set and established by Resolution of City Council and paid annually to the City by each Licensee.

“Licensed premises” means the premises specified in an application for a license or permit authorized pursuant to the Colorado Marijuana Code and this Chapter, which are owned or in the legal possession of the Licensee and within which the Licensee is authorized to cultivate, manufacture, distribute, research, sell, store, transport, or test cannabis, cannabis products, and cannabis concentrates in accordance with all applicable laws.

“Licensee” means any person licensed or granted a permit pursuant to the Colorado Marijuana Code or this Chapter, including the cannabis business named on the cannabis business license and all individuals named in the cannabis business license application or later reported to the City, including without limitation, owners, managers, financiers, and individuals owning any part of the entity that holds a financial or ownership interest in the cannabis business.

“Local Licensing Authority” also known as “Cannabis Licensing Authority” (“Authority”) means an authority designated by the City Council.

“Manager” means:

- a. A member of a limited liability company in which management is not vested in managers rather than members;**

- 453 **b. A manager of a limited liability company in which management is**
454 **vested in managers rather than members;**
- 455 **c. A member of a limited partnership association in which management**
456 **is not vested in managers rather than members;**
- 457 **d. A manager of a limited partnership association in which management**
458 **is vested in managers rather than members;**
- 459 **e. A general partner;**
- 460 **f. An officer or director of a corporation, a nonprofit, a cooperative, or a**
461 **limited partnership association; or**
- 462 **g. Any person whose position with respect to an Entity, as determined**
463 **under the constituent documents and organic statutes of the Entity,**
464 **without regard to the Person's title, is the functional equivalent of any**
465 **of the positions described in this definition.**

466 **"Minor" means a person under 21 years of age.**

467 **"Modification of premises" means a change to a regulated cannabis business that**
468 **requires a building or other permit from the City or changes any part of the plans**
469 **required as part of the application for the cannabis business license. Modification**
470 **of premises does not include routine maintenance, including replacement of**
471 **lightbulbs or filters, painting, cleaning or replacement of non-mechanical items**
472 **such as windows and flooring so long as the maintenance does not result in a**
473 **change to the plans required as part of the application.**

474 **"Owner" means the person or persons whose beneficial interest in a regulated**
475 **cannabis business bears a risk of loss other than an insurer, has an opportunity to**
476 **gain profit from the operation or sale of the business and has a controlling interest**
477 **in a cannabis business, business entity or license, and includes any other**
478 **person(s) that qualifies as an owner pursuant to state law, rules or regulations.**

479 **"Person" shall mean a natural person, partnership, association, company,**
480 **corporation, limited liability company or other organization or entity or a manager,**
481 **agent, owner, officer or employee thereof.**

482 **"Place open to the general public" means any property owned, leased, or used by**
483 **a public entity, and any place on private property open to the public, common area**
484 **of buildings, private clubs, vehicles, those portions of any private property upon**
485 **which the public has an express or implied license to enter or remain, and any**
486 **place visible from such places.**

“Possess” or “possession” means having physical control of the premises in which an object is located or having the power and intent to control an object, without regard to whether the one in possession has ownership of the object. Possession may be held by more than one person at a time. Use of the object is not required for possession. The owner of a regulated cannabis business shall be considered in possession of the regulated cannabis business at all times. The manager of a regulated cannabis business shall be considered in possession of the regulated cannabis business at all times that the manager is on the premises of the business or has been designated by the owner as the manager in the absence of the owner in accordance with this Chapter.

“Premises” means a distinct and definite location, which may include a building, a part of a building, a room, or any other defined contiguous area.

“Regulated cannabis businesses aka “Regulated marijuana businesses” means:

any Medical Marijuana Business and Retail Marijuana Business as defined by Colorado law.

The term regulated cannabis business shall not include the private cultivation, possession, or use within a person’s residence of no more than:

(a) six plants in an enclosed, locked space, or

(b) one ounce of cannabis; or

(c) the cannabis derived from no more than six plants on the premises where the plants were grown if the plants were grown in an enclosed, locked space.

“Regulated cannabis plant” means a cannabis seed that is germinated and all parts of the growth therefrom, including, without limitation, roots, stalks, and leaves. Cannabis plant shall include immature plants except where specifically exempted in this Code. For purposes of this Chapter, the portion of regulated cannabis plant harvested from the plant or converted to a usable form of regulated cannabis for medical use is not considered part of the plant upon harvesting.

“Restricted area” means the portion of a cannabis business within which the “Licensee” defines on its application it intends to distribute, possess, or produce regulated cannabis and which area is clearly identified as the restricted area on the floor plan submitted with the cannabis business license application for the business.

“Safe” means a metal box, attached to the building structure, capable of (a) being locked securely by either a mechanical or electronic combination lock that is protected by a case hardened drill resistant steel plate or drill resistant material of equivalent strength; (b) having door hinges that prevent the removal of the door,

including but not limited to hinges that are not exposed to the outside, interlocking door designs, dead bars, jeweler's lugs and an active locking bolts; (c) being constructed in a manner to prevent opening by human or mechanical force, or through the use of common tools, including but not limited to hammers, bolt cutters, crow bars or pry bars; and (d) being certified by the manufacturer to be adequate for securely storing the quantity of monetary funds and physical cannabis product of the cannabis business.

"Social Equity Licensee" means a natural person who meets the criteria established by this Code and C.R.S. 44-10-308(4).

"Violation of any law" means a plea or finding of a violation of any law in a criminal, civil, or administrative proceeding whether part of a plea agreement, settlement agreement or determination by an arbitrator, hearing officer, court, or jury.

5.13.014 License Required.

(a) It shall be unlawful for any person to engage in any form of business or commerce or activity involving cultivation, processing, manufacturing, storage, sale, distribution, transportation, testing, research or consumption of any form of cannabis or cannabis products other than those forms of business and commerce activities that are expressly contemplated by Sections 14 and 16 of Article XVIII of the Colorado Constitution, Colorado Marijuana Code, this Code, or other applicable provisions of the GJMC.

(b) It shall be unlawful for any person to operate a regulated cannabis business in the City without a license to operate issued pursuant to the requirements of this Chapter while concurrently holding a license in good standing from the state and in compliance with any and all applicable laws.

(c) No regulated cannabis business shall operate without obtaining any other license(s) or permit(s) required by any federal, state, or local law, by way of example, a regulated sales and use tax license, a retail food business license, or any applicable zoning or building permit. No two or more different regulated cannabis businesses may be treated as one premise unless approved as co-located businesses. Retail and medical cannabis may be co-located; however, if not co-located medical licenses will not be separately considered in accounting for the 10 (ten) license cap.

(d) The license(s) required to lawfully conduct business must be in full force and effect, all applicable fees and taxes have been paid in full, and all conditions of the license application be satisfied in order to conduct business. Each and every license applies to the person/entity named

thereon and the activity(ies) authorized by the license and the location where the sale and/or possession occurs. Failure to maintain a current, valid license shall constitute a violation of this Chapter.

(e) It shall be unlawful for any person to exercise any of the privileges granted by a License other than the person(s) issued the License.

(f) It shall be unlawful for any person(s) granted a license to allow any other person to exercise any privilege granted under the License.

(g) It shall be unlawful for any person to operate any cannabis business in the City without a License issued by the City and the State licensing authorities pursuant to the Colorado Marijuana Code, this Chapter and other applicable provisions of the GJMC and applicable law.

(h) The issuance of a City license pursuant to this Chapter does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, storage, transportation or possession of cannabis.

(i) All persons who are engaged in or who are attempting to engage in the distribution, and/or sale of regulated cannabis in any form shall do so only in strict compliance with the terms, conditions, limitations, and restrictions in Section 14 and 16 of Article XVIII of the Colorado Constitution, state law, the Colorado Marijuana Rules, the GJMC , and all other laws, rules, and regulations.

5.13.015 Licensing Authority (Cannabis Licensing Authority).

For the purpose of regulating and controlling the licensing and the sale of regulated cannabis in the City, there is hereby created a local licensing authority appointed by the City Council, hereafter referred to as Authority.

(a) Structure of Authority.

1. **Hearing Officer.** A Hearing Officer for the Authority shall be appointed by, and serve at the pleasure of, the City Council. Alternate hearing officer(s) may be appointed to serve if the Hearing Officer is absent and/or a conflict exists for which the Hearing Officer must be recused.

i. The Hearing Officer shall be a resident of the City and have an active license to practice law in the State of Colorado.

ii. **Duties of the Hearing Officer.** The Hearing Officer shall:

1. Conduct all hearings required under this Chapter, rules and regulations, and codes construing and implementing the same.
 2. Conduct all hearings for initial licenses, renewal of licenses, for proposed changes of ownership of licenses and changes of the corporate structure of license, and for proposed changes of location of licensed premises or modification of premises.
 3. Conduct all hearings brought under such codes when violations of the codes or the regulations under the codes have been alleged to have occurred and to impose penalties against Licensees in the manner provided by this Chapter on its own motion or on complaint by the City Attorney for any violation by the Licensee after investigation and public hearing at which the Licensee shall be afforded an opportunity to be heard.
 4. Promulgate rules and regulations concerning the procedures for hearings before the Authority.
 5. Require any Applicant or Licensee to furnish any relevant information required by the Authority.
 6. Grant or deny motions, make findings and orders, administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records at any hearing which the Authority is authorized to conduct.
- iii. The Hearing Officer may be removed by the City Council for nonattendance to duty, or with or without cause as determined by City Council. If the Hearing Officer fails to attend three (3) consecutive meetings of the Authority, he/she shall be removed from the Hearing Officer position unless the City Council excuses any such absences.
2. The City Manager shall serve as the secretary of the Authority and shall provide or cause to be provided the necessary administrative and reporting services for the Authority. The City Manager shall accept and process applications, schedule hearings for the Authority, provide public notice for the hearings, prepare the hearing room, be present at all hearings, ensure

the hearings are recorded, take meeting minutes and any other duties as necessary. The City Manager shall be present at all hearings.

3. The City Attorney shall serve as legal advisor for the Authority and shall be present at all hearings providing legal assistance to the Hearing Officer and the City Manager.

(b) Powers of the Authority.

- i. The Authority shall have and is vested with authority to grant or to refuse a license application or renewal. The Authority may order special terms and conditions on licenses in the event of an emergency or as temporarily required to protect the public health, safety and wellbeing without the need for a public hearing. Notice of such action and for a public hearing before the Authority on the matter shall be provided to the Licensee.
- ii. The Authority shall have all the powers provided in this Chapter, and as set forth in C.R.S. 44-10-301 *et. seq.* and the Colorado Marijuana Rules, and the regulations promulgated thereunder.
- iii. The Authority may promulgate such rules and regulations as it deems necessary for the proper administration and enforcement of this Chapter, provided that the same are not in conflict with the Colorado Marijuana Code, Colorado Constitution, and the Colorado Department of Revenue Enforcement Rules.
- iv. The Authority may exercise all other powers and duties as are set forth in the Colorado Marijuana Code, the Colorado Constitution, the Colorado Department of Revenue Marijuana Enforcement Division Rules, the GJMC and any rule or regulation adopted pursuant thereto.
- v. Under any and all circumstances in which Colorado law requires communication to the City by the State licensing authority or any other State agency in regard to any license authorized by this Chapter, or in which State law requires any review or approval by the City of any action taken by the State licensing authority, the exclusive department in the City for receiving such communications and granting such approvals shall be the Authority.

(c) Action of the Authority.

- 690 1. The Authority may issue subpoenas to require the presence of persons
691 and the production of papers, books and records necessary to the
692 determination of any hearing the Authority is authorized to conduct.
693
694 2. The Authority, acting by and through the Hearing Officer, may suspend, or
695 revoke licenses granted under this Chapter for cause or as set forth in this
696 Chapter or as applicable law may provide.
697 3. The Authority, acting by and through the Hearing Officer, may summarily
698 suspend a license issued pursuant to this Chapter without notice pending
699 any prosecution or public hearing for a period not to exceed 15 days when
700 the Authority determines a Licensee or an agent or employee of the
701 Licensee has violated the Colorado Marijuana Code, the Colorado
702 Department of Revenue Enforcement Division Marijuana Rules, the
703 Colorado Constitution, the City's Code, or any rule and regulation related
704 to the storage, sale, distribution, transportation, testing, or consumption
705 of any form of cannabis, or when the public health, safety or wellbeing
706 imperatively requires emergency action, and incorporates such findings
707 in the notice for a public hearing before the Authority on the matter.
708

709 (d) Nothing in this Chapter shall be construed to limit a law enforcement
710 agency's ability to investigate unlawful activity in relation to a License
711 issued pursuant to this Code.
712

713 (e) Authority Hearing procedures.
714

- 715 1. Hearings shall be scheduled as determined by the Authority and generally
716 with the same frequency as the Liquor and Beer Licensing Authority or at
717 special meetings as scheduled by the Authority.
718
719 2. The Hearing Officer may establish such procedures and local rules to be
720 followed in actions before her/him. Such procedures shall include the
721 following:
722
723 i. Control the mode, manner and order of all proceedings and hearings.
724
725 ii. The adoption of rules, procedures, and policies for its own proceedings
726 and for filing applications and requests.
727
728 iii. The adoption of application forms and submission requirements,
729 including a requirement that applications, complaints and other
730 documents be filed in a digital format approved by the Authority and
731 to refuse applications, complaints and other documents not filed in
732 the approved digital format.

733
734 **iv. To perform any act that the Authority is authorized to perform by law.**

735
736 **v. To promulgate such rules and regulations deemed necessary to**
737 **properly administer and enforce this Chapter, and to exercise all other**
738 **powers and duties as set forth in this Chapter, as well as those set**
739 **forth in the Colorado Marijuana Code and Subsection 5(f) of Section**
740 **16 of Article XVIII of the Colorado Constitution. The Authority shall**
741 **provide all proposed rules and subsequent changes thereto, to City**
742 **Council for approval by Resolution.**

743
744 **vi. Powers in the conduct of hearings. The Hearing Officer shall conduct**
745 **hearings under and in accordance with this Chapter, local rules and**
746 **procedures, and the Colorado Marijuana Code.**

747
748 **vii. Contempt. In the event that any person, in the immediate presence of**
749 **the Authority or within its sight or hearing, while the Authority is in**
750 **session during a hearing, commits a direct contempt of the Authority**
751 **by speech, gesture or conduct which disobeys a lawful order of the**
752 **Authority, shows gross disrespect to the Authority tending to bring**
753 **the Authority into public ridicule, or substantially interferes with the**
754 **Authority's proceedings, the Authority may hold such person in**
755 **contempt. Contemptuous conduct by any principal, registered**
756 **manager or employee shall be imputed to the Licensee. The Authority**
757 **may impose the following sanctions for contempt:**

- 758
759 **1. Removal of the person committing the contempt from the**
760 **proceedings, the hearing room and its environs;**
761
762 **2. Public censure, which shall be made a matter of the**
763 **Licensee's record and may be used as an aggravating factor**
764 **in determining any fine, suspension, revocation or renewal;**
765
766 **3. A prohibition against the individual or the Licensee**
767 **introducing into the record testimony, documents, exhibits**
768 **or other evidence;**
769
770 **4. An order striking, disregarding and refusing to consider**
771 **pleadings, applications, documents, objections, testimony,**
772 **exhibits or other evidence or arguments already introduced**
773 **by such person;**
774

- 775 5. A fine, enforced by suspension of the License until the fine
776 is paid;
777
- 778 6. Default of any motion, compliant or other action then
779 pending against the Licensee; and/or
780
- 781 7. Denial of any application by the Licensee then pending
782 before the Authority.
783

784 **viii. Determinations with respect to hearings.**
785

- 786 1. The Hearing Officer shall make his/her determination after
787 hearings in accordance with this Code, the Colorado
788 Marijuana Code and established legal principles. The
789 decision of the Hearing Officer shall be final, and appeal from
790 that decision shall be to the District Court of the 21st Judicial
791 District.
792
- 793 2. Actions taken by the Authority are subject to review by the
794 courts pursuant to Rule 106(a)(4) of the Colorado Rules of
795 Civil Procedure. Any person applying to the Court for review
796 shall be required to pay the cost of preparing a transcript of
797 proceedings before the Authority whenever such a transcript
798 is necessary for purposes of an appeal.
799
- 800 3. Appeals of Hearing Officer Decision(s). If the Authority
801 imposes a condition on the license and/or suspends or
802 revokes a license or imposes a fine, the Licensee may appeal
803 the Authority's order to the Mesa County District Court
804 pursuant to Rule 106(a)(4) of the Colorado Rules of Civil
805 Procedure. The Licensee's failure to timely appeal any
806 decision/order of the Authority is a waiver of the Licensee's
807 right to contest the decision/order. Any person applying to
808 the court for review shall be required to pay the cost of
809 preparing a transcript of proceedings before the Authority
810 whenever such a transcript is necessary for the purposes of
811 the appeal.
812

813 **5.13.016 Application process/requirements.**

- 814 (a) Applications. All applications for any license authorized by this Chapter
815 shall be submitted to the City Manager upon forms provided by the

Authority and shall include supplemental materials as required by this Chapter, the Colorado Marijuana Code, and any rules and regulations adopted pursuant thereto. To the extent any of the foregoing materials have been included with the Applicant's state license application and forwarded to the City by the State, the Authority may rely upon the information forwarded by Applicants without requiring resubmittal of the same materials in conjunction with the local license application.

(b) The Authority may, at the Authority's discretion, require additional information and/or documentation for the consideration of the application as it may deem necessary to enforce the requirements of the Colorado Marijuana Code and this Chapter.

(c) The general procedures and requirements of licenses, as more fully set forth in Chapter 5.04 of the Grand Junction Municipal Code, shall apply to regulated cannabis business licenses. To the extent of conflict between the provisions of this Chapter and Chapter 5.04, the provisions of this Chapter shall control for regulated cannabis licenses.

(d) The City Manager will provide public notice of any open application period.

(e) Initial Application.

1. Complete Application. The City Manager shall receive all Applications for a license authorized by this Chapter. The City Manager will review and, if demonstrated from the Application, find an Application to be complete if the Applicant, on forms provided by the City, provides materials and information demonstrating that all requirements for licensure can or will be met by the Applicant at the time of licensure as provided in this section and in § 05.13.024 of this Code. A complete application must comply in all material respect with this GJMC, and the application forms and processes of this Code, resolutions and administrative regulations of the City.

2. No person or entity, to include an affiliate(s)/affiliated entity, shall apply for more than one license for any location in the City, unless applying for a co-located (medical and retail) licensure.

3. Each Applicant may file only one application for only one license at one location for each class of cannabis business license authorized by this Chapter. A co-located medical and retail cannabis business location shall be deemed one license. A location for a license shall be established and determined by lawful street addressing. A unit(s) in a building that is not separately, legally created and addressed is(are) not a separate location(s). The City Manager shall not accept more than

one Application for the same address. Applications shall be date and time stamped and the first in time for an address shall be the only Application considered. A subsequent Application for the same address shall be rejected.

4. The Applicant has registered with the Authority the name(s) of the manager(s) of the cannabis business, and has provided to the Authority the names of all persons having ten percent (10%) financial interest, in the cannabis business that is subject of the Application or, if the Applicant is an Entity, having a ten percent (10%) financial interest in the Entity together with the following:

- i. Name, address, date of birth;
- ii. Acknowledgment and consent that the City may conduct a background investigation, including a criminal history check, and the City will be entitled to full and complete disclosure of all financial records of the regulated cannabis business and of any or all financial interests thereof, including records of deposit, withdrawals, balances and loans;
- iii. If the Applicant is an Entity, information regarding the Entity, including without limitation, the name and address of the Entity, its legal status, and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State, as applicable;
- iv. If the Applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a cannabis business and specifying the type of regulated cannabis business(es) permitted;
- v. A copy of the deed reflecting the Applicant's ownership of, or the lease or contract reflecting the legal right of the Applicant to possess the proposed licensed premises for no less than three years from the date of application submittal.

5. The Applicant must disclose in writing any financial interests, including individuals and/or entities.

6. The Applicant must disclose in writing if the named owner(s), member(s), manager(s), Financier(s), agent(s), or person(s) named on the Application has(have) been:

897
898 i. Denied an application for a cannabis business license pursuant
899 to this Chapter, or any state or local licensing law, rule, or
900 regulation, or had such a license suspended or revoked.
901

902 ii. Denied an application for liquor license pursuant to Title 44,
903 Article 47 or Article 46, C.R.S. or any similar state or local
904 licensing law, or had such a license suspended or revoked.
905

906 1. In the event an owner, member, agent, manager, financier,
907 or other person named on the Application contains
908 information regarding violations of any law or previous
909 denial or revocation of a license, that person must include
910 with the Application any information regarding such
911 violation(s), denial, or revocation. Such information must
912 include, but is not limited to, a statement of the violation(s)
913 and penalty(ies) for such violation(s), evidence of
914 rehabilitation, character references, and educational
915 achievements, and other regulatory licenses held without
916 compliance violations, especially those items pertaining
917 to the period of time between the Applicant's last violation
918 of any law and the date of the application.
919

920 2. The City may, prior to issuance of the certificate of
921 occupancy for the cannabis business, perform an
922 inspection of the proposed licensed premises to
923 determine compliance with any applicable requirements
924 of this Chapter or other provisions of this Code, the
925 International Fire Code or the International Building Code.
926

927 7. The Applicant must provide affirmation in writing that the Applicant
928 officers, directors, other owners, any person having a direct or indirect
929 financial interest in the business, and agents or employees of the
930 Applicant are of Good Moral Character considering the factors in the
931 Colorado Marijuana Code, this Chapter, and rules and regulations
932 adopted pursuant thereto; have no felony convictions in the last five
933 years, no drug related local ordinance, petty offense or misdemeanor
934 convictions in the last five years, and no drug related felony
935 convictions.

936 8. The Applicant must provide affirmation in writing that the Applicant
937 has no overlapping partner(s), investor(s) or immediate family
938 member(s) of a partner(s) or investor(s) (Affiliate or Affiliated Entity)
939 with another Application and that no Application is an Affiliate or

Affiliate Entity with another Application. An Application that includes an Affiliated Entity shall not be considered for review or licensure.

9. The Applicant must provide affirmation in writing that the Applicant's principal officers, directors, members, or owners who now, or at any time in the past, have had ten percent (10%) or more ownership in any cannabis business have not had, or the business has not had, a cannabis license suspended or revoked by the State of Colorado or any other state, or any other jurisdiction's local authority or other controlling authority;

10. The Applicant must submit a *Findings of Suitability* form.

11. The Applicant must provide written proof of a binding quote for insurance as provided by § 5.13.030 of this Chapter;

12. The Applicant shall provide a written zoning and buffering verification from Community Development Department Director that states the location proposed for licensing complies with any and all zoning laws of the City, and any restrictions on location set forth in this Code. If drive thru cannabis service is contemplated, the Applicant shall provide sufficient detail to demonstrate the drive thru will comply with the GJMC, specifically those requirements of the Zoning and Development Code and Transportation Engineering Standards. If the Director makes a determination that the proposed license location would be in violation of any zoning law or other restriction on location set forth in the GJMC and/or any Administrative Regulation(s) construing the same, then the Director shall, no later than ten (10) working days from the date the Applicant requested the zoning and buffering verification, notify the Applicant in writing that the proposed license location cannot be verified to be in compliance. As provided by the GJMC, the Applicant may appeal the Directors decision.

13. The Applicant must provide a written operating plan that includes, but is not limited to, the items in § 5.13.036.

14. The Applicant must provide a written security plan indicating how the Applicant will comply with the requirements set forth in the Colorado Marijuana Code, this Chapter, and any other applicable law, rule, or regulations pursuant thereto. The security plan includes specialized details of security arrangements and will be protected from disclosure as provided under the Colorado Open Records Act § 24-72-203(2)(a)(VIII), C.R.S. If the City finds that such documents are subject to inspection, it will provide notice to the Applicant as provided by the Colorado Open Records Act.

15. The Applicant must provide a written plan for preventing underage persons from entering the premises.
16. The Applicant must provide a written plan for disposal of any regulated cannabis that is not sold in a manner that protects any portion thereof from being possessed or ingested by any person or animal.
17. The Applicant must provide a written plan for ventilation of the regulated cannabis business that describes the ventilation systems that will be used to prevent unreasonable odor of cannabis off the premises of the business;
18. The Applicant must provide any supplemental materials required to be provided by the State in order to receive a State-issued cannabis business license pursuant to the Colorado Marijuana Code and rules adopted pursuant thereto.
19. The Applicant must provide any supplemental materials to comply with City laws and any additional information that the Authority reasonably determines to be necessary in connection with the investigation and review of the Application.
20. The Applicant shall provide affirmation in writing that it has and will satisfy and continuously meet, if a license is awarded, all the terms, conditions, provisions, and requirements imposed upon the Applicant or the Licensee by the applicable provisions of the Colorado Marijuana Code, the City's Code, and all the rules and regulations adopted pursuant thereto, and all applicable building, fire, health or zoning, codes, ordinances, rules or regulations adopted pursuant thereto related to the cultivation, processing, manufacture, storage, sale, distribution, testing, research, transporting, or consumption of any form of cannabis.
21. The Applicant shall provide affirmation in writing the license application contains no fraudulent, misrepresented, or false statements of a material or relevant fact.
22. The Applicant shall pay all applicable application and licensing fees.
23. The Applicant provides affirmation in writing that it or the Licensee is not overdue on his/her/its payment of any taxes, fines, interest, penalties or collection costs assessed against or imposed upon such Applicant in any business matters, affairs or dealings of the Applicant in any state, county, municipality in which the Applicant conducts business.

1018 **24. The Applicant provides affirmation in writing that the Applicant will**
1019 **make all the improvements to the licensed premises as required by**
1020 **the GJMC so that the cannabis business operations shall begin**
1021 **within 12 months of the Application being selected for licensure in**
1022 **the random selection process.**

1023 **25. The Applicant affirms in writing, the Applicant is not a sheriff, deputy,**
1024 **police officer, prosecuting officer, or an officer or employee of the**
1025 **state; and,**

1026 **26. The Applicant affirms in writing, the Applicant is not a person whose**
1027 **authority to be a primary caregiver as defined in § 25-1.5-106(2),**
1028 **C.R.S., has been revoked by the state health agency.**

1029 **(f) Incomplete Application. Upon review of an application, the City Manager**
1030 **shall provide a notice of initial determination to the Applicant in writing**
1031 **as to whether the Applicant's application is complete and if found to be**
1032 **incomplete that the Applicant may supplement its application so long as**
1033 **the Application is made complete within the application period.**

1034 **(g) Denial of initial application. The City Manager may deny any application**
1035 **that does not meet the requirements of this Chapter, the Colorado**
1036 **Marijuana Code, or any other applicable state or City law or regulation. In**
1037 **addition to prohibitions on persons as licensees found in the Colorado**
1038 **Marijuana Code, should the Applicant fail to affirm any information or**
1039 **representation(s) as required by 5.13.016(d), or the City discovers**
1040 **evidence that any affirmation was contrary, false, misleading or**
1041 **incomplete, such shall constitute full and adequate grounds for denial of**
1042 **any application.**

1043 **1. Notice of denial. If, after investigation and discovery, the City**
1044 **Manager determines that the application will be denied, the City**
1045 **Manager shall:**

1046 **a. Provide notice in writing to the Applicant that the**
1047 **Application is denied and reasons for the denial;**

1048 **b. Notify the State in writing of the City Manager's decision to**
1049 **deny the application.**

1050 **2. Appeal of denial. An Applicant may appeal the City Manager's**
1051 **decision of denial by submitting a written request on a form provided**
1052 **by the City, received by the City Manager within 10 days of the date**
1053 **on the written notice of denial. The appeal request shall include any**
1054 **legal and factual support for the appeal. An appeal hearing will be set**
1055 **before the Hearing Officer for a written appeal. The Hearing Officer**
1056 **will set the hearing date and time.**
1057 **10.016(d) shall not apply to the appeal.**

1058 shall only review and consider those issues specifically addressed in
1059 the written appeal.

1060 **5.13.017 Randomized selection process.**

1061 (a) All applications that are confirmed to be complete and in accordance with
1062 all applicable laws and regulations by the Hearing Officer shall enter the
1063 randomized selection process if there are more such applications than
1064 available licenses. In the event the number of confirmed applications is
1065 the same or fewer than the number of available license(s), the randomized
1066 selection process will not occur; however, if more than two applications
1067 are submitted for a location within Horizon Drive Association Business
1068 Improvement District, the City shall conduct a random selection process
1069 for the Horizon Drive applications only.

1070 (b) The random selection from qualified applications will be held by the
1071 Authority at City Hall, 250 N. 5th Street, Grand Junction, CO 81501. The
1072 random selection will be conducted publicly. Applicants need not be
1073 present at the selection.

1074 (c) All qualified applicants will be placed within the selection container and
1075 randomly selected and assigned a number in the order they are drawn
1076 from first to last.

1077 (d) Following the assignment of a random number, the numbers will be
1078 placed back in the selection container and ten numbers will be randomly
1079 selected and those ten Applicants will have an opportunity to be issued
1080 a cannabis business license. The Authority will notify those selected in
1081 writing within seven (7) days of selection by United States mail return
1082 receipt requested at the address set forth in the application.

1083 (e) Those selected shall have the opportunity to operate a regulated cannabis
1084 business at the location specific to its Application and so long as it
1085 commences operations as specified in §5.13.017(d)(12). If any
1086 Applicant(s) selected at the random selection does not commence
1087 operations of the business, then another random selection process will
1088 occur in the same format as provided by this Code.

1089 (f) In no event may a qualified Applicant sell its position in the randomized
1090 selection process nor may an Applicant selected for licensure be allowed
1091 to sell, transfer or otherwise assign its position/license to any other
1092 person or entity. (See, §§5.13.029 and 030)

1093 **5.13.018 Investigation and fingerprinting of Applicant.**

Prior to the acceptance of applications for a License, transfer of ownership, change of corporate structure, or other permit as provided in this Chapter, the Colorado Marijuana Code and the Colorado Marijuana Rules, the following individuals shall provide verified fingerprint information to the Grand Junction Police Department:

(a) If the Applicant is a natural person, that person;

(b) If the Applicant is a partnership, all of the partners; and

(c) If the Applicant is a corporation, both the officers and directors, together with any person owning more than ten percent (10%) of the stock thereof.

5.13.019 Duty to supplement.

(a) If, at any time before or after a license is issued pursuant to this Chapter, any information required by the Colorado Marijuana Code, or any rule and regulation adopted pursuant thereto, changes from that which is stated in the application, the Applicant or Licensee shall supplement its application with the updated information within ten days from the date upon which such change occurs.

(b) An Applicant or Licensee has a duty to notify the Authority of any pending criminal charge(s) and any criminal conviction(s) by the Applicant, Licensee, any owner, officer, director, manager, agent or employee of the Applicant or Licensee within ten days of the event.

(c) An Applicant or Licensee has a duty to notify the Authority of any pending violation of, and any conviction for, a violation of any building, fire, health or zoning statute, code or ordinance related to the cultivation, processing, manufacture, transportation, storage, sale, distribution, testing, research, or consumption of any form of cannabis by the Applicant, Licensee, any owner, officer, director, manager, agent or employee of the Applicant or Licensee within ten days of the event.

5.13.020 Number of licenses.

(a) No more than ten regulated cannabis business licenses, excluding any cannabis testing facilities and any medical cannabis business license(s) co-located with a Retail Cannabis business license, shall be issued.

(b) Included within the ten (10) license limit referenced above in (a), no more than two cannabis business licenses may be issued in the Horizon Drive Association Business Improvement District, which is described as all commercial property bounded on the south by G Road, north on Horizon Drive through and including H Road, bounded on the west by 27 Road/15th Street, and on the east by 27 ½ Road northeast to Walker Field Airport

Authority. The boundaries of the Horizon Drive Association District include, but are not limited to, Horizon Court, Compass Drive Association, Crossroads Boulevard, Crossroads Court, Skyline Court, Sundstrand Way and Hilaria Avenue, as otherwise amended.

5.13.021 Classes of licenses authorized.

For the purpose of regulating testing, distribution, offering for sale and sale of cannabis, the Licensing Authority, in its sole discretion, may issue and grant to the Applicant a local license from any of the following classes, and the City hereby authorizes issuance of the licenses of the following classes by the state licensing authority in locations in the City, subject to the provisions in this Chapter:

- (a) Retail Cannabis Store
- (b) Co-located Medical Cannabis Store
- (c) Retail Cannabis Testing Facility
- (d) Medical Cannabis Testing Facility(ies)

5.13.022 Requirements of Issuance of a License.

The Authority shall not issue a cannabis business license except when each of the following requirements have been met:

- (a) The City Manager approved the Applicant's initial application; and,
- (b) The Hearing Officer finds in writing the initial application to be complete, and after a public hearing refers the initial application to the randomized selection process for possible selection for licensure for a license authorized by this Chapter;
- (c) If there is to be a randomized selection process, the initial Application was selected for licensure in that process; and,
- (d) The Applicant submitted all documents to the Authority that it provided to the State for marijuana business licensure; and,
- (e) At the time of issuance of a License, the Applicant has paid all fees and intends to commence operation within 12 months of selection in the random selection process; the Hearing Officer may extend the period for the Applicant to commence operation for a period not to exceed 24 months from the date of selection in the random selection process, if the Applicant petitions the Authority for an extended commencement date and after hearing the Hearing Officer finds good cause to grant the extension.

1164 (f) The Applicant and the Applicant's owner(s) and financier(s) are in
1165 compliance with all federal, state and local tax laws; and,

1166 (g) A Licensee shall report each and every change of financial interest in the
1167 License and/or the Licensee to the Authority prior to any such change
1168 pursuant to and in accordance with the provisions of law and the Colorado
1169 Marijuana Rules. A report shall be required for transfers of capital stock of
1170 any corporation regardless the size, for transfers of member interests of
1171 any limited liability company regardless of the size, and for any transfer of
1172 an interest in a partnership or other entity or association regardless of size;

1173 **5.13.023 Fees.**

1174 (a) A nonrefundable Application Fee shall be paid to the state upon
1175 application to the state for a cannabis business license.

1176 (b) The Application and License Fees shall be paid to the City at the time of
1177 application for a cannabis business license. The License Fee may be
1178 refunded if an application is withdrawn by the Applicant, denied by the
1179 City Manager or Hearing Officer, or the Applicant is not selected in the
1180 randomized selection process. The City Manager will refund to the
1181 License Fee within 30 days of the date of the withdrawal, denial of the
1182 application or failure of the Applicant to be selected in the randomized
1183 selection process for issuance of a cannabis business license. The
1184 Application Fee is nonrefundable.

1185 (c) Renewal, change of location, inspection and all other fees may be
1186 imposed as necessary for the administration, regulation and
1187 implementation of this Code shall be set by City Council resolution.

1188 (d) License and application fees shall be set City Council resolution, and, as
1189 deemed necessary, adjusted to reflect the direct and indirect costs
1190 incurred by the City in connection with the adoption, administration, and
1191 enforcement of this Code.

1192 (e) In addition to fees and any other monetary remedy provided by this Code,
1193 the City shall have the right to recover all sums due and owing hereunder
1194 by any civil remedy available at law.

1195 **5.13.024 No vested rights; commencement of operations.**

1196
1197 (a) Notwithstanding anything contained in this Chapter, an application
1198 initially approved for consideration of licensure and found to be
1199 complete by the Hearing Officer, or in the event a license is issued,

creates no vested right(s) to the License or the renewal of a License, and no property right in the License or the renewal of a License is created.

(b) In the event that a cannabis business does not commence operations within 12 months of selection through the randomized selection process, the license shall be deemed forfeited and the business may not commence operation, unless the Authority has granted an extension pursuant to section §5.13.022(e).

(c) It shall be unlawful for the owner of a building to allow the use of any portion of the building by a cannabis business unless the tenant has a valid regulated cannabis business license or has applied for one and been awarded a regulated cannabis business license or no cannabis is located on the premises until a license has been issued by the City. In the event that the City has an articulable reason to believe that a regulated cannabis business is being operated in a building, it shall be unlawful for the owner of the building to refuse to allow the City access to the portion of the building in which the suspected cannabis business is located to determine whether any cannabis is on the premises.

5.13.025 Transfer.

(a) A cannabis business license is not transferrable or assignable, in whole or in part, including, without limitation, to a different premise or to a different type of business for a period of three years of issuance of the license by the City as described in subsection (b) below. A regulated cannabis business license is valid only for the owner named thereon, the type of business disclosed on the application for the License(s), and the location for which the license is issued. The Licensee(s) of a regulated cannabis business are only those persons disclosed in the Application or subsequently disclosed to the City in accordance with this Chapter.

(b) Transfer of ownership of any interest of the Licensee may not occur within three years of issuance of the license by the City unless by Court order or other operation of law such as probate or lawful seizure/dispossession.

(c) Transfer of ownership of any regulated cannabis business license issued pursuant to this Chapter shall be governed by the standards and procedures set forth in the Colorado Marijuana Code and any regulations adopted pursuant thereto and the Authority shall administer transfers of local licenses in the same manner as the state licensing authority administers transfers of state licenses. The public hearing requirement set forth in § 5.13.027 of this Chapter shall apply to all applications for transfer of ownership of any regulated cannabis license.

(d) In determining whether to permit a transfer of ownership, the Authority may consider the requirements of law and the Colorado Marijuana Rules. No application for transfer of ownership will be considered by the Authority if, at the time of such application, the Licensee is under a notice of violation or other unlawful acts issued by either the Authority or the state licensing authority.

(e) The submission or pendency of an application for transfer of ownership does not relieve the Licensee from the obligation to properly apply to renew such License.

(f) No owner may apply for a transfer of ownership of any regulated cannabis business license issued pursuant to this Chapter if the transferee is an owner of or an affiliate of any other business entity holding another regulated cannabis license in the City.

5.13.026 Change in corporate structure.

(a) A change of corporate structure of any regulated cannabis business that results in any of the change(s) in subsections 1 through 3 below shall require the filing of an application and payment of the requisite fees and shall be subject to all requirements of the licensing process. A change of corporate structure shall be heard and approved or denied by the Authority.

1. Any transfer or assignment of ten percent or more of the capital stock of any corporation, or transfer of ten percent or more of the ownership interests of any limited partnership interest in any year, or transfer of any liability company interest in a limited liability company of any kind, joint venture or business entity that results in any individual owning more than ten percent of ownership interest in the business entity if that individual's ownership interest did not exceed ten percent prior to transfer.

2. Any change of officer or directors of a corporation that involves the addition or substitution of individual(s) who was not previously an officer or director of the corporation during a period of time that the corporation held the license.

(b) A change of corporate structure that results in any transfer or assignment of less than ten percent of the capital stock of any corporation or less than ten percent of the ownership interests of any limited partnership interest in any year to a person who currently has an interest in the business, and that does not result in a change of controlling interest, shall not require an application for change of corporate structure.

(c) No application for transfer of ownership or change in corporate structure may be approved by the Authority until all City and state occupational taxes, City and state sales and use taxes, excise taxes, any fines, penalties, and interest assessed against or imposed upon such Licensee in relation to operation of the licensed business are paid in full.

(d) A Licensee shall report each and every change of financial interest in the license and/or the Licensee to the Authority prior to any such change pursuant to and in accordance with the provisions of law and the Colorado Marijuana Rules. A report shall be required for transfers of capital stock of any corporation regardless the size, for transfers of member interests of any limited liability company regardless of the size, and for any transfer of an interest in a partnership or other entity or association regardless of size.

(e) No owner may apply for a change in corporate structure of any regulated cannabis business licensed entity issued pursuant to this Chapter if the change adds any person or entity as an owner, officer or member of the corporation or entity as an affiliate of any other business entity holding another regulated cannabis license in the City.

5.13.027 Public Hearing and Notice Requirements.

(a) The public hearing procedure shall apply to any Application that has been first approved by the City Manager for any regulated cannabis business and to any application for licensing renewal if the renewal application is referred to the Licensing Authority by the City Manager pursuant to § 5.13.035 of this Chapter.

(b) Public notice of the application shall be given as follows or as more particularly required by C.R.S. 44-10-303 as applicable.

1. Posting a sign by the applicant on the premises for which an application has been made, not less than 14 days prior to the public hearing, stating the date of the application, the date of the hearing, the name and address of the applicant and such information as may be required to fully apprise the public of the nature of the application. The City Clerk shall provide the sign to the applicant for posting. If the building in which the regulated cannabis business is to be located is in existence at the time of the application, any sign posted shall be placed so as to be conspicuous and plainly visible to the general public.

2. Publication of notice by the City Manager not less than 14 days prior to the public hearing, in the same manner as the City posts notice of other public hearing matters.

1320 (c) Any decision of the Authority, acting by and through the Hearing Officer,
1321 approving or denying an application shall be in writing stating the reasons
1322 therefor and a copy of such decision shall be mailed by certified mail to the
1323 Applicant at the address shown in the Application and to the State licensing
1324 authority.

1325 **5.13.028 Persons prohibited as Licensees.**

1326 (a) No license shall be issued to, held by or renewed by any of the following:

1327 1. Any person until the annual fee for the license has been paid;

1328 2. Any natural person who is not of good moral character;

1329 3. Any entity of whose officers, directors, or managing members are
1330 not of good moral character;

1331 4. Any person employing, assisted by, or financed in whole or in part
1332 by any other person who is not of good moral character;

1333 5. Any natural person who has been released within five years
1334 immediately preceding the application from any form of
1335 incarceration or court-ordered supervision, including a deferred
1336 sentence, resulting from a conviction of any felony or any crime
1337 under the laws of the State would be a felony; or any crime of which
1338 fraud or intent to defraud element, whether in the State or
1339 elsewhere; or any felonious crime of violence, whether in the State
1340 or elsewhere;

1341 6. Any person with ten percent (10%) or greater financial interest in
1342 the entity that has been convicted of any of the offenses set forth
1343 in (1) above;

1344 7. Any Applicant who has made a false, misleading or fraudulent
1345 statement or who has intentionally omitted pertinent information
1346 on his or her application for a license;

1347 8. Any natural person who is under 21 years of age;

1348 9. Any person who operates or manages a regulated cannabis
1349 business contrary to the provisions of this Chapter, any other
1350 applicable law, rule, or regulation or conditions imposed on land
1351 use or license approvals, or contrary to the terms of the plans
1352 submitted with the license application or has operated a business
1353 in violation of any law;

- 1354 **10. Any person applying for a license to operate a regulated cannabis**
1355 **business who has been licensed to operate another regulated**
1356 **cannabis business in the City pursuant to this Chapter;**
- 1357 **11. A person licensed pursuant to this Chapter who, during a period**
1358 **of licensure, or who, at the time of application, has failed to remedy**
1359 **an outstanding delinquency for taxes owed, or an outstanding**
1360 **delinquency for judgments owed to a government;**
- 1361 **12. A sheriff, deputy, police officer, prosecuting officer, or an officer**
1362 **or employee of the state or Authority; and,**
- 1363 **13. A person whose authority to be a primary caregiver as defined in**
1364 **§ 25-1.5-106(2), C.R.S., has been revoked by the state health**
1365 **agency.**
- 1366 **14. No owner of any business applying for a License or in possession**
1367 **of a License within the City may apply for or be an owner of or be**
1368 **an Affiliate of any other business entity applying for another**
1369 **cannabis license within the City.**
- 1370 **(b) In making an evaluation of the good moral character of an individual**
1371 **identified on an application or amendment thereof, the Authority shall**
1372 **consider the following:**
- 1373 **1. An Applicant's violation of law shall not, by itself, be grounds for**
1374 **denying an application;**
- 1375 **2. Verification of or lack of ability to verify items disclosed by the**
1376 **Applicant;**
- 1377 **3. When a person has a history of violation of any law or a history**
1378 **including denial, revocation, or suspension of a license, the types**
1379 **and dates of violations; the evidence of rehabilitation, if any,**
1380 **submitted by the individual; whether the violations of any laws are**
1381 **related to moral turpitude, substance abuse, or other violations of**
1382 **any laws that may directly affect the individual's ability to operate**
1383 **a regulated cannabis business; or whether the violations of any law**
1384 **are unrelated to the individual's ability to operate such a business;**
- 1385 **4. Rules adopted by the Authority to implement this Chapter;**
- 1386 **5. Law, rules, and regulations applicable to evaluation of other types**
1387 **of licenses issued by the City that consider the good moral**
1388 **character of the Applicant; and,**

1389 6. Any additional information the Authority may request of the
1390 Applicant if the Applicant has a violation of any laws, an
1391 administrative or judicial finding of violation of laws regarding use
1392 of alcohol or controlled substances or items disclosed by the
1393 individual which require additional information in order for the
1394 Authority to make a determination regarding issuance of the
1395 License.

1396 **5.13.029 Security requirements.**

1397 **Security measures at all licensed premises shall comply with the requirements of**
1398 **the Colorado Marijuana Code and applicable rules and regulations promulgated**
1399 **thereunder. In addition, thereto, the following security practice are required:**

1400 **(a) A security plan submitted with the Application, as it may be amended, shall**
1401 **provide equipment, which shall be in good working order, monitored, and**
1402 **secured 24 hours per day. The plan, at a minimum, shall include:**

1403 1. The installation and use of security cameras to monitor and record all
1404 areas of the premises (except restrooms), and where persons may
1405 gain or attempt to gain access to cannabis or cash maintained by the
1406 regulated cannabis business. Cameras shall record operations of the
1407 business to the off-site location, as well as all potential areas of
1408 ingress or egress to the business with sufficient detail to identify facial
1409 features and clothing. Recordings from security cameras shall be
1410 maintained for a minimum of 40 days in a secure offsite location in the
1411 City or through a service over a network that provides on-demand
1412 access, commonly referred to as a “cloud”. The offsite location shall
1413 be included in the security plan submitted to the City and provided to
1414 the Grand Junction Police Department and updated within 72 hours of
1415 any change of such location.

1416 2. The installation and use of a safe for storage and any processed
1417 cannabis and cash on the premises when the business is closed to
1418 the public. The safe, as defined in 5.13.013, shall be incorporated into
1419 the building structure or securely attached thereto.

1420 3. The installation and use of an alarm system that is monitored by a
1421 company that is staffed 24 hours a day, seven days a week. The
1422 security plan submitted to the City shall identify the company
1423 monitoring the alarm, including contact information, and updated
1424 within 72 hours of any change of monitoring company. If the alarm
1425 system includes a panic alarm, an operable dedicated phone for law
1426 enforcement to respond to the alarm shall remain on the premises at
1427 all times.

1428 **4. The installation and use of outdoor lighting and a diagram and**
1429 **description of where the lighting shall be placed in accordance with**
1430 **the GJMC.**

1431 **5. If drive thru cannabis service is contemplated, the Applicant shall**
1432 **provide i) a description of security measures to prevent and address**
1433 **diversion of cannabis to youth and ii) how the Applicant will reduce**
1434 **potential criminal behavior such service may encourage.**

1435 **(b) The security plan shall be designed to:**

1436 **1. Prevent the use of cannabis on the licensed premises;**

1437 **2. Prevent unauthorized individuals from entering the limited access**
1438 **area portion of the licensed premises;**

1439 **3. Prevent theft or the diversion of cannabis, including maintaining all**
1440 **cannabis in a secure, locked room that is accessible only to**
1441 **authorized persons and, when the business is closed to the public, in**
1442 **a safe or vault or equivalent secured fixture.**

1443 **5.13.030 Insurance.**

1444 **(a) All Applicants must provide at time of application a binder for worker's**
1445 **compensation insurance as required by state law and general liability**
1446 **insurance with minimum limits of \$1,000,000 per occurrence and a**
1447 **\$2,000,000 aggregate limit.**

1448 **(b) Licensee shall at all times maintain in force and effect worker's**
1449 **compensation insurance as required by state law and general liability**
1450 **insurance with minimum limits of \$1,000,000 per occurrence and a**
1451 **\$2,000,000 aggregate limit.**

1452 **(c) Insurance shall:**

1453 **1. Provide primary coverage;**

1454 **2. Carry limits as provided in this Chapter;**

1455 **3. Issue from a company licensed to do business in Colorado having an AM**
1456 **Best rating of at least A-VI; and,**

1457 **4. Be procured and maintained in full force and effect for duration of the**
1458 **License.**

(d) Licensee shall be required to maintain insurance under this section and shall annually provide the City a certificate of insurance evidencing the existence of a valid and effective policy. The certificate shall show the following:

1. The limits of each policy, the name of the insurer, the effective date and expiration date of each policy, the policy number, and the names of the additional insureds; and,

2. A statement that Licensee shall notify the City of any cancellation or reduction in coverage within seven days of receipt of insurer's notification to that effect. The Licensee shall forthwith obtain and submit proof of substitute insurance in the event of expiration or cancellation of coverage within 30 days.

5.13.031 Report requirements.

A cannabis business shall report to the City Manager each of the following within the time specified. If no time is specified, the report(s) shall be provided within 72 hours of the event:

(a) Transfer or change of financial interest, manager or Financier in the license to the City at least 30 days before the transfer or change;

(b) File sales and use tax reports to the City monthly, and report use and excise tax transactions;

(c) Any violation of law by any Licensee, Applicant, or employee of a regulated cannabis business;

(d) A notice of potential violation of any law to any license;

(e) Upon City request, any report that the regulated cannabis business is required to provide to the State; and;

(f) Licensee and any agent, manager or employee thereof shall immediately report to the Grand Junction Police Department any disorderly act, conduct or disturbance and any unlawful activity committed in or on the licensed premises, including, but not limited to, any unlawful sale of regulated cannabis, and shall also immediately report any such activity of which the Licensee has knowledge in the immediate vicinity of the business within twelve hours of the occurrence.

(g) Each Licensee shall post and keep at all times visible to the public in a conspicuous place on the premises a sign with a minimum height of 14 inches and a minimum width of 11 inches with each letter to be minimum of one-half inch in height, which shall read as follows:

WARNING:

Grand Junction Police Department shall be notified of any disorderly act(s), conduct or disturbance(s) and all unlawful activity(ies) which occur on or within the premises of this licensed establishment.

(h) It shall not be a defense to a prosecution of a License under this section that the Licensee was not personally present on the premises at the time such unlawful activity, disorderly act, conduct, or disturbance was committed.

(i) Failure to comply with the requirements of this section shall be considered by the Authority in any action relating to the issuance, revocation, suspension or nonrenewal of a license.

5.13.032 Public health and labeling requirements.

(a) All regulated cannabis sold or otherwise distributed by the Licensee shall be labeled in a manner that complies with the requirements of the Colorado Marijuana Code and all applicable rules and regulations promulgated thereunder.

(b) All regulated cannabis sold or otherwise distributed by the Licensee shall be accompanied by a warning that advises the purchaser that it contains cannabis and specifies the amount of cannabis in the product, that the cannabis is intended for regulated use solely by the person to whom it is sold, and that any resale or redistribution of the regulated cannabis to a third person is prohibited. In addition, the label shall comply with all applicable requirements of the State of Colorado and any other applicable law.

5.13.033 Cannabis sales; walk-up and drive thru.

(a) Regulated cannabis stores licensed may serve customers through drive-up window as permitted by the City and the State. If a licensed business intends to permit a walk-up and/or drive-thru sales, this must be included in the business plan submitted to the City in the application process.

(b) As allowed by this Code, the Zoning and Development Code, and any other application provision of the GJMC, a Licensee may apply for a modification of the Licensed premises to add a drive thru.

(c) Order and identification requirements.

1527 1. Prior to transferring cannabis to a customer, the regulated cannabis
1528 business must ensure that the consumer is the minimum sales age or
1529 older by inspecting the consumer's identification.

1530 2. Regulated cannabis stores may accept telephone or online orders or may
1531 accept orders from the consumer at the walk-up window or drive-up
1532 window, to the extent allowed under state law.

1533 3. All orders received through a walk-up window or drive-thru window must
1534 be placed by the customer from a menu. The regulated cannabis store may
1535 not display cannabis at the walk-up or drive-thru window.

1536 4. Delivery windows for walk-up sales must be at a separate location on the
1537 premises than those for drive-thru sales.

1538 5. For every transfer of regulated cannabis through either a walk-up window
1539 or drive-up window, the regulated cannabis store video surveillance must
1540 record the consumer's facial features with sufficient clarity to establish
1541 their identity (and consumer's vehicle in the event of drive-up window) and
1542 must record the Licensee verifying the consumer's identification and
1543 completion of the transaction through the transfer of regulated cannabis.

1544 **5.13.034 Prohibited acts. It shall be unlawful:**

1545 (a) For any person to sell cannabis or cannabis products without valid regulated
1546 cannabis business licenses from the City and a valid regulated cannabis
1547 business license from the State;

1548
1549 (b) at a licensed regulated cannabis store any time not permitted by this Code;
1550 For any person to operate a regulated cannabis business

1551 (c) For any person to sell or distribute cannabis to persons under the age of 21;

1552 (d) For any underage pers to be on or within the limited access area of any
1553 cannabis business;

1554 (e) For any person to display, transfer, cultivate, distribute, transfer, serve, sell,
1555 give away, produce, dispose of, smoke, use, or ingest cannabis or any
1556 cannabis openly or publicly in a place open to the general public;

1557 (f) For any person to possess or operate a cannabis business in violation of
1558 this Chapter or in a manner that is not consistent with the items disclosed in
1559 the application for the cannabis business or be in violation of any plan made
1560 part of the License Application and/or License;

- 1561 (g) For any person to produce, distribute, or possess more cannabis than
1562 allowed by law, or than disclosed in the application to the State of Colorado
1563 and the Authority for a cannabis business license, or other applicable law;
- 1564 (h) For any person to refuse or fail to provide video surveillance footage to the
1565 Grand Junction Police Department, the City Manager, the City Attorney, or
1566 the Authority in connection with a criminal and/or license violation
1567 investigation, or to refuse to allow inspection of a cannabis business.
1568
- 1569 (i) For any person to refuse to allow inspection of a regulated cannabis
1570 business upon request of a City employee. Any Licensee, owner, manager,
1571 or operator of a regulated cannabis business, or the owner of the property
1572 where a regulated cannabis business is located, may be charged with this
1573 violation;
- 1574 (j) For any person to store or keep cannabis intended for sale or distribution by
1575 the Licensee in any place outside of the licensed premises;
- 1576 (k) For any person to smoke, use, or ingest on the premises of a regulated
1577 cannabis business cannabis, fermented malt beverage, malt, vinous, and
1578 spirituous liquor or any controlled substance(s), except in compliance with
1579 the directions on a legal prescription for the person from a doctor with
1580 prescription writing privileges;
- 1581 (l) For any person to operate or be in physical control of any cannabis business
1582 while under the influence of alcohol or other intoxicant, or cannabis, or any
1583 controlled substance(s), except in compliance with the directions on a legal
1584 prescription for the person from a doctor with prescription writing privileges;
1585
- 1586 (m) For alcohol beverages to be on the licensed premises;
- 1587 (n) For any person to possess or operate a regulated cannabis business in
1588 violation of this Chapter;
- 1589 (o) For any person to produce, distribute, or possess more cannabis than
1590 allowed by law; or than disclosed in the application to the State of Colorado
1591 for a regulated cannabis business license, or other applicable law;
- 1592 (p) For any person to give away, dispense, or otherwise distribute cannabis for
1593 free or without use of a coupon approved and defined by this Code;
- 1594 (q) For any person to knowingly conduct or permit any employee to conduct any
1595 sale(s) transaction(s) when the video surveillance system or equipment is
1596 inoperable;

- 1597 (r) For any person to distribute cannabis for remuneration without a regulated
1598 cannabis license or outside of the restricted area of the regulated cannabis
1599 business;
- 1600 (s) For any person to possess regulated cannabis, or own or manage a
1601 regulated cannabis business, or own or manage a building with a regulated
1602 cannabis business, where there is possession of regulated cannabis, by a
1603 person who is not lawfully permitted to possess regulated cannabis;
- 1604 (t) For any person to possess or operate a regulated cannabis business in a
1605 location for which a regulated cannabis business license is prohibited by
1606 law;
- 1607 (u) For any person to operate a regulated cannabis business in a manner that is
1608 not consistent with the Application for the regulated cannabis business or is
1609 in violation of any plan made part of the license application/issued license;
- 1610 (v) For any person to operate a regulated cannabis business without obtaining
1611 and passing all building inspections and obtaining all permits required by
1612 the City;
- 1613 (w) For any person to operate a regulated cannabis business in violation of any
1614 building, fire, zoning, plumbing, electrical, or mechanical code(s) as adopted
1615 and amended by the City;
- 1616 (x) For any person to operate a regulated cannabis business without disclosing,
1617 in the application for a regulated cannabis business license or an
1618 amendment thereto, an agent who acts with managerial authority.
- 1619 (y) For any person to operate a regulated cannabis business without a sales tax
1620 license as required by the GJMC;
- 1621 (z) For any person to make any change(s), or for the Licensee to allow any
1622 change(s), to the terms of any plan(s) submitted with the license application
1623 and approved by the City, or the person(s) entity(ies) named in the
1624 application, without prior approval of the City;
- 1625 (aa) For any person to attempt to use or display a regulated cannabis business
1626 license at a different location or for a different business entity than the
1627 location and business entity disclosed on the application for the issued
1628 license;
- 1629 (bb) For any person to cultivate, produce, distribute or possess regulated
1630 cannabis or own or manage a regulated cannabis business in which another
1631 person cultivates, produces, distributes, or possesses cannabis, in
1632 violation of law;

- 1633 (cc) For any person to allow an owner or manager that has not been disclosed
1634 to the City as required by law to operate the business;
- 1635 (dd) For any person to dispose of regulated cannabis or any by-product of
1636 regulated cannabis containing cannabis in a manner contrary to law;
- 1637 (ee) For a person to distribute a regulated cannabis plant to any person, except
1638 as permitted by law for immature plants;
- 1639 (ff) For any person to deliver regulated cannabis between regulated cannabis
1640 businesses except in strict compliance with law;
- 1641 (gg) For any person to advertise or publish materials, honor coupons, sell or
1642 give away products, or display signs that are in violation of this Code or the
1643 laws of the State of Colorado;
- 1644 (hh) For any person to violate any provision of this Code or any condition of a
1645 license granted pursuant to this Code or any law, rule, or regulation
1646 applicable to the use of regulated cannabis or the operation of a regulated
1647 cannabis business;
- 1648 (ii) For any person to permit any other person to violate any provision of this
1649 Code or any condition of an approval granted pursuant to this Code, or any
1650 law, rule, or regulation applicable to the use of regulated cannabis or the
1651 operation of a regulated cannabis business;
- 1652 (jj) For any person to lease any property to a regulated cannabis business that
1653 has cannabis on the property without a regulated cannabis business license
1654 from the City;
- 1655 (kk) For any person to distribute cannabis within a regulated cannabis business
1656 to any person who shows visible signs of intoxication from alcohol,
1657 cannabis, or other drug(s)/intoxicant(s);
- 1658 (ll) For any person to be on or within the licensed premises if such person is
1659 under 21 years of age;
- 1660 (mm) For any person to permit any person under 21 years of age on the premises
1661 of the regulated cannabis business; it is presumed that the Licensee is
1662 aware of the age of all people on the premises if identification is not
1663 specifically checked at the entry to the building;
- 1664 (nn) For any person to fail to confiscate fraudulent proof of age and notify the
1665 Grand Junction Police Department. It shall be an affirmative defense to
1666 failure to confiscate the fraudulent proof of age if an attempt to confiscate

1667 a fraudulent proof of age caused a reasonable person to believe the act
1668 created a threat to any person;

1669 (oo) For any person to fail to provide a copy or record of a coupon issued by or
1670 redeemed at the regulated cannabis business upon request of an authorized
1671 City employee;

1672 (pp) For any licensee or any manager, agent or employee of such licensee to fail
1673 to immediately report to the Grand Junction Police Department and the
1674 Authority any disturbance(s), disorderly conduct or criminal activity
1675 occurring at the regulated cannabis business, on the licensed premises,
1676 within the licensed premises, or any property under the control or
1677 management of the Licensee, including any associated contiguous parking
1678 area used by Licensee's patrons. For the purpose of this subsection,
1679 "report" means to either:

1680 1. Immediately, verbally, and directly in person notify any on-site
1681 uniformed Grand Junction Police Officer whether on duty or working
1682 secondary employment; or

1683 2. Immediately place and complete a telephone call to the non-
1684 emergency line at the Grand Junction Police Department; or

1685 3. Immediately place and complete a telephone call to the emergency
1686 line at the Grand Junction Police Department.

1687 (qq) For any person to fail to post the premises with signs notifying the public of
1688 the closure of the business during a suspension as required by this Chapter;

1689 (rr) For any licensee holding a regulated cannabis store license, or for any agent,
1690 manager or employee thereof, to sell, give, dispense or otherwise distribute
1691 cannabis or regulated cannabis paraphernalia from any outdoor location;

1692 (ss) For any person to employ a business manager that has not been properly
1693 registered with the City; and,

1694 (tt) For any person to operate or possess a regulated cannabis business license
1695 in violation of any ordinance or regulation of the City, or any applicable law,
1696 rule or regulation.

1697 Any person who pleads guilty or no contest to, or who, after hearing, is found to
1698 have violated any of the foregoing shall be subject to penalties pursuant to Chapter
1699 1.04.080 and any penalties specifically referenced within the GJMC.

1700 5.13.035 Nonrenewal, suspension or revocation of license.

1701 (a) The term and renewal of the license shall be governed by the standards and
1702 procedures set forth in the Colorado Marijuana Code, the City's Code and
1703 any rules and regulations adopted pursuant thereto.

1704 (b) The Authority, acting by and through the Hearing Officer, may, after notice
1705 and hearing, suspend, revoke or deny renewal of a license for any of the
1706 following reasons:

- 1707 1. The Applicant or licensee, or his or her agent, manager or employee, or
1708 financier has violated, does not meet, or has failed to comply with, any of
1709 the terms, requirements, conditions, or provisions of this Code or with or
1710 with any applicable state or local law, rule or regulation;
- 1711 2. The Applicant or Licensee, or his or her agent, manager or employee, or
1712 financier has failed to comply with any special terms or conditions of its
1713 license pursuant to an order of the state or the Authority, including those
1714 terms and conditions that were established at the time of issuance of the
1715 license and those imposed as a result of any disciplinary
1716 proceeding(s) held subsequent to the issuance of the license;
- 1717 3. The regulated cannabis business has been operated, by a preponderance
1718 of the evidence, in a manner that adversely affects the public health,
1719 safety or welfare;
- 1720 4. Misrepresentation or omission of any material fact, or false or misleading
1721 information, on the application any amendment thereto, or renewal
1722 request, or any other information provided to the City related to the
1723 regulated cannabis business;
- 1724 5. Violation of any law by which, if occurring prior to and during submittal
1725 and review of the application, could have been cause for denial of the
1726 license application;
- 1727 6. Distribution of cannabis, including, without limitation, in violation of this
1728 Chapter or any other applicable law, rule, or regulation;
- 1729 7. Failure to maintain, or provide to the City upon request, any books,
1730 recordings, reports, or other records required by this Chapter;
- 1731 8. Failure of the Licensee to file any report(s), notification(s) or furnish any
1732 information as required by the provisions of this Chapter, or any rule or
1733 law adopted pursuant thereto relating to any license authorized by law;
- 1734 9. Failure to timely notify the City and to complete necessary form(s) for
1735 change(s) in financial interest, manager(s), financier, or agent;

- 1736 10. Temporary or permanent closure, or other sanction of the business, by
1737 the City, or by the County or State of Colorado or other governmental
1738 entity with jurisdiction, for failure to comply with health and safety
1739 provisions of this Chapter or otherwise applicable to the business or any
1740 other applicable law;
- 1741 11. Revocation or suspension of another regulated cannabis business or any
1742 other license issued by the City, the State, or any other jurisdiction held
1743 by any Licensee of the regulated cannabis business;
- 1744 12. Failure to timely correct any violation of any law or comply with any order
1745 to correct a violation of any law within the time stated in the notice or
1746 order;
- 1747 13. Abandonment of the licensed premises by the Licensee or otherwise
1748 ceasing of operations without notifying the Authority and the state
1749 licensing authority within 48 hours in advance and without accounting for
1750 and forfeiting to the state licensing authority for the destruction of all
1751 cannabis or products containing cannabis;
- 1752 14. Failure to comply with the provisions of the Colorado Marijuana Code, the
1753 City's Code, and any rule or regulation adopted pursuant thereto, or any
1754 special term or condition placed upon the Licensee by order of the
1755 Authority or State licensing authority.
- 1756 15. Violations of any conditions imposed in connection with the issuance or
1757 renewal of the license;
- 1758 16. Failure to pay all required fines, interest, costs, fees, or penalties
1759 assessed against or imposed upon such Licensee in relation to the
1760 licensed cannabis business;
- 1761 17. Failure to file tax returns when due as required by this Code, or the
1762 Licensee is overdue on his or her payment to the state or local taxes
1763 related to the operation of the business associated with the License;
- 1764 18. Loss of right of possession to the licensed premises;
- 1765 19. Failure of the licensee to comply with the duty to supplement the license
1766 application;
- 1767 20. Failure of the licensee to operate in accordance with any special term or
1768 condition placed upon a license by the Authority or the state licensing
1769 authority;

- 1770 21. The licensee, or any of agent(s) or employee(s) of the Licensee, have
1771 committed any unlawful act as described in this Chapter or violated any
1772 ordinance of the City or any state law on the premises or have permitted
1773 such a violation on the premises by any person;
- 1774 22. The licensee has knowingly permitted or encouraged, or has knowingly
1775 and unreasonably failed to prevent a public nuisance within the meaning
1776 of this Chapter from occurring or in or about the licensed premises;
- 1777 23. The odor of cannabis is perceptible to an ordinary person at the exterior
1778 of the building at the licensed premises or is perceptible within any space
1779 adjoining the licensed premises;
- 1780 24. The licensee knowingly permitted or allowed the consumption of
1781 cannabis on the licensed premise;
- 1782 25. The licensee knowingly permitted the possession or consumption of an
1783 alcohol beverage within the licensed premises. At any hearing for
1784 violation of this subsection, any bottle, can, or other container label
1785 indicating the contents of such bottle, can, or other container, shall be
1786 admissible into evidence and shall be prima facie evidence that the
1787 contents of the bottle, can, or other container was composed in whole or
1788 in part an alcohol beverage;
- 1789 26. The licensee has failed to appear upon a Municipal Court summons;
- 1790 27. The licensee, or any of the officer(s), director(s), owner(s), manager(s),
1791 agent(s), or employee(s) has(have) been convicted of a felony or drug
1792 related criminal offense within the previous 12 months;
- 1793 28. The licensee engaged in any form of business or commerce involving the
1794 cultivation, processing, manufacturing, storage, sale, distribution,
1795 transportation, research or consumption of any form of cannabis or
1796 cannabis product other than the privileges granted under the regulated
1797 cannabis business license;
- 1798 29. The licensee has materially or substantially, changed, altered, or modified
1799 the licensed premises, or use of the licensed premises, without obtaining
1800 prior approval to make such changes, alterations, or modifications from
1801 the Authority;
- 1802 30. The licensee has failed to maintain a valid state license; and,
- 1803 31. The licensee, or any of the agent(s), servant(s) or employee(s) of the
1804 licensee has/have violated any ordinance of the City or any state or

1805 federal law on the premises or have permitted such a violation on the
1806 premises by any other person.

1807 (c) Evidence to support a finding of a violation(s) may include, without
1808 limitation, one or a combination of the following;

1809 1. A continuing pattern of disorderly conduct, disturbance(s) or criminal
1810 activity occurring at the location, on the licensed premises, within the
1811 licensed premises, or any adjoining grounds or property under the
1812 control or management of the licensee;

1813 2. An ongoing nuisance condition emanating from or caused by the
1814 regulated cannabis business.

1815 (d) In the event a business or Licensee is charged with violation of any law, upon
1816 which a final judgment would be grounds for suspension or revocation of a
1817 license, the City may suspend the license pending the resolution of the
1818 alleged violation.

1819 (e) If the City revokes or suspends a license, the regulated cannabis business
1820 may not move any cannabis from the premises except under the supervision
1821 of the Grand Junction Police Department.

1822 (f) The Authority shall conduct a review of all licenses at least annually and, in
1823 addition to examining the factors enumerated in this subsection, may hold a
1824 hearing on each license at which the general public may be invited to appear
1825 and provide testimony as to the effects of the license on the surrounding
1826 community and the City at large, and the Authority may take such views into
1827 consideration when deciding whether to continue or renew such license.

1828 (g) In the event of the suspension of a regulated cannabis business license,
1829 during the period of suspension, the business:

1830 1. Shall post two notices provided by the Authority, in conspicuous places,
1831 one on the exterior and one on the interior of its premises for the duration
1832 of the suspension; and

1833 2. Shall not sell or otherwise distribute or transport cannabis, nor allow any
1834 customers into the licensed premises.

1835 **5.13.036 Operational Standards.**

1836 All regulated cannabis businesses shall comply with the applicable state and local
1837 laws, rules and regulations, as amended. In addition, Licensees shall comply with
1838 the following local operational standards. Failure to comply with any State or local

1839 law, rule or regulation or any operational standard(s) may be grounds to suspend
1840 or revoke any license and impose civil penalties where applicable.

1841 (a) Odor management – ventilation required. For all cannabis businesses,
1842 ventilation shall be installed so that the odor of cannabis cannot be detected
1843 by a person with a normal sense of smell at the exterior of a regulated
1844 cannabis business or at any adjoining use or property.

1845 (b) Hours of operation. A regulated cannabis business shall be closed to the
1846 public, and no sale or other distribution of cannabis shall occur upon the
1847 premises between the hours of 10 p.m. and 8 a.m. Provided, however, in the
1848 event that a planned delivery of cannabis cannot be completed on the day
1849 scheduled, the cannabis may be returned to the business.

1850 (c) Display of licenses required. The name and contact information for the owner
1851 or owners and any manager of the regulated cannabis business, the regulated
1852 cannabis business license, and the sales tax business license shall be
1853 conspicuously posted inside the business near the main entrance.

1854 (d) During the term of the License, the Licensee shall have the ongoing
1855 obligation to operate in conformance with this Code and all other applicable
1856 laws, rules and regulations:

1857 (e) Provide the City with copies of all material that it voluntarily files or is required
1858 to file with the Colorado Department of Revenue Marijuana Enforcement
1859 Division; and,

1860 (f) Post a 24-inch x 36-inch A sign(s) shall be posted within the licensed
1861 premises of a regulated cannabis business which includes the warning
1862 statements that comport with Marijuana Enforcement Division regulations, as
1863 the same may be amended from time to time and as presently set forth in Rule
1864 6-115 of the Colorado Department of Revenue Marijuana Enforcement
1865 Division Permanent Rules Related to the Colorado Regulated Marijuana
1866 Code, as amended. Owner or manager required on premises. No regulated
1867 cannabis business shall be managed by any person other than the Licensee,
1868 or the manager(s) listed on the Application for the License or a renewal
1869 thereof. Such Licensee or manager(s) shall be on the premises and
1870 responsible for all activities within the licensed business during all times
1871 when the business is open.

1872 (g) Owner or manager required on premises. No regulated cannabis business
1873 shall be managed by any person other than the Licensee, or the manager(s)
1874 listed in the Application for the License or a renewal thereof. Such Licensee
1875 or manager(s) shall be on the premises and responsible for all activities
1876 within the licensed business during all times when the business is open.

5.13.037 Records.

- (a) Each Licensee shall keep a complete set of books of account, invoices, copies of orders and sales, shipping instructions, bills of lading, weigh bills, correspondence, bank statements, including cancelled checks and deposit slips, and all other records necessary to show fully the business transactions of such Licensee. Receipts shall be maintained in a computer program or by pre-numbered receipts and used for each sale. The records of the business shall clearly track regulated cannabis product inventory purchased and sales and disposal thereof to clearly track revenue from sales of any regulated cannabis from other paraphernalia or services offered by the regulated cannabis business.
- (b) All records shall be open at all times during business hours for the inspection and examination of the City or its duly authorized representatives.
- (c) The City shall require any Licensee to furnish such information as it considers necessary for the proper administration of this Chapter. The records shall clearly show the source, amount, price, and dates of all cannabis received or purchased, and the amount, price, dates, customer names, addresses, and contact information for all regulated cannabis sold.
- (d) By applying for a regulated cannabis business license, the Licensee is providing consent to disclose the information required by this Chapter, including information about customers. Any records provided by the Licensee that includes customer confidential information may be submitted in a manner that maintains the confidentiality of the documents under the Colorado Open Records Act, § 24-72-201, et seq., C.R.S., or other applicable law. Any document that the Applicant considers eligible for protection under the Colorado Open Records Act shall be clearly marked as confidential, and the reasons for such confidentiality shall be stated on the document. In the event that the Licensee does appropriately submit documents so as not to be disclosed under the Colorado Open Records Act, the City shall not disclose it to other parties who are not agents of the City, except law enforcement agencies. If the City finds that such documents are subject to inspection, it will provide at least 24-hour notice to the Applicant prior to such disclosure.

5.13.038 Audits, examinations and inspections.

- (a) The City may require an audit, examination or inspection to be made of the books of account and financial records of a regulated cannabis business on such occasions as it may deem necessary. Such audit may be made by a person(s) to be selected by the City that shall likewise have

1917 access to all books, records and information of the regulated cannabis
1918 business. The expense of any audit, examination or inspection
1919 determined necessary by the City shall be paid by the regulated cannabis
1920 business.

1921 (b) Application for regulated cannabis business license and/or operation of
1922 a regulated cannabis business, or leasing property to a regulated
1923 cannabis business, constitutes consent by the Applicant, and all
1924 owner(s), manager(s), and employees of the business, and the owner of
1925 the property to permit the Authority or agent of the Authority, or anyone
1926 authorized to conduct routine inspections of the regulated cannabis
1927 business to ensure compliance with this Chapter or any other applicable
1928 law, rule, or regulation. The owner or manager on duty shall retrieve and
1929 provide the records of the business pertaining to the inspection. For
1930 purposes of Rule 241 of the Colorado Rules of Municipal Procedure,
1931 inspections of regulated cannabis businesses and recordings from
1932 security cameras in such businesses are part of the routine policy of
1933 inspection and enforcement of this Chapter for the purposes of
1934 protecting the public safety, individuals operating and using the services
1935 of the regulated cannabis business, and the adjoining properties and
1936 neighborhood. This section shall not limit any inspection authority
1937 authorized under any other provision of law or regulation, including those
1938 of police, fire, building, and code enforcement officials. Application for a
1939 regulated cannabis business license constitutes consent to inspection of
1940 the business as a public premises without a search warrant, and consent
1941 to seizure of any surveillance records, camera recordings, reports, or
1942 other materials required as a condition of a regulated cannabis license
1943 without a search warrant.

1944 (c) The licensed premises, including any places of storage where regulated
1945 marijuana or regulated marijuana products are stored, sold, dispensed,
1946 or tested are subject to inspection by the City, during all business hours
1947 and other times of apparent activity, for the purpose of inspection or
1948 investigation. When any part of the licensed premises consists of a
1949 locked area, upon demand to the Licensee, such area must be available
1950 for inspection without delay, and upon request by the City, the Licensee
1951 shall open the area for inspection.

1952 (d) Initial inspection. The City may inspect any regulated cannabis
1953 businesses prior to final issuance of a license to verify that the facilities
1954 are constructed and can be operated in accordance with the Application
1955 submitted and the requirements of laws.

1956 (e) Regular inspections. The City is authorized to perform regular
1957 inspections on a quarterly basis during the first year following licensure,

1958 and on a yearly basis prior to license renewal following the first year of
1959 operation.

1960 (f) Random inspections. Regular licensing inspection(s) shall not prevent
1961 the City from inspecting regulated cannabis businesses at random
1962 intervals and without advance notice pursuant to the City's Code, the
1963 Colorado Marijuana Code, the Colorado Department of Revenue
1964 Enforcement Division Marijuana Rules, the Colorado Constitution, the
1965 City's Code, or any rule and regulations adopted thereto.

1966 (g) Inspection of records. The records to be maintained by each regulated
1967 cannabis business shall include the source and quantity of any cannabis
1968 distributed, produced, or possessed within the premises. Such reports
1969 shall include, without limitation, for both acquisitions from wholesalers
1970 and transactions to patients or caregivers, the following:

1971 1. Name and address of seller or purchaser;

1972 2. Date, weight, type of cannabis, and monetary amount or other
1973 consideration of transaction;

1974 3. For wholesaler transactions, the state and City, if any, sales and
1975 use tax license number of the seller.

1976 (h) Disposal of regulated cannabis and cannabis byproducts. All regulated
1977 cannabis and any product containing a usable form of cannabis must be
1978 made unusable and unrecognizable prior to removal from the business in
1979 compliance with all applicable laws. This provision shall not apply to
1980 licensed law enforcement, including without limitation, the Grand
1981 Junction Police Department and the Grand Junction Fire Department.

1982 (i) The manager of a regulated cannabis business is required to respond by
1983 telephone or email within 24 hours of contact by a City official concerning
1984 its cannabis business at the telephone number or email address provided
1985 to the City as the contact for the business. Each 24-hour period during
1986 which an owner or manager does not respond to the City official shall be
1987 considered a separate violation.

1988 **5.13.039 Modification of premises.**

1989 (a) Any modification of the licensed premises shall be governed by the
1990 standards and procedures set forth in the Colorado Marijuana Code, this
1991 Chapter, and any regulations adopted pursuant thereto.

1992 (b) The Authority shall administer applications to modify the premises in the
1993 same manner as the state licensing authority administers changes of
1994 location and modifications of premises for state licenses.

1995 (c) Any application for a proposed modification of the licensed premises shall
1996 comply with and shall be subject to review and approval of the Building
1997 Departments and any other agency that is required to approve such
1998 modification.

1999 **5.13.040 Renewals.**
2000

2001 (a) A regulated cannabis business license issued pursuant to this Chapter shall
2002 be valid for one year from the date of issuance and shall automatically expire
2003 on the last day of the month in which the License is issued of the year
2004 following issuance or renewal of the License.
2005

2006 (b) Licensee must apply for the renewal of an existing license at least 45 days
2007 prior to the License's expiration date. The Licensee shall apply for renewal
2008 using forms provided by the City. If the Licensee fails to timely file a renewal
2009 application, the Licensee must provide a written explanation detailing the
2010 circumstances surrounding the late filing. If the Authority accepts the
2011 application, then it administratively continues the License beyond the
2012 expiration date, but for no longer than 45 days after the expiration date, while
2013 the Authority completes the renewal licensing process, in which case, the
2014 Licensee shall pay an additional fee to the City prior to issuance of the
2015 renewed license. The renewal license fee, and late fee if applicable, shall
2016 accompany the renewal application. Such fee(s) are nonrefundable.
2017

2018 (c) In the event that there has been a change to any of the plans submitted with
2019 the license application, a renewal, or modification of the premises
2020 application, such change(s) shall be specifically proposed and described
2021 prior to being made by the Licensee and/or approved, if at all, by the
2022 Authority.
2023

2024 (d) In the event any person who has an interest in the License or any manager,
2025 financier, agent as defined herein, or employee has been charged with or
2026 accused of violations of any law since issuance of the License, the renewal
2027 application shall include the name of the violator, the date of the violation,
2028 the court and case number where the violation was filed, and the disposition
2029 of the violation with the renewal application.
2030

2031 (e) In the event the regulated cannabis business Licensee has received any
2032 notice of violation of any law, the renewal application shall include a copy of
2033 the notice or suspension.

- (f) The renewal application shall include verification that the business has a valid state license and the state license is in good standing.
- (g) The Authority shall not accept renewal applications after the expiration of the License.
- (h) No renewal application shall be accepted by the Authority that is not complete. Any application mailed to or deposited with the Authority that, upon examination, is found to have some omission or error, shall be returned to the Applicant for completion or correction.
- (i) In the event there have been allegations of violations of this Chapter, if the Licensee has a history of violation(s), or if the Licensee has committed unlawful acts, and/or if there are allegations against the Licensee that would constitute cause as defined herein by any of the Licensee(s) or the business submitting a renewal application, the Authority may hold a hearing pursuant to § 5.13.027 of this Chapter, prior to approving the renewal application. The hearing shall be to determine whether the application and proposed Licensee(s) comply with this Chapter. If the Authority holds a hearing and the application and the Licensee is found to meet the requirements of this Chapter, or the business has been operated in the past in violation of law, rule or regulation, then the renewal application may be denied or issued with conditions, and the Authority's decision shall be final subject to judicial review.
- (j) All renewal applications shall be reviewed and evaluated by the Authority if no hearing is scheduled. The Authority may refuse to renew any license for good cause as defined by the Hearing Officer in accordance with this Chapter, and any applicable law, rule, or regulation.
- (k) In the event a regulated cannabis business that has been open and operating and submitting monthly sales and use tax returns to the City ceases providing sales and use tax returns to the City for a period of three months or longer, the cannabis business license shall be set for a public hearing for the Authority to determine if the License shall be revoked.
- (m) In the event the City incurs costs in the inspection, clean-up, or any other necessary or required action to remove regulated cannabis of any regulated cannabis business, or any person cultivating, producing, distributing, or possessing cannabis, or otherwise cause the business to be in compliance with applicable law, the Licensee shall reimburse the City all costs incurred by the City for such inspection and/or cleanup.

5.13.041 Compliance monitoring.

- (1) The City shall monitor compliance with this Chapter, as it deems appropriate.**
- (2) The City shall have the discretion to consider any or all previous compliance check histories of a Licensee in determining how frequently to conduct compliance checks of a Licensee with respect to any licensee(s).**
- (3) Compliance checks shall be conducted as the City determines appropriate so as to allow the City to determine, at a minimum, if the regulated cannabis business is conducting business in a manner that complies with law.**
- (4) It shall not be a violation of the law for a person under the minimum sale age for cannabis purchases or possession to purchase or possess cannabis products if the underage person is participating in a compliance check supervised by any person authorized by the City or the State of Colorado to conduct compliance monitoring.**

5.13.042 Sales tax.

Each regulated cannabis business shall collect and remit City sales and use tax on all regulated cannabis, paraphernalia and other tangible property used or sold at the licensed premises as provided by the Grand Junction Municipal Code and other applicable law.

5.13.043 Violations and Penalties.

- (a) The Authority shall hear all actions relating to the suspension or revocation of licenses pursuant to this Chapter. The Authority shall have the authority to impose disciplinary actions, sanctions, penalties upon a Licensee including but not limited to additional terms and conditions on the license, a fine in lieu of a suspension, a suspension or a revocation of a license issued by the Authority for any violation by the Licensee or by any of the agents or employees of the Licensee of any provision of the Colorado Marijuana Code, the City's Code, any rule or regulation adopted pursuant thereto, any building, fire, health or zoning statute, code, or ordinance, or any of the rules and regulations adopted pursuant thereto, in addition to any other penalties prescribed by this Code.**

2117 (b) In addition to the possible denial, suspension, revocation or nonrenewal
2118 of a license under the provisions of this Chapter, any person, including
2119 but not limited to, any Licensee, manager or employee of a regulated
2120 cannabis business, or any customer of such business, who violates any
2121 of the provisions of this Chapter, shall be guilty of a misdemeanor offense
2122 punishable in accordance with § 1.04.090 of this Code. A person
2123 committing a violation shall be guilty of a separate offense for each and
2124 every day during which the offense is committed or continued to be
2125 permitted by such person and shall be punished accordingly.
2126

2127 (c) The City shall initiate suspension or revocation proceedings by petitioning
2128 the Authority to issue an order to the Licensee to show cause that the
2129 Licensee's license should not be suspended or revoked. The Authority
2130 shall issue such an order to show cause if the petition demonstrates that
2131 evidence exists to determine that one or more grounds exist to suspend
2132 or revoke the Licensee's license. The order to show cause shall set the
2133 matter for a public hearing before the Licensing Authority.
2134

2135 (d) At a Public Hearing, the Licensee shall have the opportunity to be heard,
2136 to present evidence and witnesses, and to cross examine witnesses
2137 presented by the City. The Authority shall have the power to administer
2138 oaths and issue subpoenas to require the presence of persons and the
2139 production of papers, books, and records necessary to the determination
2140 of any hearing that the Authority is authorized to conduct. The standard
2141 of proof at such hearings shall be a preponderance of the evidence. The
2142 burden of proof shall be upon the City. The Authority shall be permitted
2143 to accept any evidence that the Hearing Officer finds to be relevant to the
2144 show cause proceeding.
2145

2146 (e) If the Authority, acting by and through the Hearing Officer, finds that a
2147 violation has occurred, the Authority may:
2148

2149 (1) Revoke the license for any period up to and including permanent
2150 revocation;
2151

2152 (2) Suspend the license for any period of time; (6 months?)
2153

2154 (3) Impose a fine or fine in lieu of suspension of at least \$500.00 but
2155 no more than \$100,000.00;
2156

2157 (4) Establish conditions that must be met before the license holder
2158 may apply for reinstatement of the license; and,
2159

(5) The Authority may impose the costs to conduct a public hearing upon a Licensee who has violated any of the provisions prescribed by this Chapter.

(f) Payment of fines or costs pursuant to the provisions of this Chapter shall be in the form of a certified check or cashier's check made payable to the City of Grand Junction and paid within seven days of the imposed sanction.

(g) If the Authority finds that the license shall be suspended or revoked or a fine imposed in lieu of a suspension, the Licensee shall be provided written notice of such fine, suspension or revocation with the reasons therefore within 20 days following the date of the hearing.

(h) The Authority will establish factors to consider when determining the amount of fine to impose and adopt guidance for penalties and/or fines. That guidance will be used consistently for all imposed penalties.

(i) If a license is suspended, the Licensee must post notice that states the License is under suspension or revocation due to violation(s) of this Chapter, and that all sales of cannabis products are prohibited for the period of the suspension. The signage shall be prominently displayed at all entrances on the premises for the entirety of the suspension or revocation.

(j) When a License has been revoked, no new license shall be issued to the same Licensee for the period of two years after the revocation.

(k) All Licensees are assumed to be fully aware of the law and the City shall not therefore be required to issue warnings before issuing citations for violation(s) of this Chapter.

(l) If the Authority suspends or revokes a license or imposes a fine the Licensee may appeal the fine, suspension or revocation to the Mesa County District Court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The Licensee's failure to timely appeal the decision is a waiver of the Licensee's right to contest the fine imposed or the suspension or revocation of the Licensee.

(m) No fee or portion thereof previously paid by a Licensee in connection with a license shall be refunded if the licensee's license is suspended or revoked.

5.13.044 Remedies.

The City is specifically authorized to seek an injunction, abatement, restitution, or any remedy necessary to prevent, enjoin, remove or prosecute any violation or unlawful act under this Chapter, and any remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law or in equity. Any and all action(s) shall be filed in the Municipal Court.

5.13.045 No City liability; indemnification.

(a) By accepting a license issued pursuant to this Chapter, the Licensee waives and releases the City, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of municipal, state or federal laws, rules or regulations.

(b) By accepting a license issued pursuant to this Chapter, all Licensees, jointly and severally if more than one (1), agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, attorneys, agents and insurers against all liability, claims and demands on account of any injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the regulated cannabis business that is the subject of the license.

5.13.046 Severability.

This chapter is necessary to protect the public health, safety, and welfare of the residents of the City and covers matters of local concern or matters of mixed State and local concern as provided by § [44-11-101](#), C.R.S.

If any provision of this chapter is found to be unconstitutional or illegal, such finding shall only invalidate that part or portion found to violate the law. All other provisions shall be deemed severed or severable and shall continue in full force and effect.

5.13.047 Administrative regulations; Action by City Council.

(a) The City Manager is authorized to promulgate such rules, regulations, and forms as are necessary to effectuate the implementation, administration and enforcement of this Chapter.

(b) The City Council may consistent with the Charter and other applicable law amend this Chapter in order to stay current with applicable state laws, rules and regulations so long as no amendment, restriction, provision, rule or regulation shall be no less stringent than that imposed, if at all by Colorado law.

Introduced on first reading the _____ day of _____, 2022 and ordered published in pamphlet form.

Adopted on second reading this ____ day of _____ 2022 and ordered published in pamphlet form.

ATTEST:

C. B. McDaniel
President of City Council

Laura J. Bauer, Interim City Clerk
City Clerk

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 21 CHAPTER 4, CHAPTER 6, AND CHAPTER 10 AND TO AMEND TITLE 27, CHAPTER 12.1227 OF THE GRAND JUNCTION MUNICIPAL CODE ~~ZONING AND DEVELOPMENT CODE~~ REGARDING USE STANDARDS AND FOR SPECIFIC BUFFERING BETWEEN CERTAIN SCHOOLS, ~~PARKS,~~ AND REHABILITATION FACILITIES, AND ADOPTING REGULATIONS FOR SIGNAGE OF CANNABIS BUSINESSES, AND DEFINITIONS FOR SUCH BUSINESSES.

RECITALS:

The City desires to maintain effective regulations in its Zoning and Development Code (Title 21 of the Grand Junction Municipal Code ("GJMC")); regulations that encourage and require appropriate use of land throughout the City while taking into consideration the needs and desires of the citizens of Grand Junction.

Although Federal law criminalizes the use and possession of marijuana as a Schedule 1 controlled substance under the Controlled Substance Act, on June 7, 2010, former Governor Ritter signed into law House Bill 10-1284 and Senate Bill 10-108 which, among other things, authorized the City to adopt an ordinance to license, regulate or prohibit the cultivation and/or sale of marijuana (C.R.S. 12-43.3-103(2)). The law also allowed a city to vote, either by a majority of the registered electors or a majority of the City Council, to prohibit the operation of medical marijuana centers, optional premises cultivation operations and medical marijuana infused products manufacturers.

At the time of House Bill 10-1284 and Senate Bill 10-108's passing, a moratorium was in effect in the City for the licensing, permitting and operation of marijuana businesses. The moratorium, which was initially declared on November 16, 2009 (through Ordinance 4437), was for a period of twelve months and applied to any person or entity applying to function, do business or hold itself out as a medical marijuana dispensary in the City of Grand Junction, regardless of the person, entity, or zoning. On October 13, 2020, City Council adopted Ordinance 4446 which extended the moratorium to July 1, 2011.

At the April 5, 2011 election, the electorate voted in favor of prohibiting the operation of medical marijuana businesses and the amendment of the Grand Junction Municipal Code by prohibiting certain uses of marijuana (Measure A).

On November 6, 2012, Colorado Amendment 64 was passed by the voters, amending Article 18 of the Colorado Constitution adding Section 16 which allows retail marijuana stores and made it legal for anyone 21 years or older to buy marijuana at such stores. In addition, Amendment 64 allows anyone over 21 years of age to legally possess and consume up to one ounce of marijuana. Amendment 64 does not change the Federal law; it still remains illegal under Federal law to produce and/or distribute marijuana also known as cannabis.

41 On February 6, 2013, City Council approved Resolution 07-13 adopting marijuana
42 policies for the City and restrictions for persons or entities from applying to function, do
43 business, or hold itself out as a marijuana facility, business, or operation of any sort in the
44 City limits. Later that same year, City Council adopted Ordinance 4599 which prohibited
45 the operation of marijuana cultivation facilities, marijuana product manufacturing facilities,
46 marijuana testing facilities, and retail marijuana stores. Ordinance 4599 also amended
47 Sections in Title 5, Article 15 of the Grand Junction Municipal Code that prohibit certain
48 uses relating to marijuana.

49 In late 2015, the City, Mesa County and Colorado Mesa University, by and through the
50 efforts of the Grand Junction Economic Partnership (GJEP), were successful in
51 establishing the *Colorado Jumpstart* business development program. One business
52 which was awarded the first *Jumpstart* incentive planned to develop a laboratory and
53 deploy its advanced analytical processes for genetic research and its ability to mark/trace
54 chemical properties of agricultural products, one of which was cannabis. In October 2016,
55 City Council passed Ordinance 4722 which amended Ordinance 4599 and Section
56 21.04.010 of the Grand Junction Municipal Code to allow cannabis testing facilities in the
57 City.

58 On January 20, 2021 the City Council approved Resolution 09-21, the adoption of which
59 referred a ballot question to the regular municipal election on April 6, 2021 to repeal
60 Referred Measure A contingent on and subject to voter approval of taxation of cannabis
61 businesses. A majority of the votes cast at the election were in favor of repealing the
62 moratorium on cannabis businesses and in favor of taxation of cannabis businesses.

63 City Council has decided to allow certain retail cannabis businesses within the City. City
64 Council has requested that staff prepare an ordinance to repeal the prohibition of
65 cannabis businesses from the Grand Junction Municipal Code and to include rules and
66 regulations for licensing and operating retail cannabis businesses.

67 City staff and community members, including the Cannabis Working Group, have
68 researched, reviewed, and discussed various approaches to taxation, permitting and
69 regulation of retail cannabis within the City. Regulations for cannabis uses have been
70 established at the state level with the adoption and implementation of the Colorado
71 Marijuana Code in the Colorado Revised Statutes (C.R.S. 44-10-101, *et. seq.*); however,
72 regulation of retail marijuana uses at the state level alone are inadequate to address the
73 impacts on the City of regulated cannabis, making it appropriate for the City to regulate
74 the impacts of retail cannabis uses.

75 The City has a valid interest in regulating zoning and other impacts of cannabis
76 businesses in a manner that is consistent with constitutional and statutory standards. The
77 City Council desires to facilitate the provision of quality retail cannabis in a safe manner
78 while protecting existing uses within the City. Regulation of the manner of operation and
79 location of retail cannabis uses is necessary to protect the health, safety and welfare of
80 both the public and the customers. The proposed ordinance is intended to allow certain

regulated cannabis businesses that will have a minimal impact and where potential negative impacts are minimized.

This proposed ordinance amends the City's Code to permit cannabis businesses in the specific zone districts where general indoor retail sales are permitted and provides for buffering from specific land uses including ~~parks~~, certain schools and specific rehabilitation facilities. This ordinance also includes regulations for signage and definitions for cannabis businesses.

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 amendments.

After public notice and public hearing, the Grand Junction City Council finds that the amendments to allow certain retail cannabis businesses by and through the uses and the Use Table, are responsive to the community's desires and otherwise advance and protect the public health, safety and welfare of the City and its residents.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING SECTIONS OF THE GRAND JUNCTION MUNICIPAL CODE INCLUDING TITLE 21: THE ZONING AND DEVELOPMENT CODE AND TITLE 27: HORIZON DRIVE DISTRICT OVERLAY ZONE DISTRICT STANDARDS (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) ARE AMENDED AS FOLLOWS (new text additions underlined and deletions marked with strike-through notations):

21.04.010 (d) Prohibited Uses. Use table.

~~Marijuana related business, whether retail, commercial, industrial or agricultural, except marijuana testing facility(ies) are prohibited in all zone districts in accordance with Chapter 5.15 GJMC. Marijuana testing facility(ies) is (are) allowed in the zone districts shown.~~

~~Marijuana testing facilities shall be categorized as/under the "industrial services, contractors and trade shops, oil and gas support operations without hazardous materials" category of the use zone matrix as "research, testing, and laboratory facilities — indoors (including marijuana testing facilities)" as allowed uses in B-2, C-1, C-2, MU, BP, IO, I-1 and 1-2 zone districts.~~

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120

121 21.04.010 Use Table.

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	M X-	Std.
Retail-Sales and Services	Marijuana Related Business																							Ch 8-16
Retail Sales and Service	Retail Cannabis Store												A	A	A	A		A	A				A	Ch. 21.0 4.03 0(w)

122

123

124 21.04.030 Use-specific standards.

125

126 (w) Retail Cannabis Stores.

127

128 (1) Applicability. These regulations apply to all Retail Cannabis Stores in the City
129 in addition to the other provisions in the GJMC pertaining to cannabis stores,
130 including but not limited to, GJMC Chapters 5.13 and 5.14.

131

132 (2) Zoning.

133

134 (i) It is unlawful for a Retail Cannabis Store to operate in a building which
135 contains a Dwelling Unit.

136

137 (ii) There shall be no more than two Retail Cannabis Stores operating within
138 the boundaries of the Horizon Drive Business Improvement District, as may
139 be amended.

140

141 (iii) There shall be no regulated cannabis businesses located on the ground
142 floor of any buildings in the Downtown Grand Junction area defined as Main
143 Street bounded by the west intersection line of First Street and bounded by
144 the east by the centerline of 7th Street.

145

146 (3) Buffering.

147 (i) No Retail Cannabis Stores shall be located:

(A) Within 1000 feet of any private or public elementary, middle, junior high, or high school.

Commented [NG1]: Direction from Council 02.14.22

(B) Within 1000 feet of Colorado Mesa University (Main Campus) and Western Colorado Community College.

Commented [NG2]: Direction from Council 02.14.22

(C) Within 500 feet of any services for prevention, treatment or recovery from substance use and mental health concerns, as licensed by the Colorado Department of Human Services, Office of Behavioral Health (OBH).

(ii) Buffering Distance Computation. The buffering distance shall be computed by direct measurement from the nearest property line of the land use to the nearest portion of the building or unit in which the retail cannabis is to be sold, using a route of direct pedestrian access, measured as a person would walk safely and properly, without trespassing, with right angles at crossings and with the observance of traffic regulations and traffic signals.

21.06.070 Sign Regulation

(j) Cannabis Retail Store Signage and Advertising.

(1) All signs and advertising for a Retail Cannabis Stores shall comply with all applicable provisions of the Colorado Cannabis Marijuana Code, any regulations adopted pursuant thereto, the provisions of this Chapter and Chapter 6, and the City's ordinances and regulations regarding signs and advertising.

(2) No sign shall use the terms "pharmacy", "pharmacist", "pharmaceutical", "rx", or any other similar variation of such terms as its corporate, business, or "doing business as" name, so as to prevent a reasonable person from concluding such business is involved in the practice of pharmacy, as regulated by Pharmaceuticals and Pharmacists, C.R.S. Article 22 of Chapter 12. Additionally, no Retail Cannabis Stores may use any of the above terms or any similar variation thereof in any of its signs, placards, promotional, or advertising materials. Additionally, no signs that mimic or allude to pharmacy or medical related symbols, including but not limited to medical style crosses regardless of proportions or colors, shall be used or displayed in nonmedical retail cannabis stores.

(3) No sign shall include advertising material that is misleading, deceptive or false or that, as evidenced by the content of the advertising material or by the

medium or the manner in which the advertising material is disseminated, is designed to appeal to persons under eighteen (18) years of age.

(4) Maximum Sign Dimensions:

(i) For properties that lie within an existing overlay district regulated by Title 22, Title 24, Title 25, ~~or Title 26~~, or Title 27 the specific regulations within the overlay shall apply.

(ii) For all other properties within the City, only flush wall mounted signs or monument signs shall be allowed. Maximum sign allowances shall be calculated according to the provisions of this Chapter and subject to the following limitations:

(A) Maximum Height: 20 feet; and,

(B) Maximum Area: 150 square feet per sign face.

(5) Signs and Advertising not requiring a permit include:

(i) Sign-wavers or other natural persons standing in the public. No Retail Cannabis Stores shall advertise with sign-wavers or other natural persons within the buffering distances from specified land uses as provided in w.3(a) above.

(ii) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the City or on the internet, which may include coupons.

(iii) Any non-consumable merchandise or accessories.

(iv) A booth at an adult event or job fair where the only items distributed are company or educational materials and no other items are distributed, shown or sold.

(v) Business cards within the business or handed directly to an individual who is over the age of 21.

(vi) Showing a government-issued verification of age or military status, or registration for a charitable event, or similar item the showing of which, without providing a separate printing to the business, entitles the holder to a discount for a particular product or service.

(vii) Company materials and educational materials distributed inside the cannabis business.

27.12.040 Signage.

(b) Freestanding signs shall comply with the following requirements:

(8) Maximum sign dimensions shall not exceed the following:

~~(i) For all other properties, and f~~For any regulated cannabis business,
the maximum sign dimensions shall not exceed the following:

(A) 20 twenty feet in height; and,

(B) 75 seventy-five square feet.

21.10.020 Terms ~~d~~Defined.

Cannabis testing facility(ies) is an entity licensed to analyze and certify safety and potency of cannabis.

Medical Cannabis Store is an entity licensed co-located with a retail cannabis store that sells medical cannabis to registered patients or primary caregivers as defined in Section 14 of Article XVIII of the Colorado constitution, but is not a primary caregiver.

Retail cannabis cultivation facility is an entity licensed to cultivate, prepare, and package cannabis and sell cannabis to retail cannabis stores, to cannabis product manufacturing facilities, and to other cannabis cultivation facilities, but not to consumer.

Retail cannabis hospitality and sales business is a facility that cannot be mobile, that is licensed to permit the consumption of only the retail cannabis or retail cannabis products it has sold pursuant to the provisions of an enacted, initiated, or referred ordinance or resolution of the local jurisdiction in which the licensee operates.

Retail cannabis products manufacturing facility is an entity licensed to purchase cannabis; manufacture, prepare, and package cannabis products; and sell cannabis and cannabis products to other cannabis product manufacturing facilities and to retail cannabis stores, but not to consumers.

Retail cannabis transporter business is an entity or person that is licensed to transport retail cannabis and retail cannabis products from one retail cannabis business to another

276 retail cannabis business and to temporarily store the transported retail cannabis and retail
277 cannabis products at its licensed premises but is not authorized to sell retail cannabis or
278 retail cannabis products under any circumstances.

279
280 Retail cannabis store is an entity licensed to purchase cannabis from cannabis cultivation
281 facilities and to sell cannabis to consumers and retail cannabis testing facilities that are
282 licensed to analyze and certify the safety and potency of cannabis.

283
284 All other provisions of Title 21 Chapter 4, Chapter 6, and Chapter 10 and Title 27 Chapter
285 12.12 shall remain in full force and effect.

286
287 Introduced on first reading the _____ day of _____,
288 2022 and ordered published in pamphlet form.

289
290 Adopted on second reading this ____ day of _____ 2022 and ordered published in
291 pamphlet form.

292
293
294
295
296 ATTEST: _____
297 C.B. McDaniel
298 President of City Council

299
300 _____
301 Laura J. Bauer, MMC
302 Interim City Clerk

303

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 21 CHAPTER 4, CHAPTER 6, AND CHAPTER 10 AND TO AMEND TITLE 27, CHAPTER 12.12 OF THE GRAND JUNCTION MUNICIPAL CODE REGARDING USE STANDARDS AND FOR SPECIFIC BUFFERING BETWEEN CERTAIN SCHOOLS AND REHABILITATION FACILITIES, AND ADOPTING REGULATIONS FOR SIGNAGE OF CANNABIS BUSINESSES, AND DEFINITIONS FOR SUCH BUSINESSES.

RECITALS:

The City desires to maintain effective regulations in its Zoning and Development Code (Title 21 of the Grand Junction Municipal Code ("GJMC")); regulations that encourage and require appropriate use of land throughout the City while taking into consideration the needs and desires of the citizens of Grand Junction.

Although Federal law criminalizes the use and possession of marijuana as a Schedule 1 controlled substance under the Controlled Substance Act, on June 7, 2010, former Governor Ritter signed into law House Bill 10-1284 and Senate Bill 10-108 which, among other things, authorized the City to adopt an ordinance to license, regulate or prohibit the cultivation and/or sale of marijuana (C.R.S. 12-43.3-103(2)). The law also allowed a city to vote, either by a majority of the registered electors or a majority of the City Council, to prohibit the operation of medical marijuana centers, optional premises cultivation operations and medical marijuana infused products manufacturers.

At the time of House Bill 10-1284 and Senate Bill 10-108's passing, a moratorium was in effect in the City for the licensing, permitting and operation of marijuana businesses. The moratorium, which was initially declared on November 16, 2009 (through Ordinance 4437), was for a period of twelve months and applied to any person or entity applying to function, do business or hold itself out as a medical marijuana dispensary in the City of Grand Junction, regardless of the person, entity, or zoning. On October 13, 2020, City Council adopted Ordinance 4446 which extended the moratorium to July 1, 2011.

At the April 5, 2011 election, the electorate voted in favor of prohibiting the operation of medical marijuana businesses and the amendment of the Grand Junction Municipal Code by prohibiting certain uses of marijuana (Measure A).

On November 6, 2012, Colorado Amendment 64 was passed by the voters, amending Article 18 of the Colorado Constitution adding Section 16 which allows retail marijuana stores and made it legal for anyone 21 years or older to buy marijuana at such stores. In addition, Amendment 64 allows anyone over 21 years of age to legally possess and consume up to one ounce of marijuana. Amendment 64 does not change the Federal law; it still remains illegal under Federal law to produce and/or distribute marijuana also known as cannabis.

On February 6, 2013, City Council approved Resolution 07-13 adopting marijuana policies for the City and restrictions for persons or entities from applying to function, do business, or hold itself out as a marijuana facility, business, or operation of any sort in the City limits. Later that same year, City Council adopted Ordinance 4599 which prohibited the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores. Ordinance 4599 also amended Sections in Title 5, Article 15 of the Grand Junction Municipal Code that prohibit certain uses relating to marijuana.

In late 2015, the City, Mesa County and Colorado Mesa University, by and through the efforts of the Grand Junction Economic Partnership (GJEP), were successful in establishing the *Colorado Jumpstart* business development program. One business which was awarded the first *Jumpstart* incentive planned to develop a laboratory and deploy its advanced analytical processes for genetic research and its ability to mark/trace chemical properties of agricultural products, one of which was cannabis. In October 2016, City Council passed Ordinance 4722 which amended Ordinance 4599 and Section 21.04.010 of the Grand Junction Municipal Code to allow cannabis testing facilities in the City.

On January 20, 2021 the City Council approved Resolution 09-21, the adoption of which referred a ballot question to the regular municipal election on April 6, 2021 to repeal Referred Measure A contingent on and subject to voter approval of taxation of cannabis businesses. A majority of the votes cast at the election were in favor of repealing the moratorium on cannabis businesses and in favor of taxation of cannabis businesses.

City Council has decided to allow certain retail cannabis businesses within the City. City Council has requested that staff prepare an ordinance to repeal the prohibition of cannabis businesses from the Grand Junction Municipal Code and to include rules and regulations for licensing and operating retail cannabis businesses.

City staff and community members, including the Cannabis Working Group, have researched, reviewed, and discussed various approaches to taxation, permitting and regulation of retail cannabis within the City. Regulations for cannabis uses have been established at the state level with the adoption and implementation of the Colorado Marijuana Code in the Colorado Revised Statutes (C.R.S. 44-10-101, *et. seq.*); however, regulation of retail marijuana uses at the state level alone are inadequate to address the impacts on the City of regulated cannabis, making it appropriate for the City to regulate the impacts of retail cannabis uses.

The City has a valid interest in regulating zoning and other impacts of cannabis businesses in a manner that is consistent with constitutional and statutory standards. The City Council desires to facilitate the provision of quality retail cannabis in a safe manner while protecting existing uses within the City. Regulation of the manner of operation and location of retail cannabis uses is necessary to protect the health, safety and welfare of both the public and the customers. The proposed ordinance is intended to allow certain

regulated cannabis businesses that will have a minimal impact and where potential negative impacts are minimized.

This proposed ordinance amends the City's Code to permit cannabis businesses in the specific zone districts where general indoor retail sales are permitted and provides for buffering from specific land uses including, certain schools and specific rehabilitation facilities. This ordinance also includes regulations for signage and definitions for cannabis businesses.

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 amendments.

After public notice and public hearing, the Grand Junction City Council finds that the amendments to allow certain retail cannabis businesses by and through the uses and the Use Table, are responsive to the community's desires and otherwise advance and protect the public health, safety and welfare of the City and its residents.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING SECTIONS OF THE GRAND JUNCTION MUNICIPAL CODE INCLUDING TITLE 21: ZONING AND DEVELOPMENT CODE AND TITLE 27: HORIZON DRIVE DISTRICT OVERLAY ZONE DISTRICT STANDARDS ARE AMENDED AS FOLLOWS (new text additions underlined and deletions marked with strike-through notations):

21.04.010 (d) Prohibited Uses. .

~~Marijuana related business, whether retail, commercial, industrial or agricultural, except marijuana testing facility(ies) are prohibited in all zone districts in accordance with Chapter 5.15 GJMC. Marijuana testing facility(ies) is (are) allowed in the zone districts shown.~~

~~Marijuana testing facilities shall be categorized as/under the "industrial services, contractors and trade shops, oil and gas support operations without hazardous materials" category of the use zone matrix as "research, testing, and laboratory facilities — indoors (including marijuana testing facilities)" as allowed uses in B-2, C-1, C-2, MU, BP, IO, I-1 and 1-2 zone districts.~~

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118

119 21.04.010 Use Table.

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	M X-	Std.
Retail Sales and Services	Marijuana Related Business																							Ch 6-16
Retail Sales and Service	<u>Retail Cannabis Store</u>												A	A	A	A		A	A				A	Ch. 21.04.030(w)

120

121

122 21.04.030 Use-specific standards.

123

124 (w) Retail Cannabis Stores.

125

126 (1) Applicability. These regulations apply to all Retail Cannabis Stores in the City
127 in addition to the other provisions in the GJMC pertaining to cannabis stores,
128 including but not limited to, GJMC Chapters 5.13 and 5.14.

129

130 (2) Zoning.

131

132 (i) It is unlawful for a Retail Cannabis Store to operate in a building which
133 contains a Dwelling Unit.

134

135 (ii) There shall be no more than two Retail Cannabis Stores operating within
136 the boundaries of the Horizon Drive Business Improvement District, as may
137 be amended.

138

139 (iii) There shall be no regulated cannabis businesses located on the ground
140 floor of any buildings in the Downtown Grand Junction area defined as Main
141 Street bounded by the west intersection line of First Street and bounded by
142 the east by the centerline of 7th Street.

143

144 (3) Buffering.

145 (i) No Retail Cannabis Stores shall be located:

- (A) Within 1000 feet of any private or public elementary, middle, junior high, or high school .
- (B) Within 1000 feet of Colorado Mesa University (Main Campus) and Western Colorado Community College.
- (C) Within 500 feet of any services for prevention, treatment or recovery from substance use and mental health concerns, as licensed by the Colorado Department of Human Services, Office of Behavioral Health (OBH).
- (ii) Buffering Distance Computation. The buffering distance shall be computed by direct measurement from the nearest property line of the land use to the nearest portion of the building or unit in which the retail cannabis is to be sold, using a route of direct pedestrian access, measured as a person would walk safely and properly, without trespassing, with right angles at crossings and with the observance of traffic regulations and traffic signals.

21.06.070 Sign Regulation

(j) Cannabis Retail Store Signage and Advertising.

- (1) All signs and advertising for Retail Cannabis Stores shall comply with all applicable provisions of the Colorado Marijuana Code, any regulations adopted pursuant thereto, the provisions of this Chapter and Chapter 6, and the City's ordinances and regulations regarding signs and advertising.
- (2) No sign shall use the terms "pharmacy", "pharmacist", "pharmaceutical", "rx", or any other similar variation of such terms as its corporate, business, or "doing business as" name, so as to prevent a reasonable person from concluding such business is involved in the practice of pharmacy, as regulated by Pharmaceuticals and Pharmacists, C.R.S. Article 22 of Chapter 12. Additionally, no Retail Cannabis Stores may use any of the above terms or any similar variation thereof in any of its signs, placards, promotional, or advertising materials. Additionally, no signs that mimic or allude to pharmacy or medical related symbols, including but not limited to medical style crosses regardless of proportions or colors, shall be used or displayed in nonmedical retail cannabis stores.
- (3) No sign shall include advertising material that is misleading, deceptive or false or that, as evidenced by the content of the advertising material or by the medium or the manner in which the advertising material is disseminated, is designed to appeal to persons under eighteen (18) years of age.

189
190 (4) Maximum Sign Dimensions:
191

- 192 (i) For properties that lie within an existing overlay district regulated by Title
193 22, Title 24, Title 25, Title 26, or Title 27 the specific regulations within the
194 overlay shall apply.
195
196 (ii) For all other properties within the City, only flush wall mounted signs or
197 monument signs shall be allowed. Maximum sign allowances shall be
198 calculated according to the provisions of this Chapter and subject to the
199 following limitations:
200
201 (A) Maximum Height: 20 feet; and,
202
203 (B) Maximum Area: 150 square feet per sign face.
204

205 (5) Signs and Advertising not requiring a permit include:
206

- 207 (i) Sign-wavers or other natural persons standing in the public. No Retail
208 Cannabis Stores shall advertise with sign-wavers or other natural persons
209 within the buffering distances from specified land uses as provided in
210 w.3(a) above.
211
212 (ii) Any advertisement contained within a newspaper, magazine, or other
213 periodical of general circulation within the City or on the internet, which may
214 include coupons.
215
216 (iii) Any non-consumable merchandise or accessories.
217
218 (iv) A booth at an adult event or job fair where the only items distributed are
219 company or educational materials and no other items are distributed,
220 shown or sold.
221
222 (v) Business cards within the business or handed directly to an individual who
223 is over the age of 21.
224
225 (vi) Showing a government-issued verification of age or military status, or
226 registration for a charitable event, or similar item the showing of which,
227 without providing a separate printing to the business, entitles the holder to
228 a discount for a particular product or service.
229
230 (vii) Company materials and educational materials distributed inside the
231 cannabis business.
232
233

234 27.12.040 Signage.

235
236 (b) Freestanding signs shall comply with the following requirements:

237
238 (8) Maximum sign dimensions shall not exceed the following:

239
240 (i) For any regulated cannabis business, the maximum sign dimensions
241 shall not exceed the following:

242
243 (A) 20 ~~twenty~~ feet in height; and,

244
245 (B) 75 ~~seventy-five~~ square feet.
246

247
248 21.10.020 Terms defined.

249
250 Cannabis testing facility(ies) is an entity licensed to analyze and certify safety and potency
251 of cannabis.

252
253 Medical Cannabis Store is an entity licensed co-located with a retail cannabis store that
254 sells medical cannabis to registered patients or primary caregivers as defined in Section
255 14 of Article XVIII of the Colorado constitution, but is not a primary caregiver.

256
257 Retail cannabis cultivation facility is an entity licensed to cultivate, prepare, and package
258 cannabis and sell cannabis to retail cannabis stores, to cannabis product manufacturing
259 facilities, and to other cannabis cultivation facilities, but not to consumer.

260
261 Retail cannabis hospitality and sales business is a facility that cannot be mobile, that is
262 licensed to permit the consumption of only the retail cannabis or retail cannabis products
263 it has sold pursuant to the provisions of an enacted, initiated, or referred ordinance or
264 resolution of the local jurisdiction in which the licensee operates.

265
266 Retail cannabis products manufacturing facility is an entity licensed to purchase cannabis;
267 manufacture, prepare, and package cannabis products; and sell cannabis and cannabis
268 products to other cannabis product manufacturing facilities and to retail cannabis stores,
269 but not to consumers.

270
271 Retail cannabis transporter business is an entity or person that is licensed to transport
272 retail cannabis and retail cannabis products from one retail cannabis business to another
273 retail cannabis business and to temporarily store the transported retail cannabis and retail
274 cannabis products at its licensed premises but is not authorized to sell retail cannabis or
275 retail cannabis products under any circumstances.
276

Retail cannabis store is an entity licensed to purchase cannabis from cannabis cultivation facilities and to sell cannabis to consumers and retail cannabis testing facilities that are licensed to analyze and certify the safety and potency of cannabis.

All other provisions of Title 21 Chapter 4, Chapter 6, and Chapter 10 and Title 27 Chapter 12.12 shall remain in full force and effect.

Introduced on first reading the _____ day of _____, 2022 and ordered published in pamphlet form.

Adopted on second reading this ____ day of _____ 2022 and ordered published in pamphlet form.

ATTEST:

C.B. McDaniel
President of City Council

Laura J. Bauer, MMC
Interim City Clerk

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND TITLE 3 OF THE GRAND JUNCTION MUNICIPAL
CODE TO INCLUDE A RETAIL MARIJUANA SALES AND USE TAX AND A
MARIJUANA EXCISE TAX.**

RECITALS:

In October 2010, the City Council adopted Ordinance 4437 which prohibited the operation of medical marijuana businesses in the City limits and amended the Grand Junction Municipal Code by the addition of certain sections prohibiting specified uses relating to marijuana. A petition protesting the passage of Ordinance 4437 was filed, found to be sufficient, and the Ordinance was suspended.

In December 2010 the City Council approved a ballot question referring Ordinance 4437 to the regular municipal election on April 5, 2011. Referred Measure A was approved by the voters, prohibiting the operation of medical marijuana businesses and amended the Grand Junction Municipal Code to prohibit certain uses relating to marijuana.

Colorado Amendment 64 was passed by the voters on November 6, 2012. Amendment 64 included an amendment to Article 18 of the Colorado Constitution by adding a new Section 16 regarding the personal use and regulation of marijuana. Amendment 64 allows retail marijuana stores and makes it legal for anyone 21 years or older to buy marijuana at those stores. The Amendment allows anyone over 21 years of age to legally possession and consume up to one ounce of marijuana. Amendment 64 required the State to develop and adopt laws, regulations, and processes concerning marijuana.

In February 2013, City Council approved Resolution 07-13, adopting marijuana policies for the City and restrictions for persons or entities from applying to function, do business, or hold itself out as a marijuana facility, business or operation in the City limits. Later that same year, City Council adopted Ordinance 4599 which prohibited the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores. It also amended Sections in Title 5, Article 15 of the Grand Junction Municipal Code that prohibit certain uses relating to marijuana.

In late 2015, the City, Mesa County and Colorado Mesa University, by and through the efforts of the Grand Junction Economic Partnership (GJEP), were successful in establishing the *Colorado Jumpstart* business development program. One business who was awarded the first *Jumpstart* incentive planned to develop a laboratory and deploy its advanced analytical processes for genetic research and its ability to mark/trace chemical properties of agricultural products, one of which was marijuana. In October 2016, City Council passed Ordinance 4722 which amended Ordinance 4599 and Section 21.04.010 of the Grand Junction Municipal Code to allow marijuana testing facilities in the City.

City staff and community members, including the Marijuana Working Group, have researched, reviewed and discussed various approaches to taxation, permitting and regulation of marijuana within the City and provided to City Council such information and recommendation for the moratorium to be lifted on marijuana businesses.

On January 20, 2021 the City Council approved Resolution 09-21, the adoption of which referred a ballot question to the regular municipal election on April 6, 2021 to repeal Referred Measure A contingent on and subject to voter approval of taxation of marijuana businesses. A majority of the votes cast at the election were in favor of repealing the moratorium on marijuana businesses and in favor of taxation of marijuana businesses.

City Council has determined to allow retail marijuana businesses within the City. On _____, Ordinance No. _____ was approved by City Council which developed rules and regulation for licensing and operating retail marijuana businesses.

There are indirect costs to the City ~~of regarding~~ the use of marijuana that are not covered by the license and application fees paid by the retail marijuana business. Many of those costs are related to the fact that marijuana is illegal at the federal level and the state has not been able to fully fund enforcement of laws adopted at the state level, leaving enforcement of marijuana laws to the local municipalities. Further, there are not comprehensive substance abuse programs related to the legal use of marijuana.

Imposing both an excise tax and a special sales and use tax on marijuana and marijuana businesses would provide resources necessary for the City to be able to pay the indirect costs, including education and programs, related to the use of marijuana.

City Council requested that staff prepare an ordinance that approves a sales and use tax of six percent and an excise tax of five percent.

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

Title 3 of the Grand Junction Municipal Code (GJMC) shall be amended as follows (additions shown in **bold print** and deletions shown with ~~strike-through~~):

3.12.020 Definitions.

***Marijuana* also known as *cannabis*, shall have the same meaning as the term “usable form of marijuana” as set forth in Article XVIII, Section 16(2) of the Colorado Constitution or as may be more fully defined in any applicable State law or regulation. “Marijuana” may alternatively be spelled “marihuana”.**

***Retail marijuana* has the same meaning as set forth in Section 16(2)(f) of Article XVIII of the Colorado Constitution.**

***Retail marijuana products* has the same meaning as set forth in Section 16(2)(k) of Article XVIII of the Colorado Constitution.**

Retail marijuana store is an entity licensed to purchase cannabis from cannabis cultivation facilities and to sell cannabis and cannabis products to consumers and retail cannabis testing facilities that are licensed to analyze and certify the safety and potency of cannabis.

3.12.030 Levied.

(d) In addition to the general sales and use tax of 3.25 percent levied in subsection (a) above, there is hereby levied a special sales and use tax of 6 percent on the full purchase price paid or charged for tangible personal property and taxable services purchased or sold at retail by any retail marijuana store exercising a taxable privilege in the City by the sale of such property or services. Each retail marijuana store shall collect tax on every sale or transfer of retail marijuana product(s). The 9.25 percent sales and use tax shall be collected by the vendor and remitted to the City.

All revenue derived through the general sales tax of 3.25 percent on retail marijuana sales shall be used for general municipal purposes and/or as restricted by previous voter action.

All revenue derived through the special sales and use tax of 6 percent on retail marijuana sales shall be used for the enforcement of regulations on the regulated marijuana industry and other costs related to the regulation of regulated marijuana and lawful utilization of marijuana, the building, operating and maintenance of the highest priorities of the adopted Parks and Recreation Open Space Plan which includes indoor and outdoor recreating and park facilities, capital improvements and enhancements to the City's Parks, trails and open space, public safety, enforcement and administrative purposes and for comprehensive substance abuse programs including, without limitation, prevention, treatment, education, responsible use, intervention, and monitoring of unlawful consumption of marijuana all as approved by voters in April 2019 with the passage of ballot measure 2A.

3.12.070 Exemptions from sales tax.

Wholesale sales means a sale by a wholesaler to retailers, jobbers, dealers or other wholesalers for resale and does not include a sale by wholesalers to users or consumers not for resale; latter types of sales shall be deemed to be retail sales and shall be subject to the provisions of this chapter. **Wholesale sales of retail marijuana are subject to an excise tax under the provisions of this Chapter.**

Chapter 3.16 Retail Marijuana Excise Tax

3.16.010 Purpose and legislative intent.

The City Council intends that an excise tax be imposed on the first sale or transfer of unprocessed retail marijuana by a retail cultivation facility within the City.

Revenue derived through the retail marijuana excise tax shall be used for the enforcement of regulations on the regulated marijuana industry and other costs related to the implementation of the use and regulation of regulated marijuana and lawful utilization of marijuana, the building, operating and maintenance of the highest priorities of the adopted Parks and Recreation Open Space Plan which includes indoor and outdoor recreating and park facilities, capital improvements and enhancements to the City's Parks, trails and open space, public safety, enforcement and administrative purposes and for comprehensive substance abuse programs including, without limitation, prevention, treatment, education, responsible use, intervention, and monitoring of unlawful consumption of marijuana all as approved by voters in April 2019 with the passage of ballot measure 2A.

3.16.020 Definitions.

~~As used in this Chapter, *average market rate* means the amount determined by the State pursuant to Section 39-28.8-101(1), C.R.S., as the average price of unprocessed retail marijuana that is sold or transferred from a retail marijuana cultivation facility to a retail marijuana store or retail marijuana products manufacturer. All other terms in this Chapter shall have the same meaning as set forth in Title 5 Chapter 13 of this Code.~~

3.16.030 Imposition and rate of tax.

There is hereby levied an excise tax of 5 percent upon the average market rate of unprocessed retail marijuana that is sold or transferred from a retail marijuana cultivation facility to a retail marijuana store or retail marijuana products manufacturer.

3.16.040 Vendor liable for tax.

Each retail marijuana cultivation facility shall collect the tax imposed in Section 3.16.030 above upon every sale or transfer of unprocessed retail marijuana from the cultivation facility. The person charged with the duty to collect taxes also has the burden of proving that any transaction is not subject to the tax imposed by this Article.

3.16.050 Taxes collected held in trust.

All sums of money paid by any person or facility to a cultivation facility as excise taxes pursuant to this Article are public monies that are the property of the City. The person required to collect and remit retail marijuana excise taxes shall hold such monies in trust for the sole use and benefit of the City until paying them to the Finance Director.

3.16.060 Licensing and reporting.

(a) Every person with a duty to collect the excise tax imposed by this Article shall obtain a tax license pursuant to Title 5 Chapter 13 of this Code, report such taxes collected on forms and remit such taxes to the City as prescribed by the Finance Director. A tax license shall be valid so long as:

(1) the business remains in continuous operation

(2) the license is not canceled by the licensee or revoked by the City; and

(3) the business holds a valid retail marijuana license from the City pursuant to Title 5 Chapter 13 of this Code.

(b) The tax license may be canceled or revoked by the City as provided in Chapter 12 Section 250 of this Title.

(c) Whenever a business entity that is required to be licensed under this Article is sold, purchased or transferred, so that the ownership interest of the purchaser or seller changes in any respect, the purchaser shall obtain a new tax license.

(d) Every person engaged in the retail marijuana cultivation business in the City shall keep books and records according to the standards of the Finance Director and subject to the Finance Director's right to audit set forth in GJMC Section 3.12.270.

(e) The provisions set forth in Sections 3.12.260, 3.12.270, 3.12.290, 3.12.300, 3.12.330 thru 3.12.580 of this Code shall all apply to retail marijuana excise taxation by the City.

3.16.070 Duties and powers of the Finance Director.

The Finance Director is authorized to administer the provisions of this Chapter.

3.16.080 Prohibited acts.

It is unlawful and a violation of this Code for any retail marijuana business to sell or transfer unprocessed retail marijuana without the tax license required by this Article, the retail marijuana license required by Title 5 Chapter 13 of this Code and any other license(s) required by law, to willfully make any false or fraudulent return or false statement on any return, or to willfully evade the payment of the tax, or any part thereof, as imposed by this Chapter.

ALL OTHER PROVISIONS OF TITLE 3 SHALL REMAIN IN FULL FORCE AND EFFECT.

Introduced on first reading the 16th day of March 2022 and ordered published in pamphlet form.

188
189 Adopted on second reading this ____ day of _____ 2022 and ordered published in
190 pamphlet form.
191

192
193
194 ATTEST:

C.B. McDaniel
President of City Council

195
196
197 _____
198 Laura Bauer
199 Interim City Clerk
200

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND TITLE 3 OF THE GRAND JUNCTION MUNICIPAL
CODE TO INCLUDE A RETAIL MARIJUANA SALES AND USE TAX AND A
MARIJUANA EXCISE TAX.**

RECITALS:

In October 2010, the City Council adopted Ordinance 4437 which prohibited the operation of medical marijuana businesses in the City limits and amended the Grand Junction Municipal Code by the addition of certain sections prohibiting specified uses relating to marijuana. A petition protesting the passage of Ordinance 4437 was filed, found to be sufficient, and the Ordinance was suspended.

In December 2010 the City Council approved a ballot question referring Ordinance 4437 to the regular municipal election on April 5, 2011. Referred Measure A was approved by the voters, prohibiting the operation of medical marijuana businesses and amended the Grand Junction Municipal Code to prohibit certain uses relating to marijuana.

Colorado Amendment 64 was passed by the voters on November 6, 2012. Amendment 64 included an amendment to Article 18 of the Colorado Constitution by adding a new Section 16 regarding the personal use and regulation of marijuana. Amendment 64 allows retail marijuana stores and makes it legal for anyone 21 years or older to buy marijuana at those stores. The Amendment allows anyone over 21 years of age to legally possession and consume up to one ounce of marijuana. Amendment 64 required the State to develop and adopt laws, regulations, and processes concerning marijuana.

In February 2013, City Council approved Resolution 07-13, adopting marijuana policies for the City and restrictions for persons or entities from applying to function, do business, or hold itself out as a marijuana facility, business or operation in the City limits. Later that same year, City Council adopted Ordinance 4599 which prohibited the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores. It also amended Sections in Title 5, Article 15 of the Grand Junction Municipal Code that prohibit certain uses relating to marijuana.

In late 2015, the City, Mesa County and Colorado Mesa University, by and through the efforts of the Grand Junction Economic Partnership (GJEP), were successful in establishing the *Colorado Jumpstart* business development program. One business who was awarded the first *Jumpstart* incentive planned to develop a laboratory and deploy its advanced analytical processes for genetic research and its ability to mark/trace chemical properties of agricultural products, one of which was marijuana. In October 2016, City Council passed Ordinance 4722 which amended Ordinance 4599 and Section 21.04.010 of the Grand Junction Municipal Code to allow marijuana testing facilities in the City.

City staff and community members, including the Marijuana Working Group, have researched, reviewed and discussed various approaches to taxation, permitting and regulation of marijuana within the City and provided to City Council such information and recommendation for the moratorium to be lifted on marijuana businesses.

On January 20, 2021 the City Council approved Resolution 09-21, the adoption of which referred a ballot question to the regular municipal election on April 6, 2021 to repeal Referred Measure A contingent on and subject to voter approval of taxation of marijuana businesses. A majority of the votes cast at the election were in favor of repealing the moratorium on marijuana businesses and in favor of taxation of marijuana businesses.

City Council has determined to allow retail marijuana businesses within the City. On _____, Ordinance No. _____ was approved by City Council which developed rules and regulation for licensing and operating retail marijuana businesses.

There are indirect costs to the City regarding the use of marijuana that are not covered by the license and application fees paid by the retail marijuana business. Many of those costs are related to the fact that marijuana is illegal at the federal level and the state has not been able to fully fund enforcement of laws adopted at the state level, leaving enforcement of marijuana laws to the local municipalities. Further, there are not comprehensive substance abuse programs related to the legal use of marijuana.

Imposing both an excise tax and a special sales and use tax on marijuana and marijuana businesses would provide resources necessary for the City to be able to pay the indirect costs, including education and programs, related to the use of marijuana.

City Council requested that staff prepare an ordinance that approves a sales and use tax of six percent and an excise tax of five percent.

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

Title 3 of the Grand Junction Municipal Code (GJMC) shall be amended as follows (additions shown in **bold print** and deletions shown with ~~strike-through~~):

3.12.020 Definitions.

***Marijuana* also known as *cannabis*, shall have the same meaning as the term “usable form of marijuana” as set forth in Article XVIII, Section 16(2) of the Colorado Constitution or as may be more fully defined in any applicable State law or regulation. “Marijuana” may alternatively be spelled “marihuana”.**

***Retail marijuana* has the same meaning as set forth in Section 16(2)(f) of Article XVIII of the Colorado Constitution.**

***Retail marijuana products* has the same meaning as set forth in Section 16(2)(k) of Article XVIII of the Colorado Constitution.**

Retail marijuana store is an entity licensed to purchase cannabis from cannabis cultivation facilities and to sell cannabis and cannabis products to consumers and retail cannabis testing facilities that are licensed to analyze and certify the safety and potency of cannabis.

3.12.030 Levied.

(d) In addition to the general sales and use tax of 3.25 percent levied in subsection (a) above, there is hereby levied a special sales and use tax of 6 percent on the full purchase price paid or charged for tangible personal property and taxable services purchased or sold at retail by any retail marijuana store exercising a taxable privilege in the City by the sale of such property or services. Each retail marijuana store shall collect tax on every sale or transfer of retail marijuana product(s). The 9.25 percent sales and use tax shall be collected by the vendor and remitted to the City.

All revenue derived through the general sales tax of 3.25 percent on retail marijuana sales shall be used for general municipal purposes and/or as restricted by previous voter action.

All revenue derived through the special sales and use tax of 6 percent on retail marijuana sales shall be used for the enforcement of regulations on the regulated marijuana industry and other costs related to the regulation of regulated marijuana and lawful utilization of marijuana, the building, operating and maintenance of the highest priorities of the adopted Parks and Recreation Open Space Plan which includes indoor and outdoor recreating and park facilities, capital improvements and enhancements to the City's Parks, trails and open space, public safety, enforcement and administrative purposes and for comprehensive substance abuse programs including, without limitation, prevention, treatment, education, responsible use, intervention, and monitoring of unlawful consumption of marijuana all as approved by voters in April 2019 with the passage of ballot measure 2A.

3.12.070 Exemptions from sales tax.

Wholesale sales means a sale by a wholesaler to retailers, jobbers, dealers or other wholesalers for resale and does not include a sale by wholesalers to users or consumers not for resale; latter types of sales shall be deemed to be retail sales and shall be subject to the provisions of this chapter. **Wholesale sales of retail marijuana are subject to an excise tax under the provisions of this Chapter.**

Chapter 3.16 Retail Marijuana Excise Tax

3.16.010 Purpose and legislative intent.

The City Council intends that an excise tax be imposed on the first sale or transfer of unprocessed retail marijuana by a retail cultivation facility within the City.

Revenue derived through the retail marijuana excise tax shall be used for the enforcement of regulations on the regulated marijuana industry and other costs related to the implementation of the use and regulation of regulated marijuana and lawful utilization of marijuana, the building, operating and maintenance of the highest priorities of the adopted Parks and Recreation Open Space Plan which includes indoor and outdoor recreating and park facilities, capital improvements and enhancements to the City's Parks, trails and open space, public safety, enforcement and administrative purposes and for comprehensive substance abuse programs including, without limitation, prevention, treatment, education, responsible use, intervention, and monitoring of unlawful consumption of marijuana all as approved by voters in April 2019 with the passage of ballot measure 2A.

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(3) the business holds a valid retail marijuana license from the City pursuant to Title 5 Chapter 13 of this Code.

(b) The tax license may be canceled or revoked by the City as provided in Chapter 12 Section 250 of this Title.

(c) Whenever a business entity that is required to be licensed under this Article is sold, purchased or transferred, so that the ownership interest of the purchaser or seller changes in any respect, the purchaser shall obtain a new tax license.

(d) Every person engaged in the retail marijuana cultivation business in the City shall keep books and records according to the standards of the Finance Director and subject to the Finance Director's right to audit set forth in GJMC Section 3.12.270.

(e) The provisions set forth in Sections 3.12.260, 3.12.270, 3.12.290, 3.12.300, 3.12.330 thru 3.12.580 of this Code shall all apply to retail marijuana excise taxation by the City.

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It is unlawful and a violation of this Code for any retail marijuana business to sell or transfer unprocessed retail marijuana without the tax license required by this Article, the retail marijuana license required by Title 5 Chapter 13 of this Code and any other license(s) required by law, to willfully make any false or fraudulent return or false statement on any return, or to willfully evade the payment of the tax, or any part thereof, as imposed by this Chapter.

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Introduced on first reading the 16th day of March 2022 and ordered published in pamphlet form.

188
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193
194 ATTEST:

C.B. McDaniel
President of City Council

195
196
197 _____
198 Laura Bauer
199 Interim City Clerk
200

DRAFT

Tamra Allen

From: comdev
Sent: Monday, March 14, 2022 5:28 PM
To: Tamra Allen; Jace Hochwalt
Subject: FW: For tonights cannabis workshop
Attachments: GJ Mj licensing memo March.docx.pdf

From comdev email.

Pat

Pat Dunlap

Planning Technician
City of Grand Junction - Community Development
250 N 5th St, Grand Junction, CO 81501-2628
patd@gjcity.org; (970) 256-4030; (970) 256-4031 fax
Office hours: M-F, 8:00 AM - 5:00 PM

From: Samantha Walsh <samantha@tetrapublicaffairs.com>
Sent: Monday, March 14, 2022 16:03
To: comdev <comdev@gjcity.org>; cityclerk <cityclerk@gjcity.org>; Abe Herman <abeh@gjcity.org>; Anna Stout <annas@gjcity.org>; Chuck McDaniel <chuckmc@gjcity.org>; Randall Reitz <randallr@gjcity.org>; Dennis Simpson <denniss@gjcity.org>; Rick Taggart <rickt@gjcity.org>; Phillip Pe'a <phillipp@gjcity.org>
Subject: For tonights cannabis workshop

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Please include the following comment in tonight's workshop regarding base criteria and relevant experience with previous lottery systems. Thank you

Grand Junction City Council and Staff
250 N 5th Street
Grand Junction, CO 81501

March 14, 2022

Re: Grand Junction Marijuana Licensing Ordinance

First, I'd like to acknowledge all the hard work Council has put into this ordinance. My firm has been working with various stakeholders and staff to participate in the process since the City began holding public listening sessions last summer. While we understand the direction Council is taking the ordinance, we remain greatly concerned with a lottery system being hastily thrown together. The lottery system that tends to be taken advantage of and "gamed" by well capitalized cannabis conglomerates or unscrupulous entities with no experience in the cannabis industry. It may feel like the path of least resistance, but history has demonstrated that lottery systems end up costing more and taking more time to implement than a traditional merit based system.

Adams County, for example, moved forward in 2020 to license cannabis hospitality businesses and found that applicants would recruit relatives and friends to submit applications for the lottery. They did this as a way to collect several “tickets” on behalf of people with no vested interest in the industry who were acting as a placeholder or “owner” in name only. To date, none of the 5 lottery winners have opened their businesses for operation because of conflicts around trying to transfer ownership. In Broomfield, another city that went down the lottery path, there have been 2 lawsuits that have severely delayed licensing and therefore denied much needed tax revenue to the city. And unfortunately, the social equity applicant in Broomfield was shut out completely.

While we still believe a merit based approach is the quickest way to evaluate quality applicants and ensure the fastest approval track for businesses to open and the City to collect revenue, we want to work with the City to ensure that the process moving forward can do that as well - to the greatest extent possible.

Mandatory Lottery Entry Criteria

We encourage Council to set a higher bar for entry into the lottery, guarantee that the highest quality applicants enter the lottery, and ensure that only those who are dedicated to maintaining a long-term relationship in the community will win the privilege of a license. The following are 5 criteria that were identified by Council as priorities, and it is standard practice that a plan for each be provided prior to the issuance of a license, or in this case, a lottery entrance.

Experience in the Cannabis Industry - Ability to demonstrate, through a business plan and management experience, the applicant’s ability to operate and develop a business in a highly regulated industry with a cumulative demonstrated experience of at least three (3) years. This would include:

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-
- Applicant should be badged as an owner by the MED before submitting their application in the lottery.
- This will prevent gamesmanship of loading the lottery with false parties, insincere applications, and those looking to transfer or sell the license.
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-
- Executive summary of Applicant’s business plan demonstrates excellent familiarity with the relevant rules, regulations, and financial structure of the regulated cannabis industry in Colorado.
-
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-
- Attestation that Applicant has employed at least 10 employees badged under MED.
-

Detailed Business Plan – Applicant provides a business plan of overall quality and detail to indicate that the business will achieve operational stability and comply with best practices and regulations concerning employment and prevention of crime and nuisance. The business plan must include the following:

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- Provide a reasonable estimate of costs related to build out and startup
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- Proof that a facility has been secured and that the location meets zoning requirements
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- Proof of a plan/access to technology to facilitate ordering, tracking and ID/age purchase verification.
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-

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- Security Plan including storage procedures
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-
- Environmental Impact Plan. This must include a means for odor mitigation and safe disposal of solvents and other hazardous materials.
-
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-
- Compliance Plan to keep up with the changes in state and local regulations in the required timelines. This shall include an employee training plan.
-
-
-
- Complaint Resolution Plan – must demonstrate a viable process for conflict and nuisance avoidance and resolution that will provide a high likelihood that complaints regarding the direct impacts from the business operations (e.g. odor, traffic, noise, etc.) will be avoided and/or resolved sufficiently and expediently.
-

Quality of Character – Because these are incredibly valuable and desirable licenses in a very regulated industry, Applicants should be held to high standards and engage in the license process honestly and with integrity. Therefore, the following must be required in order to enter the lottery process:

- -
 - An attestation that each application has no overlapping partners or investors or immediate family members of partners or investors with another application
 -
 -
 -
 - An attestation that each application has no overlapping investors or investment dollars with any other application.
 -
- o Any Applicant found to have overlapping applications or financial interest should be immediately disqualified in place of redoing the lottery process. This was one of the major hurdles in Broomfield that delayed the lottery process significantly.*

-
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- Proof of tax compliance
- - The Applicant is in full compliance with the taxation rules and regulations of State and City.
-
-
-
- No Known Egregious Violations and Eligibility – City records and applicant statements shall demonstrate that no ownership interest greater than 10 percent has a record of prior
-

notices of violations, stop work orders, cease and desist orders or repetitive contact by the City's Code Enforcement officers or agencies that resulted in the forfeiture or transfer of ownership of a cannabis business license.

-

-
- Applicant must not be prohibited from becoming a licensee for any reason identified by State law
- or regulation
-

Financial Viability – Applicant provides a feasible financial plan and demonstrates control of at least \$500,000 in cash and cash equivalents available for deployment to fund business development and operations.

Community Impact and Benefit – Applicant submits a plan that demonstrates meaningful and substantial commitment through financial donation, service, or similar to programs, services and organizations that address Social Determinants of Health as defined by the CDC. These include economic stability, education access and quality, health care access and quality, neighborhood and built environment, and social and community context. Plan must include letters of support from non-profits or community members partnered with the applicant in developing the community plan.

We believe these criteria are essential to meeting Council's goals of an efficient and fair licensing procurements while also ensuring that the utmost integrity is obtained from both applicants and the process.

--

Samantha Walsh

Founder

(c) 303.618.6504



www.tetrapublicaffairs.com

Tamra Allen

From: comdev
Sent: Monday, March 14, 2022 5:27 PM
To: Tamra Allen; Jace Hochwalt
Subject: FW: 3-14-22 Council Meeting

From comdev email.

Pat

Pat Dunlap

Planning Technician
City of Grand Junction - Community Development
250 N 5th St, Grand Junction, CO 81501-2628
patd@gjcity.org; (970) 256-4030; (970) 256-4031 fax
Office hours: M-F, 8:00 AM - 5:00 PM

From: Dwayne Baird <admin@jandjinc.net>
Sent: Monday, March 14, 2022 13:59
To: Abe Herman <abeh@gjcity.org>; Chuck McDaniel <chuckmc@gjcity.org>; Phillip Pe'a <phillipp@gjcity.org>; Randall Reitz <randallr@gjcity.org>; Dennis Simpson <denniss@gjcity.org>; Anna Stout <annas@gjcity.org>; Rick Taggart <rickt@gjcity.org>
Cc: comdev <comdev@gjcity.org>
Subject: 3-14-22 Council Meeting

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Dear Councilmen and Council Women,

After reviewing the proposed marijuana application requirements, I would like to ask about the cannabis business license proposed operating plan. First page, item 3. What is the reasoning behind requiring a fire suppression system? I don't see anything in the proposed ordinance that alludes to a fire suppression system other than following the international and local fire code. According to the fire sprinkler requirements on your website, retail locations above 12,000 sq. ft. require a sprinkler system but not less than 12,000 sq. ft.

Is it your intention to require a fire suppression system for all cannabis retail stores? This places an undue burden on prospective applicants who have already invested a great deal of money into their locations. A cannabis dispensary is a retail outlet, nothing more. Do you require all retail establishments in Grand Junction regardless of size to install a fire suppression system? Not according to the fire code, so why single out cannabis dispensaries? Fire suppression systems are incredibly expensive and unnecessary in small to medium size retail outlets. This undue burden will further hinder your potential applicant pool. To give you an example, the Town of Dolores Colorado implemented a fire suppression system requirement. Once the many several potential applicants were informed of this decision most decided not to go thru with the application. The Town of Dolores began accepting applications in January of 2021, anticipating a lottery drawing due to the interest shown initially. All but one applicant has withdrawn from the Town of Dolores.

A fire suppression system is expensive and time consuming. We estimate our proposed location will cost upwards of \$200,000 and a minimum of 6-9 months to complete installation. Us and other applicants already have invested a great deal of money into our proposed locations. We continue to invest while the council figures out what system they want to use to decide on the 10 applicants. The more requirements like this you impose the greater chance there will be that no smaller cannabis retailers can afford to business in Grand Junction.

I urge you to reconsider the fire suppression system requirement. Stick to the existing fire code and do not place extra financial and time burdens on cannabis retailers simply because we sell cannabis. At the end of the day, we sell a product at a retail establishment. We are no different than your local liquor store, other than the fact that we are already highly regulated and highly taxed.

Thank you for your time.

Dwayne Baird
(970) 946-8537

J and J Enterprises, Inc | JWJ Inc.

Business Development | Licensing Specialist | I.T. Admin

Tamra Allen

From: comdev
Sent: Monday, March 14, 2022 5:28 PM
To: Tamra Allen; Jace Hochwalt
Subject: FW: 3-14-22 Council Workshop

From comdev email.

Pat

Pat Dunlap

Planning Technician
City of Grand Junction - Community Development
250 N 5th St, Grand Junction, CO 81501-2628
patd@gjcity.org; (970) 256-4030; (970) 256-4031 fax
Office hours: M-F, 8:00 AM - 5:00 PM

From: Jeremy Bonin <jbonin@jandjinc.net>
Sent: Monday, March 14, 2022 16:58
To: Abe Herman <abeh@gjcity.org>; Chuck McDaniel <chuckmc@gjcity.org>; Phillip Pe'a <phillipp@gjcity.org>; Randall Reitz <randallr@gjcity.org>; Dennis Simpson <denniss@gjcity.org>; Anna Stout <annas@gjcity.org>; Rick Taggart <rickt@gjcity.org>
Cc: comdev <comdev@gjcity.org>
Subject: 3-14-22 Council Workshop

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Dear Council members,

Upon review of the cannabis application requirements being proposed tonight, I would like to address the operating plan draft. One of the requirements being asked of all licenses is a required fire suppression system. I have attended nearly every meeting and been involved in the councils' discussions regarding retail cannabis in Grand Junction since early last year and this is the first I've heard about a fire suppression system requirement for all license types.

A fire suppression system should not be a requirement for a small to medium sized retail establishment.

I can't find any information in the draft ordinance requiring this system. The proposed ordinance simply states that the establishment follow all local and international fire codes. I've spoken with the local fire inspection office and been assured that normal retail establishments in Grand Junction aren't required to install such a system.

Most retail cannabis establishments are going to be well under 12,000 sq. ft. (which is the size requirement) and will not be storing any hazardous materials, other than lighters. There is no logical reason behind such a

requirement. Retail cannabis establishments have fewer flammable items than a typical clothing boutique let alone a liquor store.

Fire suppression systems are incredibly expensive and time consuming to install. They can easily cost hundreds of thousands of dollars and since they require multiple inspections and certifications, they usually take 6 months or more to be completed. Cannabis retailers are just that, retailers. We aren't production facilities, we don't have tens of thousands of square feet, and we don't store hazardous chemicals nor are we engaging in any volatile processes. I implore you to stick with the language currently in the draft ordinance and to only require what is already in the existing local and international fire code. Please do not place this undue burden on new businesses starting in Grand Junction. Following the ordinance as previously written and requiring businesses to follow the local and international fire code will be plenty of protection for the City of Grand Junction.

As to the merit-based system versus lottery-based system. I and many others have spoken many times to the advantages of a merit-based system. If you continue with the existing cap rather than let the free market dictate how many cannabis retailers can be in operation, a merit-based system will ensure that you, the city council, get the highest quality operators in the industry. This is a very challenging industry to be in. Cannabis was approved by voters to get tax dollars into your community. Inexperience or even bad operators can and will delay the opening of retail stores. We've seen several communities go thru a time-consuming lottery process only to be delayed a year or more before stores can open. These delays will cost the city the tax dollars it needs to fund the Parks, Recreation and Open Space plan. You have little control over a lottery, open yourself to litigation, and will cause even further delays. The fairest way to move forward, is to correct the mistake of putting an arbitrary cap on the number of cannabis stores that can open.

I believe it was council woman Stout that said it best. "It is not the council's job to decide how many retailers should open, it is the councils' job to regulate the industry that the voters approved."

If you do continue with this arbitrary cap, please remember why the council overwhelmingly supported the merit-based system originally. The intent is to keep bad and inexperienced operators out so that the tax dollars can quickly flow to the City of Grand Junction.

Thank you for your time.

Jeremy Bonin

Tamra Allen

From: comdev
Sent: Monday, March 14, 2022 8:24 AM
To: Tamra Allen; Jace Hochwalt
Subject: FW: Public Comment for marijuana ordinance
Attachments: Grand Junction Ordinance Comments.pdf

From comdev email.

Pat

Pat Dunlap

Planning Technician
City of Grand Junction - Community Development
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patd@gjcity.org; (970) 256-4030; (970) 256-4031 fax
Office hours: M-F, 8:00 AM - 5:00 PM

From: Truman Bradley <truman@marijuanaindustrygroup.org>
Sent: Friday, March 11, 2022 11:46
To: Council <council@gjcity.org>; citymanager <citymanager@gjcity.org>; John Shaver <johns@gjcity.org>; comdev <comdev@gjcity.org>
Subject: Public Comment for marijuana ordinance

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Good afternoon Council Members, Attorney Shaver, and Manager Caton,

My name is Truman Bradley. I serve as the Executive Director of the Marijuana Industry Group (MIG), the trade association for licensed Colorado cannabis businesses. MIG partners with lawmakers, regulators, community groups, and stakeholders to make sure that Colorado continues to be thoughtful and safe as we regulate marijuana. *Thank you for your diligence and conviction as you create a marijuana regulatory model that is right for Grand Junction.* As you prepare for your workshop on Monday, please see MIG's feedback on the [redline marijuana draft ordinance on your website](#).

Truman Bradley
Executive Director



(303) 588-2297
Truman@MarijuanaIndustryGroup.org



Grand Junction City Council

Regular Session

Item #2.b.i.

Meeting Date: March 16, 2022

Presented By: David Thornton, Principal Planner

Department: Community Development

Submitted By: David Thornton, Principal Planner

Information

SUBJECT:

Introduction of an Ordinance Zoning Approximately 1.83 Acres from County Planned Unit Development (PUD) to R-8 (Residential – 8 du/ac) for the Keyser Court Annexation, Located at 3110 through 3117 Keyser Court, and Setting a Public Hearing for April 6, 2022

RECOMMENDATION:

The Planning Commission heard this request at their March 8 meeting and voted (x-x) to recommend approval of the request.

EXECUTIVE SUMMARY:

The Applicant, BK Holdings II LLLP is requesting a zone of annexation to R-8 (Residential 5.5 to 8 du/ac) for the Keyser Court Annexation. The approximately 1.83-acres consists of 8 parcels of land located at 3110 through 3117 Keyser Court and includes portions of unbuilt right-of way in Crystal Drive and Keyser Court. The subject property is located within the River Bend Subdivision and undeveloped. The adjacent property, also part of the River Bend Subdivision, to the south is already zoned R-8.

The property is Annexable Development per the Persigo Agreement. The zone district of R-8 is consistent with the Residential Medium (5.5 to 12 du/ac) Land Use category of the Comprehensive Plan and the adjacent R-8 zoning. The request for annexation will be considered separately by City Council, but concurrently with the zoning amendment request.

BACKGROUND OR DETAILED INFORMATION:

The Applicant, BK Holdings II LLLP is requesting annexation of approximately 1.83 acres consisting of 8 parcels of land located at 3110 through 3117 Keyser Court and

includes portions of unbuilt right-of way in Crystal Drive and Keyser Court. The subject property is located within the River Bend Subdivision and is undeveloped.

The property is Annexable Development per the Persigo Agreement. The Applicant is requesting annexation into the city limits. Annexation is being sought in anticipation of developing this property along with the rest of the undeveloped portions of the River Bend Subdivision already annexed into the City limits. The request for zoning will be considered separately by City Council, but concurrently with the annexation request and will be heard in a future Council action.

The schedule for the annexation and zoning is as follows:

- Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use – March 2, 2022.
- Planning Commission considers Zone of Annexation – March 8, 2022.
- Introduction of a Proposed Ordinance on Zoning by City Council – March 16, 2022.
- Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council – April 6, 2022.
- Effective date of Annexation and Zoning – May 8, 2022.

Zone of Annexation Request:

The Applicants are requesting a zone district of R-8 (Residential – 8 du/ac. The property is currently zoned in the County as Planned Unit Development (PUD). The proposed zone district of R-8 is consistent with the Residential Medium (5.5 to 12 du/ac) Land Use category of the Comprehensive Plan and the adjacent city R-8 zoning to the south as well as adjacent Mesa County zoning of PUD within the unincorporated area to the north and east within the developed portions of the River Bend Subdivision.

Surrounding development developed in the PUD County zoning to the east and north consists of single family residential on small urban (6500 sq. ft.) lots averaging a density close to 5.5 dwelling units per acre and attached single family townhome development to the west at densities of around 8 dwelling units per acre. \Zoning will be considered in a future action by City Council and requires review and recommendation by the Planning Commission.

The annexation area has sewer service and all other urban amenities to the property. It is located within Tier 2 on the Intensification and Growth Tiers Map of the Comprehensive Plan. The goal to “encourage infill and redevelopment to leverage existing infrastructure” supports the Applicant’s request of a zone of annexation of R-8.

The R-8 zoning establishes densities between 5.5 and 8 dwelling units per acre which will allow the property to develop at densities like the developed portions of River Bend Subdivision developed under the County PUD zone district. The R-8 requested zoning implements the Comprehensive Plan’s Residential Medium Land Use category.

The purpose of the R-8 (Residential – 8 du/ac) zone district is to provide for medium-

high density attached and detached dwellings, two-family dwellings 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. This property is located within a sub-urban infill area of the community. The greater surrounding Pear Park area both within the city limits and unincorporated Mesa County are largely developed with a mix of attached and single-family detached homes.

In addition to the R-8 zoning requested by the petitioner, the following zone districts would also be consistent with the proposed Comprehensive Plan designation of Residential Medium (5.5 to 12 du/ac).

- a. R-12 (Residential – 8-12 du/ac)
- b. CSR (Community Services and Recreation)
- c. Mixed Use Residential (MXR-3)
- d. Mixed Use General (MXG)
- e. Mixed Use Shopfront (MXS)

NOTIFICATION REQUIREMENTS

Neighborhood Meeting:

A Neighborhood Meeting regarding the proposed Annexation and Zoning was held in-person on September 29, 2021, in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant's representative and City staff were in attendance.

An official development application was submitted to the City of Grand Junction for review on November 24, 2021.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the City's Zoning and Development Code. The subject property was posted with an application sign on January 18, 2022. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on February 25, 2022. The notice of the Planning Commission public hearing was published March 1, 2022 in the Grand Junction Daily Sentinel.

Other Notification:

Public comment was also offered through the GJSpeaks platform.

ANALYSIS

Zone of Annexation Analysis

The criteria for review are set forth in Section 21.02.140 (a) and includes that 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 property owners have petitioned for annexation into the City limits and requested zoning of R-8 which is compatible with the Comprehensive Plan Land Use Map designation of Residential Medium (5.5 to 12 du/ac). Since the Applicant's properties are currently in the County, the annexation of the property is a subsequent event that will invalidate one of these original premises, a county zoning designation.

However, staff has found this to not be enough justification and find this criterion has not been met.

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

The character or condition of the areas has changed since 1982 when the County zoned this annexation area PUD and approved and recorded the subdivision plat. Since 1982 the following subdivisions within a quarter mile of this site have been approved and constructed. Grove Creek Subdivision in 1998, River Walk Subdivision in 2019, River Trail Subdivision in 2020 all located to the north and east have been built; and to the northwest, Mountain Shadows Subdivision was platted and constructed in 1997 and 1998.

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

Existing public and community facilities and services are available to the annexation and are sufficient to serve land uses associated with the proposed R-8 zone district when developed. The platted lots have future access to the Crystal Drive and Keyser Court rights-of-way that will need to be constructed prior to housing development, and sanitary sewer located within the right-of-way is already available to the platted lots. The applicant has stated they will be constructing the road improvements within the established right-of-way to serve the 8 platted lots. Domestic water service is available through a Clifton Water District water line to the site in Crystal Drive and the area can be served by Xcel Energy for electricity and natural gas.

To the northwest just over one mile is Pear Park Elementary School. School District 51 buses kids from this area to middle school and high school. Limited goods and services are available in close proximity approximately one mile west at 30 Road and D Road. Major shopping is available 4 ½ -miles away in the Clifton commercial district. Fire Station No. 8 is soon to be under construction a half mile to the north on 31 Road. Response times to this area are longer than other areas due to the distance from existing fire stations. For the immediate future, the area will be served by Fire Station 4 at 2884 B ½ Road. However, because of the recently passed First Responder Tax, Fire Station 8 at 441 31 Road will serve this area beginning in 2023.

Staff has found the public and community facilities are adequate to serve the type and scope of the residential land use proposed at the R-8 densities. Therefore, staff have found 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

The subject property and surrounding area are designated on the Comprehensive Plan Land Use Map as Residential medium (5.5 to 12 du/ac). The proposed zoning designation of R-8 meets the intent of achieving the minimum and desired density for the property with this request, to develop at the low end of the Residential Medium land use category. For properties already annexed into the City limits in the Pear Park Neighborhood they are zoned mostly R-8 south of D Road with mostly R-5 and R-8 north of D Road. For unincorporated areas of Pear Park, Mesa County has zoned the majority of the area PUD with varying densities within the 4 to 8 dwelling units per acre. Much of the surrounding area south of D Road including unincorporated Mesa County is developed or developing. The Land Use Map defines the immediate half mile area around the subject property north of D Road as Residential Low and Residential Medium and the area south of D Road as Residential Medium. Staff finds that there is an adequate supply of R-8 zoning as defined above and therefore finds this criterion has not been met.

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

Annexation and zoning of the properties will create additional land within the City limits for city growth and it helps fill in the patchwork of unincorporated and/or urban area that is adjacent to the City limits. The annexation is also consistent with the City and County 1998 Persigo Agreement. The requested zone district provides housing within a range of density that has been defined as urban densities in the 2020 One Grand Junction Comprehensive Plan and is consistent with the needs of the community. This principle is supported and encouraged by the Comprehensive Plan and furthers the plan's goal of promoting a diverse supply of housing types that meet the needs of all ages, abilities, and incomes identified in Plan Principle 5: Strong Neighborhoods and Housing Choice, Chapter 2 of the Comprehensive Plan. Therefore, Staff finds that this criterion has been met.

Section 21.02.160 (f) of the Grand Junction Zoning and Development Code provides that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. Though the R-12 zone district as well as the CSR and Mixed Use zone Districts could be considered in a Residential Medium Land Use area, the R-8 zone district is consistent with the recommendations of the Plan's Land Use Map, compatible with the surrounding neighborhood and provides for housing on a smaller residential lot, thereby providing more housing to the community.

Consistency with Comprehensive Plan

Further, the zoning request is consistent with the following chapters, goals and principles of the Comprehensive Plan:

Chapter 2

Plan Principle 3: Responsible and Managed Growth

Goal: Support fiscally responsible growth and annexation policies that promote a compact pattern of growth...and encourage the efficient use of land.

Goal: Encourage infill and redevelopment to leverage existing infrastructure.

Plan Principle 5: Strong Neighborhoods and Housing Choices

Goal: Promote more opportunities for housing choices that meets the needs of people of all ages, abilities, and incomes.

Chapter 3

Intensification and Tiered Growth Plan. Subject property is located within Tier 2 – In Tier 2, the City should promote the annexation of those parcels which are surrounded by, and or have direct adjacency to, the City limits of Grand Junction. Annexation and development of these parcels will provide development opportunities while minimizing the impact on infrastructure and City services.

Relationship to Existing Zoning. Requests to rezone properties should be considered based on the Implementing Zone Districts assigned to each Land Use Designation.

- Guide future zoning changes. Requests for zoning changes are required to implement the Comprehensive Plan.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Keyser Court Zone of Annexation, ANX-2021-877 request for the properties located at 3110 through 3117 Keyser Court from County Planned Unit Development (PUD) to a City R-8 (Residential – 8 du/ac), the following findings of facts have been made:

1. The request conforms with Section 21.02.140 of the Zoning and Development Code.
2. The request is consistent with the vision (intent), goals and policies of the Comprehensive Plan.

Therefore, Planning Commission recommends approval of the request.

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 type of use.

SUGGESTED MOTION:

I move to introduce an ordinance zoning the Keyser Court Annexation to R-8 (Residential - 8 du/ac) zone district, from Mesa County zoning of Planned Unit Development (PUD) and set a public hearing for April 6, 2022.

Attachments

1. Development Application
2. Annexation Schedule - Table - Keyser Court Annexation
3. Keyser Court Annexation Plat 2022-01-27
4. Site Maps and Photo
5. ORD-Zoning - Keyser Court Annex

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: Annexation/Zone of Annexation

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: River Bend Replat (Keyser Ct)

Site Acreage: 1.22

Site Tax No(s): multiple see attached

Site Zoning: R2F

Project Description:

Annex in of current lots

Property Owner Information

Name: BK Holdings II LLC

Street Address: 2518 Monument Rd

City/State/Zip: 65 / CO / 81507

Business Phone #: 241-9200

E-Mail: dave@144realty.com

Fax #: _____

Contact Person: Dave Gross

Contact Phone #: 206-1453

Applicant Information

Name: DAC

Street Address: 2518 Monument Rd

City/State/Zip: 65 / CO / 81507

Business Phone #: 201-1853

E-Mail: dave@144realty.com

Fax #: _____

Contact Person: Dave Gross

Contact Phone #: 201-1853

Representative Information

Name: Sam

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: 10/24/21

Signature of Legal Property Owner: _____

Date: 11/2/21

Robert H. Meyers
MANAGING PARTNER BK HOLDINGS II LLC

GENERAL PROJECT REPORT- ANNEXATION

BK HOLDING II LLLP

3110 THROUGH 3117 KEYSER COURT

GRAND JUNCTION CO 81504

DATE: 11/24/2021

PREPARED BY: DAVID GROSS PROJECT MANAGER

SUBMITTED TO : City of Grand Junction- community development
250 N 5th st Grand Junction CO 81501

Attn: Scott Peterson, Sr Planner

Project: Annexation of these multiple lots into the City Limits of Grand Junction

Tax ID #'s: 2943-222-05-020, 019, 018,017, 016, 015, 014, and 013.

PROJECT NARRATIVE FOR THE KEYSER COURT LOTS ANNEXATION APPLICATION

Project overview: On behalf of BK Holding II LLLP the applicant is requesting the listed properties to be annexed into the city limits of Grand Junction. This property is located off of D road and Crystal Drive. It is part of the river bend re-plat being also going through the Planning department to improve the area. These 8 lots will overall remain the same with only changes to meet current codes.

Current use: Property is currently residential vacant lots with minimal improvements.

Neighborhood meeting: A neighborhood meeting was held on 9/29/21 at 2518 monument road 81507. Scott Peterson Sr Planner was present. Meeting notes were submitted to the city.

Annexation:

1. Purpose: In accordance with State statutes, land may be annexed in or de-annexed from the city as deemed appropriate by the city council.

2. Applicability. Any lands to be added to or deleted from the corporate limits of the city shall comply with this section.

3. Approval Criteria. The application shall meet all applicable statutory and city administrative requirements. A complete copy of these requirements is available from the Public Works and Planning Department.

4. Decision-Maker. The director shall make recommendations to city council, and city council shall approve, conditionally approve, or disapprove all applications for annexation.

5. Application and Review procedures. Requirements shall comply with those described in State statutes. Procedure summaries are available from Public Works and Planning department.

6. Zoning of Annexed Properties. City will zone annexed land in accordance with GJMC 21.02.140 that is consistent with the Comprehensive Plan adopted by the city. Density is allowed based on acceptable County zoning district.

The lots on Keyser Court do conform to the Comprehensive plan and neighboring properties.

With the annexation and improvements done to these lots, they will benefit the surrounding community. They will conform with be consistent with the new platted lots to the south. They will also improve the current drainage problems with the area. The applicant respectfully requests the annexation of these lots into the City limits of Grand Junction.

**KEYSER COURT ANNEXATION
PETITION FOR ANNEXATION**

WE THE UNDERSIGNED do hereby petition the City Council of the City of Grand Junction, State of Colorado, to annex the following described parcels to the said City:

GENERAL LOCATION: 3110 through 3117 Keyser Court
Tax ID #'s 2943-222-05-020, 019, 018, 017, 016, 015, 014 & 013.

Lots 13, 14, 15, 16, 17, 18, 19 and 20, Block 2, River Bend

PARCELS CONTAINS 1.18 +/- ACRES TOTAL.

County of Mesa, State of Colorado.

This foregoing description describes the parcel; the perimeter boundary description, for purposes of the Annexation Act, is shown on the attached Perimeter Boundary Legal Description, "Keyser Court Annexation."

As grounds therefore, the petitioner respectfully state that annexation to the City of Grand Junction, Colorado is both necessary and desirable and that the said territory is eligible for annexation in that the provisions of the Municipal Annexation Act of 1965, Sections 31-12-104 and 31-12-105 CRS 1973 have been met.

This petition is accompanied by four copies of a map or plat of the said territory, showing its boundary and its relation to established city limit lines, and said map is prepared upon a material suitable for filing.

Your petitioners further state that they are the owners of more than fifty percent of the area of such territory to be annexed, exclusive of streets and alleys; that the mailing address of the signer and the date of signature are set forth hereafter opposite the name of the signer, and that the legal description of the property owned by the signer of said petition is attached hereto.

WHEREFORE, these petitioners pray that this petition be accepted and that the said annexation be approved and accepted by ordinance. These petitioners by his/her/their signature(s) acknowledge, understand and agree that if any development application concerning the property which is the subject hereof is denied, discontinued or disapproved, in whole or in part, that the annexation of the property to the City of Grand Junction shall proceed.

Robert Meyers

(Print Name)

Robert Meyers as Managing Limited
Partner for BK Holdings II, LLLP

3110 through 3117 Keyser Court

Robert Meyers

SIGNATURE

11/19/21

DATE

(Keyser Court Annexation Petition)

STATE OF NEVADA

SS

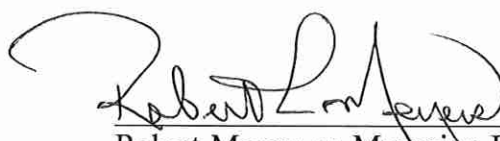
AFFIDAVIT

COUNTY OF CLARK

Robert Meyers as Managing Limited Partner for BK Holdings II, LLLP, of lawful age, being first duly sworn, upon oath, deposes and says:

That he is the circulator of the forgoing petition:

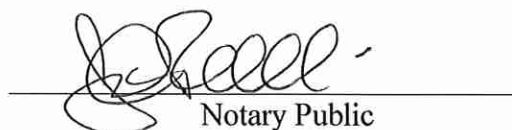
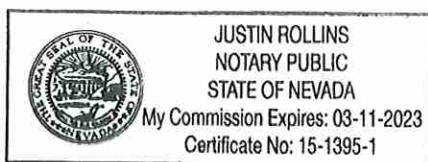
That each signature on the said petition is the signature of the person whose name it purports to be.



Robert Meyers as Managing Limited Partner
for BK Holdings II, LLLP

Subscribed and sworn to before me this 19th day of NOVEMBER, 2021.

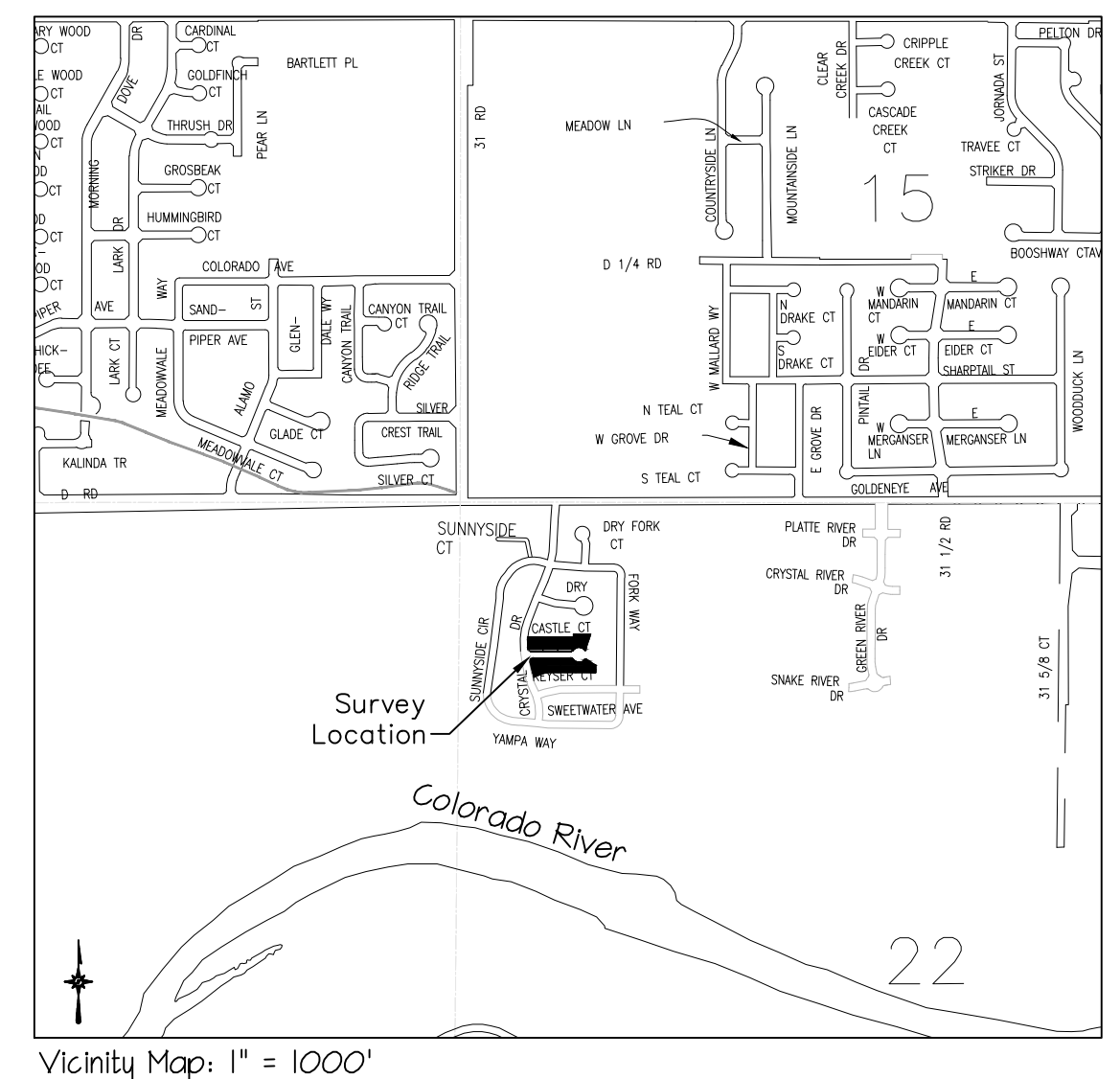
Witness my hand and official seal.


Notary Public

2461 Hampton Rd
 Henderson, NV 89052
Address

My commission expires: 03/11/2023

LOTS 13-20, BLOCK 2, RIVER BEND, RECEPTION NUMBER 1305204
Northwest quarter of the Northwest quarter of Section 22, T.1S., R.1E., Ute Meridian.
Mesa County, Colorado



<i>Curve Table</i>					
Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C1	18.13'	20.00'	051°55'37"	17.51'	N63° 53' 24" W
C2	17.47'	40.00'	025°01'48"	17.34'	N50° 26' 29" W
C3	59.40'	40.00'	085°05'22"	54.09'	N74° 29' 56"E
C4	18.13'	20.00'	051°55'40"	17.51'	N64° 10' 58"E
C5	15.31'	215.00'	004°04'50"	15.31'	S01° 41' 40"W

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.



Sheet 1 of 1	Date: 09/03/2021	Job No. 1989-001
Surveyed: TPJ	Drawn: BDM	Checked: AKT
Drawing name: S:\PROJECTS\989 Dave Grove\001 Replat River Bend\Survey\DWG\989-001 1SP.dwg		

From: [DAVID GROSS](#)
To: [Scott Peterson](#)
Subject: River bend replat meeting notes.
Date: Friday, October 1, 2021 3:48:48 PM

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

River bend replat meeting notes.

Meeting started at 5:32pm at 2518 monument road with Scott Mavor (neighbor), Eric Johnson (neighbor), Scott Peterson (City of Grand Junction), Jarrod Whelan (River city engineering), and David Gross (developer) in attendance.

David Gross went through the general development, finishing the recorded 8 lots on Keyser court, and the re-plat of the remaining acreage.

Scott Mavor raised questions on time frame, current bad drainage at the end of Dry fork, and general engineering.

Eric Johnson asked about traffic during construction concerns, time frame, and river trail access.

Jarrod Whelan talked about general layout, drainage, river access and construction traffic.

Eric Johnson and Scott Mavor offered some details on where the irrigation currently runs in the development.

Both neighbors seemed open to the development and the answers they received.

Meeting wrapped up at approximately 6:05 pm

1. Keith was guy I talked to about irrigation 970-523-4597

Thanks!
Dave Gross

144 Realty
970-201-1853

Contacts

Use this table to enter contacts. On iPhone or iPad, quickly add or edit contact info using the linked form on the **Form** tab. Changes you make appear in both the form and the table.

First Name	Last Name	Phone	Email	Address
Uma	Semper	(123) 456-7890	no_reply@example.com	123 Main st
Scott	Mavor	(970) 623-0183	wanderingm@hotmail.com	378-1/2 Dry Fork Way
Eric	Johnson			391 Dry Fork Way
Scott	PETERSON	970 244-1447	SCOTTPEG@CITY.ORG	CITY PLANNING
ARRE	WHELAN	970 244-4122	JWHELAN@DCLWEST.COM	215 S. PITKIN
David	GROSS	970-201-1853	dave@149realty.com	2518 monumArd

OWNERSHIP STATEMENT - PARTNERSHIP

(a) BK Holdings II LLP ("Partnership") is the owner of the following property:

(b) Keyser Ct

A copy of the deed(s) evidencing the owner's interest in the property is attached. Any documents conveying some interest in the property to someone else by the owner is also attached.

I, (c) ROBERT MEYERS, am the (d) MANAGING PARTNER for Partnership. I have the legal authority to bind the Partnership to agreements concerning financial obligations and this property. I have attached the most recent recorded Statement of Authority for the Partnership.

☒ My legal authority to bind the Partnership both financially and concerning this property is unlimited.

☐ My legal authority to bind the Partnership financially and/or concerning this property is limited in the following manner:

All other partners and their authority to bind the Partnership financially and with respect to this property are listed and described here: KAREN MEYERS

☒ Partnership is the sole owner of the property.

☐ Partnership owns the property with other(s). The other owners of the property are:

(e)

On behalf of Partnership, I have reviewed the application for the (f) ANNEXATION & PLANNING APPROVAL. I understand the Partnership's continuing duty to inform the City planner of any changes in my authority to bind the Partnership and/or in any interest in the property, such as ownership, easement rights, rights-of-way, boundaries, encroachment, lienholder and any other interest in the property.

☒ I and the Partnership have no knowledge of any possible conflicts between the boundary of the property and abutting properties.

☐ I or the Partnership have the following knowledge and evidence concerning possible boundary conflicts between the property and the abutting property(ies): (g)

I swear under penalty of perjury that the information in this Ownership Statement is true, complete and correct.

Signature of Partnership representative: Robert Meyers

Printed name of person signing: ROBERT L. MEYERS

State of NEVADA)

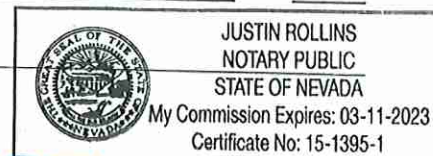
County of CLARK) ss.

Subscribed and sworn to before me on this 2ND day of NOVEMBER, 20 21

by ROBERT L. MEYERS

Witness my hand and seal.

My Notary Commission expires on 03/11/2023



[Signature]



STATEMENT OF AUTHORITY

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

The name of the Entity is: BK Holdings II, LLLP

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

The mailing address for the Entity is: 10 Mountain Cove Court, Henderson, NV 89052

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

Robert Meyers as Managing Limited Partner

David Gross as Authorized Agent

The limitations upon the authority of the person named above or holding the position described above to bind the Entity are as follows: Dave Gross is authorized to sign closing documents for BK Holdings II, LLLP for the closing of the property at 3127 Grama Ave, Grand Junction, CO 81504

(if no limitations insert "NONE")

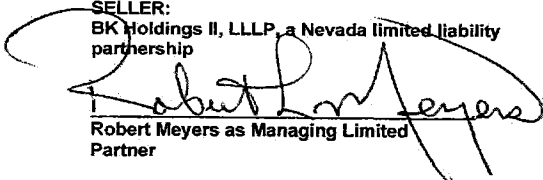
The instrument and recording information, including the County, of the document by which title was acquired is:

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

(if no matters, leave this section blank)

EXECUTED this August 31, 2020

SELLER:
BK Holdings II, LLLP, a Nevada limited liability partnership


Robert Meyers as Managing Limited Partner

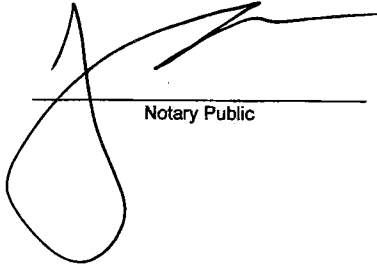
STATE OF COLORADO
COUNTY OF Mesa

} SS:

The foregoing instrument was acknowledged before me this August 26, 2020
by Robert Meyers as Managing Limited Partner for BK Holdings II, LLLP, a Nevada limited liability partnership

Witness my hand and official seal.

My commission expires: _____


Notary Public

Tamara Flesher
NOTARY PUBLIC
STATE OF COLORADO
My commission expires 02/04/2023
LIC# 20154004959

Escrow No. 592-H0609431-097-TAE



State Documentary Fee
Date: February 16, 2021
\$9.00

General Warranty Deed
(Pursuant to C.R.S. 38-30-113(1)(a))

Grantor(s), **RIVERBEND HOLDINGS LLC, A COLORADO LIMITED LIABILITY COMPANY**, whose street address is **3110 KEYSER COURT, GRAND JUNCTION, CO 81504**, City or Town of **GRAND JUNCTION**, County of **Mesa** and State of **Colorado**, for the consideration of **(\$90,000.00) ***Ninety Thousand and 00/100***** dollars, in hand paid, hereby sell(s) and convey(s) to **BK HOLDINGS II LLLP, A NEVADA LIMITED LIABILITY LIMITED PARTNERSHIP**, whose street address is **10 MOUNTAIN COVE COURT, Henderson, NV 89052**, City or Town of **Henderson**, County of **Clark** and State of **Nevada**, the following real property in the County of **Mesa** and State of **Colorado**, to wit:

LOTS 13, 14, 15, 16, 17, 18, 19 AND 20 IN BLOCK TWO OF RIVER BEND, COUNTY OF MESA, STATE OF COLORADO.

also known by street and number as: **3110 KEYSER COURT, GRAND JUNCTION, CO 81504**

with all its appurtenances and warrant(s) the title to the same, subject to Statutory Exceptions.

Signed this day of **February 16, 2021**.

RIVERBEND HOLDINGS LLC, A COLORADO LIMITED LIABILITY COMPANY

By: _____

KEVIN BRAY AS MANAGER OF CORES, LLC AS MANAGER

State of **Colorado**

)

)ss.

County of **MESA**

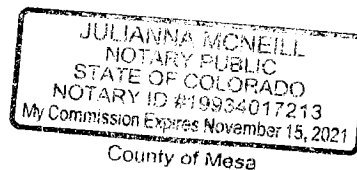
)

The foregoing instrument was acknowledged before me on this day of **February 16th, 2021** by **KEVIN BRAY AS MANAGER OF CORES, LLC, AS LIMITED LIABILITY COMPANY AS MANAGER OF RIVERBEND HOLDINGS LLC, A COLORADO LIMITED LIABILITY COMPANY**

Witness my hand and official seal

My Commission expires: 11-15-21

Notary Public



When recorded return to: **BK HOLDINGS II LLLP, A NEVADA LIMITED LIABILITY LIMITED PARTNERSHIP**
10 MOUNTAIN COVE COURT, Henderson, NV 89052



KEYSER COURT ANNEXATION SCHEDULE

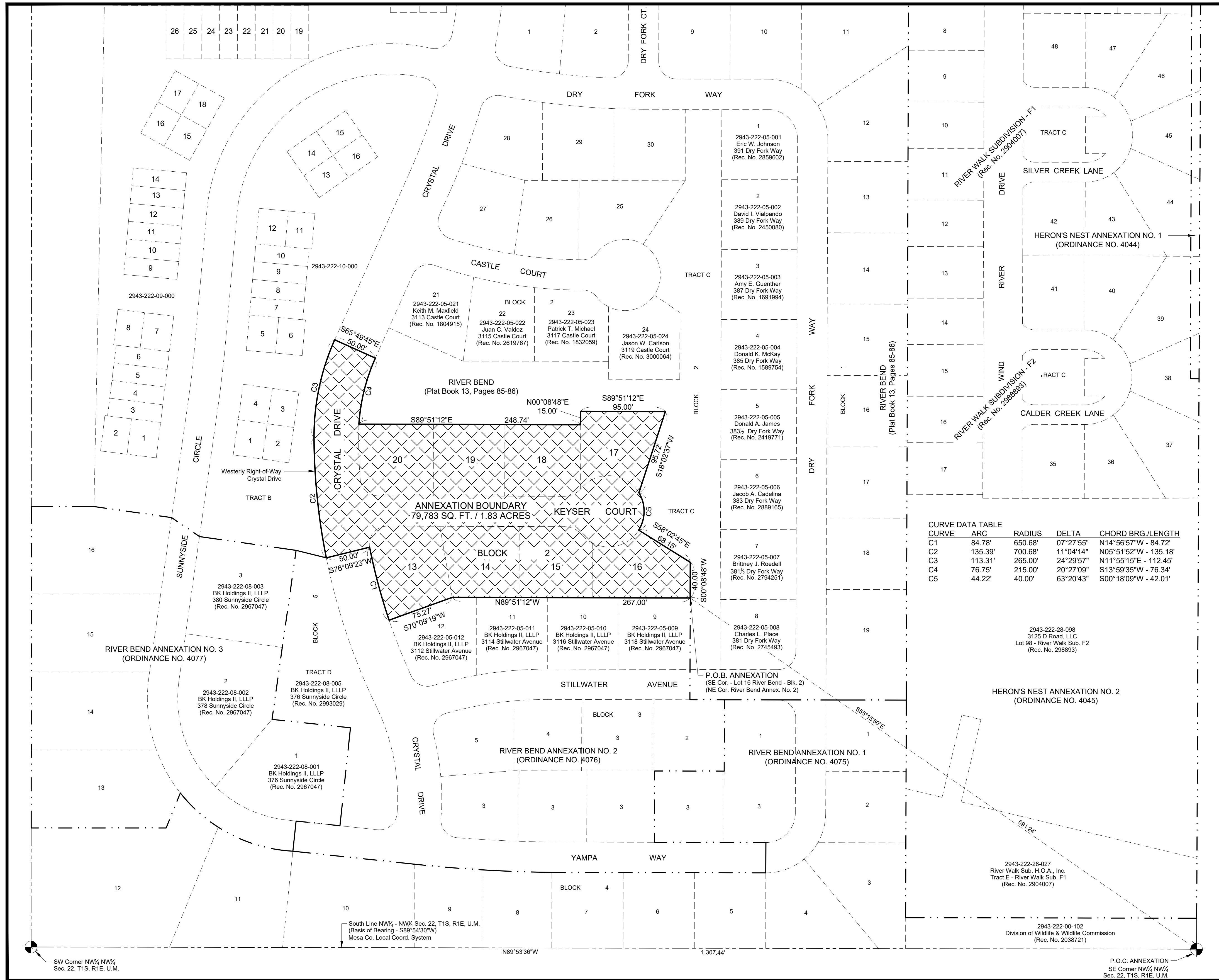
March 2, 2022	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
March 8, 2022	Planning Commission considers Zone of Annexation
March 16, 2022	Introduction of a Proposed Ordinance on Zoning by City Council
April 6, 2022	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
May 8, 2022	Effective date of Annexation and Zoning

ANNEXATION SUMMARY

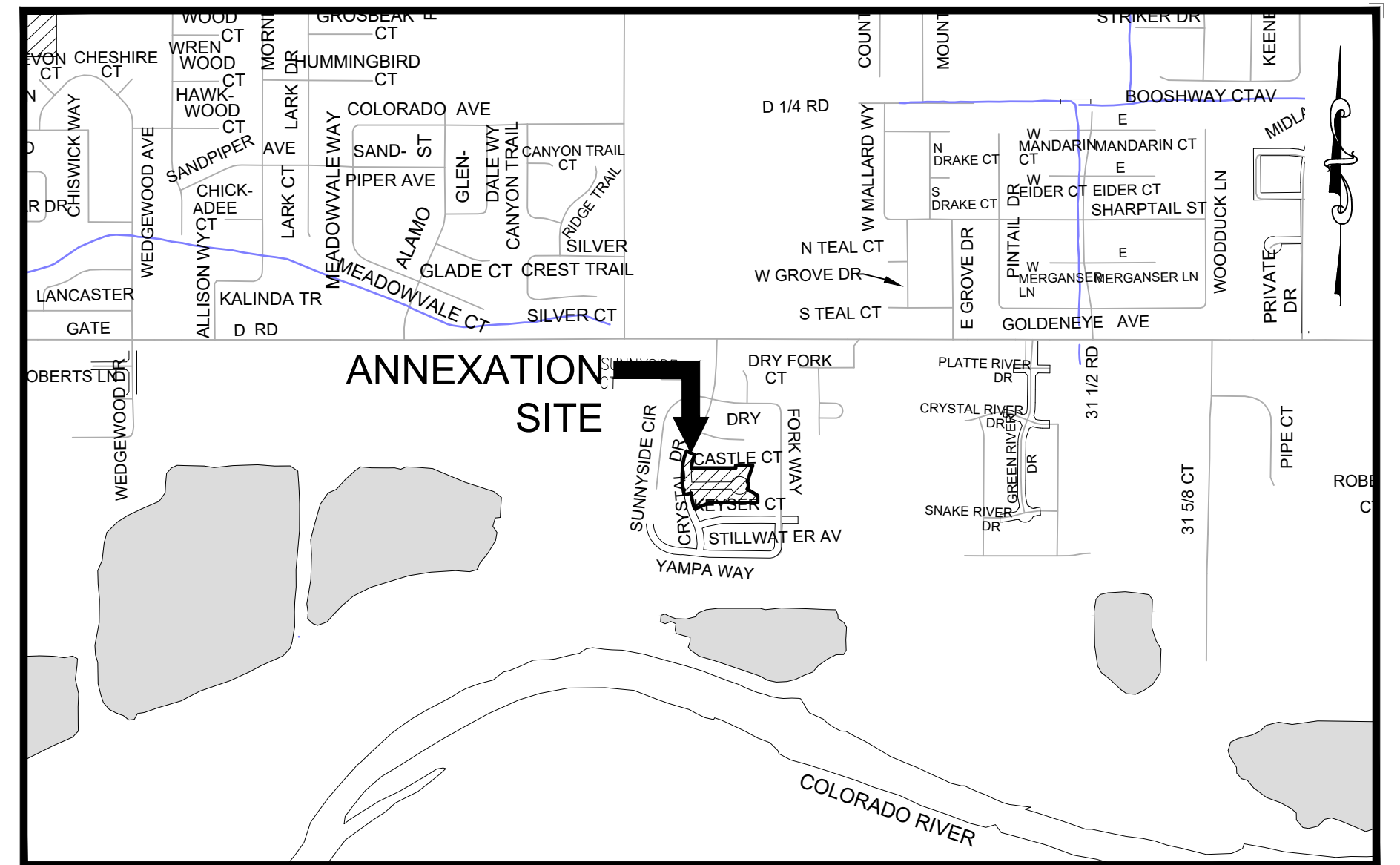
File Number:	ANX-2021-877	
Location:	3110 through 3117 Keyser Court	
Tax ID Numbers:	2943-222-05-020; 2943-222-05-019; 2943-222-05-018; 2943-222-05-017; 2943-222-05-013; 2943-222-05-014; 2943-222-05-015; 2943-222-05-016	
# of Parcels:	8	
Existing Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	1.83	
Developable Acres Remaining:	1.22	
Right-of-way in Annexation:	0.61 (future Crystal Drive and future Keyser Court)	
Previous County Zoning:	PUD	
Proposed City Zoning:	R-8	
Current Land Use:	Vacant	
Comprehensive Plan Land Use:	Residential Medium	
Values:	Assessed:	\$34,800
	Actual:	\$120,000
Address Ranges:	3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117 Keyser Court	
Special Districts:	Water:	Clifton Water
	Sewer:	City
	Fire:	Clifton Fire District
	Irrigation/Drainage:	Grand Valley Irrigation Company (GVIC)
	School:	District 51
	Pest:	Grand River Mosquito District & Upper Grand Valley Pest
	Other:	Colorado River Water Conservancy

KEYSER COURT ANNEXATION

Located in the NW 1/4 NW 1/4 SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 EAST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO



CURVE	ARC	RADIUS	DELTA	CHORD BRG./LENGTH
C1	84.78'	650.68'	07°27'55"	N14°56'57"W - 84.72'
C2	135.39'	700.68'	11°04'14"	N05°51'52"W - 135.18'
C3	113.31'	265.00'	24°29'57"	N11°55'15"E - 112.45'
C4	76.75'	215.00'	20°27'09"	S13°59'35"W - 76.34'
C5	44.22'	40.00'	63°20'43"	S00°18'09"W - 42.01'



SITE LOCATION MAP

SCALE: 1" = 800'

LEGAL DESCRIPTION

A parcel of land being Lots 13, 14, 15, 16, 17, 18, 19 & 20, Block 2, River Bend, a plat filed for record under Reception Number 1305204 in Mesa County, Colorado and Right-of-Ways being Keyser Court (platted as Crystal Court said River Bend) and a portion of Crystal Drive of said River Bend, located in the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section 22, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado, more particularly described as follows:

Commencing at the Southeast Corner of said NW1/4 NW1/4 and assuming the South Line of said NW1/4 NW1/4 Section 22 bears S89°54'30"W with all other bearings herein being relative thereto; thence N55°15'50"W, a distance of 691.24 feet to the Southeast Corner of said Lot 16 and being the Northeast Corner of **RIVER BEND ANNEXATION NO. 2, ORDINANCE NO. 4076** and the Point of Beginning; thence along the Northerly line of said **RIVER BEND ANNEXATION NO. 2** the following four (4) courses:

- 1) N89°51'12"W along the South line of said Lots 14, 15 & 16, a distance of 267.00 feet;
- 2) S70°09'19"W along the South line of said Lot 13, a distance of 75.27 feet to a point on the Easterly Right-of-Way boundary of said Crystal Drive;
- 3) Northwesterly along the arc of a 650.68 foot radius curve concave Northeasterly, a distance of 84.78 feet thru a central angle of 07°27'55" whose chord bears N14°56'57"W, a distance of 84.72 feet and being the Westerly boundary of said Lot 13;
- 4) S76°09'23"W, a distance of 50.00 feet to a point on the Westerly Right-of-Way boundary of said Crystal Drive;

thence along said Westerly Right-of-Way boundary of Crystal Drive for the following two (2) courses:

- 1) Northwesterly along the arc of a 700.68 foot radius curve concave Easterly, a distance of 135.39 feet to a point of compound curvature thru a central angle of 11°04'14" whose chord bears N05°51'52"W, a distance of 135.18 feet;
- 2) Northeasterly along the arc of a 265.00 foot radius curve concave Easterly, a distance of 113.31 feet thru a central angle of 24°29'57" whose chord bears N11°55'15"E, a distance of 112.45 feet;

thence S65°49'45"E, a distance of 50.00 feet to a point on the Easterly Right-of-Way boundary of Crystal Drive, thence Southwesterly along the arc of a 215.00 foot radius curve concave Easterly along said Easterly Right-of-Way boundary of Crystal Drive, a distance of 76.75 feet to the Northwest corner of said Lot 20 thru a central angle of 20°27'09" whose chord bears S13°59'35"W, a distance of 76.34 feet; thence S89°51'12"E along the North line of said Lots 18, 19 & 20, a distance of 248.74 feet to a point on the West line said Lot 17;

thence along the boundary of said Lot 17 for the following three (3) courses:

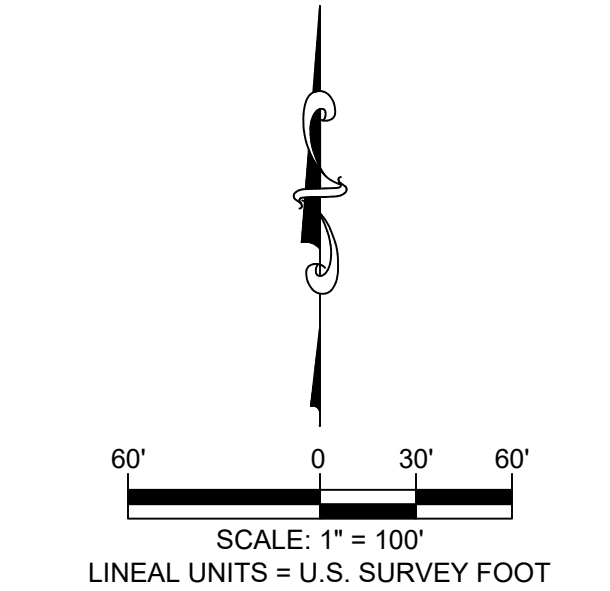
- 1) N00°08'48"E, a distance of 15.00 feet;
- 2) S89°51'12"E, a distance of 95.00 feet;
- 3) S18°02'37"W, a distance of 95.72 feet to a point on the Cul-de-Sac Right-of-Way boundary of Keyser Court; thence Southwesterly along the arc of a 40.00 foot radius curve concave Westerly along said Right-of-Way boundary of Keyser Court, a distance of 44.22 feet thru a central angle of 63°20'43" whose chord bears S00°18'09"W, a distance of 42.01 feet to the Northeast Corner of said Lot 16; thence along the boundary of said Lot 16 for the following two (2) courses:

- 1) S58°02'45"E, a distance of 68.15 feet;
- 2) S00°08'48"W, a distance of 40.00 feet to the Point of Beginning.

Said Parcel of land CONTAINING **79,783** Square Feet or **1.83** Acres, more or less, as described.

LEGEND	
ANNEXATION BOUNDARY	— — — — —
ANNEXATION AREA	
EXISTING CITY LIMITS	— · — · — · — · —

AREAS OF ANNEXATION	
ANNEXATION PERIMETER	1,534.85 FT.
CONTIGUOUS PERIMETER	477.05 FT.
AREA IN SQUARE FEET	79,783 FT ²
AREA IN ACRES	1.83
AREA WITHIN R.O.W.	26,768 FT ²
	0.61 ACRES



SURVEY ABBREVIATIONS		SQ. FT.	SQUARE FEET
P.O.C.	POINT OF COMMENCEMENT	Δ=	CENTRAL ANGLE
P.O.B.	POINT OF BEGINNING	ARC	ARC LENGTH
R.O.W.	RIGHT OF WAY	CHD.	CHORD LENGTH
SEC.	SECTION	CHB.	CHORD BEARING
TWP.	TOWNSHIP	BLK.	BLOCK
RGE.	RANGE	P.B.	PLAT BOOK
U.M.	UTE MERIDIAN	BK.	BOOK
NO.	NUMBER	PG.	PAGE
REC.	RECEPTION	HOR. DIST.	HORIZONTAL DISTANCE

ORDINANCE NO.	EFFECTIVE DATE
XXXX	FEBRUARY XX, 2022

NOTE:
THE DESCRIPTION(S) CONTAINED HEREIN HAVE BEEN DERIVED FROM SUBDIVISION PLAT, DEED DESCRIPTIONS & DEPOSIT SURVEYS AS THEY APPEAR IN THE OFFICE OF THE MESA COUNTY CLERK & RECORDER. THIS PLAT OF ANNEXATION DOES NOT CONSTITUTE A LEGAL BOUNDARY SURVEY, AND IS NOT INTENDED TO BE USED AS A MEANS OF ESTABLISHING OR VERIFYING PROPERTY BOUNDARY LINES.

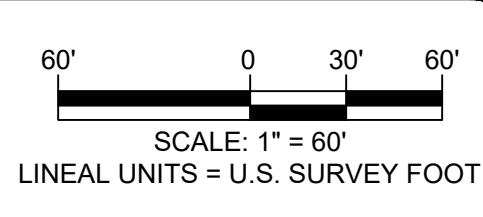
RENEE BETH PARENT
STATE OF COLORADO - P.L.S. NO. 38266
FOR THE CITY OF GRAND JUNCTION
333 WEST AVENUE - BLDG. C
GRAND JUNCTION, CO. 81501

DATE

G:\Data\SURVEY\Annexations\2021\877 Keyser Court - Dove\60CAD\Keyser Court Annexation Plat.dwg — PLOTTED 2022-01-27

NOTICE:
ACCORDING TO COLORADO LAW ANY LEGAL ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY MUST COMMENCE WITHIN THREE (3) YEARS AFTER THE DISCOVERY OF SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

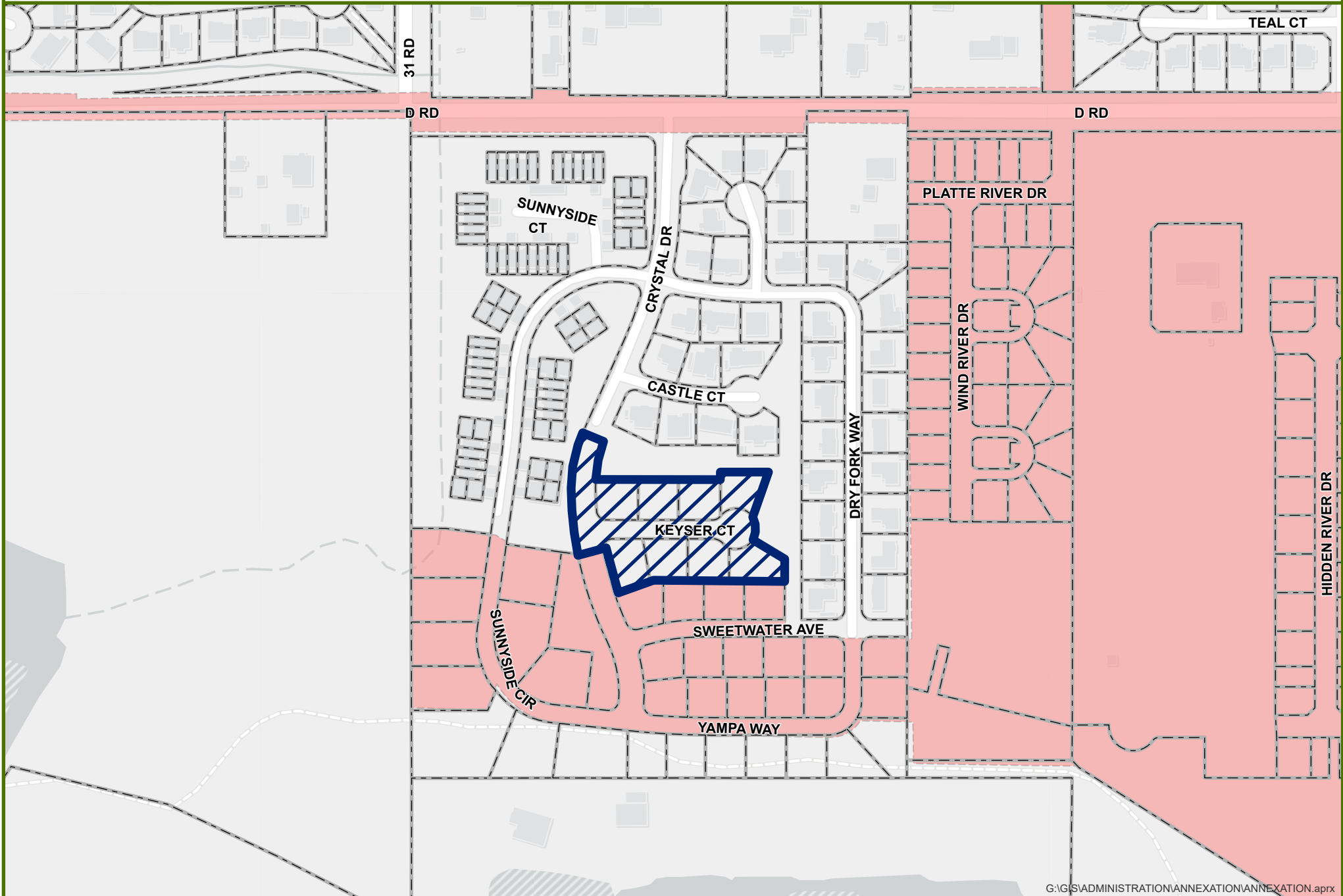
DRAWN BY: NCW DATE: 01/27/2022
DESIGNED BY: RBP DATE: 01/27/2022
CHECKED BY: CVW DATE: 01/27/2022
APPROVED BY: RBP DATE: 01/27/2022



PUBLIC WORKS
ENGINEERING DIVISION

KEYSER COURT ANNEXATION
Located in the NW 1/4 NW 1/4 SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 EAST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO

KEYSER COURT ANNEXATION



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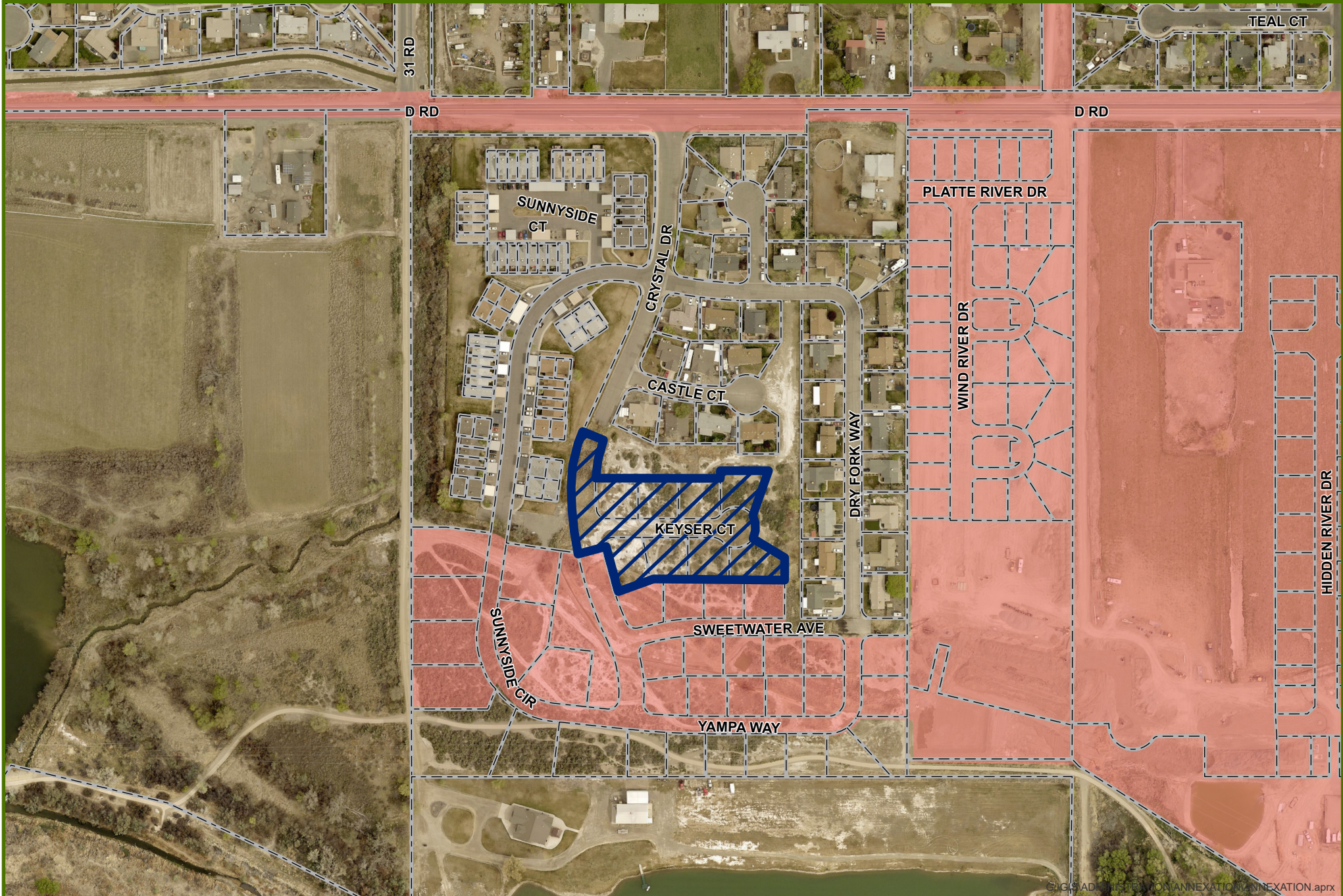


Annexation



City Limits

KEYSER COURT ANNEXATION



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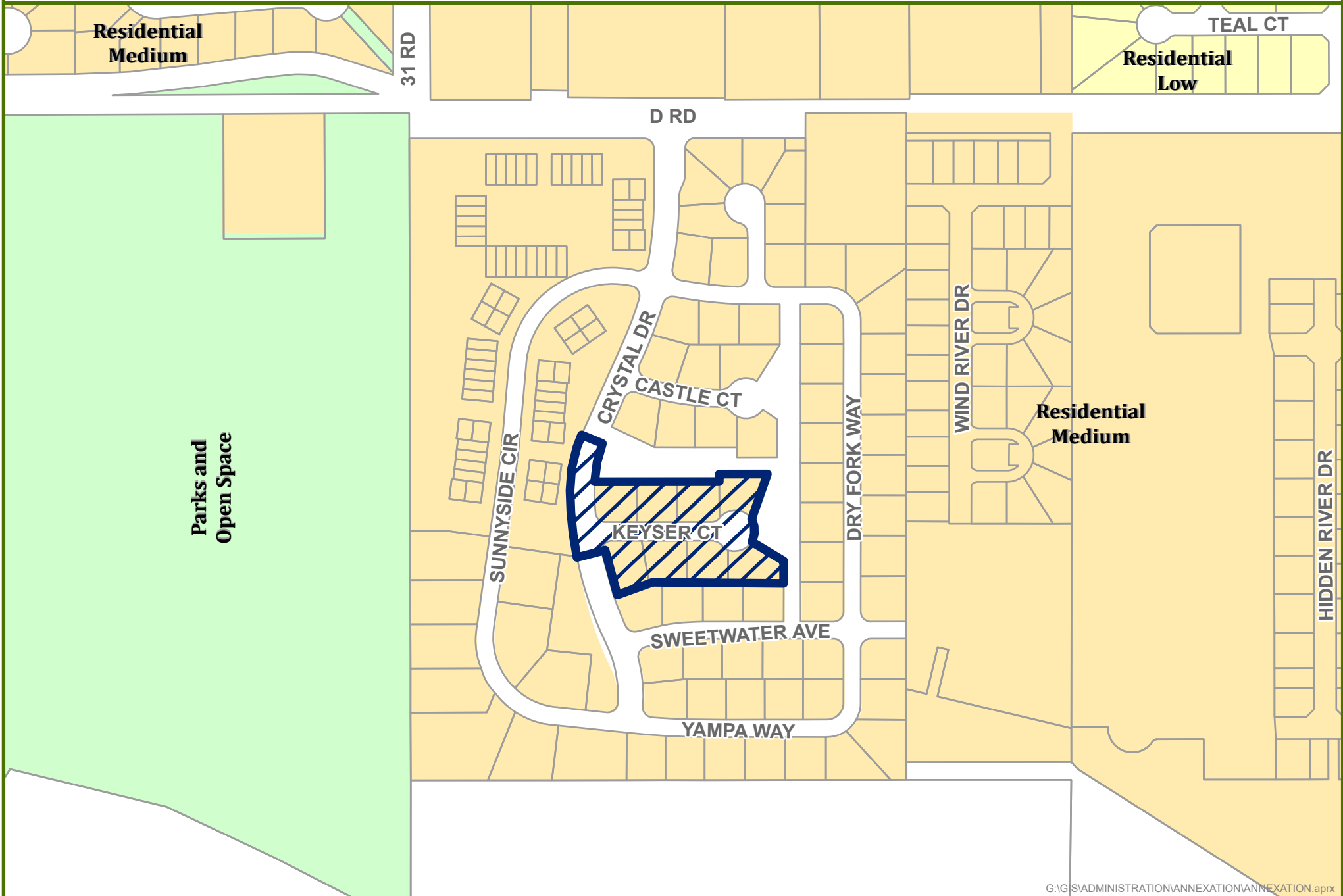


Annexation



City Limits

KEYSER COURT ANNEXATION - LAND USE



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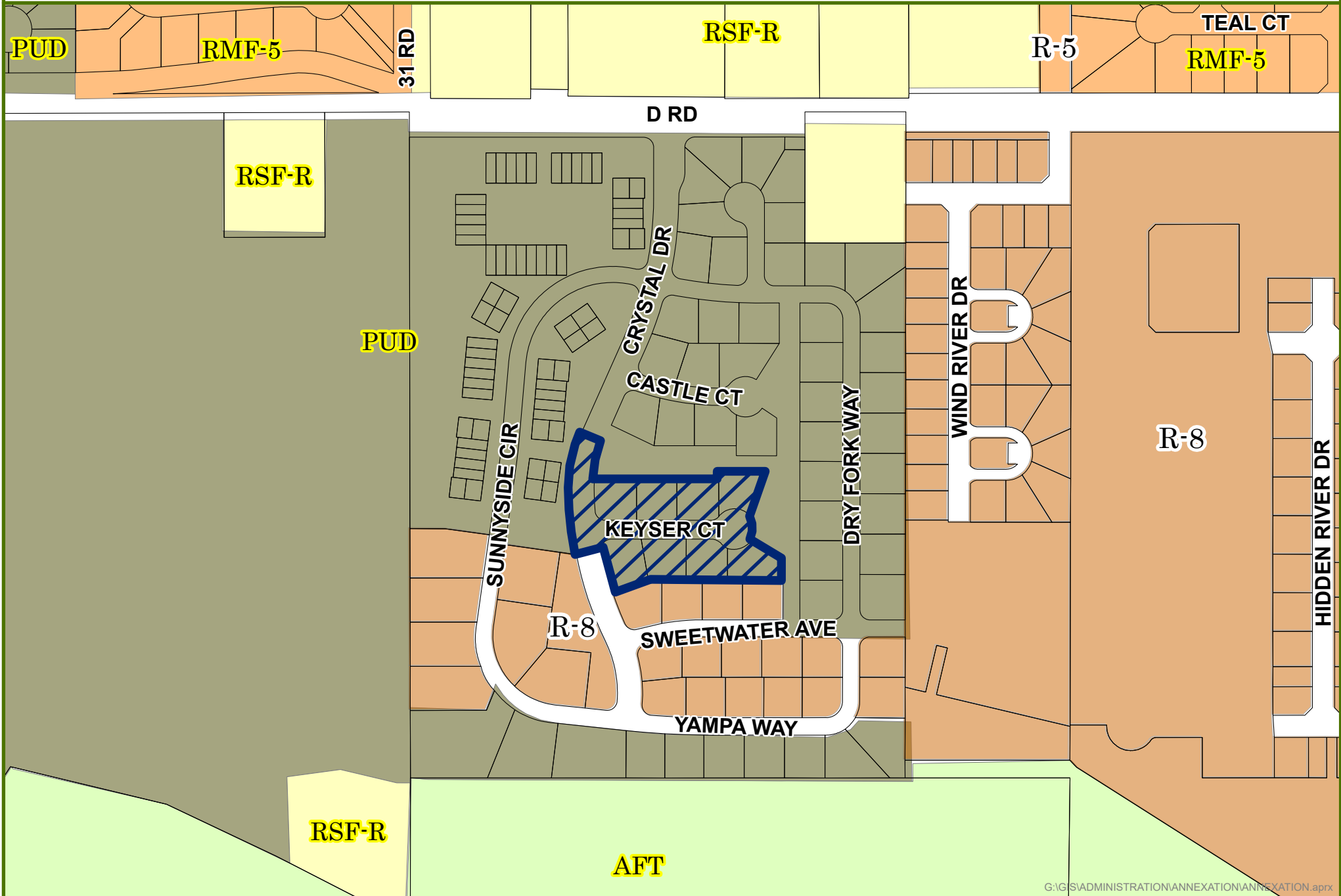
Annexation Boundary

Packet Page 200

Date Created: 2/23/2022

CITY OF
Grand Junction
COLORADO
GEOGRAPHIC INFORMATION SYSTEMS

KEYSER COURT ANNEXATION - ZONING



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Annexation

City Zoning

County Zoning

Packet Page 201

Date Created: 2/23/2022

CITY OF
Grand Junction
COLORADO
GEOGRAPHIC INFORMATION SYSTEMS



Google Street View from the southern terminus of Crystal Drive looking south into the annexation area.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE ZONING KEYSER COURT ANNEXATION
LOCATED ON A PROPERTY AT 3110 THROUGH 3117 KEYSER COURT
TO R-8 (RESIDENTIAL – 8 DU/AC) ZONE DISTRICT**

Recitals:

The property owner has petitioned to annex their 1.83 acres into the City limits. The annexation is referred to as the “Keyser Court Annexation.”

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended zoning the Keyser Court Annexation consisting of 1.83 acres from County Planned Unit Development (PUD) to R-8 (Residential – 8 du/ac) finding that both the R-8 zone district conforms with the designation of Residential Medium as shown on the Land Use Map of the Comprehensive Plan and conforms with its designated zone with the Comprehensive Plan’s goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the R-8 (Residential – 8 du/ac) zone districts, is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning & Development Code for the parcel as designated.

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

ZONING FOR THE KEYSER COURT ANNEXATION

The following parcel in the City of Grand Junction, County of Mesa, State of Colorado is hereby zoned as follows:

**Perimeter Boundary Legal Description
Keyser Court Annexation**

A parcel of land being Lots 13, 14, 15, 16, 17, 18, 19 & 20, Block 2, River Bend, a plat filed for record under Reception Number 1305204 in Mesa County, Colorado and Right-of-Ways being Keyser Court (platted as Crystal Court of said River Bend) and a portion of Crystal Drive of said River Bend, located in the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section 22, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado, more particularly described as follows:

Commencing at the Southeast Corner of said NW1/4 NW1/4 and assuming the South Line of said NW1/4 NW1/4 Section 22 bears S89°54'30"W with all other bearings herein being relative thereto; thence N55°15'50"W, a distance of 691.24 feet to the Southeast Corner of said Lot 16 and being the Northeast Corner of *RIVER BEND ANNEXATION NO. 2, ORDINANCE 4076* and the Point of Beginning;

thence along the Northerly line of said *RIVER BEND ANNEXATION NO. 2* the following four (4) courses:

- 1) N89°51'12"W along the South line of said Lots 14, 15 & 16, a distance of 267.00 feet;
- 2) S70°09'19"W along the South line of said Lot 13, a distance of 75.27 feet to a point on the Easterly Right-of-Way boundary of said Crystal Drive;
- 3) Northwesterly along the arc of a 650.68 foot radius curve concave Northeasterly, a distance of 84.78 feet thru a central angle of 07°27'55" whose chord bears N14°56'57"W, a distance of 84.72 feet and being the Westerly boundary of said Lot 13;
- 4) S76°09'23"W, a distance of 50.00 feet to a point on the Westerly Right-of-Way boundary of said Crystal Drive;

thence along said Westerly Right-of-Way boundary of Crystal Drive for the following two (2) courses:

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- 2) Northeasterly along the arc of a 265.00 foot radius curve concave Easterly, a distance of 113.31 feet thru a central angle of 24°29'57" whose chord bears N11°55'15"E, a distance of 112.45 feet;

thence S65°49'45"E, a distance of 50.00 feet to a point on the Easterly Right-of-Way boundary of Crystal Drive, thence Southwesterly along the arc of a 215.00 foot radius curve concave Easterly along said Easterly Right-of-Way boundary of Crystal Drive, a distance of 76.75 feet to the Northwest corner of said Lot 20 thru a central angle of 20°27'09" whose chord bears S13°59'35"W, a distance of 76.34 feet; thence S89°51'12"E along the North line of said Lots 18, 19 & 20, a distance of 248.74 feet to a point on the West line said Lot 17;

thence along the boundary of said Lot 17 for the following three (3) courses:

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- 2) S89°51'12"E, a distance of 95.00 feet;
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Said Parcel of land CONTAINING 79,783 Square Feet or 1.83 Acres, more or less, as described.

INTRODUCED on first reading this _____ day of _____, 2022 and ordered published in pamphlet form.

ADOPTED on second reading this ____ day of _____, 2022 and ordered published in pamphlet form.

C.B. McDaniel
President of the Council

ATTEST:

Wanda Winkelmann
City Clerk



Grand Junction City Council

Regular Session

Item #3.b.i.

Meeting Date: March 16, 2022
Presented By: David Thornton, Principal Planner
Department: Community Development
Submitted By: David Thornton, Principal Planner

Information

SUBJECT:

A Resolution Accepting the Petition for the Annexation of 0.88 Acres of Land and Ordinances Annexing and Zoning the Trinklein Annexation to R-4 (Residential - 4 du/ac), Located at 2067 Ferree Drive

RECOMMENDATION:

Staff recommends adoption of a resolution accepting the petition for the Trinklein Annexation, and approval of the annexation and zone of annexation ordinances. The Planning Commission heard the zoning request at its February 8, 2022 meeting and voted (6-0) to recommend approval of the request.

EXECUTIVE SUMMARY:

The Applicants, Trent and Laura Trinklein are requesting annexation of one property and a zone of annexation to R-4 (Residential 2-4 du/ac) for the Trinklein Annexation. The approximately 0.88-acre annexation consists of 1 parcel of land located at 2067 Ferree Drive. The subject property has an existing single family residential home on it. The adjacent property to the east is already zoned R-4.

The property is Annexable Development per the Persigo Agreement. The Applicants are requesting annexation into the city limits. Annexation is being sought in anticipation of the proposed Monument Ridge Subdivision located adjacent to the property and the developer's need to vacate a portion of Ferree Drive abutting the Trinklein property. The zone district of R-4 is consistent with the proposed Residential Low (2 to 5.5 du/ac) Land Use category of the Comprehensive Plan and the adjacent R-4 zoning of the Monument Ridge development as well as the County zoning of RSF-4 within the unincorporated area along Ferree Drive. The request for annexation is being considered concurrently by City Council with the zone of annexation request. Both are included in this staff report.

BACKGROUND OR DETAILED INFORMATION:

Annexation Request:

The Applicants, Trent and Laura Trinklein are requesting annexation of approximately 0.88 acres consisting of one parcel of land located at 2067 Ferree Drive on the Redlands. The subject property has an existing home and one outbuilding. There is no right-of-way in the annexation.

The property is Annexable Development per the Persigo Agreement. The Applicant is requesting annexation into the city limits. Annexation is being sought in anticipation of the proposed Monument Ridge Subdivision located adjacent to the property and the developer's need to vacate a portion of Ferree Drive abutting the Trinklein property. The request for zoning of R-4 will be considered separately by City Council, but concurrently with the annexation request and will be heard in a future Council action.

The schedule for the annexation and zoning is as follows:

- Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use – February 2, 2022.
- Planning Commission considers Zone of Annexation – February 8, 2022.
- Introduction of a Proposed Ordinance on Zoning by City Council – March 2, 2022.
- Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council – March 16, 2022.
- Effective date of Annexation and Zoning – April 17, 2022.

Zone of Annexation Request:

The Applicants are requesting a zone district of R-4 (Residential – 4 du/ac), which is consistent with the Residential Low (2 to 5.5 du/ac) Land Use category of the Comprehensive Plan. The Applicant's property is currently zoned in the County as RSF-4 (Residential Single Family – 4 dwelling units per acre). Surrounding properties to the east, north and west are zoned R-4 in the City and RSF-4 in Mesa County with County zoning of RSF-2 to the south across Hwy 340. Surrounding development consists of single family residential on large, underdeveloped acreages to the north and east, small residential lot development to the west and large residential lot development south of Hwy 340 to the south. The large, underdeveloped property to the east is the proposed Monument Ridge Subdivision. Zoning will be considered in a future action by City Council and requires review and recommendation by the Planning Commission.

The annexation area has sewer service and all other urban amenities to the property. It is located within Tier 2 on the Intensification and Growth Tiers Map of the Comprehensive Plan. The goal to "encourage infill and redevelopment to leverage existing infrastructure" supports the Applicant's request of a zone of annexation of R-4.

The R-4 zoning establishes densities between 2 and 4 dwelling units per acre which will

allow the property to subdivide or add additional density in the future. The R-4 requested zoning implements the Comprehensive Plan's Residential Low Land Use category.

The purpose of the R-4 (Residential – 4 du/ac) zone district is to provide for medium-low density single-family and two-family residential uses where adequate public facilities and services are available. This property is located within a sub-urban infill area of the community. The greater surrounding Redlands area both within the city limits and unincorporated Mesa County are largely developed with single-family detached homes.

In addition to the R-4 zoning requested by the petitioner, the following zone districts would also be consistent with the proposed Comprehensive Plan designation of Residential Low (2 to 5.5 du/ac).

- a. R-5 (Residential – 3-5.5 du/ac)
- b. CSR (Community Services and Recreation)

NOTIFICATION REQUIREMENTS

Neighborhood Meeting:

A Neighborhood Meeting regarding the proposed Annexation and Zoning and future right-of-way vacation was held in-person on August 19, 2021, in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant's representative and City staff were in attendance, there were 17 members of the public in attendance.

An official development application was submitted to the City of Grand Junction for review on September 28, 2021.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the City's Zoning and Development Code. The subject property was posted with an application sign on November 5, 2021. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on January 28, 2022. The notice of the Planning Commission public hearing was published February 1, 2022 in the Grand Junction Daily Sentinel.

Other Notification:

Public comment was also offered through the GJSpeaks platform.

ANALYSIS

Annexation Analysis

The property is currently adjacent to existing city limits to the west and south. The

necessary one sixth contiguity requirements of State Statutes for annexation is being met. The property owner has signed a petition for annexation.

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 Trinklein 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. The petition has been signed by the owners of all properties or 100% of the owners and includes 100% of the property described excluding right-of-way.
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits. The Trinklein Annexation has just over 35% of the perimeter of the annexation contiguous with the existing City limits meeting the 1/6 contiguity requirements for annexation.
- 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. The property owners, Trent and Laura Trinklein live in the existing single family home on the property that is already connected to urban services and located in a 2 to 4 dwelling units per acre neighborhood.
- e) The area is capable of being integrated with the City. The proposed annexation area is adjacent to the city limits on the east and north sides and is currently interconnected with existing urban services. Utilities and City services are available and currently serve the existing urban area around this site.
- f) No land held in identical ownership is being divided by the proposed annexation. The entire property owned by the applicants is being annexed.
- 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. Contiguous property owned by the petitioner is less than 20 acres in size, so this requirement does not apply. However, the petitioners have granted consent to the City to annex the property.

Please note that the annexation petition was prepared by the City.

Zone of Annexation Analysis

The criteria for review are set forth in Section 21.02.140 (a) and includes that 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 property owners have petitioned for annexation into the City limits and requested zoning of R-4 which is compatible with the Comprehensive Plan Land Use Map designation of Residential Low (2 to 5.5 du/ac). Since the Applicant's properties are currently in the County, the annexation of the property is a subsequent event that will invalidate the original premise, a county zoning designation.

However, staff has found this criterion has not been met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or
The character or condition of the areas has not changed enough to satisfy this criterion. Staff finds that this criterion has not been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or
Existing public and community facilities and services are available to the properties and are sufficient to serve land uses associated with the proposed R-4 zone district. The proposed R-4 property consisting of 0.88 acres will remain a single-family land use. The property has street access to Ferree Drive with sanitary sewer available in the right-of-way. Domestic water service is available through a Ute Water District water line to the site from Ferree Drive and Broadway and the area can be served by Xcel Energy for electricity and natural gas.

To the east along Hwy 340 (Broadway) is Redlands Middle School and Broadway Elementary School. Walking distance to the east is the Monument Village Shopping Center with limited goods and services. Major shopping is available 3 ½ -miles away at Mesa Mall and the 24 Road area. Staff has found the public and community facilities are adequate to serve the type and scope of the residential land use proposed at the R-4 densities. Therefore, staff has found 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
The subject property and surrounding area are designated on the Comprehensive Plan Land Use Map as Residential Low (2 to 5.5 du/ac). The proposed zoning designation of R-4 meets the intent of achieving the minimum and desired density for the property with this request, to develop at the low end of the Residential Low land use category. For properties already annexed into the City limits in the Redlands they are zoned mostly R-4 with some R-5. B-1 zoning exists at neighborhood centers like Monument Village Shopping Center. For unincorporated areas of the Redlands, Mesa County has zoned the majority of the area as RSF-4 and RSF-2. Much of the surrounding area including unincorporated Mesa County is developed, except along the

east side of this property, which is shown as Residential Low on the Land Use Map. The Land Use Map defines the immediate half mile area around the subject property north of Broadway as Residential Low and the area south of Broadway as Rural (The Preserve Subdivision in unincorporated Mesa County). Staff finds that there is an adequate supply of R-4 zoning as defined above and therefore finds this criterion has not been met.

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

Annexation and zoning of the properties will create additional land within the City limits for city growth and it helps fill in the patchwork of unincorporated and/or urban area that is adjacent to the City limits. The annexation is also consistent with the City and County 1998 Persigo Agreement. The requested zone district provides housing within a range of density that has been defined as urban densities in the 2020 One Grand Junction Comprehensive Plan and is consistent with the needs of the community. This principle is supported and encouraged by the Comprehensive Plan and furthers the plan's goal of promoting a diverse supply of housing types that meet the needs of all ages, abilities, and incomes identified in Plan Principle 5: Strong Neighborhoods and Housing Choice, Chapter 2 of the Comprehensive Plan. Therefore, Staff finds that this criterion has been met.

Section 21.02.160 (f) of the Grand Junction Zoning and Development Code provides that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. Though the R-5 zone district as well the CSR could be considered in a Residential Low Land Use area, the R-4 zone district is consistent with the recommendations of the Plan's amended Land Use Map, compatible with the surrounding neighborhood, and provides for single family housing on a smaller residential lot, thereby providing more housing to the community.

Consistency with Comprehensive Plan

Further, the zoning request is consistent with the following chapters, goals and principles of the Comprehensive Plan:

Chapter 2

Plan Principle 3: Responsible and Managed Growth

Goal: Support fiscally responsible growth and annexation policies that promote a compact pattern of growth...and encourage the efficient use of land.

Goal: Encourage infill and redevelopment to leverage existing infrastructure.

Plan Principle 5: Strong Neighborhoods and Housing Choices

Goal: Promote more opportunities for housing choices that meet the needs of people of all ages, abilities, and incomes.

Chapter 3

Intensification and Tiered Growth Plan. Subject property is located within Tier 2 – In

Tier 2, the City should promote the annexation of those parcels which are surrounded by, and or have direct adjacency to, the City limits of Grand Junction. Annexation and development of these parcels will provide development opportunities while minimizing the impact on infrastructure and City services.

Relationship to Existing Zoning. Requests to rezone properties should be considered based on the Implementing Zone Districts assigned to each Land Use Designation.

- Guide future zoning changes. Requests for zoning changes are required to implement the Comprehensive Plan.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Trinklein Zone of Annexation, ANX-2021-777 request for the property located at 2067 Ferree Drive, from County RSF-4 (Residential Single Family – 4 du/ac) to City R-4 (4 du/ac), the following findings of facts have been made:

1. 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, staff finds the Trinklein Annexation is eligible to be annexed because of compliance with the seven (7) criteria (a through g) found in the Statutes.
2. The request conforms with Section 21.02.140 of the Zoning and Development Code.
3. The request is consistent with the vision (intent), goals and policies of the Comprehensive Plan.

FISCAL IMPACT:

As the property is developed, property tax levies and municipal sales and use tax will be collected, as applicable. For every \$1,000,000 of actual value, City property tax revenue on residential property at the current assessment rate would be approximately \$620 annually. Sales and use tax revenues will be dependent on construction activity and ongoing consumer spending on City taxable items for residential and commercial uses.

Fiscal Impacts by City Department.

Public Works

There is no right-of-way being annexed by the City of Grand Junction and therefore no Public Works impacts associated with this infrastructure.

Utilities

No fiscal impacts on utilities. The site is already connected to sewer and Ute Water.

Fire Department

This property is in the Grand Junction Rural Fire Protection District and Redlands Sub-

District, both served by the Grand Junction Fire Department through an intergovernmental agreement between the City and the rural fire district. The district collects mill levies of 7.606 and 4.075 generating a total of \$338.16 per year in property taxes that are then passed on to the City of Grand Junction per the agreement. If annexed, the property will be excluded from the rural fire district and the sub-district and the City's 8 mills will generate \$231.60 per year. Property taxes will need to pay for not only fire and emergency medical services, but also other City services provided to the area. City services are supported by a combination of property taxes and sales/use taxes. Primary fire and EMS response to this area is from Fire Station 5 at 2155 Broadway. The fire department does not predict an increase in calls for service from this annexation. Primary response is from Fire Station 5 at 2155 Broadway and from that location response times are within National Fire Protection Association guidelines.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 26-22, a resolution accepting a petition to the City Council for the annexation of lands to the City of Grand Junction, Colorado, the Trinklein Annexation, approximately 0.88 acres, located at 2067 Ferree Drive, and (adopt/deny) Ordinance No. 5059, annexing territory to the City of Grand Junction, Colorado, Trinklein, approximately 0.88 acres, located at 2067 Ferree Drive, on final passage and order final publication in pamphlet form as well as (adopt/deny) Ordinance No. 5060 zoning the Trinklein Annexation to R-4 (Residential - 4 du/ac) zone district, from Mesa County zoning of RSF-4 (Residential Single Family 4 du/ac) on final passage and order final publication in pamphlet form.

Attachments

1. Development Application
2. Site Maps and Photo
3. Annexation Schedule - Table - Trinklein Annexation
4. Trinklein Annexation Plat-Annex Plat
5. Planning Commission Minutes - 2022 - February 8
6. Resolution Accepting Petition for Annexation
7. Trinklein Annexation Ordinance
8. ORD-Zoning Trinklein Annex (2)

OWNERSHIP STATEMENT - NATURAL PERSON

I, (a) Trent A. Trinklein and Laura Lynne Trinklein, am the owner of the following real property:

(b) 2067 Ferree Drive
Grand Junction, CO 81507

A copy of the deed evidencing my interest in the property is attached. All documents, if any, conveying any interest in the property to someone else by the owner, are also attached.

☒ I am the sole owner of the property.

☐ I own the property with other(s). The other owners of the property are (c):

I have reviewed the application for the (d) Annexation pertaining to the property.

I have the following knowledge and evidence concerning possible boundary conflicts between my property and the abutting property(ies): (e) _____

I understand that I have a continuing duty to inform the City planner of any changes in interest, including ownership, easement, right-of-way, encroachment, lienholder and any other interest in the property.

I swear under penalty of perjury that the information contained in this Ownership Statement is true, complete and correct.

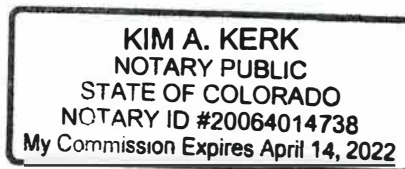
Owner signature as it appears on deed:

Trent A. Trinklein Laura Lynne Trinklein

Printed name of owner: Trent A. Trinklein and Laura Lynne Trinklein

State of Colorado)

County of Mesa) ss.



Subscribed and sworn to before me on this 28th day of September, 2021
by Trent A. and Laura Lynne Trinklein

Witness my hand and seal.

My Notary Commission expires on

04/14/2022

Kim A. Kerk
Notary Public Signature

WARRANTY DEED

THIS DEED, Made this 19th day of July, 2018 between
Eric P. Feely and Elizabeth Morris
of the County of Mesa and State of COLORADO, grantor, and
Trent A. Trinklein and Laura Lynne Trinklein
whose legal address is 2067 Ferree Drive, Grand Junction, CO 81507-9731
of the County of Mesa, State of Colorado, grantees:



WITNESS, That the grantor, for and in consideration of the sum of Three Hundred Five Thousand Dollars and No/100's (\$305,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantees, their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property together with improvements, if any, situate, lying and being in the County of Mesa, and State of COLORADO, described as follows:

Lots 1 and 2 of Ellie Heights,
County of Mesa, State of Colorado.

Doc Fee
\$ 30.50

also known by street and number as 2067 Ferree Drive, Grand Junction, CO 81507-9731

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

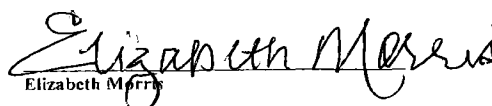
TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantees, their heirs and assigns, that at the time of the encasing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except all taxes and assessments for the current year, a lien but not yet due or payable, and those specific Exceptions described by reference to recorded documents as reflected into the Title Documents accepted by Buyer in accordance with section 8.1 "Title Review", of the contract dated June 27, 2018, between the parties.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

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

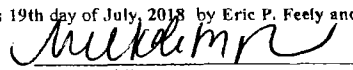
SELLERS:


Eric P. Feely

Elizabeth Morris

STATE OF COLORADO
COUNTY OF

ss:

The foregoing instrument was acknowledged before me this 19th day of July, 2018 by Eric P. Feely and Elizabeth Morris


Notary Public
My Commission expires:

Witness my hand and official seal.

NICKOLE MOZELL BROWN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20154019213
My Commission Expires May 14, 2019

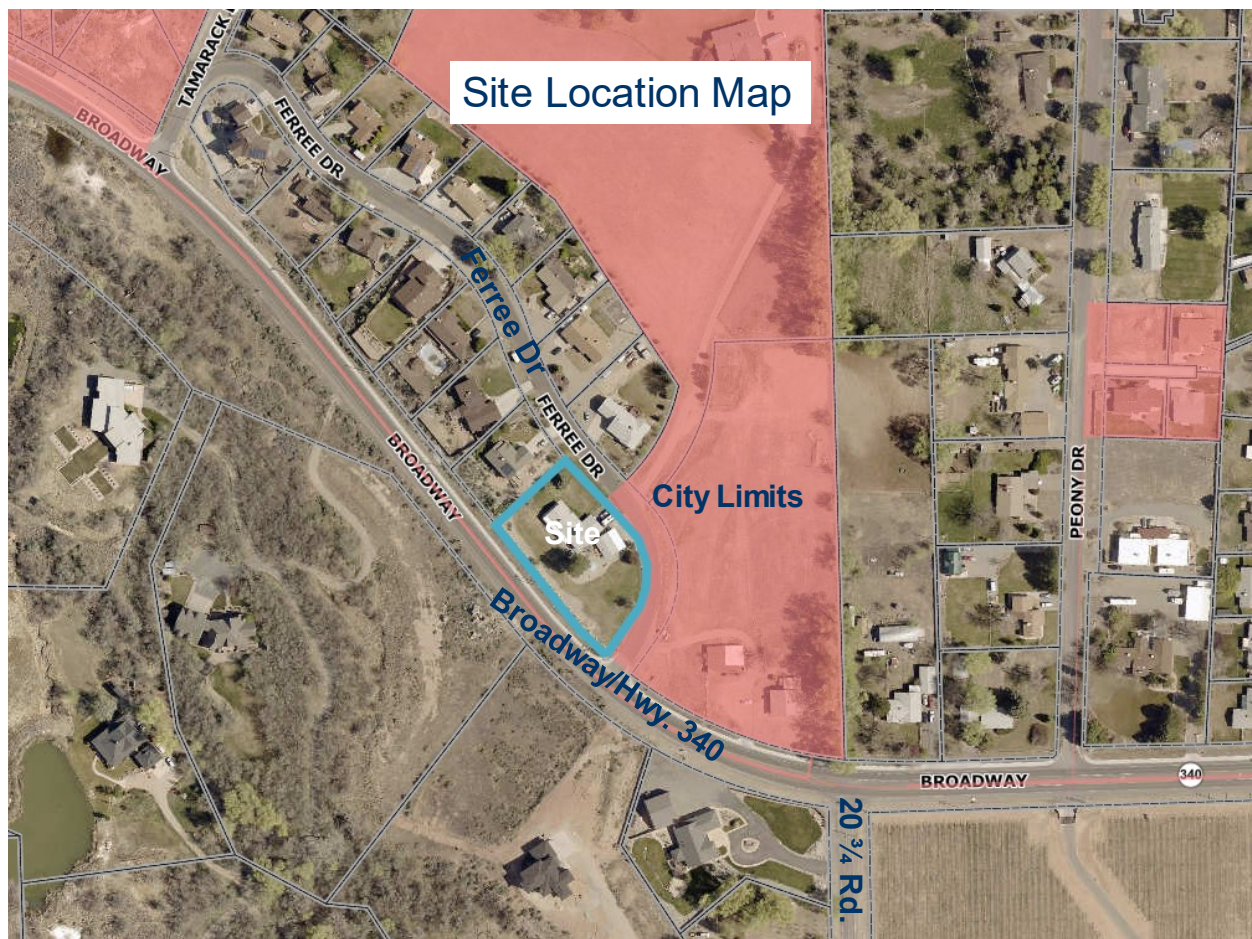
County of Mesa



WDJT
Warranty Deed to Joint Tenants

File No. F0614154

Location Map – 2067 Ferree Drive – Request for Annexation of Property



IMPROVEMENT SURVEY

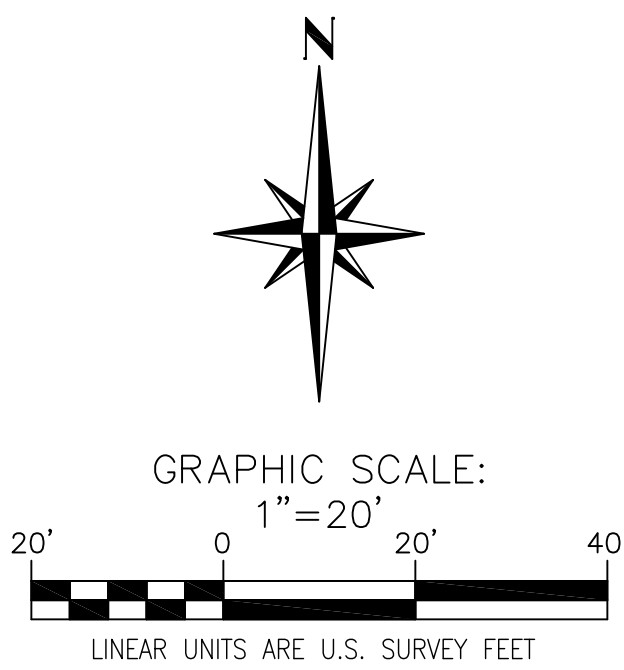
SITUATED IN THE SW¼, SE¼ SECTION 15
TOWNSHIP 11 SOUTH, RANGE 101 WEST OF THE 6TH PRINCIPAL MERIDIAN
CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO

LEGEND:

FOUND SURVEY MARKER AS DESCRIBED
FOUND No. 5 REBAR NO CAP PLACED CAP PLS 37904
SET No. 5 REBAR WITH 2 INCH ALUMINUM CAP PLS 37904

EXISTING UTILITY POLE
EXISTING GUY WIRE
EXISTING SIGN
EXISTING UTILITY PEDESTAL
EXISTING ELECTRIC TRANSFORMER
EXISTING WATER VALVE
EXISTING WATER METER
EXISTING LIGHT POLE
EXISTING IRRIGATION FEATURE
EXISTING OVERHEAD UTILITY LINE
EXISTING FENCE LINE

EXISTING CONCRETE



LEGAL DESCRIPTION:

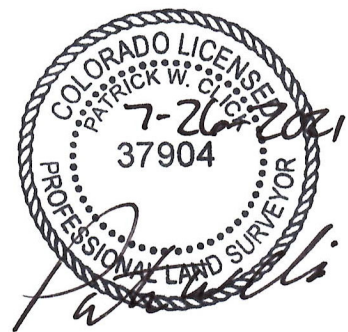
Lots 1 and 2 of Ellie Heights,
County of Mesa, State of Colorado.
Said parcels contain 0.88 Acres.

NOTES

- OWNERSHIP, RECORDED RIGHTS--OF--WAY, AND EASEMENT INFORMATION WAS DONE WITHOUT USING A CURRENT TITLE POLICY.
- BEARINGS ARE BASED ON THE SOUTH LINE OF SE¼ SECTION 15, TOWNSHIP 11 SOUTH, RANGE 101 WEST OF THE 6th P.M., THE VALUE USED S89°26'45"E, WAS CALCULATED USING THE MESA COUNTY LOCAL COORDINATE SYSTEM. MESA COUNTY SURVEY MARKER AS FOUND AT THE EAST AND AT THE WEST END OF SAID LINE AS SHOWN HEREON.
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- THIS SURVEY IS BASED ON THE DEED AS RECORDED AT RECEPTION NUMBER 2848242, OF THE MESA COUNTY RECORDS.

SURVEYOR'S CERTIFICATION:

I, Patrick W. Click, a registered Professional Land Surveyor in the State of Colorado, do hereby certify that this Plat represents a field survey completed by me and / or under my direct supervision. Both conform to the standards of practice, statutes and laws of the State of Colorado to the best of my knowledge and belief. This statement is not a guaranty or warranty, either expressed or implied.



COLORADO REGISTERED LAND SURVEYOR PLS #37904

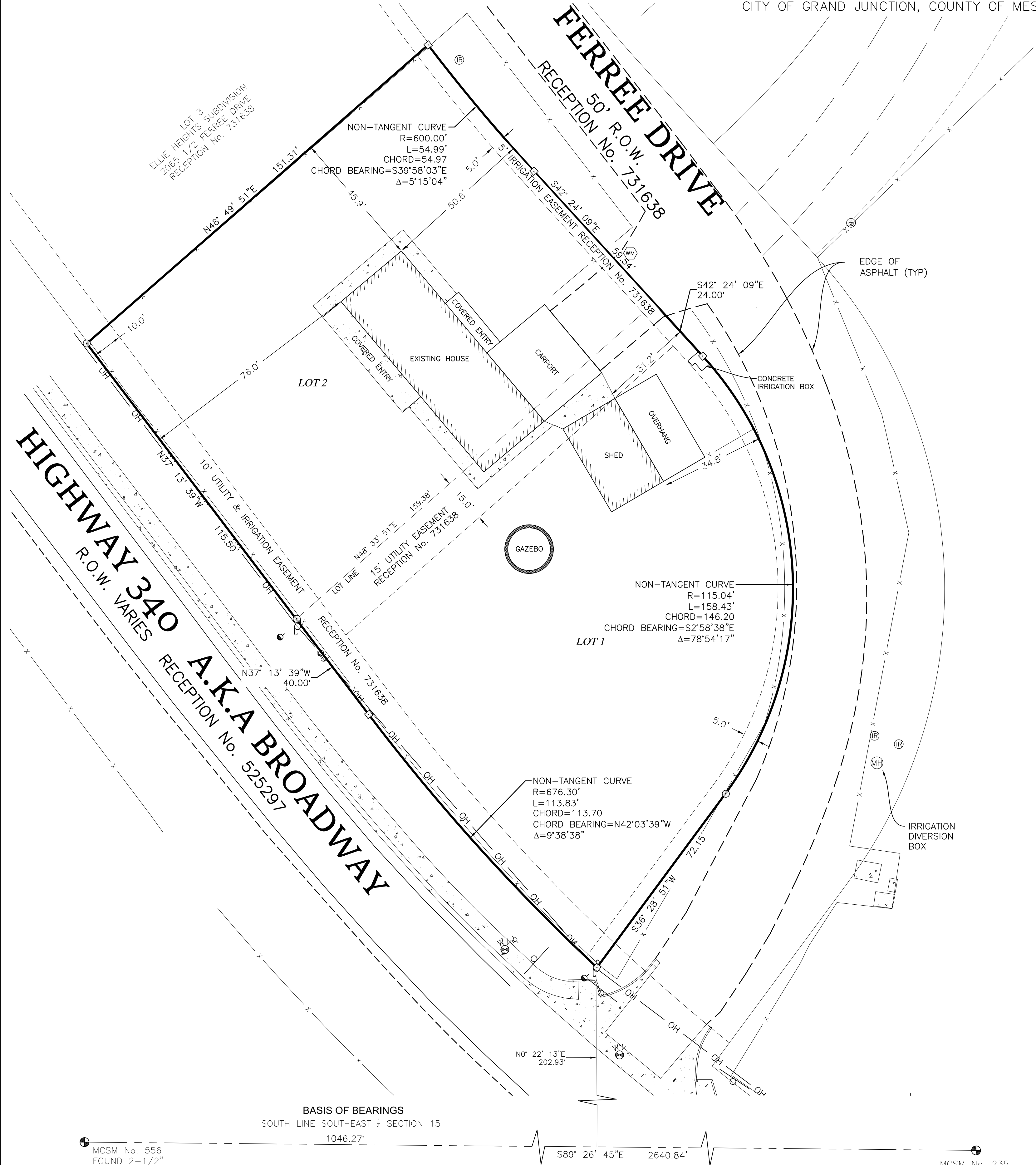
IMPROVEMENT SURVEY

2067 FERREE ROAD
SITUATED IN THE SW¼, SE¼ SECTION 15
TOWNSHIP 11 SOUTH, RANGE 101 WEST OF THE 6TH P.M.
CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO

DATE: 7/26/2021 JOB #: 2019112 FIELD WORK: SL
DRAWING NAME: 2019112 DRAWN BY: OM

POLARIS SURVEYING

PATRICK W. CLICK P.L.S.
3194 MESA AVE. #B
GRAND JUNCTION, CO 81504
PHONE/FAX (970)434-7038



MCSM No. 556
FOUND 2-1/2"
BRASS CAP
SOUTH 1/4 CORNER
SECTION 15,
T11S, R101W, 6TH PM

MCSM No. 235
FOUND 2-1/2"
BRASS CAP
SOUTHEAST CORNER
SECTION 15,
T11S, R101W, 6TH PM

Legal Description:

LOTS 1 & 2 ELLIE HEIGHTS SEC 15 11S 101W

[illegible]

Monument Ridge Neighborhood Meeting 08/19/21

Attendees: Kim Kerk, Scott Peterson and 17 neighbors.

Meeting called at 5:35

Kim Kerk, Project Manager (PM) introduced herself and City Planner, Scott Peterson. There are 48 lots in the subdivision. The project is in early stages, currently working with CDOT and Traffic Engineer to determine current and future traffic and access to the subdivision.

The estimated size of the homes will be approximately 9000-12000 square foot. The developer's representative is in process of gathering information to determine best course of action. We will work together to figure it out. We are in the early stages/process with city. It is the builder's intent to build something nice, stucco or craftsman style as part of the vision for neighborhood.

N1. What is being annexed into the city and will it affect our subdivision?

- A. The entire Trinkline lot will be affected. Kim showed a drawing of the Trinkline's lot that also showed the triangle piece that will have no building on it.

N2. Will Ferree Dr. be closed off?

- A. Yes, the vacated property from Ferree Dr. will go back to the Trinkline property.

N3. When you are building the subdivision where will the construction entrance be?

- A. The entrance will be on Manzanita Dr., which will be created with the subdivision and used as construction entrance access.

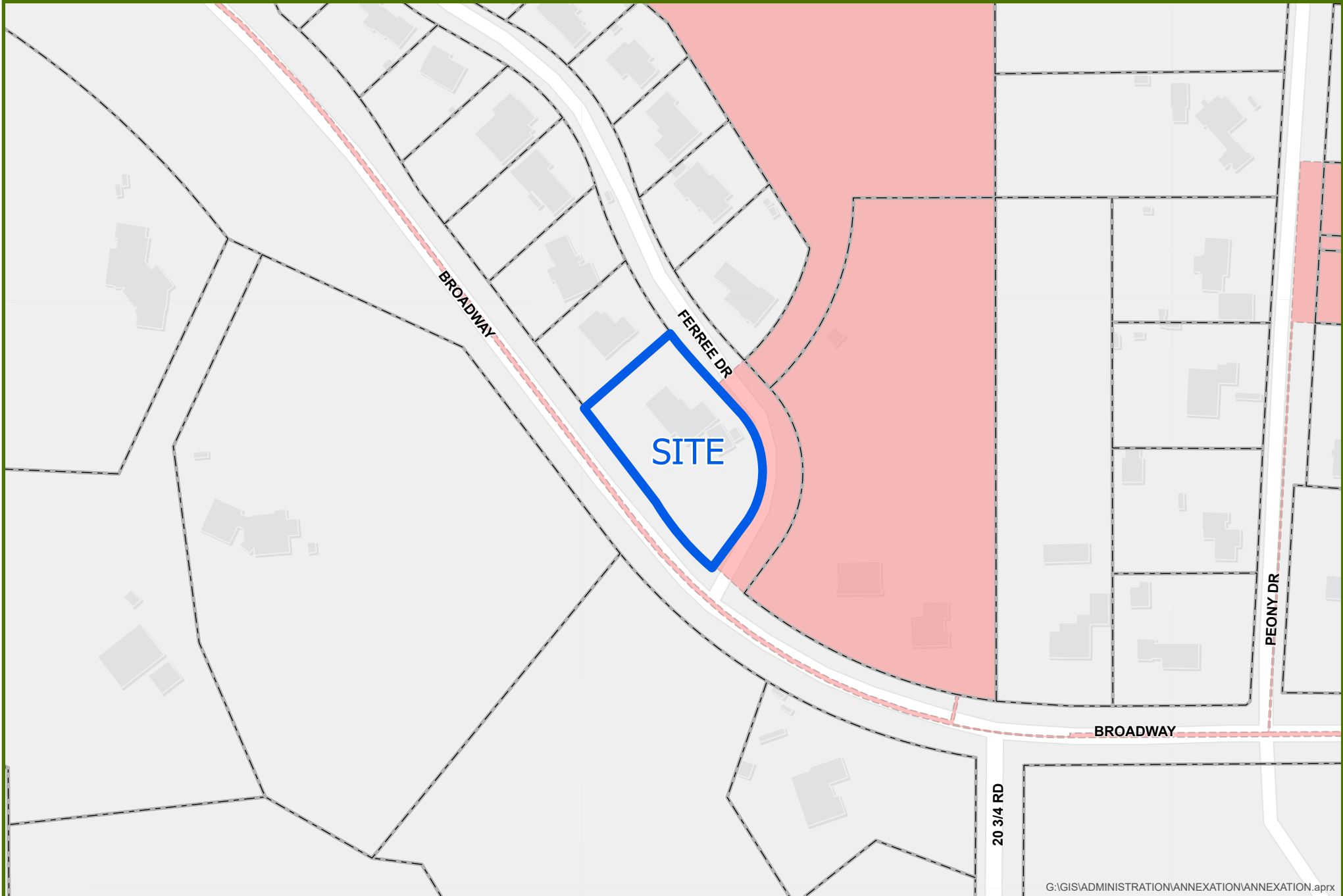
N4. Do you have enough irrigation shares? I could not find any proof or info.

- A. Yes, Monument Ridge Estates owns 15 shares and has an annual lease agreement on 5 additional shares. Kim emailed a copy of the lease agreement to the homeowner.

Kim confirmed to everyone that a professional is designing the irrigation system. There were many questions about the style and sizes of the homes. Kim answered that the floor plans will still be determined. Covenants will decide these rules. Neighbors are strongly against the homeowners using Ferree Dr. as a point of access to the subdivision. Scott told the neighbors they would receive post cards from the city of confirmation of submittal of the Annexation with public hearing dates.

The meeting closed at 6:35 pm.

TRINKLEIN ANNEXATION



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0 100 200 Feet



Annexation



City Limits

TRINKLEIN ANNEXATION



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0 100 200 Feet



Annexation



City Limits

TRINKLEIN ANNEXATION - LAND USE



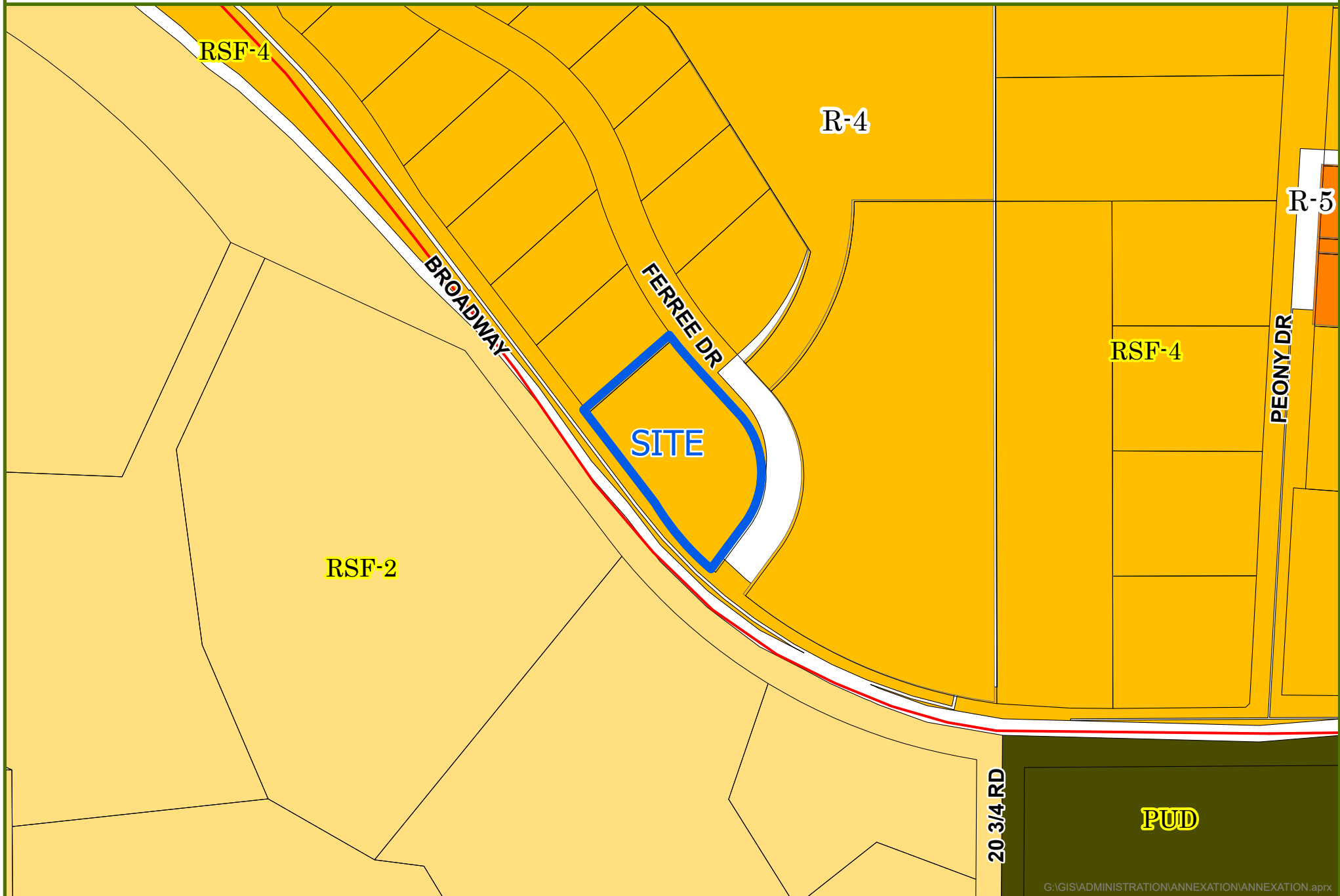
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0 100 200 Feet

 Annexation Boundary

TRINKLEIN ANNEXATION - ZONING



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0 100 200 Feet

 Annexation

City Zoning
Packet Page 225

County Zoning

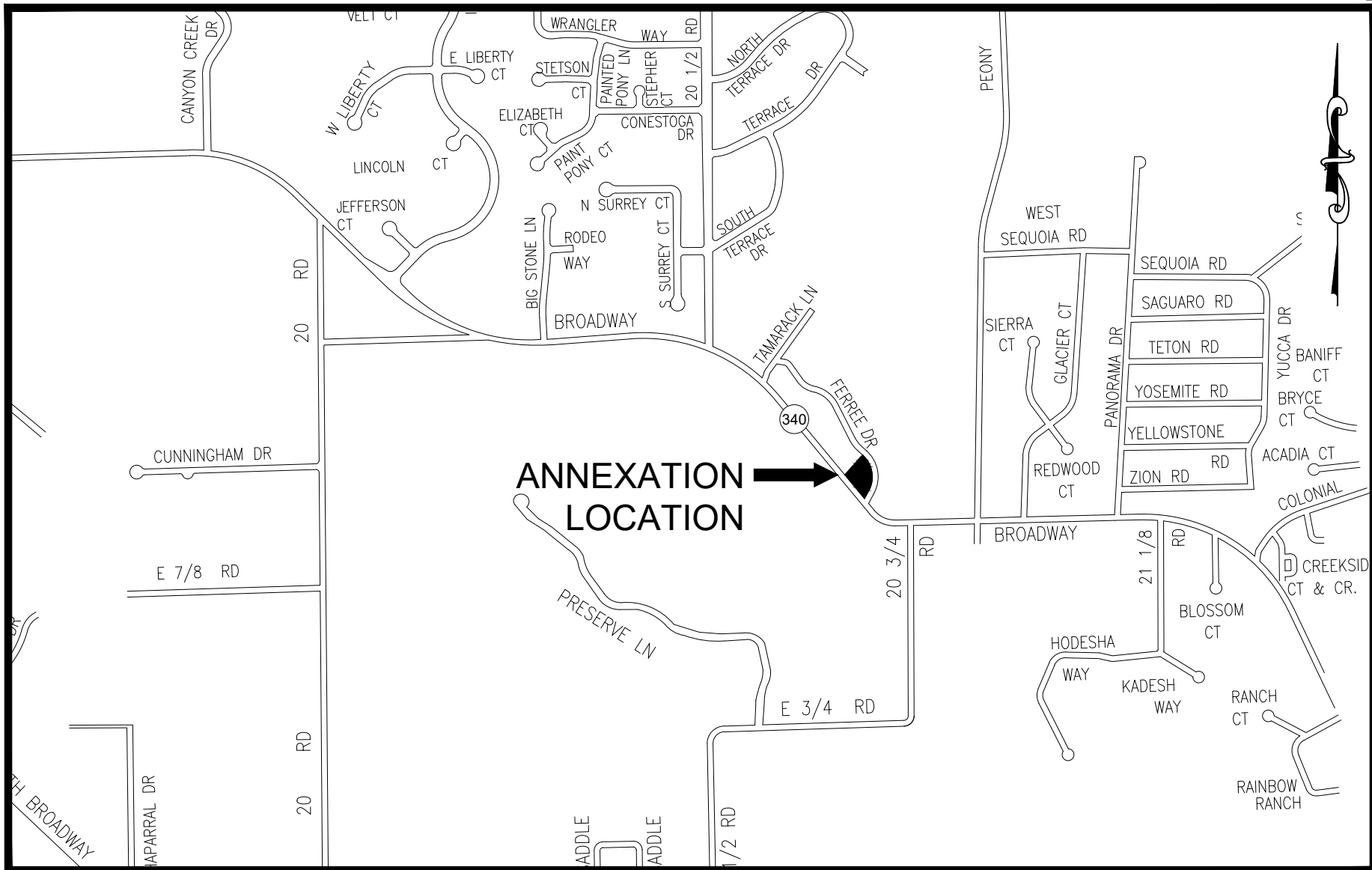
Date Created: 12/23/2021

CITY OF
Grand Junction
COLORADO
GEOGRAPHIC INFORMATION SYSTEMS

TRINKLEIN ANNEXATION

LOT 1 & LOT 2, ELLIE HEIGHTS

Located in the SW1/4 of the SE1/4 SECTION 15, TOWNSHIP 11 SOUTH, RANGE 101 WEST,
6TH PRINCIPAL MERIDIAN, COUNTY OF MESA, STATE OF COLORADO



SITE LOCATION MAP

SCALE: 1" = 300'

LEGAL DESCRIPTION

A parcel of land as described in Reception Number 2848242, said tract being all of Lot 1 & Lot 2, Ellie Heights as described in Plat Book 9, Page 52 (Reception Number 731636) situated in the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section 15, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado said parcel being more particularly described as follows:

Commencing at the South Quarter Corner (S1/4) of said Section 15 and assuming the South line of said SE1/4 bears S89°26'44"E with all other bearings contained herein being relative thereto; thence S89°26'44"E along said South line of the SE1/4, a distance of 1,048.12 feet; thence N00°22'14"E, a distance of 203.94 feet to the Southeast Corner of Lot 1, Ellie Heights being the Point of Beginning;

thence along the Northerly Right-of-Way line of Broadway (Colorado State Route 340) the following three (3) courses;

Northwesterly along the arc of a 676.30 radius curve concave Northeasterly thru a central angle of 09°38'38", a distance of 113.83 feet, whose chord bears N42°03'38"W, a distance of 113.70 feet; thence N37°13'38"W, a distance of 40.00 feet to the Southwest Corner of said Lot 1; thence N37°13'38"W, a distance of 115.50 feet to the Southwest Corner of Lot 2 of Ellie Heights; thence N48°49'52"E along of the West line of said Lot 2, a distance of 151.31 feet to the Northwest Corner of said Lot 2;

thence the following five (5) courses along the Southerly & Westerly Right-of-Way lines of Ferree Drive;

Southeasterly along the arc of a 600.00 foot radius curve concave Northeasterly thru a central angle of 05°15'04", a distance of 54.99 feet, whose chord bears S39°58'02"E, a distance of 54.97 feet; thence S42°24'08"E, a distance of 59.54 feet to the Northwest Corner of said Lot 1; thence S42°24'08"E, a distance of 24.00 feet; thence continuing Southeasterly along the arc of a 115.00 foot radius curve concave Southwesterly thru a central angle of 78°56'12", a distance of 158.44 feet, whose chord bears S02°58'37"E, a distance of 146.20 feet; thence S36°28'52"W, a distance of 72.15 feet to the Point of Beginning.

Said parcel of CONTAINING **38,296** square feet or **0.88** Acres, more or less, as described.

LEGEND

ANNEXATION BOUNDARY	---
ANNEXATION AREA	[Grid Pattern]
EXISTING CITY LIMITS	---

SURVEY ABBREVIATIONS

		SQ. FT.	SQUARE FEET
P.O.C.	POINT OF COMMENCEMENT	DELTA	CENTRAL ANGLE
P.O.B.	POINT OF BEGINNING	RAD	RADIUS
R.O.W.	RIGHT OF WAY	ARC	ARC LENGTH
SEC.	SECTION	CHD	CHORD LENGTH
TWP.	TOWNSHIP	CHD	CHORD BEARING
RGE.	RANGE	RAD.	BLOCK
P.M.	PRINCIPAL MERIDIAN	P.B.	PLAT BOOK
NO.	NUMBER	BK.	BOOK
REC.	RECEPTION	PG.	PAGE
		HOR. DIST.	HORIZONTAL DISTANCE

AREAS OF ANNEXATION

ANNEXATION PERIMETER	789.76 FT.
CONTIGUOUS PERIMETER	281.70 FT.
AREA IN SQUARE FEET	38,296
AREA IN ACRES	0.879
AREA WITHIN R.O.W.	0 SQ. FT. 0.00 ACRES

ORDINANCE NO.
XXXX

EFFECTIVE DATE
JANUARY XX, 2022

NOTE:
THE DESCRIPTION(S) CONTAINED HEREIN HAVE BEEN DERIVED FROM SUBDIVISION PLAT & DEED DESCRIPTIONS AS THEY APPEAR IN THE OFFICE OF THE MESA COUNTY CLERK & RECORDER. THIS PLAT OF ANNEXATION DOES NOT CONSTITUTE A LEGAL BOUNDARY SURVEY, AND IS NOT INTENDED TO BE USED AS A MEANS OF ESTABLISHING OR VERIFYING PROPERTY BOUNDARY LINES.

RENEE BETH PARENT _____ DATE _____
STATE OF COLORADO - P.L.S. NO. 38266
FOR THE CITY OF GRAND JUNCTION
333 WEST AVENUE - BLDG. C
GRAND JUNCTION, CO. 81501

CURVE DATA

C1	ARC = 113.83'	RAD = 676.30'	DELTA = 09°38'38"	CHORD	N42°03'38"W	113.70'
C2	ARC = 54.99'	RAD = 600.00'	DELTA = 05°15'04"	CHORD	S39°58'02"E	54.97'
C3	ARC = 158.44'	RAD = 115.00'	DELTA = 78°56'12"	CHORD	S02°58'37"E	146.20'

THE PRESERVE, FILING NO. TWO
(Plat Book 16, Pages 218-219)

REPLAT OF BROCK SUBDIVISION
(Plat Book 14, Page 316)

THIS IS NOT A BOUNDARY SURVEY

NOTICE:
ACCORDING TO COLORADO LAW ANY LEGAL ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY MUST COMMENCE WITHIN THREE (3) YEARS AFTER THE DISCOVERY OF SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

DRAWN BY: NCW DATE: 12/09/2021
DESIGNED BY: RBP DATE: 12/09/2021
CHECKED BY: CVW DATE: 12/13/2021
APPROVED BY: RBP DATE: 12/13/2021

50' 0 25' 50'
SCALE: 1" = 50'
LINEAL UNITS = U.S. SURVEY FOOT

CITY OF
Grand Junction
COLORADO
333 WEST AVENUE - BLDG. C
GRAND JUNCTION, CO. 81501

PUBLIC WORKS
ENGINEERING DIVISION

TRINKLEIN ANNEXATION
LOT 1 & LOT 2, ELLIE HEIGHTS
Located in the SW1/4 of the SE1/4 SECTION 15, TOWNSHIP 11 SOUTH, RANGE 101 WEST,
6TH PRINCIPAL MERIDIAN, COUNTY OF MESA, STATE OF COLORADO

1 OF 1



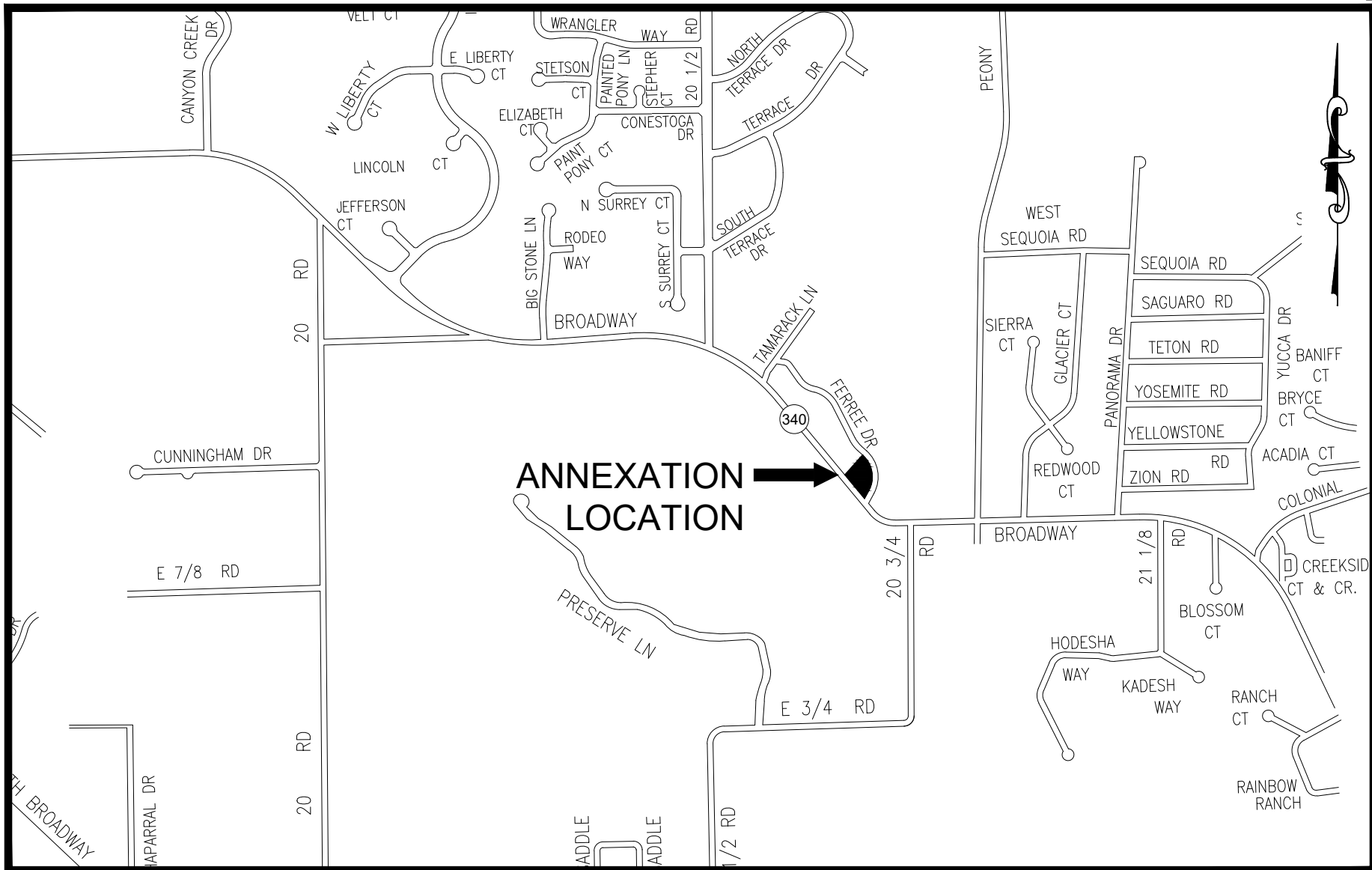
View taken from the intersection of Broadway and Ferree Drive

<u>TRINKLEIN ANNEXATION SCHEDULE</u>		
February 2, 2022		Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
February 8, 2022		Planning Commission considers Zone of Annexation
March 2, 2022		Introduction of a Proposed Ordinance on Zoning by City Council
March 16, 2022		Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
April 17, 2022		Effective date of Annexation and Zoning
<u>ANNEXATION SUMMARY</u>		
File Number:		ANX-2021-777
Location:		2067 Ferree Drive
Tax ID Numbers:		2947-154-10-022
# of Parcels:		1
Existing Population:		2
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		0.879
Developable Acres Remaining:		0
Right-of-way in Annexation:		0
Previous County Zoning:		RSF-4
Proposed City Zoning:		R-4
Current Land Use:		Residential
Comprehensive Plan Land Use:		Residential Low
Values:	Assessed:	\$28,950
	Actual:	\$404,980
Address Ranges:		2067 Ferree Drive
Special Districts:	Water:	Ute
	Sewer:	City
	Fire:	GJ Rural Fire Protection District
	Irrigation/Drainage:	Redlands Water & Power
	School:	District 51
	Pest:	Grand River Mosquito District & Upper Grand Valley Pest
	Other:	Colorado River Water Conservancy

TRINKLEIN ANNEXATION

LOT 1 & LOT 2, ELLIE HEIGHTS

Located in the SW1/4 of the SE1/4 SECTION 15, TOWNSHIP 11 SOUTH, RANGE 101 WEST,
6TH PRINCIPAL MERIDIAN, COUNTY OF MESA, STATE OF COLORADO



SITE LOCATION MAP

SCALE: 1" = 300'

LEGAL DESCRIPTION

A parcel of land as described in Reception Number 2848242, said tract being all of Lot 1 & Lot 2, Ellie Heights as described in Plat Book 9, Page 52 (Reception Number 731636) situated in the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section 15, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado said parcel being more particularly described as follows:

Commencing at the South Quarter Corner (S1/4) of said Section 15 and assuming the South line of said SE1/4 bears S89°26'44"E with all other bearings contained herein being relative thereto; thence S89°26'44"E along said South line of the SE1/4, a distance of 1,048.12 feet; thence N00°22'14"E, a distance of 203.94 feet to the Southeast Corner of Lot 1, Ellie Heights being the Point of Beginning;

thence along the Northerly Right-of-Way line of Broadway (Colorado State Route 340) the following three (3) courses;

Northwesterly along the arc of a 676.30 radius curve concave Northeasterly thru a central angle of 09°38'38", a distance of 113.83 feet, whose chord bears N42°03'38"W, a distance of 113.70 feet; thence N37°13'38"W, a distance of 40.00 feet to the Southwest Corner of said Lot 1; thence N37°13'38"W, a distance of 115.50 feet to the Southwest Corner of Lot 2 of Ellie Heights; thence N48°49'52"E along of the West line of said Lot 2, a distance of 151.31 feet to the Northwest Corner of said Lot 2;

thence the following five (5) courses along the Southerly & Westerly Right-of-Way lines of Ferree Drive;

Southeasterly along the arc of a 600.00 foot radius curve concave Northeasterly thru a central angle of 05°15'04", a distance of 54.99 feet, whose chord bears S39°58'02"E, a distance of 54.97 feet; thence S42°24'08"E, a distance of 59.54 feet to the Northwest Corner of said Lot 1; thence S42°24'08"E, a distance of 24.00 feet; thence continuing Southeasterly along the arc of a 115.00 foot radius curve concave Southwesterly thru a central angle of 78°56'12", a distance of 158.44 feet, whose chord bears S02°58'37"E, a distance of 146.20 feet; thence S36°28'52"W, a distance of 72.15 feet to the Point of Beginning.

Said parcel of CONTAINING **38,296** square feet or **0.88** Acres, more or less, as described.

LEGEND

ANNEXATION BOUNDARY
ANNEXATION AREA
EXISTING CITY LIMITS

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT	DELTA	CENTRAL ANGLE
P.O.B.	POINT OF BEGINNING	RAD	RADIUS
R.O.W.	RIGHT OF WAY	ARC	ARC LENGTH
SEC.	SECTION	CHD	CHORD LENGTH
TWP.	TOWNSHIP	CHD	CHORD BEARING
RGE.	RANGE	RAD.	BLOCK
P.M.	PRINCIPAL MERIDIAN	P.B.	PLAT BOOK
NO.	NUMBER	BK.	BOOK
REC.	RECEPTION	PG.	PAGE
		HOR. DIST.	HORIZONTAL DISTANCE

AREAS OF ANNEXATION

ANNEXATION PERIMETER	789.76 FT.
CONTIGUOUS PERIMETER	281.70 FT.
AREA IN SQUARE FEET	38,296
AREA IN ACRES	0.879
AREA WITHIN R.O.W.	0 SQ. FT. 0.00 ACRES

ORDINANCE NO.
XXXX

EFFECTIVE DATE
JANUARY XX, 2022

NOTE:
THE DESCRIPTION(S) CONTAINED HEREIN HAVE BEEN DERIVED FROM SUBDIVISION PLAT & DEED DESCRIPTIONS AS THEY APPEAR IN THE OFFICE OF THE MESA COUNTY CLERK & RECORDER. THIS PLAT OF ANNEXATION DOES NOT CONSTITUTE A LEGAL BOUNDARY SURVEY, AND IS NOT INTENDED TO BE USED AS A MEANS OF ESTABLISHING OR VERIFYING PROPERTY BOUNDARY LINES.

RENEE BETH PARENT
STATE OF COLORADO - P.L.S. NO. 38266
FOR THE CITY OF GRAND JUNCTION
333 WEST AVENUE - BLDG. C
GRAND JUNCTION, CO. 81501

DATE

THIS IS NOT A BOUNDARY SURVEY

NOTICE:
ACCORDING TO COLORADO LAW ANY LEGAL ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY MUST COMMENCE WITHIN THREE (3) YEARS AFTER THE DISCOVERY OF SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

DRAWN BY: NCW DATE: 12/09/2021
DESIGNED BY: RBP DATE: 12/09/2021
CHECKED BY: CVW DATE: 12/13/2021
APPROVED BY: RBP DATE: 12/13/2021

50' 0 25' 50'
SCALE: 1" = 50'
LINEAL UNITS = U.S. SURVEY FOOT

CITY OF
Grand Junction
COLORADO
333 WEST AVENUE - BLDG. C
GRAND JUNCTION, CO. 81501

PUBLIC WORKS
ENGINEERING DIVISION

TRINKLEIN ANNEXATION
LOT 1 & LOT 2, ELLIE HEIGHTS
Located in the SW1/4 of the SE1/4 SECTION 15, TOWNSHIP 11 SOUTH, RANGE 101 WEST,
6TH PRINCIPAL MERIDIAN, COUNTY OF MESA, STATE OF COLORADO

1 OF 1

GRAND JUNCTION PLANNING COMMISSION
February 8, 2022, 5:30 PM
MINUTES

The meeting of the Planning Commission was called to order at 5:32 p.m. by Chair Andrew Teske.

Those present were Planning Commissioners; Chair Andrew Teske, Ken Scissors, George Gatseos, Shanon Secrest, Sandra Weckerly, and Melanie Duyvejonck.

Also present were Felix Landry (Planning Supervisor), David Thornton (Principal Planner), Jace Hochwalt (Associate Planner) and Kalli Savvas (Planning Technician).

There were 2 members of the public in attendance and 2 virtually.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from January 25, 2022.

REGULAR AGENDA

1. Trinklein Annexation

ANX-2021-777

Consider a request by Trent and Laura Trinklein to zone 0.88 acres from County RSF-4 (Residential Single Family – 4 du/ac) to R-4 (Residential – 4 du/ac) located at 2067 Ferree Drive.

Staff Presentation

David Thornton, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

Applicant Presentation

The representative Kim Kerk was present and available for questions.

Questions for Applicant or Staff

Public Hearing

The public hearing was opened at 5:00 p.m. on Tuesday, February 1, 2022, via www.GJSpeaks.org.

The public hearing was closed at 5:48 p.m. on February 8, 2022.

Discussion

Motion and Vote

Commissioner Gatseos made the following motion Mr. Chairman, on the Zone of Annexation request for the property located at 2067 Ferree Drive, City file number ANX-2021-777, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.

Commissioner Scissors seconded the motion. The motion carried 6-0. Teske, Ken Scissors, Gatseos, Weckerly, Secrest, and Duyvejonck.

2. Dos Rios Planned Development Amendment PLD-2021-837

Consider a Request by DR Land LLC, Buena Vida HQ, LLC and the City of Grand Junction to Amend the Planned Development Zoning and Outline Development Plan (ODP) for the Riverfront at Dos Rios, on 58.8 acres located on the Northeast Bank of the Colorado River Between Highway 50 and Hale Avenue.

Staff Presentation

Jace Hochwalt, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Applicant Presentation

Mark Austin and Kevin Sperry answered questions about parking.

Questions for Applicant or Staff

Commissioner Gatseos clarified the allowance of street parking.

Commissioner Weckerly clarified whether the parking is the same here as other development.

Commissioner Secrest asked if the amendment is changing the entire concept of plan.

Commissioner Weckerly stated that she is concerned about the parking, since she does not think the change will be designating enough parking.

Commissioner Teske asked about the pedestrian access since one of the pedestrian accesses was not shown on the map.

Commissioner Scissors stated that a different pedestrian access was not shown.

Commissioner Gatseos made a statement he would like to see more internal parking and less street parking.

Commissioner Scissors stated that there will be major issues with parking on the weekends from increased pedestrian traffic.

Commissioner Weckerly stated that she is concerned about the parking because the parcels could be sold, and the area is separate from other areas.

Commissioner Gatseos agreed with commissioner Weckerly.

Commissioner Teske stated the previous ordinance had 350 spots and the new ordinance doesn't have a specific amount.

Commissioner Scissors asked if the 350 included the sharing of spaces, how is the reciprocal parking space calculated, and asked if there is a dedicated public parking area.

Commissioner Gatseos asked about the time element for the decision.

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, February 1, 2022, via www.GJSpeaks.org.

The public hearing was closed at 6:57 p.m. on February 8, 2022.

Discussion

Commissioner Scissors, Gatseos, Secrest, and Weckerly stated that they think they need to hear more information about the proposal and tabling the proposal until more information can be added to the proposal.

Motion and Vote

Commissioner Gatseos made the following motion on the request for the rezone and amendment to the Planned Development zone district and Outline Development Plan (ODP) for Riverfront at Dos Rios Located on the Northeast Bank of the Colorado River Between Highway 50 and Hale Avenue, City file number PLD-2021-837, I move that the Planning Commission postpone this proposal until the February 22, 2022, meeting.

Commissioner Scissors seconded the motion. The motion carried 6-0. Teske, Secrest, Gatseos, Scissors, Weckerly, and Duyvejonck.

3. Other Business

None.

4. Adjournment

Commissioner Scissors moved to adjourn the meeting. Commissioner Secrest seconded the motion.

The vote to adjourn was 6-0. Scissors, Secrest, Gatseos, Teske, Weckerly, and Duyvejonck.

The meeting adjourned at 7:08 p.m.

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A PETITION
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
MAKING CERTAIN FINDINGS,
AND DETERMINING THAT PROPERTY KNOWN AS THE
TRINKLEIN ANNEXATION
APPROXIMATELY 0.88 ACRES
LOCATED ON A PROPERTY AT 2067 FERREE DRIVE
IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 2nd day of February 2022, 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:

TRINKLEIN ANNEXATION
Perimeter Boundary Legal Description
Trinklein Annexation

A parcel of land as described in Reception Number 2848242, said tract being all of Lot 1 & Lot 2, Ellie Heights as described in Plat Book 9, Page 52 (Reception Number 731636) situated in the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section 15, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado said parcel being more particularly described as follows:

Commencing at the South Quarter Corner (S1/4) of said Section 15 and assuming the South line of said SE1/4 bears S89°26'44"E with all other bearings contained herein being relative thereto; thence S89°26'44"E along said South line of the SE1/4, a distance of 1,048.12 feet; thence N00°22'14"E, a distance of 203.94 feet to the Southeast Corner of Lot 1 of Ellie Heights being the Point of Beginning; thence along the Northerly Right-of-Way line of Broadway (Colorado State Route 340) the following three (3) courses; Northwesterly along the arc of a 676.30 radius curve concave Northeasterly thru a central angle of 09°38'38", a distance of 113.83 feet, whose chord bears N42°03'38"W, a distance of 113.70 feet; thence N37°13'38"W, a distance of 40.00 feet to the Southwest Corner of said Lot 1; thence N37°13'38"W, a distance of 115.50 feet to the Southwest Corner of Lot 2 of Ellie Heights; thence N48°49'52"E along of the West line of said Lot 2, a distance of 151.31 feet to the Northwest Corner of said Lot 2; thence the following five (5) courses along the Southerly & Westerly Right-of-Way lines of Ferree Drive; Southeasterly along the arc of a 600.00 foot radius curve concave Northeasterly thru a central angle of 05°15'04", a distance of 54.99 feet, whose chord bears S39°58'02"E, a distance of 54.97 feet; thence S42°24'08"E, a distance of 59.54 feet to the Northwest Corner of said Lot 1; thence S42°24'08"E, a distance of 24.00 feet; thence continuing Southeasterly along the arc of a 115.00 foot radius curve concave Southwesterly thru a

central angle of 78°56'12", a distance of 158.44 feet, whose chord bears S02°58'37"E, a distance of 146.20 feet; thence S36°28'52"W, a distance of 72.15 feet to the Point of Beginning.

Said parcel of CONTAINING 38,296 square feet or 0.88 Acres, more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of March, 2022; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED the 16th day of March, 2022.

C.B. McDaniel
President of the Council

ATTEST:

Wanda Winkelmann
City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

**APPROXIMATELY 0.88 ACRES
LOCATED ON A PROPERTY AT 6067 FERREE DRIVE**

WHEREAS, on the 2nd day of February, 2022, 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 ___ day of _____, 2022; 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:

TRINKLEIN ANNEXATION
EXHIBIT A

**Perimeter Boundary Legal Description
Trinklein Annexation**

A parcel of land as described in Reception Number 2848242, said tract being all of Lot 1 & Lot 2, Ellie Heights as described in Plat Book 9, Page 52 (Reception Number 731636) situated in the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section 15, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado said parcel being more particularly described as follows:

Commencing at the South Quarter Corner (S1/4) of said Section 15 and assuming the South line of said SE1/4 bears S89°26'44"E with all other bearings contained herein being relative thereto; thence S89°26'44"E along said South line of the SE1/4, a distance of 1,048.12 feet; thence N00°22'14"E, a distance of 203.94 feet to the Southeast Corner of Lot 1 of Ellie Heights being the Point of Beginning; thence along the Northerly Right-of-Way line of Broadway (Colorado State Route 340) the following three (3) courses;

Northwesterly along the arc of a 676.30 radius curve concave Northeasterly thru a central angle of 09°38'38", a distance of 113.83 feet, whose chord bears N42°03'38"W, a distance of 113.70 feet; thence N37°13'38"W, a distance of 40.00 feet to the Southwest Corner of said Lot 1; thence N37°13'38"W, a distance of 115.50 feet to the Southwest Corner of Lot 2 of Ellie Heights; thence N48°49'52"E along of the West line of said Lot 2, a distance of 151.31 feet to the Northwest Corner of said Lot 2; thence the following five (5) courses along the Southerly & Westerly Right-of-Way lines of Ferree Drive; Southeasterly along the arc of a 600.00 foot radius curve concave Northeasterly thru a central angle of 05°15'04", a distance of 54.99 feet, whose chord bears S39°58'02"E, a distance of 54.97 feet; thence S42°24'08"E, a distance of 59.54 feet to the Northwest Corner of said Lot 1; thence S42°24'08"E, a distance of 24.00 feet; thence continuing Southeasterly along the arc of a 115.00 foot radius curve concave Southwesterly thru a central angle of 78°56'12", a distance of 158.44 feet, whose chord bears S02°58'37"E, a distance of 146.20 feet; thence S36°28'52"W, a distance of 72.15 feet to the Point of Beginning.

Said parcel of CONTAINING 38,296 square feet or 0.88 Acres, more or less, as described.

INTRODUCED on first reading on the 2nd day of February 2022 and ordered published in pamphlet form.

ADOPTED on second reading the ____ day of _____ 2022 and ordered published in pamphlet form.

President of the Council

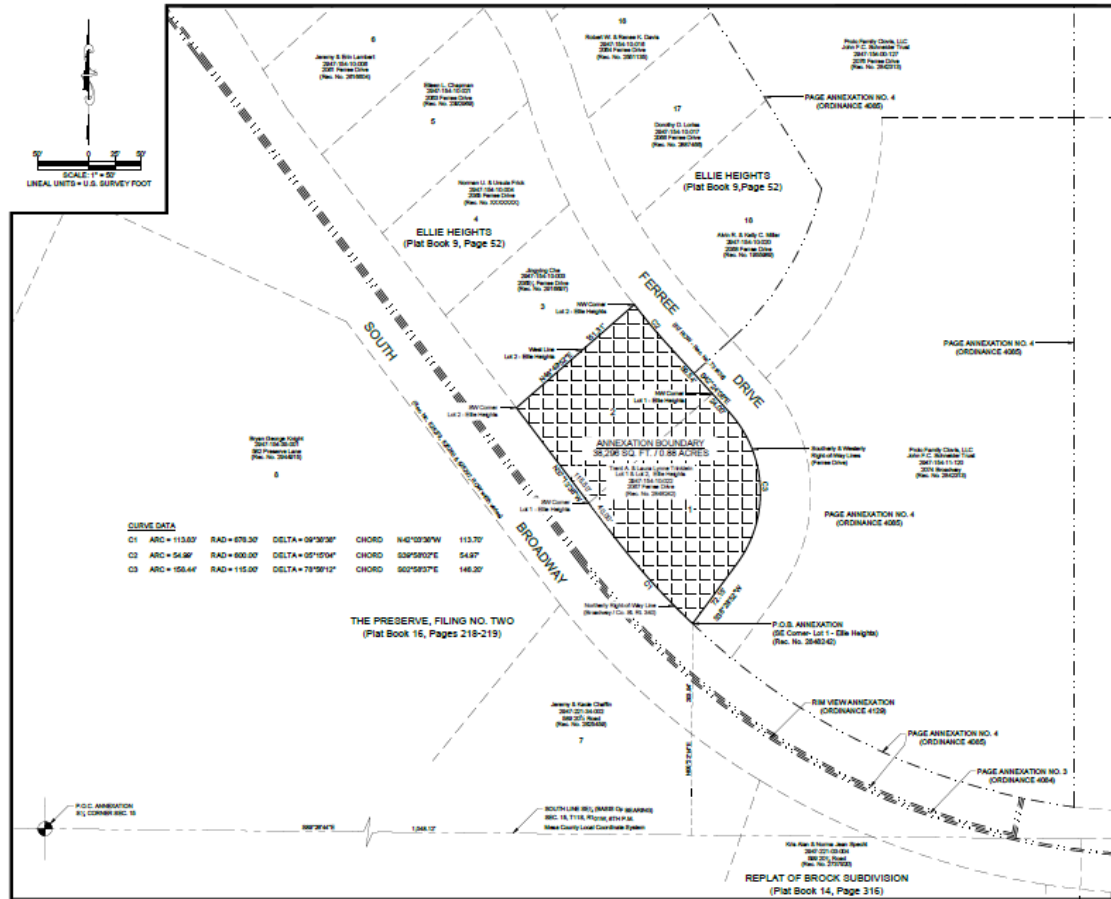
Attest:

City Clerk

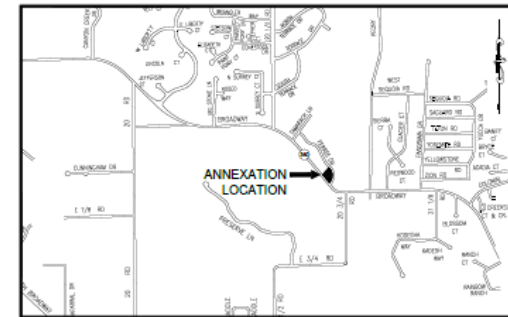
EXHIBIT A

TRINKLEIN ANNEXATION

LOT 1 & LOT 2, ELLIE HEIGHTS
Located in the SW1/4 of the SE1/4 SECTION 15, TOWNSHIP 11 SOUTH, RANGE 101 WEST,
6TH PRINCIPAL MERIDIAN, COUNTY OF MESA, STATE OF COLORADO



THIS IS NOT A BOUNDARY SURVEY



SITE LOCATION MAP

LEGAL DESCRIPTION

A parcel of land as described in Reception Number 2849242, said tract being all of Lot 1 & Lot 2, Ellie Heights as described in Plat Book 9, Page 52 (Reception Number 731839) situated in the Southwest Quarter of the Southwest Quarter (SW1/4 SE1/4) of Section 15, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado said parcel being more particularly described as follows:

Commencing at the South Quarter Corner (S1/4) of said Section 15 and assuming the South line of said SE1/4 bears S89°26'44"E with all other bearings contained herein being relative thereto; thence S89°26'44"E along said South line of the SE1/4, a distance of 1,048.12 feet; thence N00°22'14"E, a distance of 203.94 feet to the Southeast Corner of Lot 1, Ellie Heights being the Point of Beginning; thence along the Northernly Right-of-Way line of Broadway (Colorado State Route 340) the following three (3) courses: Northwestly along the arc of a 676.30 radius curve concave Northwestly thru a central angle of 90°36'30", a distance of 113.63 feet, whose chord bears N42°03'38"W, a distance of 113.70 feet; thence N37°13'36"W, a distance of 40.00 feet to the Southwest Corner of said Lot 1; thence N07°13'36"W, a distance of 115.50 feet to the Southwest Corner of Lot 2 of Ellie Heights; thence N48°49'52"E along the West line of said Lot 2, a distance of 151.31 feet to the Northwest Corner of said Lot 2; thence the following five (5) courses along the Southernly & Westerly Right-of-Way lines of Ferris Drive; Southeastly along the arc of a 600.00 foot radius curve concave Northwestly thru a central angle of 09°15'04", a distance of 54.98 feet, whose chord bears S39°58'02"E, a distance of 54.07 feet; thence S42°24'08"E, a distance of 50.54 feet to the Northwest Corner of said Lot 1; thence S42°24'08"E, a distance of 24.00 feet, thence continuing Southeastly along the arc of a 115.00 foot radius curve concave Southeastly thru a central angle of 79°58'12", a distance of 156.46 feet, whose chord bears S02°58'37"E, a distance of 146.20 feet; thence S38°28'27"W, a distance of 72.15 feet to the Point of Beginning.

Said parcel of CONTAINING 38,266 square feet or 0.88 Acres, more or less, as described.

LEGEND

ANNEXATION BOUNDARY	
ANNEXATION AREA	
EXISTING CITY LIMITS	

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT	SQ. FT.	SQUARE FEET
P.O.B.	POINT OF BEGINNING	DELTA	CENTRAL ANGLE
R.O.W.	RIGHT OF WAY	RADIUS	RADIUS
SEC.	SECTION	ARC	ARC LENGTH
TWP.	TOWNSHIP	CHD	CHORD LENGTH
RGE.	RANGE	CHD	CHORD BEARING
P.M.	PRINCIPAL MERIDIAN	RAD.	BLOCK
NO.	NUMBER	BL.	BOOK
REC.	RECEPTION	P.G.	PAGE
		HOR. DIST.	HORIZONTAL DISTANCE

AREAS OF ANNEXATION

ANNEXATION PERIMETER	784.70 FT
CONTIGUOUS PERIMETER	381.70 FT
AREA IN SQUARE FEET	38,266
AREA IN ACRES	0.879
AREA WITHIN R.O.W.	0 SQ. FT.
	0.00 ACRES

ORDINANCE NO.

XXXX

EFFECTIVE DATE

JANUARY XX, 2022

NOTE

THE DESCRIPTIONS CONTAINED HEREIN HAVE BEEN DERIVED FROM SUBDIVISION PLAT & DEED DESCRIPTIONS AS THEY APPEAR IN THE OFFICE OF THE MESA COUNTY CLERK & RECORDER. THIS PLAT OF ANNEXATION DOES NOT CONSTITUTE A LEGAL BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS A MEANS OF ESTABLISHING OR VERIFYING PROPERTY BOUNDARY LINES.

RENEE BETH PARENT DATE
STATE OF COLORADO - P.L.S. NO. 3038
FOR THE CITY OF GRAND JUNCTION
303 WEST AVENUE - 8.00, C
GRAND JUNCTION, CO. 81501

NOTICE: ACCORDING TO COLORADO LAW ANY LEGAL ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY MUST COMMENCE WITHIN THREE (3) YEARS AFTER THE DISCOVERY OF SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

DRAWN BY: NEW DATE: 12/08/2021
DESIGNED BY: RSP DATE: 12/08/2021
CHECKED BY: CWN DATE: 12/13/2021
APPROVED BY: RSP DATE: 12/13/2021

SCALE: 1" = 50'
LINEAL UNITS = U.S. SURVEY FOOT

Grand Junction
303 WEST AVENUE, SUITE C
GRAND JUNCTION, CO. 81501

**PUBLIC WORKS
ENGINEERING DIVISION**

TRINKLEIN ANNEXATION

LOT 1 & LOT 2, ELLIE HEIGHTS
Located in the SW1/4 of the SE1/4 SECTION 15, TOWNSHIP 11 SOUTH, RANGE 101 WEST,
6TH PRINCIPAL MERIDIAN, COUNTY OF MESA, STATE OF COLORADO

1 of 1

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE ZONING THE TRINKLEIN ANNEXATION
LOCATED ON A PROPERTY AT 2067 FERREE DRIVE
TO R-4 (RESIDENTIAL – 4 DU/AC) ZONE DISTRICT**

Recitals:

The property owners have petitioned to annex their 0.88 acres into the City limits. The annexation is referred to as the “Trinklein Annexation.”

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended zoning the Trinklein Annexation consisting of 0.88 acres from County RSF-4 (Residential Single Family – 4 du/ac) to R-4 (Residential – 4 du/ac) finding that both the R-4 zone district conforms with the designation of Residential Low as shown on the Land Use Map of the Comprehensive Plan and the designated zone conforms with the Comprehensive Plan’s goals and policies, and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the R-4 (Residential – 4 du/ac) zone district is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning & Development Code for the parcel as described and may be duly and lawfully zoned R-4 (Residential – 4 du/ac).

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

ZONING FOR THE TRINKLEIN ANNEXATION

The following described parcel of land in the City of Grand Junction, Mesa County, Colorado is hereby zoned R-4 (Residential – 4 du/ac):

2067 Ferree Drive

Tax Parcel #2947-154-10-022

A parcel of land as described in Reception Number 2848242, said tract being all of Lot 1 & Lot 2, Ellie Heights as described in Plat Book 9, Page 52 (Reception Number 731636) situated in the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section 15, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado said parcel being more particularly described as follows:

Commencing at the South Quarter Corner (S1/4) of said Section 15 and assuming the South line of said SE1/4 bears S89°26'44"E with all other bearings contained herein being relative thereto; thence S89°26'44"E along said South line of the SE1/4, a distance of 1,048.12 feet;

thence N00°22'14"E, a distance of 203.94 feet to the Southeast Corner of Lot 1 of Ellie Heights being the Point of Beginning; thence along the Northerly Right-of-Way line of Broadway (Colorado State Route 340) the following three (3) courses; Northwesterly along the arc of a 676.30 radius curve concave Northeasterly thru a central angle of 09°38'38", a distance of 113.83 feet, whose chord bears N42°03'38"W, a distance of 113.70 feet; thence N37°13'38"W, a distance of 40.00 feet to the Southwest Corner of said Lot 1; thence N37°13'38"W, a distance of 115.50 feet to the Southwest Corner of Lot 2 of Ellie Heights; thence N48°49'52"E along of the West line of said Lot 2, a distance of 151.31 feet to the Northwest Corner of said Lot 2; thence the following five (5) courses along the Southerly & Westerly Right-of-Way lines of Ferree Drive; Southeasterly along the arc of a 600.00 foot radius curve concave Northeasterly thru a central angle of 05°15'04", a distance of 54.99 feet, whose chord bears S39°58'02"E, a distance of 54.97 feet; thence S42°24'08"E, a distance of 59.54 feet to the Northwest Corner of said Lot 1; thence S42°24'08"E, a distance of 24.00 feet; thence continuing Southeasterly along the arc of a 115.00 foot radius curve concave Southwesterly thru a central angle of 78°56'12", a distance of 158.44 feet, whose chord bears S02°58'37"E, a distance of 146.20 feet; thence S36°28'52"W, a distance of 72.15 feet to the Point of Beginning.

Said parcel of CONTAINING 38,296 square feet or 0.88 Acres, more or less, as described.

INTRODUCED on first reading this 16th day of March 2022 and ordered published in pamphlet form.

ADOPTED on second reading this ____ day of _____, 2022 and ordered published in pamphlet form.

C.B. McDaniel
President of the City Council

ATTEST:

Laura Bauer
Interim City Clerk



Grand Junction City Council

Regular Session

Item #3.b.ii.

Meeting Date: March 16, 2022

Presented By: Jace Hochwalt, Senior Planner

Department: Community Development

Submitted By: Jace Hochwalt, Senior Planner

Information

SUBJECT:

An Ordinance Amending the Planned Development Zoning and Outline Development Plan (ODP) for the Riverfront at Dos Rios, on 58.8 Acres, Located on the Northeast Bank of the Colorado River Between Highway 50 and Hale Avenue

RECOMMENDATION:

Planning Commission heard this request at its February 22, 2022 meeting and voted (6-0) to recommend approval of the request.

EXECUTIVE SUMMARY:

The Applicants, DR Land LLC, Buena Vida HQ, LLC, and the City of Grand Junction, are requesting approval of an amended Planned Development (PD) zoning ordinance and Outline Development Plan (ODP) to add approximately 2.0 acres of property to the Riverfront at Dos Rios Planned Development, change the zoning/use designations of some existing incorporated areas from Industrial/Commercial to Mixed Use, and clarify some parking and architectural standards. In April 2019, the City approved Ordinance 4849 for the ODP that established the uses, standards and general configuration of the proposed Riverfront at Dos Rios mixed use development on approximately 58.8 acres, located on the northeast bank of the Colorado River between Highway 50 and Hale Avenue. Subsequently, the City approved Ordinance 4982 to incorporate additional parcels within the Riverfront at Dos Rios area in January of 2021.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The City acquired the majority of the approximately 60-acre area now known as the Riverfront at Dos Rios from the Jarvis family in 1990, with the remaining balance of the property being acquired from other owners. The property is located on the northeast

bank of the Colorado River between the Highway 50/railroad bridge and the Riverside neighborhood. Since the acquisitions, the property has been cleared, the Riverfront Trail extended, and a backwater pond for endangered fish was created between the trail and the river. The developable acreage was purchased with the intent of future redevelopment and the City has constructed a majority of the infrastructure within the development as of the date of this report. All of the properties, those initially part of the Planned Development and those being added, have never been used or held for park or other governmental purposes but instead for possible reuse/redevelopment; the PD and ODP will further that opportunity.

In April of 2019, City Council approved a zoning designation of Planned Development (PD) and an Outline Development Plan (ODP) for the property, as further described in Ordinance 4849, and amended in January of 2021 as Ordinance 4982. The approved ODP established the uses, standards and general configuration of the proposed Riverfront at Dos Rios, and was intended to create a riverfront commercial/mixed use center with two points of access to Riverside Parkway and two points of access to Hale Avenue. Development pods are identified for specific types of uses, and per the current proposal, they include approximately 26.9 acres of Mixed Use, 17.0 acres of Parks and Open Space, 6.8 acres of Light Industrial/Commercial, and 4.1 acres of Mixed Use/Outdoor Recreation. While the City still owns some of the parcels within the development, a majority of the developable parcels have transferred hands over the last two years to Buena Vida, LLC (ownership of ± 4.2 acres; leased area of ± 0.9 acres along the Riverfront) and DR Land LLC (ownership of ± 15.06 acres).

DR Land LLC recently acquired a two-acre parcel at 2600 Dos Rios Drive, which is not incorporated into ODP, although it is surrounded in all directions by parcels situated within the ODP. One of the proposals for this application is the incorporation of that 2.0-acre parcel into the ODP, and proposing a Mixed Use designation. Notably, this parcel is currently zoned BP (Business Park Mixed Use) and is the only additional property requesting to be incorporated into the overall planned development for this request. In addition, the proposal will be reconfiguring some of the land area boundaries, changing some areas from commercial/industrial designations to mixed-use designations, and clarifying some parking and architectural standards. In addition to the land use areas and street network, the approved ODP established specific performance standards that the development will be required to meet and conform with, as authorized by Section 21.02.150 (b) of the Zoning and Development Code. The standards were all included in the original PD zoning ordinance and are not proposed to be revised.

Section 21.02.150 of the Zoning and Development Code (Code) sets the purpose of a Planned Development (PD) to apply to mixed-use or unique single-use projects to provide design flexibility. The Code provides Planned Development zoning should be used when long-term community benefits will be derived and the vision, goals and policies of the Comprehensive Plan can be achieved.

Floodplain and Drainage:

Much of the property is located within the regulated 100-year floodplain of the Colorado

River and a small area directly adjacent to the riverbank is within the floodway. The City will retain ownership of the area within the Floodway to be used as open space and recreational area. Property within the 100-year floodplain will be developed in accordance with the Flood Hazard regulations found in section 21.07.010 of the Zoning and Development Code. Stormwater management will be provided as a part of the overall development of the project.

Establishment of Uses:

The original ODP established four general categories of land use types, including Light Industrial/Commercial (LI/C), Mixed Use (MU), Mixed Use/Outdoor Recreation (MU/OR) and Parks and Recreation (PR). The original PD zoning ordinance established the specific land uses allowed in each of the categories. The total land area designated for commercial/industrial and mixed use is proposed to be changed to accommodate the possibility of more residential uses in the future. In addition, it is being proposed that community swimming pools and movie theatres, skating rinks, and arcades be allowed in the Light Commercial/Industrial areas (as they are already allowed in the Mixed Use areas).

Default Zone and Deviations:

The default zone for the original and the amended ODP is BP (Business Park). No change is proposed to the default zone district for the PD/ODP.

Architectural Standards:

Architectural standards were adopted with the original PD/ODP that require all structures within Riverfront at Dos Rios be designed and constructed in a manner that provides an aesthetically pleasing appearance and be harmonious with the overall Riverfront at Dos Rios development. The only modification to the architectural standards is a clarifying statement that while steel intermodal containers are allowed to be used as structures, they must incorporate the architectural standards previously approved.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed rezone request was held on November 2, 2021 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. There were approximately 15 people in attendance, which included nine members from the City or the Applicant team. Some site history was discussed and there were a few questions specific to the proposed timeline and height of structures.

Notice was consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on December 8, 2021. Mailed notice of the public hearings before the Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property, as well as neighborhood associations within 1000 feet, on February 11, 2022. The notice of this public hearing was published on February 15, 2022 in the Grand Junction Daily Sentinel.

ANALYSIS

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

- a) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies;

A majority of the property has a Comprehensive Plan Land Use designation of Mixed Use. There is also a Parks and Open Space designation along the banks of the Colorado River, and the parcel to the east of Riverside Parkway has a designation of Commercial. The Mixed Use designation provides opportunities for higher density/intensity development with a mix of uses along transportation corridors and within districts to serve adjacent neighborhoods and the broader community, and provides residential uses with a range of higher densities and types of housing. The types of uses allowed and proposed for the development are consistent with the Comprehensive Plan Land Use Map. Also, the area designated as Parks and Open Space will be preserved as open space.

The Grand Valley Circulation Plan identifies Riverside Parkway as a Principal Arterial. The limited access proposed is consistent with standards for access to an arterial. The Riverfront Trail, as identified on the Active Transportation Corridors map, will remain along the length of the property.

Further, the amendment to the PD/ODP request is consistent with the following goals and/or policies of the Comprehensive Plan by providing a mixed-use development conveniently located to services and the preservation of 33% of the site as open space.

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 number 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 B: Encourage mixed-use development and identification of locations for increased density.

Policy C: Increasing the capacity of housing developers to meet housing demand. Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air and freight movement while protecting air, water and natural resources.

Policy D: A trails master plan will identify trail corridors linking neighborhoods with the Colorado River, Downtown, Village Centers and Neighborhood Centers and other desired public attractions.

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

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

As proposed, the application is in conformance with the Grand Junction Comprehensive Plan and Circulation Plan.

b) The rezoning criteria provided in Section 21.02.140 (a) of the Grand Junction Zoning and Development Code. For this proposal, there are two separate “rezones” occurring. The first is the incorporation of the property at 2600 Dos Rios Drive. The second is the rezoning of approximately 7.5 acres from Industrial/Commercial to Mixed Use, identified as a portion of MU-6A, MU-6B, and MU-7A in Exhibit 2.2. For the purposes of this report, each rezone will be evaluated separately. The rezone criteria are as follows:

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

Rezone 1: The City has approved a PD zone district and ODP for the Riverfront at Dos Rios property which surrounds the parcel proposed to be added to the development. The ODP envisions a mixed-use center with development pods identified for specific types of uses, including parks and open space, light industrial/commercial, mixed use/outdoor recreation and mixed use. This proposal is incorporating the property at 2600 Dos Rios Drive into the overall planned development. This property is in the center of the development, and at one of the primary access points on Riverside Parkway. The proposal to incorporate this into the Planned Development with a use category of Mixed Use is better suited from a compatibility standpoint compared to the existing BP (Business Park Mixed Use) zone district. The adoption of the existing ODP for the mixed-use conceptual plan that included specific performance standards to establish a cohesive character for the Riverfront at Dos Rios is a subsequent event that has invalidated the original premises of the BP zoning. Therefore, Staff finds this criterion has been met for this rezone request.

Rezone 2: The Applicant is seeking a rezone of approximately 7.5 acres of land currently designated as Industrial/Commercial to Mixed Use, which is currently a part of the Riverfront at Does Rios Planned Development. While the Comprehensive Plan designates these areas as Mixed Use in the Land Use map, there have been no subsequent events that have invalidated the original premise or findings. As such, staff finds this criterion has not been met for this rezone request.

(2) The character and/or condition of the area has changed such that the amendment

is consistent with the Plan; and/or

Rezone 1: The Riverfront at Dos Rios is a proposed extension of the Riverfront at Las Colonias development on to the east of 5th Street/Highway 50. The community investment in Las Colonias Park has resulted in the completion of the park facilities surrounding the Botanic Gardens and the amphitheater. Work is continuing to be completed at the Las Colonias Business Park that is transforming that area into a vibrant center of activity. The same is intended with the Dos Rios development. Dos Rios Drive is one of two access points to the development directly off Riverside Parkway. The PD/ODP that assigns a mixed-use category of land use to this area along Riverside Parkway and Dos Rios Drive will provide a more consistent design to the overall development than what could be done in the BP zone district. Staff finds that the character and/or condition of the riverfront area has changed such that this criterion has been met for this rezone request.

Rezone 2: The 7.5 acres of land to be rezoned from Industrial/Commercial to Mixed Use is currently situated within the Dos Rios Outline Development Plan. The Applicant is seeking this change for the purposes of being able to accommodate more residential uses within the overall development, which are limited in the Industrial/Commercial designation. With that said, it is premature to conclude that the character or condition of the area has changed to support the proposal. As such, staff finds this criterion has not been met for this rezone request.

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

Rezone 1 and Rezone 2: Existing public and community facilities and services are available to the properties and are sufficient to serve the proposed mixed-use development. City Water is available to the property and will be extended into the site, as is sanitary sewer. The property can also be served by Xcel Energy electric and natural gas services. The property is near the Downtown area, which provides many commercial services. In addition, the existing street network including the Riverside Parkway and Hale Avenue and enhancement of the riverfront trail through the development will provide adequate multimodal transportation infrastructure. Parks and open space exist in the vicinity and will be expanded and enhanced with the Riverfront at Dos Rios Planned Development. In conclusion, the public and community facilities are adequate to serve the type and scope of the mixed-use development; therefore, staff finds this criterion has been met for both rezone requests.

(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

Rezone 1 and Rezone 2: The Riverfront at Dos Rios is an infill development project. The City is requesting an amendment to the plan to develop the property as a Planned Development (PD) to better define the types of uses allowed and to establish specific performance standards. Because PD is a zone category based on a specific design

and is applied on a case-by-case basis, staff finds this criterion is not applicable to this request, and therefore, has not been met for both rezone requests.

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

Rezone 1 and Rezone 2: The proposed density and intensity are consistent with the Comprehensive Plan Land Use category of Mixed Use and the Planned Development allows for the further refinement of the type of desired and compatible uses within this area. The uses will address and capture the importance of the riverfront location as well as the proximity to the Riverside neighborhood that a BP zone district would not (as it pertains to Rezone 1). Should the development be constructed in full and/or in part, the City will derive benefit from the resulting development that addresses the site-specific assets of the area.

Further, the area will derive benefits from the zoning of PD (Planned Development) by providing more effective and efficient infrastructure, reducing traffic demands by providing the opportunity to live, work and play in one area and access to the Riverfront Trail system, providing 17 acres of open space that preserves and protects the banks of the Colorado River, and completion of the bicycle playground as a recreational amenity.

Staff, therefore, find this criterion has been met for both rezone requests.

In conclusion, staff finds that criteria 1, 2, 3, and 5 are met for Rezone 1, and criteria 3 and 5 are met for Rezone 2.

c) The planned development requirements of Section 21.05 of the Zoning and Development Code;

As per Section 21.05.040(f), Development Standards, exceptions may be allowed for setbacks in accordance with this section.

(1) Setback Standards. (i) Principal structure setbacks shall not be less than the minimum setbacks for the default zone unless the applicant can demonstrate that buildings can be safely designed and that the design is compatible with the lesser setbacks, (ii) reduced setbacks are offset by increased screening or primary recreation facilities in private or common open space, (iii) reduction of setbacks is required for protection of steep hillsides, wetlands or other environmentally sensitive natural areas.

For maximum flexibility in the design of this site, the approved ODP included a reduction in the setbacks to those consistent with the B-2 (Downtown Business) zone district, which is the type of development that is proposed in Dos Rios. No further change to the approved setbacks is proposed with this amendment and, with the exception of the portion of the ODP that is on the east side of Riverside Parkway, all of the proposed development is internal to the property and is not directly adjacent to any

other private development.

- (2) Open Space. All residential planned developments shall comply with the minimum open space standards established in the open space requirements of the default zone.

Approximately 17 acres of open space will be provided, which is 33% of the area, exceeding the Code requirement for residential projects to provide 10% of the land area in open space.

- (3) Fencing/Screening. Fencing shall comply with GJMC 21.04.040(i).

Fencing and/or screening will comply with Section 21.04.040(i) of the Code and standards approved with the original ODP that address materials, height and quality of fencing. The standards are not proposed to change with this amendment to the ODP, with the exceptions that the Mixed Use areas abutting Riverside Parkway are allowed to have eight foot tall fencing, and that architectural metal fencing will be allowed, which was previously not defined in past ordinances.

- (4) Landscaping. Landscaping shall meet or exceed the requirements of GJMC 21.06.040.

The intent of landscaping within the Riverfront at Dos Rios is to create overall visual continuity throughout that is sensitive to, and blends with, the visual character of adjacent areas. Landscaping will enhance the aesthetics of the overall site, particularly as it is viewed from the perimeter public streets (Hale Avenue and Riverside Parkway) and from the Riverfront Trail. Specific standards were included in the approval of the ODP and were modified slightly to avoid confusion about 10-foot setbacks and landscaping along street frontages.

- (5) Parking. Off-street parking shall be provided in accordance with GJMC 21.06.050.

Streets within Riverfront at Dos Rios have been constructed and access controlled so as to allow and encourage on-street parking on both sides of the street, which will provide approximately 216 spaces throughout the development. In addition, it is anticipated that as each site is developed, parking will be provided as applicable per the PD design standards. There will also be a number of uses within the development that will be able to share parking due to overlapping hours of operation and demand. Additional standards, including the modification to the code not requiring off-site parking, were included in the approval of the original ODP. The only proposed change to the previously approved ordinance is the removal of the requirement of a common public parking lot in the center of the development, which was proposed prior to the infrastructure design and completion. Common parking of approximately 350 spaces will still be required, but can be dispersed throughout the entire development, and not isolated in a centralized parking lot.

- (6) Street Development Standards. Streets, alleys and easements shall be designed

and constructed in accordance with TEDS (GJMC Title 29) and applicable portions of GJMC 21.06.060.

The design and construction of streets, alleys and easements within the Dos Rios development will meet Code requirements.

d) The applicable corridor guidelines and other overlay districts (Section 21.02.150(b)(2)(iv).

There are no corridor guidelines or overlay districts that are applicable for this development.

e) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development (Section 21.02.150(b)(2)(v).

Existing public and community facilities and services are available to the property and are sufficient to serve the proposed mixed-use development. City Water is available to the property and will be extended into the site, as is sanitary sewer. The property can also be served by Xcel Energy electric and natural gas. The property is in close proximity to the Downtown area, which provides a number of commercial services.

f) Adequate circulation and access shall be provided to serve all development pods/areas to be developed (Section 21.02.150(b)(2)(vi).

The proposed project will have two access points onto Riverside Parkway, one at the existing Hale Avenue and one approximately 1,000 feet to the south on Dos Rios Drive. In addition, there will be two access points to Hale Avenue, at Lawrence Avenue and Rockaway Avenue. The proposed access points provide adequate circulation and meet or exceed all code provisions for connectivity.

g) Appropriate screening and buffering of adjacent property and uses shall be provided (Section 21.02.150(b)(2)(vii).

No landscaping/screening buffer is required between adjacent uses with the exception of screening service entrances, loading areas and dumpster areas, which shall be screened from adjacent residential uses as follows:

- Service entrances, loading areas and dumpster areas shall be oriented in the rear or side of principal structures so as to minimize the impact on the public view corridors, areas open for public enjoyment and areas of residential use. This section was revised slightly, in that it formerly stated that these areas would be oriented in the rear or side yard only. Due to some properties having multiple frontages, this change was appropriate to avoid confusion of what is considered a front yard on multiple frontage lots.
- Where allowed as an accessory to a primary land use or structure, outdoor storage

shall be located on a site where least visible from a public right-of-way or Riverfront Trail.

- If allowed, outdoor storage areas shall be screened in accordance with GJMC Section 21.04.040(h). Acceptable screening consists of any combination of fences, walls, berms and landscaping that is approximately six feet in height and provides a permanent, opaque, year-round screening around the entire perimeter of the outdoor storage area. Plant materials are encouraged as screening. Fences shall only be made of materials referenced in the Fencing section below.

h) An appropriate range of density for the entire property or for each development pod/area to be developed (Section 21.02.150(b)(2)(viii)).

The ODP proposes a residential density of 12 units per acre as a minimum and no maximum density.

i) An appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed.

For maximum flexibility in the design of this site, the front setbacks as previously approved are 0 feet-10 feet for principal structures and 10 feet for accessory structures; rear yard setbacks of 0 feet for principal structures and 5 feet for accessory structures; and side yard setbacks of 0 feet for principal structures and 3 feet for accessory structures. These setbacks are similar to those allowed in the B-2 Downtown Business zone district, which is the type of development that is proposed. With the exception of the land on the east side of Riverside Parkway, all of the proposed development is internal to the property and is not directly adjacent to any other private development. Staff has found the standards that exist are appropriate for the amended PD/ODP and they are not proposed to be changed with this amendment.

j) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed (Section 21.02.150(b)(2)(x)).

Phasing of the Riverfront at Dos Rios Planned Development shall be per the validity standards of GJMC Section 21.02.080(n).

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the amendment request to the Planned Development Zoning and Outline Development Plan (ODP), City File Number PLD-2021-837, for the Riverfront at Dos Rios, Located on the Northeast Bank of the Colorado River Between Highway 50 and Hale Avenue, the following findings of fact have been made:

1. In accordance with Section 21.02.140 of the Grand Junction Zoning and Development Code, one or more of the criteria has been met.

2. The Planned Development is in accordance with Section 21.02.150 (b) (2) of the

Grand Junction Zoning and Development Code.

Therefore, the Planning Commission recommends approval of the request for the rezone and amendment to the Planned Development zone district and Outline Development Plan (ODP) for Riverfront at Dos Rios.

FISCAL IMPACT:

There is no direct fiscal impact related to this request.

SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No. 5061, an ordinance for an amendment to the Planned Development (PD) Zoning and Outline Development Plan (ODP) for the Riverfront at Dos Rios development, on 58.8 Acres Located on the northeast bank of the Colorado River Between Highway 50 and Hale Avenue on final passage and order final publication in pamphlet form.

Attachments

1. Exhibit 1 - Application Packet
2. Exhibit 2 - Maps
3. Exhibit 3 - Neighborhood Meeting Documentation
4. Exhibit 4 - Ordinance 4982 (2021)
5. Exhibit 5 - Planning Commission Minutes (2-8 and 2-22)
6. Exhibit 6 - Proposed Ordinance with Redlines
7. Exhibit 7 - Draft Ordinance

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

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 #:

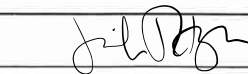
Contact Person:

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

OWNERSHIP STATEMENT – CORPORATION OR LIMITED LIABILITY COMPANY

(a) DR LAND LLC ("Entity") is the owner of the following property:

(b) Lot 3, Lot 4, Lot 8 and Lot 9 of the Riverfront at Dos Rios Filing Three as shown on the plat thereof recorded in Mesa County land records with Reception #2942736, and Lot 6A of the Riverfront at Dos Rios Filing Four as shown on the plat thereof recorded in Mesa County land records with Reception #2982694.

A copy of the deed evidencing the owner's interest in the property is attached. Any documents conveying any interest in the property to someone else by the owner are also attached.

I am the (c) Manager for the Entity. I have the legal authority to bind the Entity regarding obligations and this property. No Statement of Authority of the Entity has been recorded to date.

My legal authority to bind the Entity both financially and concerning this property is unlimited.

The Entity is the sole owner of the property.

On behalf of the Entity, I have reviewed the application for the (d) PD Zoning/Plan Amendment

I have the following knowledge or evidence of a possible boundary conflict affecting the property:

(e) none

I understand the continuing duty of the Entity to inform the City planner of any changes regarding my authority to bind the Entity and/or regarding ownership, easement, right-of-way, encroachment, lienholder and any other interest in the land.

I swear under penalty of perjury that the information in this Ownership Statement is true, complete and correct.

Signature of Entity representative: _____

Printed name of person signing: Kevin Riegler

State of District of Columbia

County of _____ ss.

Subscribed and sworn to before me on this 17 day of November, 2021 by Kevin Riegler. Witness my hand and seal.

My notary commission expires on 6/30/24

Jamie Lasser
Notary Public Signature



E RECORDED DATE 6/11/2021
COUNTY Mesa
REC. NO. 2985239



SPECIAL WARRANTY DEED

[STATUTORY FORM-C.R.S. § 38-30-113(b)]

THE CITY OF GRAND JUNCTION, a Colorado home-rule municipal corporation ("Grantor"), whose street address is 250 N. 5th Street, Grand Junction, Colorado 81501, County of Mesa, State of Colorado, for the consideration of One Million Eight Hundred Forty-Two Thousand Four Hundred Thirty-Five and 54/100 Dollars (\$1,842,435.54) and other good and valuable consideration, in hand paid, hereby sells and conveys to **DR Land LLC**, f/k/a DR DEVCO LLC, a Colorado limited liability company, whose street address is 700 17th Street, Suite 200, Denver, CO 80202, the following described real property situate within the County of Mesa, State of Colorado:

Lot 3, Lot 4, Lot 8, and Lot 9 of the Riverfront at Dos Rios Filing Three as shown on the plat thereof recorded in Mesa County land records with Reception #2942736, and Lot 6A of the Riverfront at Dos Rios Filing Four as shown on the plat thereof recorded in Mesa County land records with Reception # 2982694

with all its appurtenances and warrants the title to the same against all persons claiming under Grantor, subject to the matters set forth on Exhibit B attached hereto and made a part hereof.

Signed this 9th day of June, 2021 be made effective the 9th day of June, 2021.

GRANTOR:

CITY OF GRAND JUNCTION,
a Colorado home-rule municipal corporation

By: [Signature]
Name: Greg Caton
Title: City Manager

STATE OF COLORADO)
) ss:
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 9th day of June 2021, by Greg Caton, as City Manager of City of Grand Junction, a Colorado home-rule municipal corporation.

Witness my hand and official seal.

My commission expires: May 25, 2025



D-3

Jennifer L. Cingolani
Notary Public

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) Buena Vida LLC ("Entity") is the owner of the following property:

(b) 535 Hale Avenue, Grand Junction CO 81501

A copy of the deed(s) evidencing the owner's interest in the property is attached. Any documents conveying any interest in the property to someone else by the owner are also attached.

I am the (c) Member for the Entity. I have the legal authority to bind the Entity regarding obligations and this property. I have attached the most recent recorded Statement of Authority of the Entity.

☒ My legal authority to bind the Entity both financially and concerning this property is unlimited.

☐ My legal authority to bind the Entity financially and/or concerning this property is limited as follows:

☒ The Entity is the sole owner of the property.

☐ The Entity owns the property with other(s). The other owners of the property are:

On behalf of Entity, I have reviewed the application for the (d) Buena Vida • El Jet's Cantina + Sky Outpost

I have the following knowledge or evidence of a possible boundary conflict affecting the property:

(e) n/a, no conflicts

I understand the continuing duty of the Entity to inform the City planner of any changes regarding my authority to bind the Entity and/or regarding ownership, easement, right-of-way, encroachment, lienholder and any other interest in the land.

I swear under penalty of perjury that the information in this Ownership Statement is true, complete and correct.

Signature of Entity representative: Jennifer R Taylor

Printed name of person signing: Jennifer R Taylor

State of Colorado)

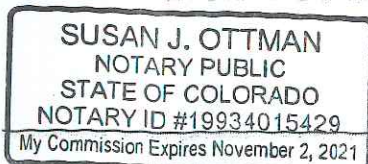
County of Mesa) ss.

Subscribed and sworn to before me on this 17th day of December, 2020

by Jennifer R. Taylor as member of Buena Vida LLC

Witness my hand and seal.

My Notary Commission expires on

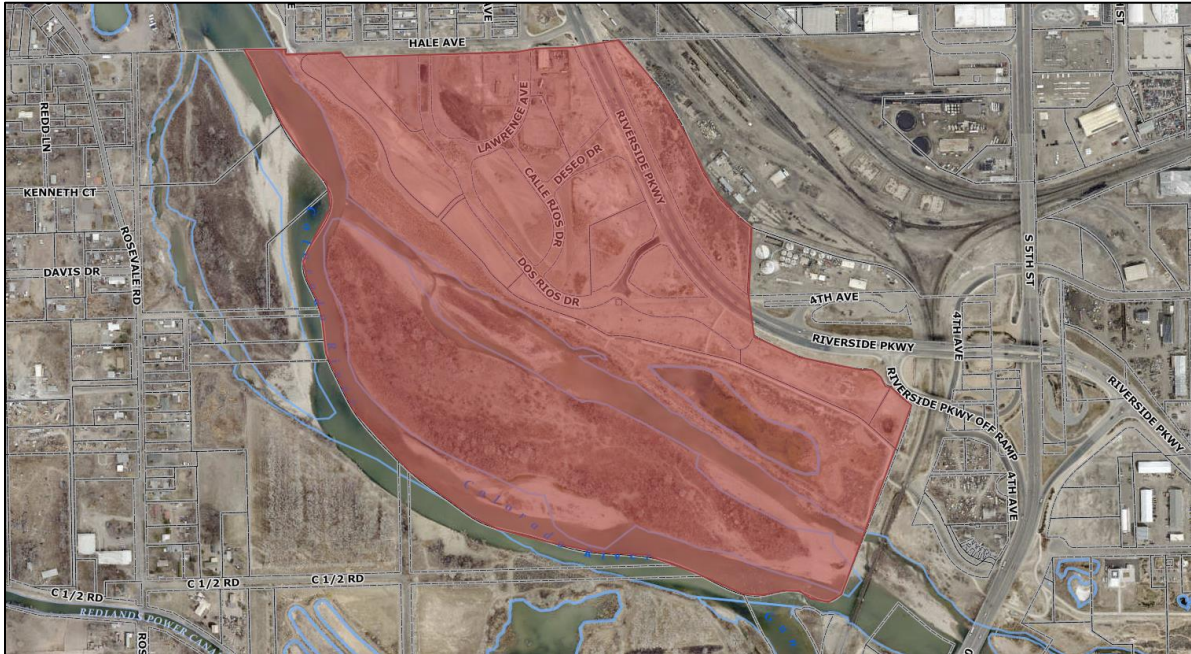


[Signature]
Notary Public Signature

General Project Report For Dos Rios Planned Development

Project Description (location, Acreage, Proposed Use):

The purpose of this application is to request approval of a Planned Development Amendment of the Dos Rios Development project located along the Colorado River, west of Riverside Parkway, and South of Hale Avenue. The project location area is depicted below:



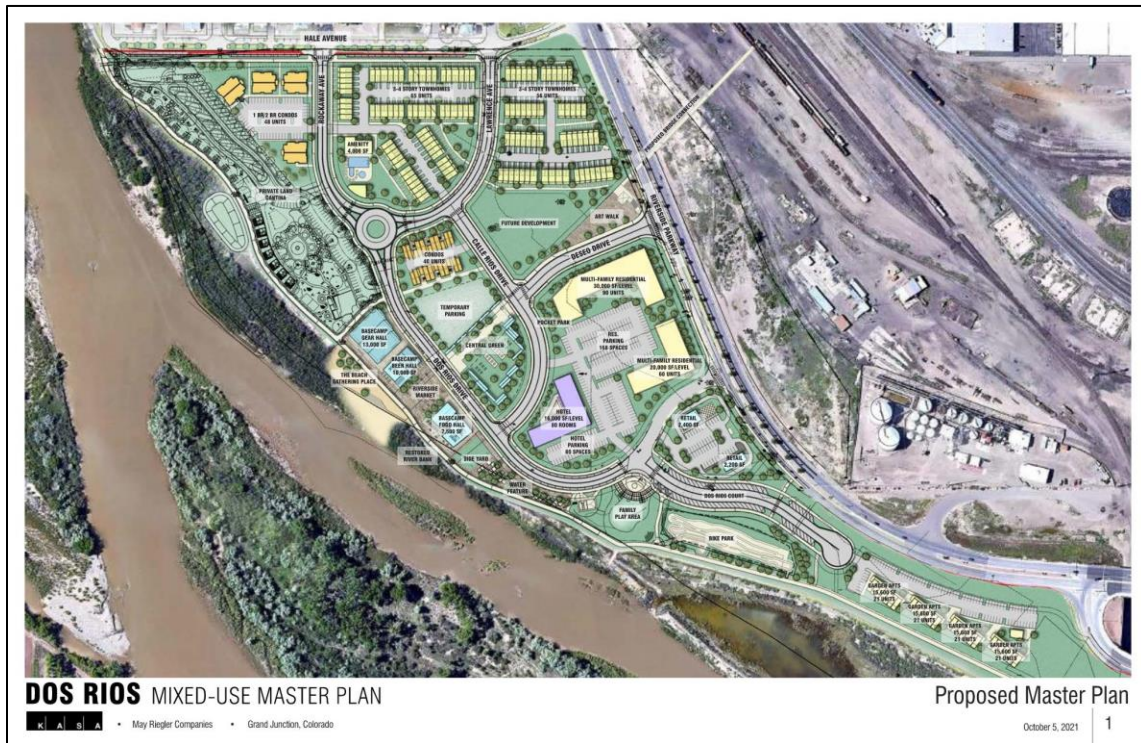
Dos Rios Project Location

The primary Applicant for this request is DR Land LLC, with the City of Grand Junction acting as Co-Applicant. DR Land LLC owns multiple parcels in the development and plans to buy more in the future from the City. May Riegler Properties (MRP) is proposing to develop the property along with KASA Architects.

The City of Grand Junction master planned the Dos Rios development over the last four years and created the Planned Development (PD) zone district to govern the land uses and standards for the mixed-use development.

MRP and KASA Architects have been working with the City of Grand Junction to complete an overall masterplan for the site. The applicant is requesting review and comment on the proposed modifications to the previously approved PD amendment for the site. The graphic below depicts the proposed masterplan for the site:

General Project Report For Dos Rios Planned Development



Dos Rios Master Plan

The project is proposing to construct numerous buildings over this existing 115-acre parcel, over a number of phases. The project currently calls for a total of 121 townhomes, 282 multi-family apartment units, 40 condominium units, an 80-key hotel, and roughly 45,000 SF of retail space, along with six distinct public realm areas, intended to provide outdoor gathering space for the residents of Grand Junction.

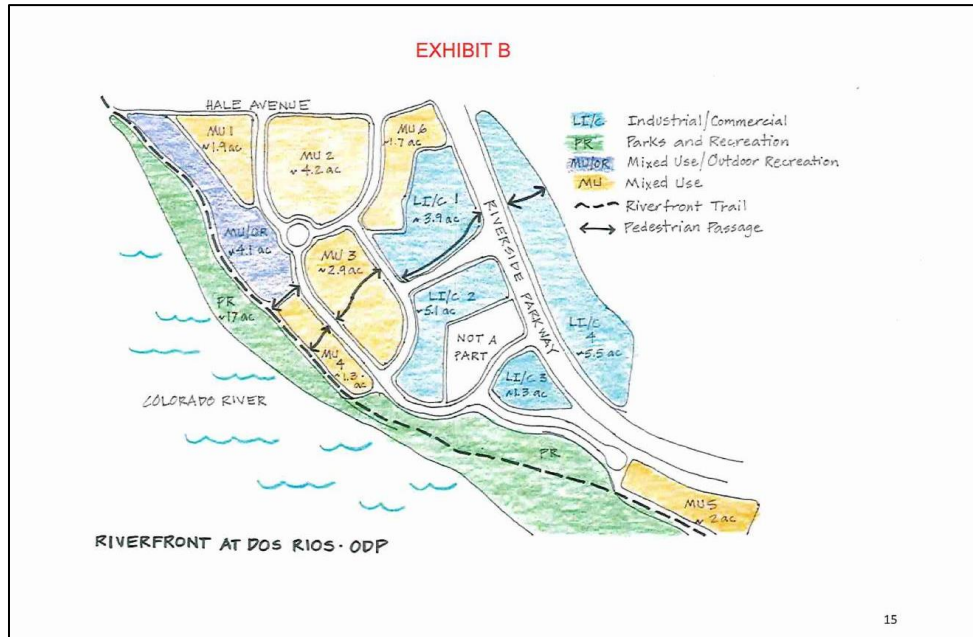
The project proposes to modify the Planned Development (PD) in a variety of ways, with a summary of these changes below:

- A. Update description of Development Boundary. As shown on page 4, the MU-7B parcel was not a part of the original PD. This parcel was recently acquired by DR Land LLC.
- E. Clarify that multi-family and single family attached dwellings are to be exempt from the minimum width requirement.
- 1.B. Provide clarity and flexibility on parking requirements.
- C.1. Provide clarity on street frontage landscaping
- D.1. Modified language to provide clarity on dumpster areas.
- F.1. Provide additional material description for fencing
- G.1. Update maximum street lighting dimension per approved and installed streetlights within the project built by the City of Grand Junction
- H.1. Provide flexibility on allowance for a Placemaking sign
- 2.A. Include shipping containers as a possible building type, still requiring elements to create character within the development.

General Project Report For Dos Rios Planned Development

Surrounding Land Uses and Zoning:

The site is currently zoned Planned Development with a Mixed-Use underlying zone district. Listed below is the City's previously approved zoning map included in the original PD Document.



Proposed Zoning:

Shown below is the proposed modification to this Zoning Map, inclusive of the new Dos Rios design, with the following proposed changes:

- Previous LI/C 1 changes to MU Zone
- Previous LI/C 2 changes to MU Zone
- New lot, previously "Not a Part" changes to MU Zone



General Project Report For Dos Rios Planned Development

Public Benefit

There are many public benefits of a large project such as Dos Rios.

The existing street grid will be utilized for the project, with minimal modifications to curb cuts and infrastructure. Additional public vehicular parking lots will be located throughout the site, and parallel street parking will continue to be utilized for public parking. A new signalized intersection will be installed at the intersection of Riverside Parkway and Deseo Drive.

Working alongside the City of Grand Junction, the project proposes to activate the previously-installed bike path by providing new gathering spaces on both sides of it, including a large playground, large-scale interactive water feature, and "The Beach," an open, sandy area nestled between the bike path and the Colorado River, providing residents of Grand Junction a new way to enjoy the river and views of the Colorado Monument.

A new plaza will be developed and installed along the Colorado River, located between two food and beverage buildings, for use by the public residents. It will connect directly to the Bike Path and the Beach, and be accessed by and located along Dos Rios Drive. It will have public space improvements such as decorative paving, decorative lighting, cooling water features, and lush landscaping.

Along Deseo Drive, a new "Art Walk" will be installed in the Right of Way. This new pedestrian plaza will link the proposed Pedestrian Bridge with the project, and provide an entry "gateway" into the Dos Rios project. It will then connect to a "Central Green" located in the middle block of the project, which will have future development uses on it, but will maintain a central connection from Deseo Drive to the Riverfront Plaza and Retail buildings. This Central Green will be intended for pedestrian passage as well as natural landscape and gathering nooks.

All of this open public space is supported by roughly 45,000 SF of various retail uses. Two retail pad sites are planned along Riverside Parkway. Three large retail buildings are planned along the Riverfront, with various uses ranging from brewery to full-service restaurant, soft-goods market, and rentable event space.

**General Project Report
For
Dos Rios Planned Development**

Neighborhood Meeting

DR Land LLC in conjunction with the City of Grand Junction conducted a Community Meeting with the surrounding property owners on November 2nd, 2021 at 5:45pm. The meeting was held

In Attendance:

Kevin Riegler – May Riegler
Jody Corey – May Riegler
Blake Piland – RM Construction
John Anderson - RM Construction
Mark Austin – Austin Civil Group
Tamra Allen – City of Grand Junction
Jace Hochwalt – City of Grand Junction
Trent Prall – City of Grand Junction
Ken Sherbenou – City of Grand Junction

Cindy Enos Martinez – Surrounding Property Owner
Jen Taylor – Surrounding Property Owner
Juanita Trujillo – Surrounding Property Owner
Mr. & Mrs. Trujillo – Surrounding Property Owner
Roberta Brooks – Surrounding Property Owner

The meeting was called to order at 6pm.

Jody Corey welcomed the group and thanked them for their participation. She is looking forward to a strong partnership with the Riverside Neighborhood.

Tamra Allen gave the group some history of the process of our the planned development came to be. She talked about how the developer is working with the City on the public spaces.

Kevin Riegler gave an overview of the project, the various phases and the public spaces where we are partnering with the City. He presented the renderings for the first phase of townhomes, commercial buildings along the bike path, and the splash park. He presented the amendments to the current Planned Development. The most important amendment to the PD was that a small portion of the first phase was originally zoned light industrial and the developer is applying for a change to residential.

There were a few questions concerning the high of the townhomes. The residents were expecting single-story townhomes. Kevin Riegler explained that the layout and height of the first phase of the townhomes along Hale

**General Project Report
For
Dos Rios Planned Development**

Avenue were well within the zoning and code requirements and no variance was being proposed.

The meeting was adjourned at 7:30pm.

Project Compliance, Compatibility and Impact:

The PD Amendment being applied for takes form in a redlined, modified, and updated ordinance document, submitted as part of this application. This document outlines various proposed changes to the ordinance, including (but not limited to) the below modifications:

- Updated boundary descriptions
- Updated minimum lot requirements
- Updated parking requirements
- Updated architectural standards

Schedule:

The applicant anticipates starting construction on the first phase of Townhomes in the Spring of 2022, and hopes to follow shortly thereafter with construction of some of the retail buildings throughout the site.

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Grand Junction Fire Department New Development Fire Flow Form

Instructions to process the application: Step 1) Applicant should first fill out all items in Section A. Step 2) Deliver/mail this form to the appropriate water purveyor.¹ The water supplier signs and provides the required information of Section B. Step 3) Deliver/mail the completed and fully signed form to the City or County Planning Department.²

SECTION A

To be completed by the Applicant

Date: 8-29-21

Project Name: Dos Rios Townhome and Apartment Project

Project street address: 600 Lawrence and 600/601 Rockaway Ave

Assessor's Tax Parcel Number: 2945-221-23-008 & -009. 2945-221-24-001

Property Owner name: DR LAND LLC

City or County project file #: _____

Name of Water Purveyor: CITY OF GJ

Applicant Name/Phone Number: Mark Austin / ACG / 970-242-7540

Applicant E-mail: marka@austincivilgroup.com

1. If the project includes one or two-family dwelling(s): None
 - a. The maximum fire area (see notes below) for each one or two family dwelling will be _____ square feet.
 - b. All dwelling units will ☐, will not ☐ include an approved automatic sprinkler system.

Comments: _____
2. If the project includes a building other than one and two-family dwelling(s):
 - a. List the fire area and type of construction (See International Building Code [IBC]) for all buildings used to determine the minimum fire flow requirements: _____
2,000 SF, Type IVB
 - b. List each building that will be provided with an approved fire sprinkler system: _____
Townhome buildings will include fire sprinkler system
3. List the minimum fire flow required for this project (based on Appendix B and C in the International Fire Code [IFC]): 1,500 GPM w/ Out reduction

Comments: _____

Notes:

Fire Area: The aggregate floor area enclosed and bounded by fire walls, fire barriers, exterior walls or horizontal assemblies of a building. Areas of the building not provided with surrounding walls shall be included in the fire area if such areas are included within the horizontal projection of the roof or floor next above.

Fire Flow Rule: The City's Fire Code³ sets minimum fire flows for all structures. In general, at least 1,000 gpm at 20 p.s.i. is required for residential one or two family dwellings up to 3,600 square feet (sf) of fire area. For dwellings greater than 3,600 sf of fire area or all commercial structures, the minimum fire flow is determined by Table B105.1(2) (See Fire Flow Guidance Packet⁴). Inadequate fire flows are normally due to water supply pipes that are too small or too little water pressure, or a combination of both.

Applicant/Project Engineer: Refer to City of Grand Junction most recently adopted IFC, Appendix B and C, [IFC 2018] to determine the minimum fire flow required for this project, based on the Water Purveyor's information (*i.e.*, location, looping and size of water lines; water pressure at the site, etc.) and the type, density and location of all structures. Base your professional judgment on the City approved utility plans and Water Provider information shown on this Form. Each time the utility plans/other information relating to treated water changes, resubmit this form just as you did the first time.

End of Section A. Section B continues on the next page



Grand Junction Fire Department New Development Fire Flow Form

SECTION B

To be completed by the Water Supplier

Attach fire flow test data for the hydrants

Failure to attach the fire flow test data and/or diagram may delay your project review.

1. Circle the name of the water supplier: Ute Clifton Grand Junction
2. List the approximate location, type and size of supply lines for this project, or attach a map with the same information:
8" PVC Average Flow 3192 gpm @ 20 PSI
3. Attach the fire flow test data @ 20 p.s.i. for the fire hydrants nearest to the development/project that must be used to determine available fire flow. Test data is to be completed within the previous 12 months or year. Identify the fire hydrants used to determine the available fire flow:

[Or: 1. attach a map or diagram with the same information, or 2. attach a map/diagram with flow modeling information.]
4. If new lines are needed (or if existing lines must be looped) to supply the required fire flows, or if more information is needed to state the available minimum gpm @ 20 p.s.i. residual pressure, please list what the applicant/developer must do or obtain: _____

Print Name and Title of Water Supplier Employee completing this Form:

Ron Key Water Service Supervisor Date 8-31-21

Contact phone/E-mail of Water Supplier: _____

Note: Based on the facts and circumstances, the Fire Chief may require the applicant/developer to engage an engineer⁵ to verify/certify that the proposed water system improvements, as reflected in the approved utility plans submitted in support of the application/development, will provide the minimum fire flows to all structures in this project. If required, a State of Colorado Licensed Professional Engineer shall submit a complete stamped-seal report to the Grand Junction Fire Department. All necessary support documentation shall be included.

¹ There are three municipal water suppliers: Ute Water 970-242-7491, Clifton Water 970-434-7328, and City of Grand Junction Water 970-244-1572.

² Address: City- 250 North 5th St., Grand Junction, CO 81501; County-P.O. Box 20000, Grand Junction, CO 81502

³ International Fire Code, 2018 Edition.

⁴ <http://www.gjcity.org>

⁵ City Code defines engineer as one who is licensed as a P.E. by the state of Colorado.

Hydrant Flow Test Sheet

Hydrant ID: D1-252-019		Location: Hale + Crawford	
Problem:	Pitot Pressure (PSI): 46	Static PSI: 106	Residual PSI: 92
Flow Tested Date: 8/31/2021	Color Based On Flow: Blue	GPM Flow @ 20 PSI: 3036	
Comments:			

Hydrant ID: D1-252-011		Location: Hale and Rockaway	
Problem:	Pitot Pressure (PSI): 56	Static PSI: 108	Residual PSI: 94
Flow Tested Date: 8/31/2021	Color Based On Flow: Blue	GPM Flow @ 20 PSI: 3508	
Comments:			

Hydrant Flow Test Sheet

Hydrant ID: <i>C4-252-001</i>		Location: <i>Hale and Lawrence</i>	
Problem:	Pitot Pressure (PSI): <i>42</i>	Static PSI: <i>100</i>	Residual PSI: <i>88</i>
Flow Tested Date: <i>8/31/2021</i>	Color Based On Flow: <i>Blue</i>	GPM Flow @ 20 PSI: <i>3033</i>	-----
Comments:			

Hydrant ID:		Location:	
Problem:	Pitot Pressure (PSI):	Static PSI:	Residual PSI:
Flow Tested Date:	Color Based On Flow:	GPM Flow @ 20 PSI:	-----
Average Flow 3192			

Vicinity Map

EXHIBIT 2.1

GREEN AREAS – New Parcels

RED OUTLINE – Original ODP Boundary



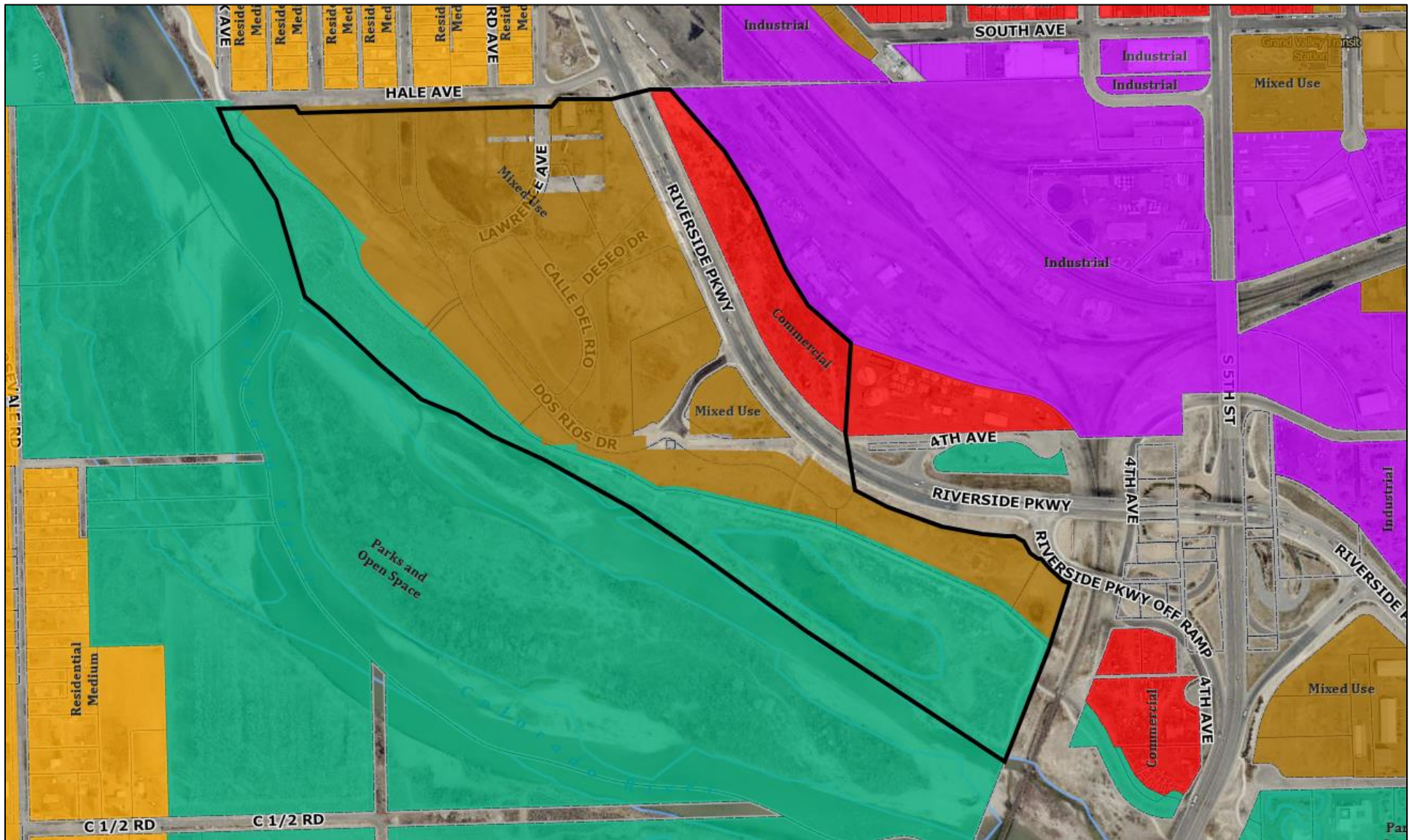
Use Boundary Map

EXHIBIT 2.2



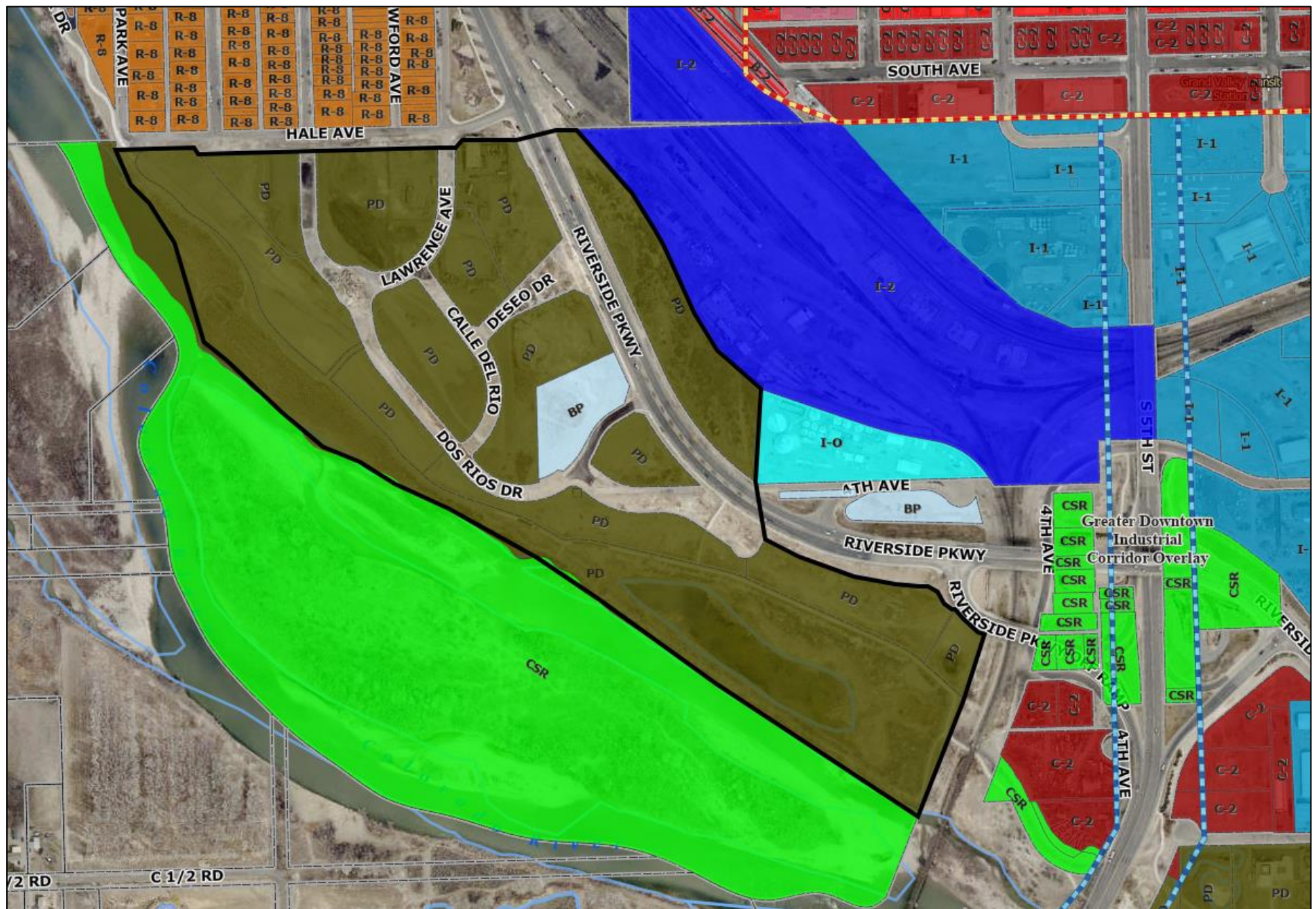
Comprehensive Plan Land Use Map

EXHIBIT 2.3



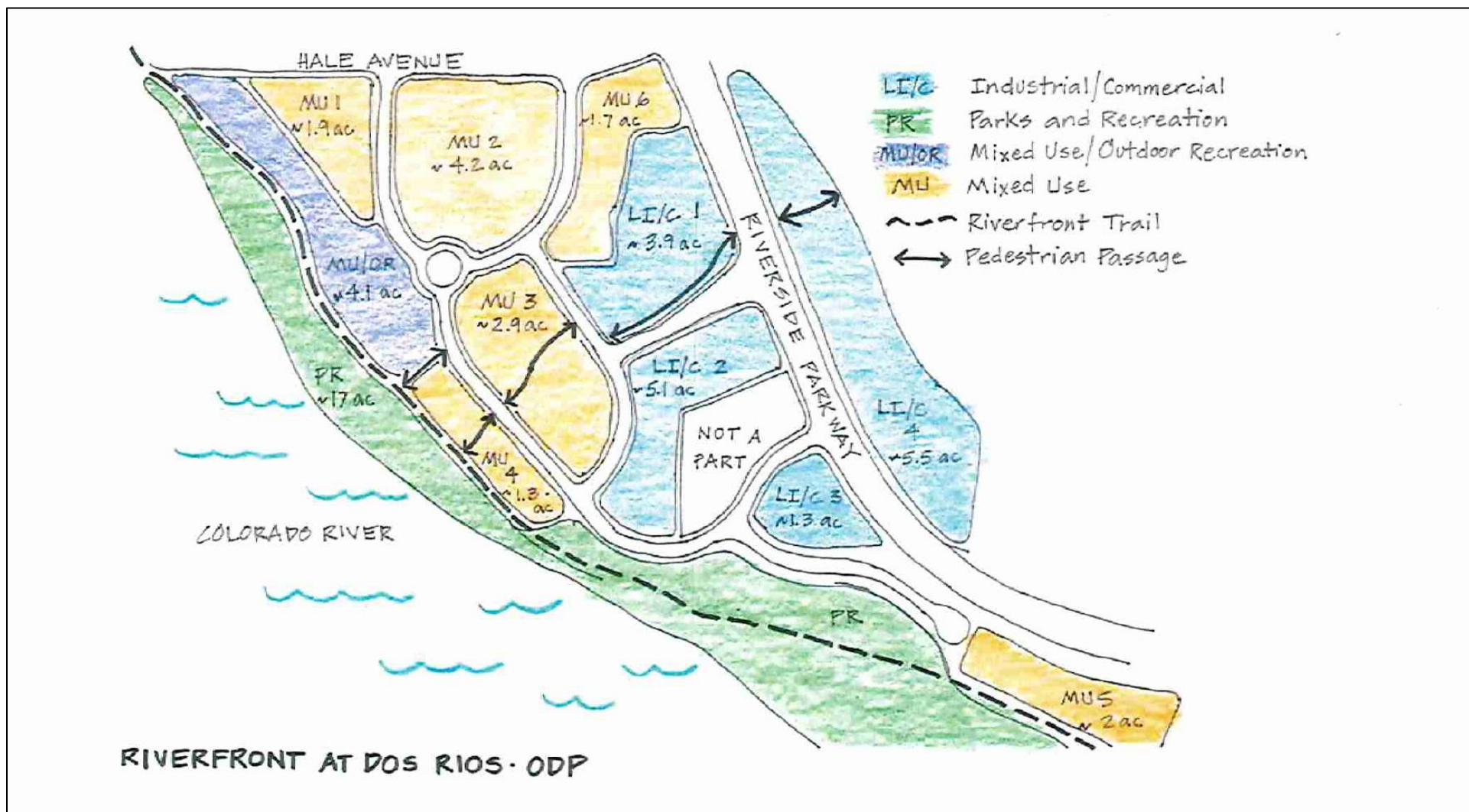
Current Zoning Map

EXHIBIT 2.4



Existing Outline Development Plan Map (January, 2021)

EXHIBIT 2.5



**General Project Report
For
Dos Rios Planned Development**

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**General Project Report
For
Dos Rios Planned Development**

Avenue were well within the zoning and code requirements and no variance was being proposed.

The meeting was adjourned at 7:30pm.

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- Updated minimum lot requirements
- Updated parking requirements
- Updated architectural standards

Schedule:

The applicant anticipates starting construction on the first phase of Townhomes in the Spring of 2022, and hopes to follow shortly thereafter with construction of some of the retail buildings throughout the site.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4982

**AN ORDINANCE AMENDING ORDINANCE 4928
TO REZONE TO PLANNED DEVELOPMENT (PD)
AND AN OUTLINE DEVELOPMENT PLAN (ODP) FOR
THE RIVERFRONT AT DOS RIOS**

**LOCATED ON THE NORTHEAST BANK OF THE COLORADO RIVER
BETWEEN HIGHWAY 50 AND HALE AVENUE**

Recitals:

The requested amended Planned Development (PD) zoning and Outline Development Plan (ODP) will rezone and add properties recently acquired by the City to the area known as The Riverfront at Dos Rios development. All of the properties, those initially part of the Planned Development and those being added, have never been used or held for park or other governmental purposes but instead for possible reuse/redevelopment; the PD and ODP will further that opportunity. The request for the rezone and amendment to the PD and ODP have been submitted in accordance with the Zoning and Development Code (Code).

In public hearings, the Planning Commission and City Council reviewed the request for the proposed amendment and determined that the proposed amended PD and ODP satisfied the criteria of the Code and is consistent with the purpose and intent of the Comprehensive Plan. Furthermore, it was determined that the proposed ODP has achieved "long-term community benefits" by effective infrastructure design; providing for ongoing and enhanced recreational opportunities; protection and/or preservation of natural resources, habitat areas and natural features; and innovative design.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREAS DESCRIBED BELOW AND THOSE IN THE PLANNED DEVELOPMENT AND OUTLINE DEVELOPMENT PLAN BOUNDARIES, NONE OF WHICH HAVE EVER BEEN USED OR HELD FOR PARK OR OTHER GOVERNMENTAL PURPOSES BUT INSTEAD FOR REUSE/REDEVELOPMENT, ARE ZONED FROM INDUSTRIAL OFFICE (I-O) TO PLANNED DEVELOPMENT (PD), FOLLOWING THE SAME DEFAULT ZONE AND STANDARDS ESTABLISHED IN ORDINANCE 4928 EXCEPT AS NOTED BELOW:

A. This Ordinance applies to all property(ies), including but not limited to those specifically described as follows, in the Development Boundary depicted in Exhibit A and the ODP depicted in Exhibit B, each as amended:

ALL of Lots 1 through 9 Riverfront at Dos Rios Filing 3 containing 110.35 acres;

535 Hale Avenue: Lot 16 Riverfront at Dos Rios Filing One located within Section 22 and 23 1S 1W UM recorded 5/16/2019 At Reception number 2880032 Mesa County Records containing 4.20 acres;

2600 Riverside Parkway: Lot 1 Jarvis Subdivision Filing 1 located within Sections 15, 22 and 23 Township 1 South, Range 1 West UM recorded 2/21/2017 at Reception Number 2790938 Mesa County Records Containing 5.53 Acres; and

636 and 636-1/2 Lawrence Avenue: Lots 8 through 12 Block 1 O'Boyles Subdivision Section 22 1S 1W containing 0.37 acres.

B. The Riverfront at Dos Rios Outline Development Plan (Exhibit B) is approved with the Findings of Fact and Conclusions listed in the Staff Report, including attachments and exhibits.

C. Phasing of the Riverfront at Dos Rios Planned Development shall be per the validity standards of GJMC Section 21.02.080(n).

D. If the Planned Development approval expires or becomes invalid for any reason, the properties shall be fully subject to the default standards of the BP Zoning District.

E. The default zone shall be BP with the following deviations to the dimensional standards.

Primary Uses			
Employment, Light Manufacturing, Multifamily, Retail, Commercial Services			
Lot			
Area (min. acres)	No Minimum except .5 in LI/C		
Width (min. ft.)	25		
Frontage (min. ft.)	n/a		
Setback	Principal		Accessory
Front (min. ft.)	0-10*		10
Side (min. ft.)	0		3
Rear (min. ft.)	0		5
Bulk			
Lot Coverage (max.)	n/a		
Height (max. ft.)	65 except 40 feet in Mixed Use Area 4		

Density (min.)	12 units/acre
Density (max.)	No Max
Building Size (max. sf)	n/a

* Refer to the Architectural standards

F. The allowed land uses shall be assigned by areas as depicted on the Outline Development Plan (ODP) and summarized in the table below. Uses will be as defined and shall be consistent with GJMC Codes and Standards as amended. A = Allowed; C = Conditional Use; Blank = Not Allowed

	Mixed Use	Light Industrial/Commercial	Mixed Use Outdoor Recreation	Parks and Recreation
ALLOWED LAND USE				
Business Residence	A	A	A	
Multifamily	A			
Single Family Attached *	A			
Home Occupation	A	A	A	
Small Group Living Facility	A			
Large Group Living Facility	A			
Unlimited Group Living Facility	A			
Rooming/Boarding House	A			
Colleges and Universities	A	A		
Vocational, Technical and Trade Schools	A	A		
Community Activity Building	A	A	A	A
All Other Community Service	A	A	A	A
Museums, Art Galleries, Opera Houses, Libraries	A	A		
General Day Care	A	A		
Medical and Dental Clinics	A	A		
Counseling Centers (Nonresident)	A	A		

	Mixed Use	Light Industrial/Commercial	Mixed Use Outdoor Recreation	Parks and Recreation
ALLOWED LAND USE				
All Other Hospital/Clinic	C	A		
Physical and Mental Rehabilitation (Resident)	C			
Parks, Lakes, Reservoirs, Other Open Space	A	A	A	A
Religious Assembly	A	A	A	
Boarding Schools	A			
Elementary Schools	A			
Secondary Schools	A			
Utility Service Facilities (Underground)	A	A	A	A
All Other Utility, Basic	A	A	A	A
Transmission Lines (Above Ground)	A	A	A	A
Transmission Lines (Underground)	A	A	A	A
All Other Utility Treatment, Production or Service Facility	C	C	C	C
Entertainment Event, Major				
Indoor Facilities	A	C		
Outdoor Facilities	C	C	C	C
Hotels and Motels	A	A	A	
Short-Term Rentals	A	A	A	
Office				
General Offices	A	A		
Recreation and Entertainment, Outdoor				
Campgrounds and Camps (nonprimitive)	A		A	
Resort Cabins and Lodges	A		A	
Amusement Park, Miniature Golf			A	
Campgrounds, Primitive				A
Swimming Pools, Community			A	

	Mixed Use	Light Industrial/Commercial	Mixed Use Outdoor Recreation	Parks and Recreation
ALLOWED LAND USE				
All Other Outdoor Recreation			A	A
Recreation and Entertainment, Indoor				
Health Club	A	A	A	
Movie Theater, Skating Rink, Arcade	A			
All Other Indoor Recreation	A			
Alcohol Sales, Retail	A			
Bar/Nightclub	A	A	A	
Animal Care/ Boarding/Sales, Indoor	A	A		
Animal Care/ Boarding/Sales, Outdoor		A		
Food Service, Restaurant (Including Alcohol Sales)	A	A	A	
Farmers' Market	A	A	A	
General Retail Sales, Indoor Operations, Display and Storage	A	A	A	
Produce Stands	A	A	A	
Personal Services	A	A		
All Other Retail Sales and Services	A	A	A	
Manufacturing Indoor Operations and Storage				
Assembly		A		
Food Products		A		
Manufacturing/Processing		A		
Manufacturing Indoor Operations and Outdoor Storage				
Assembly		A		
Food Products		A		
Manufacturing/Processing		A		
Self-Service Storage				
Mini-Warehouse		A**		

	Mixed Use	Light Industrial/Commercial	Mixed Use Outdoor Recreation	Parks and Recreation
ALLOWED LAND USE				
Industrial Services, Contractors and Trade Shops, Oil and Gas Support Operations without Hazardous Materials				
Research, Testing and Laboratory Facilities – Indoors (includes Marijuana Testing Facilities)		A**		
Telecommunications Facilities				
Facilities on Wireless Master Plan Priority Site in Accordance with Wireless Master Plan Site-Specific Requirements	A	A	A	A
Temporary PWSF (e.g. COW)	A	A	A	A
Co-Location	A	A	A	A
Tower Replacement	A	A	A	A
Dual Purpose Facility	A	A	A	A
DAS and Small Cell Facilities	A	A	A	A
Base Station with Concealed Attached Antennas	A	A	A	A
Base Station with Non-Concealed Attached Antennas	C	C	C	C
Tower, Concealed	C	C	C	C
Bus/Commuter Stops	A	A	A	A

* **Single Family Attached.** A one-family dwelling **attached** to one or more other one-family dwelling by common walls and located entirely on its own lot.

** Only allowed in LI/C East of Riverside Parkway

G. DESIGN GUIDELINES AND STANDARDS FOR THE DOS RIOS PLANNED DEVELOPMENT

1. SITE DEVELOPMENT

A. Access

In order to maximize the on-street parking available for residents, employees and

customers of all properties within the development, site access to the public streets shall be minimized and shared to the greatest extent feasible.

B. Parking

Streets within Riverfront at Dos Rios shall be constructed, and access controlled so as to allow and encourage on-street parking on both sides of the street. There will also be a common public parking lot located near the center of the development. Combined, there will be approximately 350 common parking spaces available for residents, employees, and customers of all properties within the development to utilize. In addition, it is anticipated that a number of uses within the development will be able to share parking due to overlapping hours of operation and demand.

1. Off-street parking for uses developed with the Riverfront at Dos Rios shall be minimized as much as feasible.

Mixed Use Areas 3 and 4: No Parking Requirement

All Other Areas: Provide 1 off-street parking space per residential unit and provide 25 percent of off-street parking as required by GJMC Section 21.06.050(c) for all other uses. An alternative parking plan may be provided under 21.06.050(e)(e).

2. Off-street parking for multifamily or mixed-use development shall not be located in the front yard setback. Parking shall be in the rear or side yards or that area which is less visible from public street rights-of-way or the Riverfront Trail.
3. Develop pedestrian links between the on-street sidewalk and building entrances and between parking areas and rear or side entrances or public access points.

C. Landscaping

The intent of landscaping within the Riverfront at Dos Rios is to create overall visual continuity throughout that is sensitive to, and blends with, the visual character of adjacent areas. Landscaping will enhance the aesthetics of the overall site, particularly as it is viewed from the perimeter public streets (Hale Avenue and Riverside Parkway) and from the Riverfront Trail.

1. Street Frontage Landscaping. Within all land use areas, the owner shall provide and maintain a minimum 10-foot-wide street frontage landscape area adjacent to the public right-of-way except no street frontage landscaping is required when the setback for a building is 10 feet or less.
2. Parking Lot Landscaping. Perimeter and interior landscaping of parking lots is required per GJMC Section 21.06.040(c).
3. All other areas on any site not used for building, storage, parking, walks, access roads, loading areas and other outdoor hardscape areas, including adjacent undeveloped right-of-way shall be suitably graded and drained, and planted and

maintained with mulch, groundcover, flowers, trees and/or shrubs.

4. Landscaping/Screening Buffer. No landscaping/screening buffer is required between adjacent uses with the exception of screening service entrances, loading areas and dumpster areas which shall be screened from adjacent residential uses.

5. Plant Material and Design. Xeric landscaping principles will be implemented. Vegetation must be suitable for the climate and soils of the Grand Valley. The Director may allow the use of any plant if sufficient information is provided to show suitability. Noxious weeds are not allowed. Size of plants at planting shall meet requirements of GJMC Section 21.06.040(b)(5).

D. Service Entrances, Loading and Dumpster Areas

1. Service entrances, loading areas and dumpster areas shall be oriented in the rear or side yard only so as to minimize the impact on the public view corridors, areas open for public enjoyment and areas of residential use.

2. Operation of loading areas shall not interfere with traffic circulation such as drive aisles, pedestrian areas and public streets unless outside of regular business hours.

3. Shared loading areas are encouraged among tenants of a building or with neighboring buildings.

E. Outdoor Storage and Display

1. Where allowed as accessory to a primary land use or structure, outdoor storage shall be located on a site where least visible from a public right-of-way or Riverfront Trail.

2. If allowed, outdoor storage areas shall be screened in accordance with GJMC Section 21.04.040(h). Acceptable screening consists of any combination of fences, walls, berms and landscaping that is approximately six feet in height and provides a permanent, opaque, year-round screening around the entire perimeter of the outdoor storage area. Plant materials are encouraged as screening. Fences shall only be made of materials referenced in the Fencing section below.

3. Display area for portable retail merchandise (items that can be taken inside at the close of business) is allowed, provided it meets the requirements of GJMC Section 21.04.040(h)(3).

4. Location of permanent outdoor display areas shall be established with site plan approval.

F. Fencing

1. All fencing shall be made of either wood, vinyl, wrought iron or masonry wall materials. No chain link or wire fencing of any kind is allowed with the following exceptions: a) All development within the Light Industrial/Commercial areas; and b) a wire grid other than chain link may be set within a wooden or masonry frame in all areas.

2. Fencing on an individual site for purposes of enclosing a site is strongly discouraged however, it may be allowed for specific reasons such as public safety, protection of equipment and materials or for liquor license compliance. Fencing may be used to enclose an outdoor space (e.g. dining/patio) and shall be no taller than 42 inches (3.5 feet). If feasible, provide an opening in these enclosures if adjacent to the Riverfront Trail.
3. The maximum height of any fence in the Light Industrial/Commercial areas of the Riverfront at Dos Rios is 8 feet. Maximum height of all other fencing in the development is 6 feet unless an outdoor space enclosure as above.
4. Fences shall be kept in good repair and condition at all times. Maintenance of fencing shall be the responsibility of the property owner on the site upon which the fencing is located.

G. Lighting

1. All new land uses, structures, building additions, parking areas or other outdoor areas within the Riverfront at Dos Rios development shall meet the following lighting standards.
 - a. No outdoor lights shall be mounted more than 35 feet above the ground. Lighting located near buildings and adjacent to sidewalks shall not exceed 12 feet in height.
 - b. All outdoor lights shall use full cutoff light fixtures except for pedestrian lighting under 3 feet in height (e.g. pathway lighting).
 - c. Outdoor lighting for mixed use and industrial areas are encouraged to be used only during business hours. Light fixtures on timers and/or sensor-activated lights are encouraged to minimize overall lighting on a site and within the development.
 - d. Architectural lighting shall not be used to draw attention to or advertise buildings or properties. Architectural lighting may be used to highlight specific architectural, artistic or pedestrian features with the intent of providing accent and interest or to help identify entryways.
2. A lighting plan shall be submitted for all parking lots that contain 30 spaces or more.
 - a. The lighting plan shall detail the location and specifications of all lighting to be provided on site. An ISO foot candle diagram shall also be provided to indicate the level and extent of proposed lighting.
 - b. Where nonresidential uses abut residential uses, the Director may require a lighting plan for lots that contain fewer than 30 parking spaces.
 - c. Lighting intensity shall meet the requirements of GJMC Section 21.06.080.

H. Signs

1. Flush wall signs, projecting signs and monument signs shall be the only sign types allowed within the Riverfront at Dos Rios except roof-mounted signs may be allowed within the Mixed Use/Outdoor Recreation areas.
2. Monument signs shall be located no closer than 2 feet from the front property line.
3. Total sign area shall not exceed 25 square feet per street frontage in the Mixed Use Areas 1, 2 and 3 all Parks and Recreation areas. The maximum size for any sign in these areas is 25 square feet. An additional sign of up to 25 square feet in size may be placed on the Riverfront Trail side of properties within Mixed Use Area 4.
4. Total sign area shall not exceed 100 square feet per street frontage in the Mixed Use Outdoor Recreation and Light Industrial/Commercial areas. The maximum size for any sign in these areas is 50 square feet.
5. In all land use areas, 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.
6. In all land use areas, monument signs shall not exceed 8 feet in height.
7. Sign lighting, if desired, must only illuminate the sign face and shall not produce glare. Individual letters used in the sign may be internally illuminated, but full backlit, cabinet signs are not allowed. In the Mixed Use area, signs are encouraged to only be lighted during business hours.
8. Off-premise advertising signs, digital signs, digital display signs, and electronic signs of any type are not permitted within Riverfront at Dos Rios.
9. All proposed signage should be depicted on the site plan and approved concurrent with the site plan.

2. ARCHITECTURAL STANDARDS

It is the intent of the following provisions that all structures shall be designed and constructed in a manner that provides an aesthetically pleasing appearance and be harmonious with the overall Riverfront at Dos Rios development.

A. All buildings shall be designed to include at least four of the following elements to create the desired overall character of the development, increase visual interest and create continuity of mass and scale. Refer to examples A and B below.

1. Variation of materials, texture or surface relief on exterior facades to break up large building forms and walls.
2. Façade articulation/modulation such as recessed and projecting elements

or defined, smaller bays.

3. Roofline variation, vertically or horizontally, that adds visual interest such as overhang/eaves, multiple planes, raised cornice parapets over doors or bays and peaked roof forms.

4. Wall recesses or projections that break up scale and massing.

5. Defined entry: façade feature that emphasizes the primary building entrance through projecting or recessed forms, detail, color and/or materials.

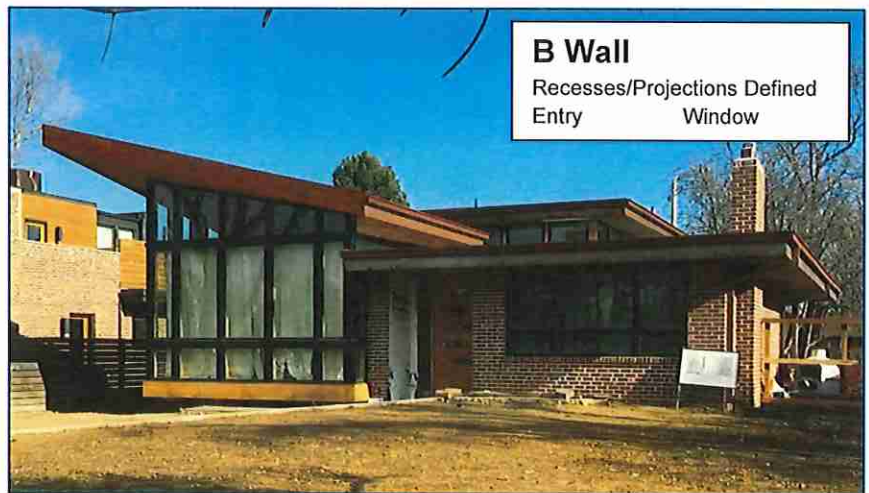
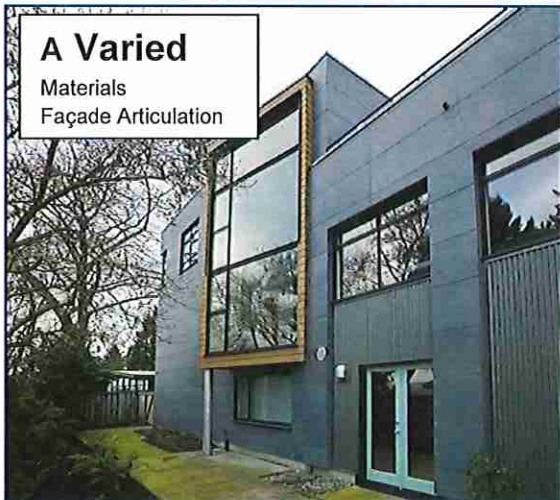
6. Window sizes and shapes which break up the façade and provide visual variety and a pedestrian character.

7. Extension of building space to outdoor pedestrian space that is integrated with the overall building design.

8. Other architectural details that provide visual interest such as:

- use of accent colors
- awnings or porticoes
- other variations in materials, details, surface relief and texture.

9. Building(s) on the site utilize renewable energy sources or passive solar.

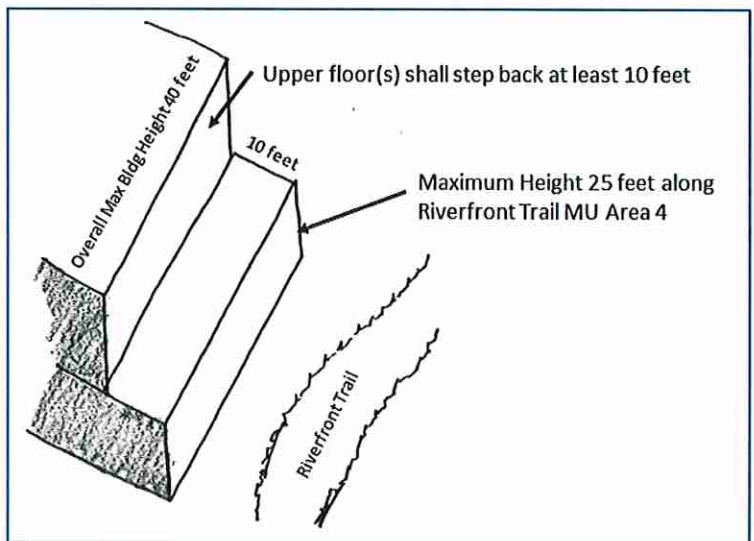
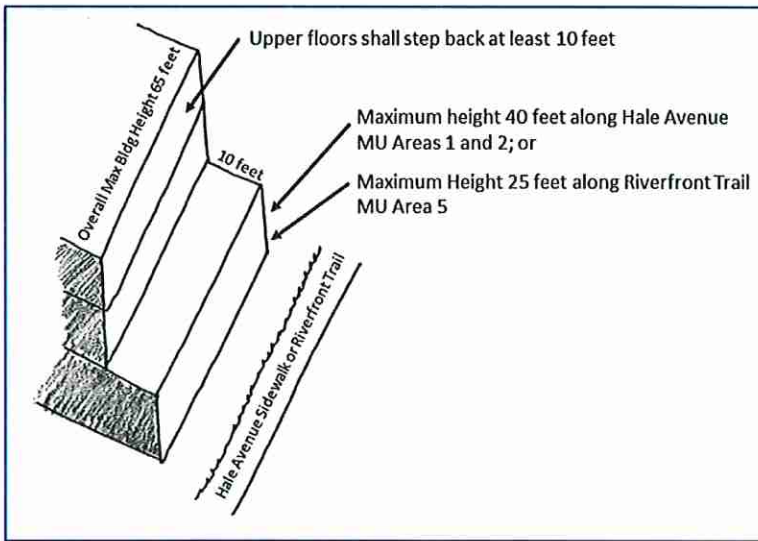


B. Buildings along Hale Avenue in Mixed Use Areas 1 and 2 shall be set back a minimum of 10 feet from the right-of-way.

C. Buildings and structures along the Riverfront Trail (Mixed Use/Outdoor Recreation and Mixed Use Areas 4 and 5) shall be set back a minimum of 10 feet from the property line.

D. Scale and massing of buildings or portions of buildings along Hale Avenue and the Riverfront Trail shall be of pedestrian scale. Buildings in these area shall step down

such that the façade facing Hale Avenue is no taller than 40 feet and no taller than 25 feet if facing the Riverfront Trail. Minimum depth of the step back shall be 10 feet.



E. Exterior building materials shall be durable, well maintained and of a high quality.

F. Colors, materials, finishes and building forms for all buildings shall be coordinated in a consistent and harmonious manner on all visible elevations, facades and sides of the building.

G. All roof-mounted mechanical equipment, roof structures, and the like shall be shielded or screened from view from the public rights-of-way and the Riverfront Trail. Materials used for shielding or screening shall be harmonious with the materials and colors used in roof.

H. For all commercial buildings or buildings that have commercial uses on the first floor, glass/transparent material shall be used at a building entrance or on exterior walls, where appropriate, to invite public interaction on a pedestrian level and provide enhanced natural lighting.

I. Buildings in the Mixed Use areas, shall provide an entrance providing both ingress and egress, operable during normal business hours, on the street-facing facade. Additional entrances off another street, pedestrian area or internal parking area are permitted.

J. Buildings in Mixed Use Area 4 that have frontage on both a public street and the Riverfront Trail, shall provide entrances on both facades.

Introduced for first reading on this 6th day of January 2021 and ordered published in pamphlet form.

PASSED and ADOPTED this 20th day of January 2021 and ordered published in pamphlet form.



President of City Council

ATTEST:



City Clerk



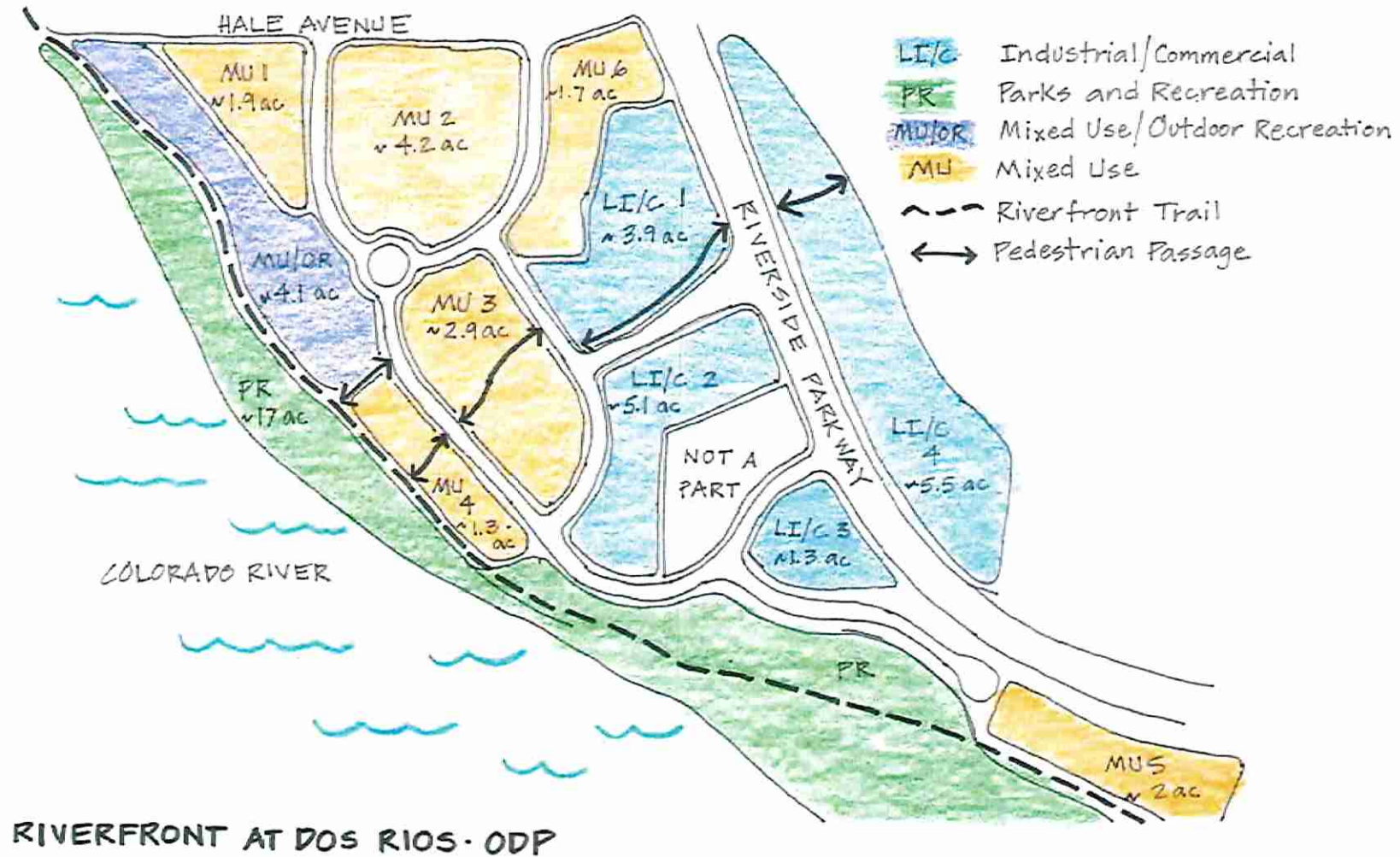
EXHIBIT A

GREEN AREAS – New Parcels

RED OUTLINE – Original ODP Boundary



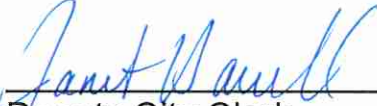
EXHIBIT B



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4982 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 6th day of January 2021 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 20th day of January 2021, at which Ordinance No. 4982 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 22nd day of January 2021.



Deputy City Clerk

Published: January 08, 2021
Published: January 22, 2021
Effective: February 21, 2021



GRAND JUNCTION PLANNING COMMISSION
February 8, 2022, 5:30 PM
MINUTES

The meeting of the Planning Commission was called to order at 5:32 p.m. by Chair Andrew Teske.

Those present were Planning Commissioners; Chair Andrew Teske, Ken Scissors, George Gatseos, Shanon Secrest, Sandra Weckerly, and Melanie Duyvejonck.

Also present were Felix Landry (Planning Supervisor), David Thornton (Principal Planner), Jace Hochwalt (Associate Planner) and Kalli Savvas (Planning Technician).

There were 2 members of the public in attendance and 2 virtually.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from January 25, 2022.

REGULAR AGENDA

1. Trinklein Annexation

ANX-2021-777

Consider a request by Trent and Laura Trinklein to zone 0.88 acres from County RSF-4 (Residential Single Family – 4 du/ac) to R-4 (Residential – 4 du/ac) located at 2067 Ferree Drive.

Staff Presentation

David Thornton, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

Applicant Presentation

The representative Kim Kerk was present and available for questions.

Questions for Applicant or Staff

Public Hearing

The public hearing was opened at 5:00 p.m. on Tuesday, February 1, 2022, via www.GJSpeaks.org.

The public hearing was closed at 5:48 p.m. on February 8, 2022.

Discussion

Motion and Vote

Commissioner Gatseos made the following motion Mr. Chairman, on the Zone of Annexation request for the property located at 2067 Ferree Drive, City file number ANX-2021-777, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.

Commissioner Scissors seconded the motion. The motion carried 6-0. Teske, Ken Scissors, Gatseos, Weckerly, Secrest, and Duyvejonck.

2. Dos Rios Planned Development Amendment PLD-2021-837

Consider a Request by DR Land LLC, Buena Vida HQ, LLC and the City of Grand Junction to Amend the Planned Development Zoning and Outline Development Plan (ODP) for the Riverfront at Dos Rios, on 58.8 acres located on the Northeast Bank of the Colorado River Between Highway 50 and Hale Avenue.

Staff Presentation

Jace Hochwalt, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Applicant Presentation

Mark Austin and Kevin Sperry answered questions about parking.

Questions for Applicant or Staff

Commissioner Gatseos clarified the allowance of street parking.

Commissioner Weckerly clarified whether the parking is the same here as other development.

Commissioner Secrest asked if the amendment is changing the entire concept of plan.

Commissioner Weckerly stated that she is concerned about the parking, since she does not think the change will be designating enough parking.

Commissioner Teske asked about the pedestrian access since one of the pedestrian accesses was not shown on the map.

Commissioner Scissors stated that a different pedestrian access was not shown.

Commissioner Gatseos made a statement he would like to see more internal parking and less street parking.

Commissioner Scissors stated that there will be major issues with parking on the weekends from increased pedestrian traffic.

Commissioner Weckerly stated that she is concerned about the parking because the parcels could be sold, and the area is separate from other areas.

Commissioner Gatseos agreed with commissioner Weckerly.

Commissioner Teske stated the previous ordinance had 350 spots and the new ordinance doesn't have a specific amount.

Commissioner Scissors asked if the 350 included the sharing of spaces, how is the reciprocal parking space calculated, and asked if there is a dedicated public parking area.

Commissioner Gatseos asked about the time element for the decision.

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, February 1, 2022, via www.GJSpeaks.org.

The public hearing was closed at 6:57 p.m. on February 8, 2022.

Discussion

Commissioner Scissors, Gatseos, Secrest, and Weckerly stated that they think they need to hear more information about the proposal and tabling the proposal until more information can be added to the proposal.

Motion and Vote

Commissioner Gatseos made the following motion on the request for the rezone and amendment to the Planned Development zone district and Outline Development Plan (ODP) for Riverfront at Dos Rios Located on the Northeast Bank of the Colorado River Between Highway 50 and Hale Avenue, City file number PLD-2021-837, I move that the Planning Commission postpone this proposal until the February 22, 2022, meeting.

Commissioner Scissors seconded the motion. The motion carried 6-0. Teske, Secrest, Gatseos, Scissors, Weckerly, and Duyvejonck.

3. Other Business

None.

4. Adjournment

Commissioner Scissors moved to adjourn the meeting. Commissioner Secrest seconded the motion.

The vote to adjourn was 6-0. Scissors, Secrest, Gatseos, Teske, Weckerly, and Duyvejonck.

The meeting adjourned at 7:08 p.m.

GRAND JUNCTION PLANNING COMMISSION
February 22, 2022, 5:30 PM
MINUTES

The meeting of the Planning Commission was called to order at 5:32 p.m. by Chair Andrew Teske.

Those present were Planning Commissioners; Chair Andrew Teske, Keith Ehlers, George Gatseos, Shanon Secrest, Sandra Weckerly, and Melanie Duyvejonck.

Also present were Tamra Allen (Community Development Director), Felix Landry (Planning Supervisor), Kristen Ashbeck (Principal Planner), Jace Hochwalt (Associate Planner) and Kalli Savvas (Planning Technician).

There were 4 members of the public in attendance and 1 virtually.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from February 8, 2022.

Commissioner Gatseos moved to accept consent agenda. Secrest seconded. Passed 6-0.

REGULAR AGENDA

1. 23 ¼ West Gravel Pit

CUP-2021-444

Consider a request for a Conditional Use Permit (CUP) to establish a gravel extraction operation on three parcels with a total of approximately 38.1 acres located at 595 and 601 23-1/4 Road and 2345 River Road in the I-2 (General Industrial), I-1 (Light Industrial) and CSR (Community Services and Recreation) Zone Districts.

Staff Presentation

Kristen Ashbeck, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

Applicant Presentation

The representative was present and available for questions.

Questions for Applicant or Staff

Commissioner Gatseos asked about the reclamation bond and if this item is going to city council. Commissioner Teske asked if there would be an additional site plan review for this project.

Public Hearing

The public hearing was opened at 5:00 p.m. on Tuesday, February 15, 2022, via www.GJSpeaks.org.

The public hearing was closed at 5:55 p.m. on February 22, 2022.

Discussion

Keith Ehlers asked about the landscape plan and reclamation plan timelines.

Applicant responded and stated the state requirements for closing the mining operations.

Motion and Vote

Commissioner Ehlers made the following motion Chairman, on the 23 ¼ West Pit to establish a Conditional Use Permit for a mining excavation operation, file number CUP-2021-444, I move that the Planning Commission approve the CUP with the findings of fact listed in the staff report.

Commissioner Secrest seconded the motion. The motion carried 6-0. Teske, Ehlers, Gatseos, Weckerly, Secrest, and Duyvejonck.

2. Dos Rios Planned Development Amendment PLD-2021-837

Consider a Request by DR Land LLC, Buena Vida HQ, LLC and the City of Grand Junction to Amend the Planned Development Zoning and Outline Development Plan (ODP) for the Riverfront at Dos Rios, on 58.8 acres located on the Northeast Bank of the Colorado River Between Highway 50 and Hale Avenue.

Staff Presentation

Jace Hochwalt, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Applicant Presentation

Kevin Sperry was present virtually and provided a presentation regarding the request and available for questions.

Questions for Applicant or Staff

Commissioner Gatseos commented on the change in the new proposal from last meeting of the centralized parking lot.

Commissioner Gatseos asked for clarification on where the common parking spaces would be located if not in a centralized area.

Commissioner Weckerly asked about the 443 residential units proposed if the 350 shared are included in the total number of parking spaces.

Commissioner Gatseos asked if there was shared parking in the north residential area.

Commissioner Ehlers made a statement about public transit and other modes of transportation, so parking does not take main precedent in the parking situation.

Commissioner Ehlers made a statement that this project needs commitment from the city for enforcement of parking in public spaces.

Commissioner Ehlers made a comment that this project will have a huge impact on the city in many ways, finically.

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, February 15, 2022, via www.GJSpeaks.org.

The public hearing was closed at 6:45 p.m. on February 22, 2022.

Discussion

Commissioner Weckerly commented that she is concerned in the parking requirements because the proposal is 50/50 commercial and retail use, stating that the change from commercial to mixed use is because they want to double housing from original proposal, it looks almost more residential. In comparison to downtown where there are not as much residential and shorter-term stays.

Commissioner Ehlers asked if park of the concern is the residential.

Commissioner Weckerly made a comment.

Commissioner Ehlers made a comment.

Commissioner Teske made a comment.

Motion and Vote

Commissioner Ehlers made the following motion Chairman, on the request for the rezone and amendment to the Planned Development zone district and Outline Development Plan (ODP) for Riverfront at Dos Rios Located on the Northeast Bank of the Colorado River Between Highway 50 and Hale Avenue, City file number PLD-2021-837, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.

Commissioner Duyvejonck seconded the motion. The motion carried 6-0. Teske, Ehlers, Secrest, Gatseos, Weckerly, and Duyvejonck.

3. Other Business

None.

4. Adjournment

Commissioner Teske moved to adjourn the meeting. Commissioner Ehlers seconded the motion. The vote to adjourn was 6-0. Secrest, Ehlers, Gatseos, Teske, Weckerly, and Duyvejonck.

The meeting adjourned at 7:04 p.m.

**CITY OF GRAND JUNCTION, COLORADO
ORDINANCE _____**

**AN ORDINANCE AMENDING ORDINANCE ~~4928~~ 4982
TO REZONE TO PLANNED DEVELOPMENT (PD)
AND AN OUTLINE DEVELOPMENT PLAN (ODP) FOR
THE RIVERFRONT AT DOS RIOS**

**LOCATED ON THE NORTHEAST BANK OF THE COLORADO RIVER
BETWEEN HIGHWAY 50 AND HALE AVENUE**

Recitals:

The requested amended Planned Development (PD) zoning and Outline Development Plan (ODP) (Ordinance 4982) will revise specific sections of the previously adopted zoning and Outline Development Plan of the area known as The Riverfront at Dos Rios development. The request for the amendment to the PD and ODP have been submitted in accordance with the Zoning and Development Code (Code). ~~will rezone and add properties recently acquired by the City to the area known as The Riverfront at Dos Rios development. All of the properties, those initially part of the Planned Development and those being added, have never been used or held for park or other governmental purposes but instead for possible reuse/redevelopment; the PD and ODP will further that opportunity. The request for the rezone and amendment to the PD and ODP have been submitted in accordance with the Zoning and Development Code (Code).~~

In public hearings, the Planning Commission and City Council reviewed the request for the proposed amendment and determined that the proposed amended PD and ODP satisfied the criteria of the Code and ~~is~~ are consistent with the purpose and intent of the Comprehensive Plan. Furthermore, it was determined that the proposed ODP has achieved "long-term community benefits" by effective infrastructure design; providing for ongoing and enhanced recreational opportunities; protection and/or preservation of natural resources, habitat areas and natural features; and innovative design.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREAS DESCRIBED BELOW AND THOSE IN THE PLANNED DEVELOPMENT AND OUTLINE DEVELOPMENT PLAN BOUNDARIES, NONE OF WHICH HAVE EVER BEEN USED OR HELD FOR PARK OR OTHER GOVERNMENTAL PURPOSES BUT INSTEAD FOR REUSE/REDEVELOPMENT, ARE ZONED ~~FROM INDUSTRIAL OFFICE (I-O)~~ TO PLANNED DEVELOPMENT (PD), FOLLOWING THE SAME DEFAULT ZONE AND STANDARDS ESTABLISHED IN ORDINANCE ~~4928~~ 4982 EXCEPT AS NOTED BELOW:

A. This Ordinance applies to all property(ies), including but not limited to those specifically described as follows, in the Development Boundary depicted in Exhibit A and the ODP depicted in Exhibit B, each as amended:

Lots 6A and 6B Riverfront at Dos Rios Filing Four containing 4.44 acres recorded 5/25/2021 at Reception Number 2982694;

Lots 1 through 5, 7 through 10, and Tract A of Riverfront at Dos Rios Filing 3 containing 99.67 acres recorded 9/16/2020 at Reception Number 2942736;

535 Hale Avenue: Lot 16 Riverfront at Dos Rios Filing One recorded 5/16/2019 At Reception number 2880032 Mesa County Records containing 4.20 acres;

2600 Riverside Parkway: Lot 1 Jarvis Subdivision Filing 1 recorded 2/21/2017 at Reception Number 2790938 Mesa County Records Containing 5.53 Acres; and

2600 Dos Rios Drive: Lot 12 Jarvis Subdivision Filing 3 recorded 3/23/2018 at Reception Number 2834555 Mesa County Records Containing 2.00 Acres.

~~ALL of Lots 1 through 9 Riverfront at Dos Rios Filing 3 containing 110.35 acres;~~

~~535 Hale Avenue : Lot 16 Riverfront at Dos Rios Filing One located within Section 22 and 23 1S 1W UM recorded 5/16/2019 At Reception number 2880032 Mesa County Records containing 4.20 acres;~~

~~2600 Riverside Parkway: Lot 1 Jarvis Subdivision Filing 1 located within Sections 15, 22 and 23 Township 1 South, Range 1 West UM recorded 2/21/2017 at Reception Number 2790938 Mesa County Records Containing 5.53 Acres; and~~

~~636 and 636 1/2 Lawrence Avenue: Lots 8 through 12 Block 1 O'Boyles Subdivision Section 22 1S 1W containing 0.37 acres.~~

B. The Riverfront at Dos Rios Outline Development Plan (Exhibit B) is approved with the Findings of Fact and Conclusions listed in the Staff Report, including attachments and exhibits.

C. Phasing of the Riverfront at Dos Rios Planned Development shall be per the validity standards of GJMC Section 21.02.080(n), as may be amended.

D. If the Planned Development approval expires or becomes invalid for any reason, the properties shall be fully subject to the default standards of the BP Zoning District as provided in GJMC and as may be amended.

E. The default zone shall be BP with the following deviations to the dimensional standards.

Primary Uses

Employment, Light Manufacturing, Multifamily, Retail, Commercial Services			
Lot			
Area (min. acres)	No Minimum except .5 in LI/C		
Width (min. ft.)	25**		
Frontage (min. ft.)	n/a		
Setback	Principal		Accessory
Front (min. ft.)	0-10*		10
Side (min. ft.)	0		3
Rear (min. ft.)	0		5
Bulk			
Lot Coverage (max.)	n/a		
Height (max. ft.)	65 except 40 feet in Mixed Use Area 4		
Density (min.)	12 units/acre		
Density (max.)	No Max		
Building Size (max. sf)	n/a		

* Refer to the Architectural standards

** Minimum lot area, lot width and lot frontage do not apply to single-family attached dwellings, two-family dwellings, or multifamily.

F. The allowed land uses shall be assigned by areas as depicted ~~on the Outline Development Plan (ODP)~~ in Exhibit B and summarized in the table below. Uses will be as defined and shall be consistent with GJMC Codes and Standards as amended.

A = Allowed; C = Conditional Use; Blank = Not Allowed

ALLOWED LAND USE	Mixed Use	Light Industrial/Commercial	Mixed Use Outdoor Recreation	Parks and Recreation
Business Residence	A	A	A	
Multifamily	A			
Single Family Attached *	A			
Home Occupation	A	A	A	
Small Group Living Facility	A			
Large Group Living Facility	A			
Unlimited Group Living Facility	A			
Rooming/Boarding House	A			
Colleges and Universities	A	A		
Vocational, Technical and Trade Schools	A	A		
Community Activity Building	A	A	A	A
All Other Community Service	A	A	A	A
Museums, Art Galleries, Opera Houses, Libraries	A	A		
General Day Care	A	A		
Medical and Dental Clinics	A	A		
Counseling Centers (Nonresident)	A	A		
All Other Hospital/Clinic	C	A		
Physical and Mental Rehabilitation (Resident)	C			
Parks, Lakes, Reservoirs, Other Open Space	A	A	A	A
Religious Assembly	A	A	A	
Boarding Schools	A			
Elementary Schools	A			
Secondary Schools	A			

	Mixed Use	Light Industrial/Commercial	Mixed Use Outdoor Recreation	Parks and Recreation
ALLOWED LAND USE				
Utility Service Facilities (Underground)	A	A	A	A
All Other Utility, Basic	A	A	A	A
Transmission Lines (Above Ground)	A	A	A	A
Transmission Lines (Underground)	A	A	A	A
All Other Utility Treatment, Production or Service Facility	C	C	C	C
Entertainment Event, Major				
Indoor Facilities	A	C		
Outdoor Facilities	C	C	C	C
Hotels and Motels	A	A	A	
Short-Term Rentals	A	A	A	
Office				
General Offices	A	A		
Recreation and Entertainment, Outdoor				
Campgrounds and Camps (nonprimitive)	A		A	
Resort Cabins and Lodges	A		A	
Amusement Park, Miniature Golf			A	
Campgrounds, Primitive				A
Swimming Pools, Community		<u>A</u>	A	
All Other Outdoor Recreation			A	A
Recreation and Entertainment, Indoor				
Health Club	A	A	A	
Movie Theater, Skating Rink, Arcade	A	<u>A</u>		
All Other Indoor Recreation	A			
Alcohol Sales, Retail	A			
Bar/Nightclub	A	A	A	

ALLOWED LAND USE	Mixed Use	Light Industrial/Commercial	Mixed Use Outdoor Recreation	Parks and Recreation
Animal Care/ Boarding/Sales, Indoor	A	A		
Animal Care/ Boarding/Sales, Outdoor		A		
Food Service, Restaurant (Including Alcohol Sales)	A	A	A	
Farmers' Market	A	A	A	
General Retail Sales, Indoor Operations, Display and Storage	A	A	A	
Produce Stands	A	A	A	
Personal Services	A	A		
All Other Retail Sales and Services	A	A	A	
Manufacturing Indoor Operations and Storage				
Assembly		A		
Food Products		A		
Manufacturing/Processing		A		
Manufacturing Indoor Operations and Outdoor Storage				
Assembly		A		
Food Products		A		
Manufacturing/Processing		A		
Self-Service Storage				
Mini-Warehouse		A**		
Industrial Services, Contractors and Trade Shops, Oil and Gas Support Operations without Hazardous Materials				
Research, Testing and Laboratory Facilities – Indoors (includes Marijuana Testing Facilities)		A**		
Telecommunications Facilities				

ALLOWED LAND USE	Mixed Use	Light Industrial/Commercial	Mixed Use Outdoor Recreation	Parks and Recreation
Facilities on Wireless Master Plan Priority Site in Accordance with Wireless Master Plan Site-Specific Requirements	A	A	A	A
Temporary PWSF (e.g. COW)	A	A	A	A
Co-Location	A	A	A	A
Tower Replacement	A	A	A	A
Dual Purpose Facility	A	A	A	A
DAS and Small Cell Facilities	A	A	A	A
Base Station with Concealed Attached Antennas	A	A	A	A
Base Station with Non-Concealed Attached Antennas	C	C	C	C
Tower, Concealed	C	C	C	C
Bus/Commuter Stops	A	A	A	A

* Single Family Attached. A one-family dwelling attached to one or more other one-family dwelling by common walls and located entirely on its own lot.

** Only allowed in LI/C East of Riverside Parkway

G. DESIGN GUIDELINES AND STANDARDS FOR THE DOS RIOS PLANNED DEVELOPMENT

1. SITE DEVELOPMENT

A. Access

In order to maximize the on-street parking available for residents, employees and customers of all properties within the development, site access to the public streets shall be minimized and shared to the greatest extent feasible.

B. Parking

Streets within Riverfront at Dos Rios ~~shall be~~ have been constructed, and access controlled so as to allow and encourage on-street parking on both sides of the street.

~~There will also be a common public parking lot located near the center of the development.~~ Combined, there will be approximately a minimum of 350 common parking spaces available for residents, employees, and customers of all properties within the development to utilize. In addition, it is anticipated that a number of uses within the development will be able to share parking due to overlapping hours of operation and demand.

1. Off-street parking for uses developed with the Riverfront at Dos Rios shall be minimized ~~as much as feasible~~.

Mixed Use Areas 3 and 4: No Parking Requirement

All Other Areas: Provide 1 off-street parking space per residential unit and provide 25 percent of off-street parking as required by GJMC Section 21.06.050(c) for all other uses. An alternative parking plan may be provided under 21.06.050(e)(e).

2. Off-street parking for multifamily or mixed-use development shall not be located in the front yard setback. Parking shall be in the rear or side yards or that area which is less visible from public street rights-of-way or the Riverfront Trail.
3. Develop pedestrian links between the on-street sidewalk and building entrances and between parking areas and rear or side entrances or public access points.

C. Landscaping

The intent of landscaping within the Riverfront at Dos Rios is to create overall visual continuity throughout that is sensitive to, and blends with, the visual character of adjacent areas. Landscaping will enhance the aesthetics of the overall site, particularly as it is viewed from the perimeter public streets (Hale Avenue and Riverside Parkway) and from the Riverfront Trail.

1. Street Frontage Landscaping. Within all land use areas, the owner shall provide and maintain a minimum 10-foot-wide street frontage landscape area adjacent to the public right-of-way except no street frontage landscaping is required when the setback for a building is ~~10 feet or less~~ than 10 feet.
2. Parking Lot Landscaping. Perimeter and interior landscaping of parking lots is required per GJMC Section 21.06.040(c), as may be amended.
3. All other areas on any site not used for building, storage, parking, walks, access roads, loading areas and other outdoor hardscape areas, including adjacent undeveloped right-of-way shall be suitably graded and drained, and planted and maintained with mulch, groundcover, flowers, trees and/or shrubs.
4. Landscaping/Screening Buffer. No landscaping/screening buffer is required

between adjacent uses with the exception of screening service entrances, loading areas and dumpster areas which shall be screened from adjacent residential uses.

5. Plant Material and Design. Xeric landscaping principles will be implemented. Vegetation must be suitable for the climate and soils of the Grand Valley. The Director may allow the use of any plant if sufficient information is provided to show suitability. Noxious weeds are not allowed. Size of plants at planting shall meet requirements of GJMC Section 21.06.040(b)(5), as may be amended.

D. Service Entrances, Loading and Dumpster Areas

1. Service entrances, loading areas and dumpster areas shall be oriented to the side or rear of principal structures in the rear or side yard only so as to minimize the impact on the public view corridors, areas open for public enjoyment and areas of residential use.

2. Operation of loading areas shall not interfere with traffic circulation such as drive aisles, pedestrian areas and public streets unless outside of regular business hours.

3. Shared loading areas are encouraged among tenants of a building or with neighboring buildings.

E. Outdoor Storage and Display

1. Where allowed as accessory to a primary land use or structure, outdoor storage shall be located on a site where least visible from a public right-of-way or Riverfront Trail.

2. If allowed, outdoor storage areas shall be screened in accordance with GJMC Section 21.04.040(h), as may be amended. Acceptable screening consists of any combination of fences, walls, berms and landscaping that is approximately six feet in height and provides a permanent, opaque, year-round screening around the entire perimeter of the outdoor storage area. Plant materials are encouraged as screening. Fences shall only be made of materials referenced in the Fencing section below.

3. Display area for portable retail merchandise (items that can be taken inside at the close of business) is allowed, provided it meets the requirements of GJMC Section 21.04.040(h)(3), as may be amended.

4. Location of permanent outdoor display areas shall be established with site plan approval.

F. Fencing

1. All fencing shall be made of either architectural metal panel, wood, vinyl, wrought iron or masonry wall materials. No chain link or wire fencing of any kind is allowed with the following exceptions: a) All development within the Light Industrial/Commercial areas; and b) a wire grid other than chain link may be set within a wooden or masonry frame in all areas.

2. Fencing on an individual site for purposes of enclosing a site is strongly discouraged however, it may be allowed for specific reasons such as public safety, protection of equipment and materials or for liquor license compliance. Fencing may be used to enclose an outdoor space (e.g. dining/patio) and shall be no taller than 42 inches (3.5 feet). If feasible, provide an opening in these enclosures if adjacent to the Riverfront Trail.
3. The maximum height of any fence in the Light Industrial/Commercial areas ~~of the Riverfront at Dos Rios~~ and Mixed-Use areas that abut Riverside Parkway is 8 feet. Maximum height of all other fencing in the development is 6 feet unless an outdoor space enclosure as above.
4. Fences shall be kept in good repair and condition at all times. Maintenance of fencing shall be the responsibility of the property owner on the site upon which the fencing is located.

G. Lighting

1. All new land uses, structures, building additions, parking areas or other outdoor areas within the Riverfront at Dos Rios development shall meet the following lighting standards.
 - a. No outdoor lights shall be mounted more than 35 feet above the ground. Lighting located near buildings and adjacent to sidewalks shall not exceed ~~12~~ 15 feet in height.
 - b. All outdoor lights shall use full cutoff light fixtures except for pedestrian lighting under 3 feet in height (e.g. pathway lighting).
 - c. Outdoor lighting for mixed use and industrial areas are encouraged to be used only during business hours. Light fixtures on timers and/or sensor-activated lights are encouraged to minimize overall lighting on a site and within the development.
 - d. Architectural lighting shall not be used to draw attention to or advertise buildings or properties. Architectural lighting may be used to highlight specific architectural, artistic or pedestrian features with the intent of providing accent and interest or to help identify entryways.
2. A lighting plan shall be submitted for all parking lots that contain 30 spaces or more.
 - a. The lighting plan shall detail the location and specifications of all lighting to be provided on site. An ISO foot candle diagram shall also be provided to indicate the level and extent of proposed lighting.
 - b. Where nonresidential uses abut residential uses, the Director may require a lighting plan for lots that contain fewer than 30 parking spaces.

c. Lighting intensity shall meet the requirements of GJMC Section 21.06.080.

H. Signs

1. Flush wall signs, projecting signs and monument signs shall be the only sign types allowed within the Riverfront at Dos Rios except roof-mounted signs may be allowed within the Mixed Use/Outdoor Recreation areas.
2. Monument signs shall be located no closer than 2 feet from the front property line.
3. Total sign area shall not exceed 25 square feet per street frontage in the Mixed Use Areas 1, 2 and 3 all Parks and Recreation areas. The maximum size for any sign in these areas is 25 square feet. An additional sign of up to 25 square feet in size may be placed on the Riverfront Trail side of properties within Mixed Use Area 4.
4. Total sign area shall not exceed 100 square feet per street frontage in the Mixed Use Outdoor Recreation and Light Industrial/Commercial areas. The maximum size for any sign in these areas is 50 square feet.
5. In all land use areas, 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.
6. In all land use areas, monument signs shall not exceed 8 feet in height.
7. Sign lighting, if desired, must only illuminate the sign face and shall not produce glare. Individual letters used in the sign may be internally illuminated, but full backlit, cabinet signs are not allowed. In the Mixed Use area, signs are encouraged to only be lighted during business hours.
8. Off-premise advertising signs, digital signs, digital display signs, and electronic signs of any type are not permitted within Riverfront at Dos Rios.
9. All proposed signage should be depicted on the site plan and approved concurrent with the site plan.

2. ARCHITECTURAL STANDARDS

It is the intent of the following provisions that all structures shall be designed and constructed in a manner that provides an aesthetically pleasing appearance and be harmonious with the overall Riverfront at Dos Rios development.

- A. All buildings shall be designed to include at least four of the following elements to create the desired overall character of the development, increase visual interest and create continuity of mass and scale. Refer to examples A and B below. Structures

incorporating shipping containers (also known as steel intermodal containers) are also required to incorporate at least four of the following elements.

1. Variation of materials, texture or surface relief on exterior facades to break up large building forms and walls.
2. Façade articulation/modulation such as recessed and projecting elements or defined, smaller bays.
3. Roofline variation, vertically or horizontally, that adds visual interest such as overhang/eaves, multiple planes, raised cornice parapets over doors or bays and peaked roof forms.
4. Wall recesses or projections that break up scale and massing.
5. Defined entry: façade feature that emphasizes the primary building entrance through projecting or recessed forms, detail, color and/or materials.
6. Window sizes and shapes which break up the façade and provide visual variety and a pedestrian character.
7. Extension of building space to outdoor pedestrian space that is integrated with the overall building design.
8. Other architectural details that provide visual interest such as:
 - use of accent colors
 - awnings or porticoes
 - other variations in materials, details, surface relief and texture.
9. Building(s) on the site utilize renewable energy sources or passive solar.

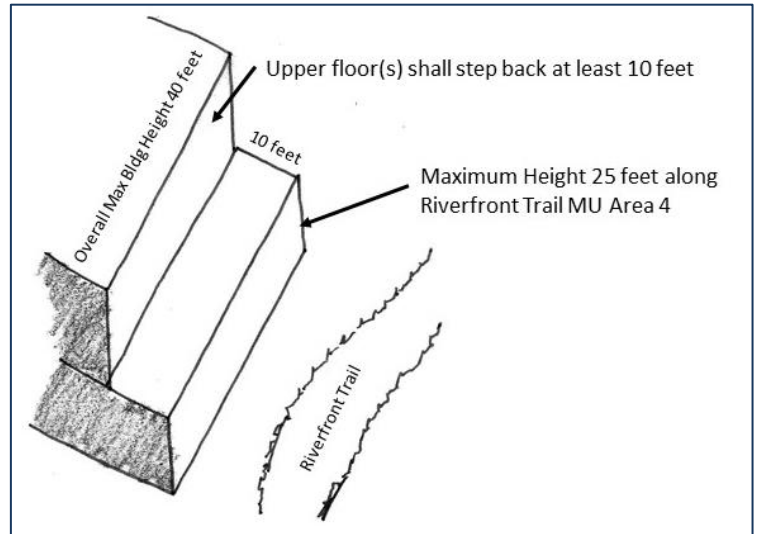
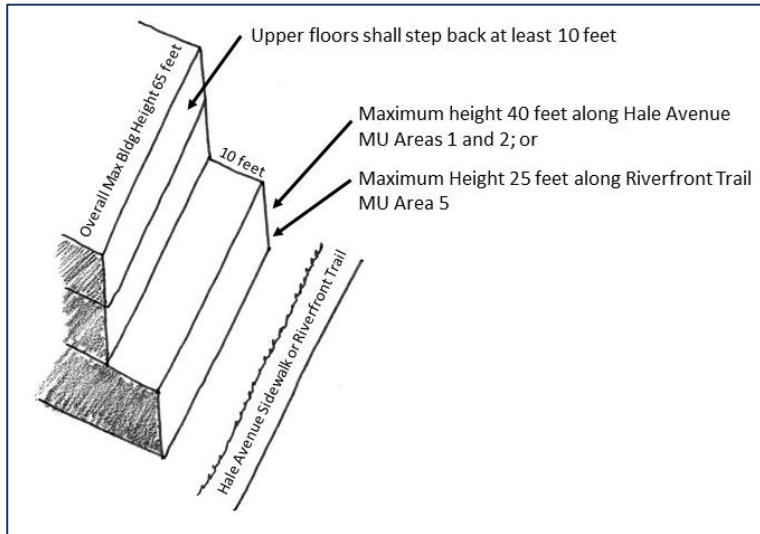


B. Buildings ~~along~~ abutting Hale Avenue in Mixed Use Areas 1 and 2 shall be set back a minimum of 10 feet from the right-of-way.

C. Buildings and structures along the Riverfront Trail (Mixed Use/Outdoor Recreation and Mixed Use Areas 4 and 5) shall be set back a minimum of 10 feet from the property line.

D. Scale and massing of buildings or portions of buildings along Hale Avenue and the Riverfront Trail shall be of pedestrian scale. Buildings in these area shall step down such that the façade facing Hale Avenue is no taller than 40 feet and no taller than 25 feet if facing the Riverfront Trail. Minimum depth of the step back shall be 10 feet.





E. Exterior building materials shall be durable, well maintained and of a high quality.

F. Colors, materials, finishes and building forms for all buildings shall be coordinated in a consistent and harmonious manner on all visible elevations, facades and sides of the building.

G. All roof-mounted mechanical equipment, roof structures, and the like shall be shielded or screened from view from the public rights-of-way and the Riverfront Trail. Materials used for shielding or screening shall be harmonious with the materials and colors used in roof.

H. For all commercial buildings or buildings that have commercial uses on the first floor, glass/transparent material shall be used at a building entrance or on exterior walls, where appropriate, to invite public interaction on a pedestrian level and provide enhanced natural lighting.

I. Buildings in the Mixed Use areas, shall provide an entrance providing both ingress and egress, operable during normal business hours, on the street-facing facade. Additional entrances off another street, pedestrian area or internal parking area are permitted.

J. Buildings in Mixed Use Area 4 that have frontage on both a public street and the Riverfront Trail, shall provide entrances on both facades.

Introduced for first reading on this 2nd day of March, 2022 and ordered published in pamphlet form.

PASSED and ADOPTED this ____ day of _____, 2022 and ordered published in

pamphlet form.

ATTEST:

President of City Council

City Clerk

EXHIBIT A

GREEN AREAS – New Parcels

RED OUTLINE – Original ODP Boundary



EXHIBIT B



**CITY OF GRAND JUNCTION, COLORADO
ORDINANCE _____**

**AN ORDINANCE AMENDING ORDINANCE 4982
TO REZONE TO PLANNED DEVELOPMENT (PD)
AND AN OUTLINE DEVELOPMENT PLAN (ODP) FOR
THE RIVERFRONT AT DOS RIOS**

**LOCATED ON THE NORTHEAST BANK OF THE COLORADO RIVER
BETWEEN HIGHWAY 50 AND HALE AVENUE**

Recitals:

The proposed amendment of the Planned Development (PD) zoning and Outline Development Plan (ODP) (Ordinance 4982) will revise specific sections of the previously adopted zoning and Outline Development Plan of the area known as The Riverfront at Dos Rios development. The request for the amendment to the PD and ODP have been submitted in accordance with the Zoning and Development Code (Code).

In public hearings, the Planning Commission and City Council reviewed the request for the proposed amendment and determined that the proposed amended PD and ODP satisfied the criteria of the Code and are consistent with the purposes and the intent of the Comprehensive Plan. Furthermore, it was determined that the proposed ODP has achieved "long-term community benefits" by effective infrastructure design; providing for ongoing and enhanced recreational opportunities; protection and/or preservation of natural resources, habitat areas and natural features; and innovative design.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREAS DESCRIBED BELOW AND THOSE IN THE PLANNED DEVELOPMENT AND OUTLINE DEVELOPMENT PLAN BOUNDARIES, NONE OF WHICH HAVE EVER BEEN USED OR HELD FOR PARK OR OTHER GOVERNMENTAL PURPOSES BUT INSTEAD FOR REUSE/REDEVELOPMENT, ARE ZONED TO PLANNED DEVELOPMENT (PD), FOLLOWING THE SAME DEFAULT ZONE AND STANDARDS ESTABLISHED IN ORDINANCE 4982 EXCEPT AS STATED HEREIN BELOW:

A. This Ordinance applies to all property(ies), including but not limited to those specifically described as follows, in the Development Boundary depicted in Exhibit A and the ODP depicted in Exhibit B, each as amended:

All of Lots 6A and 6B at Riverfront at Dos Rios Filing Four containing 4.44 acres recorded 5/25/2021 at Reception Number 2982694;

Lots 1 through 5, 7 through 11, and Tract A of Riverfront at Dos Rios Filing 3 containing 99.67 acres recorded 9/16/2020 at Reception Number 2942736;

535 Hale Avenue: Lot 16 Riverfront at Dos Rios Filing One located within

Section 22 and 23 1S 1W UM recorded 5/16/2019 At Reception number 2880032 Mesa County Records containing 4.20 acres;

2600 Riverside Parkway: Lot 1 Jarvis Subdivision Filing 1 located within Sections 15, 22 and 23 Township 1 South, Range 1 West UM recorded 2/21/2017 at Reception Number 2790938 Mesa County Records Containing 5.53 Acres; and

2600 Dos Rios Drive: Lot 12 Jarvis Subdivision Filing 3 located within Section 22 Township 1 South, Range 1 West UM recorded 3/23/2018 at Reception Number 2834555 Mesa County Records Containing 2.00 Acres; and

B. The Riverfront at Dos Rios Outline Development Plan (Exhibit B) is approved with the Findings of Fact and Conclusions listed in the Staff Report, including attachments and exhibits.

C. Phasing of the Riverfront at Dos Rios Planned Development shall be per the validity standards of GJMC Section 21.02.080(n), as may be amended.

D. If the Planned Development approval expires or becomes invalid for any reason, the properties shall be fully subject to the default standards of the BP Zoning District as provided in GJMC and as may be amended.

E. The default zone shall be BP with the following deviations to the dimensional standards.

Primary Uses			
Employment, Light Manufacturing, Multifamily, Retail, Commercial Services			
Lot			
Area (min. acres)	No Minimum except .5 in LI/C		
Width (min. ft.)	25**		
Frontage (min. ft.)	n/a		
Setback	Principal		Accessory
Front (min. ft.)	0-10*		10
Side (min. ft.)	0		3
Rear (min. ft.)	0		5
Bulk			
Lot Coverage (max.)	n/a		
Height (max. ft.)	65		

	except 40 feet in Mixed Use Area 4
Density (min.)	12 units/acre
Density (max.)	No Max
Building Size (max. sf)	n/a

* Refer to the Architectural standards

** Minimum lot area, lot width and lot frontage do not apply to single-family attached dwellings, two-family dwellings, or multifamily.

F. The allowed land uses shall be assigned by areas as depicted in Exhibit B and summarized in the table below. Uses will be as defined and shall be consistent with GJMC Codes and Standards as amended.

A = Allowed; C = Conditional Use; Blank = Not Allowed

ALLOWED LAND USE	Mixed Use	Light Industrial/Commercial	Mixed Use Outdoor Recreation	Parks and Recreation
Business Residence	A	A	A	
Multifamily	A			
Single Family Attached *	A			
Home Occupation	A	A	A	
Small Group Living Facility	A			
Large Group Living Facility	A			
Unlimited Group Living Facility	A			
Rooming/Boarding House	A			
Colleges and Universities	A	A		
Vocational, Technical and Trade Schools	A	A		
Community Activity Building	A	A	A	A
All Other Community Service	A	A	A	A
Museums, Art Galleries, Opera Houses, Libraries	A	A		

ALLOWED LAND USE	Mixed Use	Light Industrial/Commercial	Mixed Use Outdoor Recreation	Parks and Recreation
General Day Care	A	A		
Medical and Dental Clinics	A	A		
Counseling Centers (Nonresident)	A	A		
All Other Hospital/Clinic	C	A		
Physical and Mental Rehabilitation (Resident)	C			
Parks, Lakes, Reservoirs, Other Open Space	A	A	A	A
Religious Assembly	A	A	A	
Boarding Schools	A			
Elementary Schools	A			
Secondary Schools	A			
Utility Service Facilities (Underground)	A	A	A	A
All Other Utility, Basic	A	A	A	A
Transmission Lines (Above Ground)	A	A	A	A
Transmission Lines (Underground)	A	A	A	A
All Other Utility Treatment, Production or Service Facility	C	C	C	C
Entertainment Event, Major				
Indoor Facilities	A	C		
Outdoor Facilities	C	C	C	C
Hotels and Motels	A	A	A	
Short-Term Rentals	A	A	A	
Office				
General Offices	A	A		
Recreation and Entertainment, Outdoor				
Campgrounds and Camps (nonprimitive)	A		A	
Resort Cabins and Lodges	A		A	

	Mixed Use	Light Industrial/Commercial	Mixed Use Outdoor Recreation	Parks and Recreation
ALLOWED LAND USE				
Amusement Park, Miniature Golf			A	
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Swimming Pools, Community		A	A	
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Health Club	A	A	A	
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Food Service, Restaurant (Including Alcohol Sales)	A	A	A	
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Personal Services	A	A		
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Manufacturing Indoor Operations and Storage				
Assembly		A		
Food Products		A		
Manufacturing/Processing		A		
Manufacturing Indoor Operations and Outdoor Storage				
Assembly		A		
Food Products		A		

ALLOWED LAND USE	Mixed Use	Light Industrial/Commercial	Mixed Use Outdoor Recreation	Parks and Recreation
Manufacturing/Processing		A		
Self-Service Storage				
Mini-Warehouse		A**		
Industrial Services, Contractors and Trade Shops, Oil and Gas Support Operations without Hazardous Materials				
Research, Testing and Laboratory Facilities – Indoors (includes Marijuana Testing Facilities)		A**		
Telecommunications Facilities				
Facilities on Wireless Master Plan Priority Site in Accordance with Wireless Master Plan Site-Specific Requirements	A	A	A	A
Temporary PWSF (e.g. COW)	A	A	A	A
Co-Location	A	A	A	A
Tower Replacement	A	A	A	A
Dual Purpose Facility	A	A	A	A
DAS and Small Cell Facilities	A	A	A	A
Base Station with Concealed Attached Antennas	A	A	A	A
Base Station with Non-Concealed Attached Antennas	C	C	C	C
Tower, Concealed	C	C	C	C
Bus/Commuter Stops	A	A	A	A

* Single Family Attached. A one-family dwelling attached to one or more other one-family dwelling by common walls and located entirely on its own lot.

** Only allowed in LI/C East of Riverside Parkway

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1. Off-street parking for uses developed with the Riverfront at Dos Rios shall be minimized.

Mixed Use Areas 3 and 4: No Parking Requirement

All Other Areas: Provide 1 off-street parking space per residential unit and provide 25 percent of off-street parking as required by GJMC Section 21.06.050(c) for all other uses. An alternative parking plan may be provided under 21.06.050(e)(e).

2. Off-street parking for multifamily or mixed-use development shall not be located in the front yard setback. Parking shall be in the rear or side yards or that area which is less visible from public street rights-of-way or the Riverfront Trail.
3. Develop pedestrian links between the on-street sidewalk and building entrances and between parking areas and rear or side entrances or public access points.

C. Landscaping

The intent of landscaping within the Riverfront at Dos Rios is to create overall visual continuity throughout that is sensitive to, and blends with, the visual character of adjacent areas. Landscaping will enhance the aesthetics of the overall site, particularly as it is viewed from the perimeter public streets (Hale Avenue and Riverside Parkway) and from the Riverfront Trail.

1. Street Frontage Landscaping. Within all land use areas, the owner shall provide and maintain a minimum 10-foot-wide street frontage landscape area adjacent to the public right-of-way except no street frontage landscaping is required when the setback for a building is less than 10 feet.

2. **Parking Lot Landscaping.** Perimeter and interior landscaping of parking lots is required per GJMC Section 21.06.040(c), as may be amended.

3. All other areas on any site not used for building, storage, parking, walks, access roads, loading areas and other outdoor hardscape areas, including adjacent undeveloped right-of-way shall be suitably graded and drained, and planted and maintained with mulch, groundcover, flowers, trees and/or shrubs.

4. **Landscaping/Screening Buffer.** No landscaping/screening buffer is required between adjacent uses with the exception of screening service entrances, loading areas and dumpster areas which shall be screened from adjacent residential uses.

5. **Plant Material and Design.** Xeric landscaping principles will be implemented. Vegetation must be suitable for the climate and soils of the Grand Valley. The Director may allow the use of any plant if sufficient information is provided to show suitability. Noxious weeds are not allowed. Size of plants at planting shall meet requirements of GJMC Section 21.06.040(b)(5), as may be amended.

D. Service Entrances, Loading and Dumpster Areas

1. Service entrances, loading areas and dumpster areas shall be oriented to the side or rear of principal structures so as to minimize the impact on the public view corridors, areas open for public enjoyment and areas of residential use.

2. Operation of loading areas shall not interfere with traffic circulation such as drive aisles, pedestrian areas and public streets unless outside of regular business hours.

3. Shared loading areas are encouraged among tenants of a building or with neighboring buildings.

E. Outdoor Storage and Display

1. Where allowed as accessory to a primary land use or structure, outdoor storage shall be located on a site where least visible from a public right-of-way or Riverfront Trail.

2. If allowed, outdoor storage areas shall be screened in accordance with GJMC Section 21.04.040(h), as may be amended. Acceptable screening consists of any combination of fences, walls, berms and landscaping that is approximately six feet in height and provides a permanent, opaque, year-round screening around the entire perimeter of the outdoor storage area. Plant materials are encouraged as screening. Fences shall only be made of materials referenced in the Fencing section below.

3. Display area for portable retail merchandise (items that can be taken inside at the close of business) is allowed, provided it meets the requirements of GJMC Section 21.04.040(h)(3), as may be amended.

4. Location of permanent outdoor display areas shall be established with site plan approval.

F. Fencing

1. All fencing shall be made of either architectural metal panel, wood, vinyl, wrought iron or masonry wall materials. No chain link or wire fencing of any kind is allowed with the following exceptions: a) All development within the Light Industrial/Commercial areas; and b) a wire grid other than chain link may be set within a wooden or masonry frame in all areas.
2. Fencing on an individual site for purposes of enclosing a site is strongly discouraged however, it may be allowed for specific reasons such as public safety, protection of equipment and materials or for liquor license compliance. Fencing may be used to enclose an outdoor space (e.g. dining/patio) and shall be no taller than 42 inches (3.5 feet). If feasible, provide an opening in these enclosures if adjacent to the Riverfront Trail.
3. The maximum height of any fence in the Light Industrial/Commercial areas and Mixed-Use areas that abut Riverside Parkway is 8 feet. Maximum height of all other fencing in the development is 6 feet unless an outdoor space enclosure as above.
4. Fences shall be kept in good repair and condition at all times. Maintenance of fencing shall be the responsibility of the property owner on the site upon which the fencing is located.

G. Lighting

1. All new land uses, structures, building additions, parking areas or other outdoor areas within the Riverfront at Dos Rios development shall meet the following lighting standards.
 - a. No outdoor lights shall be mounted more than 35 feet above the ground. Lighting located near buildings and adjacent to sidewalks shall not exceed 15 feet in height.
 - b. All outdoor lights shall use full cutoff light fixtures except for pedestrian lighting under 3 feet in height (e.g. pathway lighting).
 - c. Outdoor lighting for mixed use and industrial areas are encouraged to be used only during business hours. Light fixtures on timers and/or sensor-activated lights are encouraged to minimize overall lighting on a site and within the development.
 - d. Architectural lighting shall not be used to draw attention to or advertise buildings or properties. Architectural lighting may be used to highlight specific architectural, artistic or pedestrian features with the intent of providing accent and interest or to help identify entryways.
2. A lighting plan shall be submitted for all parking lots that contain 30 spaces or more.
 - a. The lighting plan shall detail the location and specifications of all lighting to be provided on site. An ISO foot candle diagram shall also be provided to indicate the level and extent of proposed lighting.

b. Where nonresidential uses abut residential uses, the Director may require a lighting plan for lots that contain fewer than 30 parking spaces.

c. Lighting intensity shall meet the requirements of GJMC Section 21.06.080.

H. Signs

1. Flush wall signs, projecting signs and monument signs shall be the only sign types allowed within the Riverfront at Dos Rios except roof-mounted signs may be allowed within the Mixed Use/Outdoor Recreation areas.

2. Monument signs shall be located no closer than 2 feet from the front property line.

3. Total sign area shall not exceed 25 square feet per street frontage in the Mixed Use Areas 1, 2 and 3 all Parks and Recreation areas. The maximum size for any sign in these areas is 25 square feet. An additional sign of up to 25 square feet in size may be placed on the Riverfront Trail side of properties within Mixed Use Area 4.

4. Total sign area shall not exceed 100 square feet per street frontage in the Mixed Use Outdoor Recreation and Light Industrial/Commercial areas. The maximum size for any sign in these areas is 50 square feet.

5. In all land use areas, 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.

6. In all land use areas, monument signs shall not exceed 8 feet in height.

7. Sign lighting, if desired, must only illuminate the sign face and shall not produce glare. Individual letters used in the sign may be internally illuminated, but full backlit, cabinet signs are not allowed. In the Mixed Use area, signs are encouraged to only be lighted during business hours.

8. Off-premise advertising signs, digital signs, digital display signs, and electronic signs of any type are not permitted within Riverfront at Dos Rios.

9. All proposed signage should be depicted on the site plan and approved concurrent with the site plan.

2. ARCHITECTURAL STANDARDS

It is the intent of the following provisions that all structures shall be designed and constructed in a manner that provides an aesthetically pleasing appearance and be harmonious with the overall Riverfront at Dos Rios development.

A. All buildings shall be designed to include at least four of the following elements to create the desired overall character of the development, increase visual interest and create continuity of mass and scale. Refer to examples A and B below. Structures

incorporating shipping containers (also known as steel intermodal containers) are also required to incorporate at least four of the following elements.

1. Variation of materials, texture or surface relief on exterior facades to break up large building forms and walls.
2. Façade articulation/modulation such as recessed and projecting elements or defined, smaller bays.
3. Roofline variation, vertically or horizontally, that adds visual interest such as overhang/eaves, multiple planes, raised cornice parapets over doors or bays and peaked roof forms.
4. Wall recesses or projections that break up scale and massing.
5. Defined entry: façade feature that emphasizes the primary building entrance through projecting or recessed forms, detail, color and/or materials.
6. Window sizes and shapes which break up the façade and provide visual variety and a pedestrian character.
7. Extension of building space to outdoor pedestrian space that is integrated with the overall building design.
8. Other architectural details that provide visual interest such as:
 - use of accent colors
 - awnings or porticoes
 - other variations in materials, details, surface relief and texture.
9. Building(s) on the site utilize renewable energy sources or passive solar.

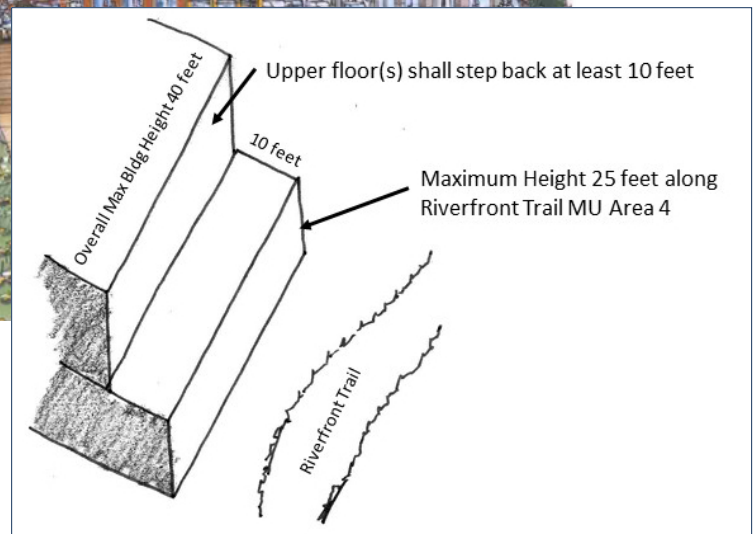
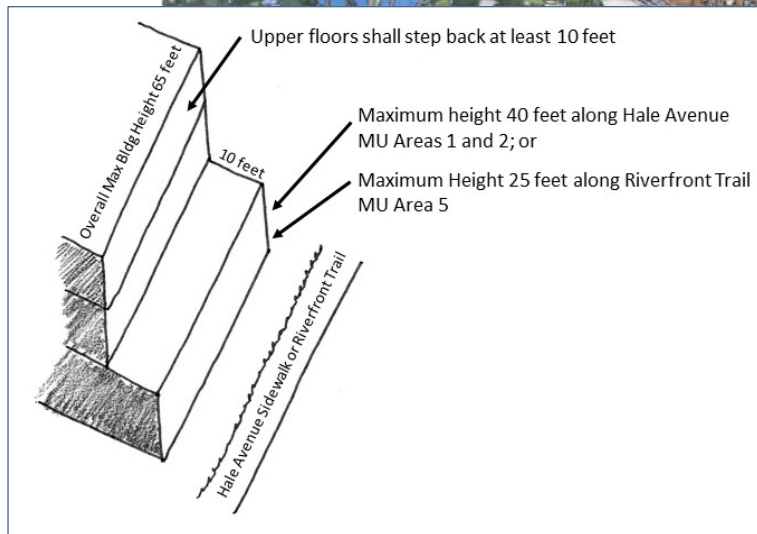


B. Buildings abutting Hale Avenue in Mixed Use Areas 1 and 2 shall be set back a minimum of 10 feet from the right-of-way.

C. Buildings and structures along the Riverfront Trail (Mixed Use/Outdoor Recreation and Mixed Use Areas 4 and 5) shall be set back a minimum of 10 feet from the property line.

D. Scale and massing of buildings or portions of buildings along Hale Avenue and the Riverfront Trail shall be of pedestrian scale. Buildings in these area shall step down such that the façade facing Hale Avenue is no taller than 40 feet and no taller than 25 feet if facing the Riverfront Trail. Minimum depth of the step back shall be 10 feet.

Example: Buildings Step Down to Pedestrian Level



E. Exterior building materials shall be durable, well maintained and of a high quality.

F. Colors, materials, finishes and building forms for all buildings shall be coordinated in a consistent and harmonious manner on all visible elevations, facades and sides of the building.

G. All roof-mounted mechanical equipment, roof structures, and the like shall be shielded or screened from view from the public rights-of-way and the Riverfront Trail. Materials used for shielding or screening shall be harmonious with the materials and colors used in roof.

H. For all commercial buildings or buildings that have commercial uses on the first floor, glass/transparent material shall be used at a building entrance or on exterior walls, where appropriate, to invite public interaction on a pedestrian level and provide enhanced natural lighting.

I. Buildings in the Mixed Use areas, shall provide an entrance providing both ingress and egress, operable during normal business hours, on the street-facing facade. Additional entrances off another street, pedestrian area or internal parking area are permitted.

J. Buildings in Mixed Use Area 4 that have frontage on both a public street and the Riverfront Trail, shall provide entrances on both facades.

Introduced for first reading on this 2nd day of March 2022 and ordered published in pamphlet form.

PASSED and ADOPTED this ____ day of ____ 2022 and ordered published in pamphlet form.

ATTEST:

C. B. McDaniel
President of City Council

Laura Bauer
Interim City Clerk

EXHIBIT A

GREEN AREAS – New Parcels

RED OUTLINE – Original ODP Boundary



EXHIBIT B

