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**CITY COUNCIL AGENDA
WEDNESDAY, APRIL 6, 2022
250 NORTH 5TH STREET - 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 April 10 - 16, 2022 as National Public Safety Telecommunicators Week in the City of Grand Junction

Citizen Comments

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

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, April 6, 2022 or 4) submitting comments [online](#) until noon on Wednesday, April 6, 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. Summary of the March 14, 2022 Workshop
- b. Minutes of the March 16, 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. Quasi-judicial
 - i. Introduction of an Ordinance Vacating a Public Alley Right-of-Way, Located South of 245 and 333 South Avenue and Setting a Public Hearing for April 20, 2022
 - ii. 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 Twenty Eighty Broadway Annexation of 2.37 Acres, Located at 2080 Broadway, and Setting a Public Hearing for May 18, 2022
 - iii. Introduction of an Ordinance Rezoning One Parcel Totaling Approximately 2.46 Acres from PD (Planned Development) to C-1 (Light Commercial) Located at the Northeast Corner of Horizon Drive and 27 1/2 Road and Setting a Public Hearing for April 20, 2022
 - iv. Introduction of an Ordinance to rezone 1.18 acres from R-4 (Residential - 4 du/ac) to R-8 (Residential – 8 du/ac), Located at 702 25 Road and Setting a Public Hearing for April 20, 2022

3. Agreements

- a. 2022 Agreement with Mesa County for Animal Control Services
- b. Agreement for Palisade Pool Operations

4. Procurements

- a. Contract for Municipal Service Center Reroof
- b. Contract for 2022 Concrete Curb, Gutter and Sidewalk Replacement Project

- c. Contract for Professional Engineering Services Consultant for Wastewater Treatment Plant Expansion Projects
- d. Contract for the Acquisition of GenTax Tax Administration Software by FAST Hosting Services, LLC

5. Resolutions

- a. A Resolution Issuing a Revocable Permit to Allow Encroachments of a Free-standing Sign, Fence and Planter Located within the 29 Road and Presley Avenue Rights-of-Way, Located at 581 29 Road Requested by Darin Carei
- b. A Resolution Supporting the Colorado Department of Transportation's Application to Rebuilding American Infrastructure with Sustainability and Equity (RAISE) for the Multimodal Options for a Vibrant, Equitable (MOVE) Western Slope Project which will include the Grand Junction Mobility Corridor, 2nd Street Promenade and Mobility Hub
- c. A Resolution Authorizing the City Manager to submit a request for Congressionally Directed Spending for the I-70/29 Road Interchange Project

6. Other Action Items

- a. Lincoln Park Multipurpose Building with Colorado Mesa University - *No Longer Under Consideration by City Council*
 - i. An Ordinance Making Supplemental Appropriations for the Lincoln Park Multipurpose Building with Colorado Mesa University - *No Longer Under Consideration by City Council*
 - ii. Procurement Approval Authorizing the Guaranteed Maximum Price for the Stadium Multipurpose Building - *No Longer Under Consideration by City Council*
 - iii. Intergovernmental Agreement with Colorado Mesa University for the Multipurpose Building at Lincoln Park Stadium - *No Longer Under Consideration by City Council*
- b. 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 - *No Further Action Subject to Execution of Settlement Agreement*

REGULAR AGENDA

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

7. Public Hearings

- a. Quasi-judicial
 - i. A Resolution Accepting the Petition for the Annexation of 1.83 Acres of Land and Ordinances Annexing and Zoning the Keyser Court Annexation to R-8 (Residential - 8 du/ac), Located at 3110 through 3117 Keyser Court
- b. Legislative
 - i. An Ordinance Amending 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
 - ii. An Ordinance Amending Title 3 of the Grand Junction Municipal Code to Include a Retail Marijuana Sales and Use Tax and a Marijuana Excise Tax
 - iii. 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

8. Resolutions

- a. A Resolution Establishing City Council Policy Regarding American Rescue Plan Act (ARPA) Funds

9. Non-Scheduled Citizens & Visitors

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

10. Other Business**11. Adjournment**



City of Grand Junction, State of Colorado

Proclamation

- Whereas,** the Grand Junction Regional Communication Center is the regional public safety answering point for Mesa County, serving over 150,000 residents and two million visitors annually and providing dispatch services to 23 Mesa County public safety agencies; and
- Whereas,** 9-1-1 public safety telecommunicators handle more than 301,000 calls annually and are critically important public safety first responders who quickly identify the location and problem of the 9-1-1 caller, and provide direction to keep callers safe or medical instruction prior to the ambulance's arrival; and
- Whereas,** the telecommunicators recently achieved accreditation through the International Academies of Emergency Dispatch, demonstrating a commitment to excellence in the provision of emergency medical instructions to callers in crisis; and
- Whereas,** the telecommunicators dispatch more than 150,000 calls for service annually to law enforcement, fire and EMS while providing critical information to responding units, helping them prepare for their arrival; and
- Whereas,** the Communication Center provides tactical dispatchers who respond to the scene supporting the incident commander for out-of-control fires or SWAT incidents for barricaded subjects or school lockdowns; and
- Whereas,** our telecommunicators notify the public when critical law enforcement or fire events occur in their area and provide instructions for evacuation or shelter in place; and
- Whereas,** the telecommunicators of the Grand Junction Regional Communication Center are the first responders who provide a voice in the darkness and calm in the chaos.

NOW, THEREFORE, I, C.B. McDaniel, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim the week of April 10 - 16, 2022 as

"National Public Safety Telecommunicators Week"

in the City of Grand Junction and call upon all citizens to help recognize and support the goals and ideals of National Public Safety Telecommunicators Week; honor and recognize the importance and contributions of the Nation's public safety communications professionals; and encourage the people of the United States and our community to remember the value of the work performed by public safety communications professionals.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 6th day of April 2022.

Mayor



GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY

March 14, 2022

Meeting Convened: 5:31 p.m. The meeting was held in person at the City Hall Auditorium, 250 North Street, and live streamed via GoToWebinar.

City Councilmembers present: Councilmembers Phil Pe’a, Randall Reitz, Dennis Simpson, Rick Taggart, Abe Herman, Anna Stout, and Mayor Chuck McDaniel

Staff present: City Manager Greg Caton, City Attorney John Shaver, Community Development Director Tamra Allen, Planning Supervisor Felix Landry, Interim City Clerk Laura Bauer, and Deputy City Clerk Janet Harrell

1. Discussion Topics

a. Cannabis Regulations

Community Development Director Tamra Allen gave a presentation, focusing on three proposed ordinances regarding cannabis regulations: an Ordinance amending Title 5 and creating Chapter 13, specifically regarding cannabis use, licensing, and regulations, an Ordinance amending Title 21 pertaining to use standards, buffering, signage and zoning, and an Ordinance amending Title 3 specific to sales and use tax. Ms. Allen highlighted the changes incorporated into the documents arising out of the February 14, 2022, Council Workshop.

Council discussed the qualifications of the hearing officer who will serve as the Cannabis Licensing Authority and their reporting relationship to City Council. They also discussed the randomized selection process specific to Horizon Drive, the different taxing requirements for medical and retail stores, the initial term of the lease submitted with the application and the length of time for those chosen in the selection to be operational. Another topic of discussion was whether to convert from a cap to a free market system after three years.

Regarding the Ordinance addressing use standards, buffering and zoning, Ms. Allen noted the clarification to higher education institutions and the removal of the buffer to parks. She also stated that no changes have been made to current billboard allowances.

The Mayor called for a break at 6:59 p.m. and the meeting reconvened at 7:22 pm

b. Zoning and Development Code Update

Planning Supervisor Felix Landry presented to Council. Mr. Landry explained that completing a zoning and development code update is a common effort after updating a comprehensive plan.

A consulting firm has been engaged and a public participation process will begin in a few weeks. The Community Development Department is proposing the establishment of a standing code committee to assist in drafting the code along with staff and the consultant. Staff is putting together a list of potential committee members from a wide variety of backgrounds, for Council consideration.

Council discussion included their role in the committee, the weight of realtors and developers on the committee, an emphasis on affordable housing, and having more involvement in the creative process versus only seeing the final product.

City Manager Greg Caton stated that based on Council discussion, next steps are to revise the committee list for a broader perspective, provide an opportunity for Council to meet with the consultant at the start, and schedule updates to Council at certain decision points.

2. City Council Communication

There was no Council communication.

3. Next Workshop Topics

A joint special meeting with the Downtown Development Authority to convene an executive session is scheduled for April 4, 2022.

On April 18, 2022, Council will discuss the results of the Community Recreation Survey and the Orchard Mesa Pool.

Councilmember Taggart asked Council to consider the following workshop items: housing affordability, the money put aside in the 2022 budget for housing and using one-time funds towards affordable housing.

There being no further business to discuss, the meeting adjourned at 7:49 pm.

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

March 16, 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 16th day of March 2022 at 5:33 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, Principal Planner David Thornton, and Senior Planner Jace Hochwalt.

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

Proclamations

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

Councilmember Stout read the proclamation and Nayeli Contreras-Rocha of the Cesar Chavez Celebration Planning Committee accepted the proclamation.

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

Councilmember Herman read the proclamation and Utilities Director Randi Kim accepted the proclamation.

Appointments

Councilmember Herman moved and Councilmember Stout seconded to reappoint Andrew Gingerich and appoint Jason Nguyen, Michael Holt and Ian Thomas to the Urban Trails Committee for three-year terms expiring June 2025. Motion carried by unanimous voice vote.

Citizen Comments

Bruce Lohmiller attended a School District 51 Board meeting held at Colorado Mesa University and mentioned a Saturday Night Live skit and the Russian-Ukrainian War.

City Manager Report

City Manager Greg Caton did not provide a report.

Council Reports

Councilmember Herman attended the Urban Trails Committee and American Rescue Plan Act Committee meetings and plans to attend the Homeless Coalition meeting. He also noted Grand Junction Economic Partnership scheduled site visits for their Executive Director candidates.

Councilmember Taggart attended the Grand Junction Regional Airport Authority Board meeting.

Councilmember Pe'a attended the Visit Grand Junction and Parks & Recreation Advisory Board meetings.

Council Reitz noted the Commission on Arts & Culture installed new art features in the downtown area.

Councilmember Simpson attended the Horizon Drive Association Business Improvement District meeting.

Councilmember Stout said Colorado Municipal League and Associated Governments of Northwest Colorado (AGNC) continue to review state bills to determine local impact and the City applied to AGNC for a \$5,000 grant for Fire Station #3 signage. Also, she and Councilmember Herman met with local student Daniel Ferrell who suggested Council involve youth more in their processes.

CONSENT AGENDA

Councilmember Pe'a moved and Councilmember Herman seconded to adopt Consent Agenda items #1 - #2. Motion carried by unanimous voice vote.

1. Approval of Minutes

- a. Summary of the February 28, 2022 Special Meeting
- b. Minutes of the March 2, 2022 Regular Meeting

2. Set Public Hearings

- 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 RSF-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

**Lincoln Park Multipurpose Building with Colorado Mesa University (CMU) –
Continued from March 2, 2022**

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 is 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.

An Ordinance Making Supplemental Appropriations for the Lincoln Park Multipurpose Building with Colorado Mesa University – *Continued from March 2, 2022*

Procurement Approval Authorizing the Guaranteed Maximum Price for the Stadium Multipurpose Building – *Continued from March 2, 2022*

Intergovernmental Agreement with Colorado Mesa University for the Multipurpose Building at Lincoln Park Stadium – *Continued from March 2, 2022*

Councilmember Stout moved and Councilmember Pe'a seconded to continue an Ordinance Making Supplemental Appropriations for the Lincoln Park Multipurpose Building with Colorado Mesa University, an Intergovernmental Agreement with Colorado Mesa University for the Multipurpose Building at Lincoln Park Stadium and Procurement Approval Authorizing the Guaranteed Maximum Price for the Stadium Multipurpose Building together to the Regular Meeting of April 6, 2022. Motion carried by unanimous voice vote.

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

Applicants Trent and Laura Trinklein requested an annexation and a zone of annexation to R-4 (Residential 2-4 du/ac) for one property located at 2067 Ferree Drive in anticipation of the proposed Monument Ridge Subdivision (adjacent to the property) and that developer's need to have a portion of Ferree Drive vacated to create a better traffic line of site for the development. The approximately 0.88-acre annexation consists of one parcel of land with a single-family home. The adjacent property to the east is zoned R-4 which 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 property is Annexable Development per the Persigo Agreement.

Principal Planner David Thornton and Kim Kirk of Kirk Land Consulting presented this item.

Discussion included that no change is required of the property or dwelling unit due to the annexation or zoning change.

The public hearing opened at 6:09 p.m.

There were no comments.

The public hearing closed at 6:09 p.m.

Councilmember Herman moved and Councilmember Taggart seconded to adopt Resolution No. 26-22, 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 and adopt Ordinance No. 5059, an ordinance annexing territory to the City of Grand Junction, Colorado Trinklein Annexation, approximately 0.88 acres, located on a property at 2067 Ferree Drive on final passage and ordered final publication in pamphlet form and adopt Ordinance No. 5060, an ordinance zoning the Trinklein Annexation located on a property at 2067 Ferree Drive to R-4 (Residential – 4 du/ac) Zone District on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

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

Applicants DR Land, LLC, Buena Vida HQ, LLC, and the City of Grand Junction requested approval of an amended Planned Development (PD) zoning ordinance and

Outline Development Plan (ODP) to add approximately 2.0 acres to the Riverfront at Dos Rios Planned Development, change the zoning/use designations of some incorporated areas from Industrial/Commercial to Mixed-Use, and clarify some parking and architectural standards.

Senior Planner Jace Hochwalt, May Riegler Properties Founder and Principal Kevin Riegler and KASA Architecture Lead Architect Kevin Sperry presented this item.

Discussion included excitement for the project and the developer's vision, and hoped local elements will be included so the area captures a local feel.

The public hearing opened at 6:33 p.m.

There were no comments.

The public hearing closed at 6:33 p.m.

Councilmember Simpson moved and Councilmember Reitz seconded to adopt Ordinance No. 5061, an ordinance amending Ordinance No. 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 on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

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

The 24 and G Road Widening projects require right-of-way and easements to be acquired from adjacent properties for future road improvements and utility relocations. This resolution authorizes the City Manager to file condemnation action against Usher NV, LLC for rights-of-way and easements from four properties in the amount of \$711,900 for the 24 and G Road Projects and from two properties in the amount of \$145,600 for the 24 Road Multi-Modal Path Project.

Council President McDaniel said the property owner and City continue to discuss resolving these matters by agreement. Staff recommended consideration of the resolution be continued to the April 6, 2022 regular meeting.

Councilmember Stout moved and Councilmember Pe'a seconded to continue 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 to the regular meeting of April 6, 2022. Motion carried by unanimous voice vote.

Non-Scheduled Citizens & Visitors

Richard Swingle thanked Council for their service and commended them for their decision to keep City elections in April.

Other Business

Councilmember Herman noted the City will receive \$10.4 million in American Rescue Plan Act (ARPA) funds and the program's initial formula allowed the City to use just over \$4 million for revenue replacement. However, the program's final rule allowed municipalities to opt to receive up to \$10 million of their allotted amount as revenue replacement which City Council discussed; this option would alleviate some reporting requirements and allow for more uses. He then said at the March 8th City Council ARPA Committee meeting, Councilmember Simpson pointed out Council had not formalized that decision. Councilmember Herman asked Council for a formal decision and supported using the funds per ARPA's final rule but within the spirit of the Act's original intent.

Councilmember Simpson suggested these funds be set aside and used at Council's discretion for low-income housing/homelessness projects as they become viable. He did not agree Council should adhere to the Act's original intent as "Washington priorities" may not line up with local needs. He also expressed concern that the City Council ARPA Committee, although an advisory committee, may be uncomfortable with Council making final decisions if they do not align with the committee's recommendations.

Councilmember Taggart said since this is a policy issue it should be discussed at a noticed public meeting.

Council President McDaniel agreed the funds should be spent in the spirit of ARPA's original guidelines.

City Attorney Shaver reviewed Open Meeting Law regarding appropriate content of Other Business discussions.

Councilmember Stout agreed this topic should be scheduled for a public meeting and that clear direction be provided to the Committee.

Councilmember Simpson suggested the Committee's meeting recordings be provided to Council and the public.

City Manager Caton asked the purpose of the meeting recordings and/or filming of the ARPA meetings and said this is a policy decision. He also noted concern about the intent of the request and that he spoke to the Committee about Lodging Tax revenue losses due to COVID.

City Attorney Shaver reviewed the Open Meeting Law regarding the purpose of meeting

recordings.

Council President McDaniel said this topic will be placed on an agenda.

Councilmember Reitz said it was brought to the Grand Junction Downtown Development Authority's (DDA) attention that they were not following their bylaws regarding vacancy nominations, and they would like to revert to their bylaws with upcoming vacancy nominations. He noted Council would continue to have final appointment approval.

Council President McDaniel was uncomfortable allowing the DDA to manage their board recruitment process.

City Attorney Shaver reviewed the bylaw nomination provisions and suggested the DDA provide Council details of their proposed recruitment process.

Councilmember Stout recommended the DDA be allowed to operate under their bylaws, add this topic to a joint meeting agenda with the DDA for further discussion and allow DDA vacancies be advertised through City platforms.

Interim City Clerk Laura Bauer reviewed the City's recruitment process and noted how this discrepancy was discovered.

Adjournment

The meeting adjourned at 7:27 p.m.



Laura Bauer, MMC
Interim City Clerk



Grand Junction City Council

Regular Session

Item #2.a.i.

Meeting Date: April 6, 2022

Presented By: Kristen Ashbeck, Principal Planner/CDBG Admin

Department: Community Development

Submitted By: Kristen Ashbeck

Information

SUBJECT:

Introduction of an Ordinance Vacating a Public Alley Right-of-Way, Located South of 245 and 333 South Avenue and Setting a Public Hearing for April 20, 2022

RECOMMENDATION:

The Planning Commission heard this item at its March 22, 2022 meeting and voted to recommend approval of the request (6-0).

EXECUTIVE SUMMARY:

The applicant, Anna Company LLC (Owner) is requesting vacation of an undeveloped east-west alley that lies south of 245 and the western portion of 333 South Avenue. The area to be vacated is a 10-foot wide and variable length strip of land, encompassing a total of 2,239 square feet. The vacation of the alley will eliminate the approximately one-foot encroachment of the building into a public right-of-way. The requested vacation conforms with the City's Comprehensive Plan and Circulation Plan.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The alley right-of-way in this portion of downtown Grand Junction first appeared in the 1882 town plat of the original square mile as right-of-way south of blocks 165 and 164 between 2nd and 4th Streets and south of South Avenue. However, it appears that the right-of-way has never been developed nor maintained as a formal alley but has been used to access the backs of the properties and buildings that now occupy blocks 165 and 164. Ordinance 1828 vacated an alley in Block 163 in 1979, but this portion of alley was not addressed at that time. During title search to prepare the property for sale, it was discovered that the right-of-way technically still exists and the building on the 245 South Avenue parcel encroaches into the right-of-way by approximately one foot. The

owner of the building is requesting the vacation to alleviate this issue.

There are two sewer lines behind the buildings: one is an identified public line that is on the railroad property on the south side of the alley, the other is in the alley right-of-way to be vacated and carries combined sanitary sewer and storm sewer from the parking lot between 245 and 333 South Avenue westward and joins the line on the railroad property in the rail yard. It has not been determined whether the latter line is public or private. Without the Applicant confirming it is not a public line and without determining that those who use the line otherwise have easements or agreements it is necessary to retain a utility easement. In addition, the City will need a north-south access easement through the parking lot between 245 and 333 South Avenue to be able to access the utility easement and the sewer line that is on the railroad property along the south side of the buildings. There is an existing north-south utility easement in this area, but it is for the sole benefit of Xcel Energy and cannot be used by the City to access the sewer line.

NOTIFICATION REQUIREMENTS

Notice was completed 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 and mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards were sent to surrounding property owners within 500 feet of the subject property, as well as neighborhood associations within 1,000 feet. Notice of the Planning Commission public hearing was published in the Grand Junction Daily Sentinel.

A Neighborhood Meeting regarding the proposed vacation was held on September 22, 2021 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. Along with City Staff, the landowner and their representative, there was one neighboring property owner in attendance that was interested in the details surrounding the request and indicated support of the alley vacation.

ANALYSIS

The criteria for review are set forth in Section 21.02.100 (c) of the Zoning and Development Code. The purpose of this section is to permit the vacation of rights-of-way and/or easements.

(1) The Comprehensive Plan, Grand Junction Circulation Plan and other adopted plans and policies of the City;

The vacation of this alley right-of-way conform to the Comprehensive Plan, Grand Junction Circulation Plan or other adopted plans and policies of the City. The proposed vacation of right-of-way will have no impact on public or private facilities or services provided since they may continue to exist within the utility easement being retained.

Further, the vacation request is consistent with the following goals and policies of the Comprehensive Plan:

Plan Principal 2: Resilient and Diverse Economy

Strategy 3. Promote Business Growth for a Diverse and Stable Economic Base.

Approval of the vacation request will allow for the existing building to continue to be used as a viable location for a business in downtown Grand Junction. Therefore, staff has found the request to vacate a portion of existing public right-of-way conforms with the Comprehensive Plan, Grand Junction Circulation Plan or other adopted plans and policies of the City and therefore this criterion has been met.

(2) No parcel shall be landlocked as a result of the vacation;
The existing dedicated alley right-of-way has not been used for some time if it ever was used or maintained for public access. It has only been used to access the rear of the properties that face South Avenue for many years. Vacation of the alley right-of-way will not landlock any parcels. Thus, staff has found this criterion has been met.

(3) Access to any parcel shall be not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;

As provided in (2) above, the portion of alley right-of-way requested to be vacated will not impact access to any parcel and as such, staff finds this criterion has been met.

(4) There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services;
The proposed alley right-of-way vacation will not have adverse impacts on other nearby streets, infrastructure or other public facilities and services. No comments were received from utilities or other service providers that this vacation request would impact any existing utilities, create any adverse impacts, or that facilities or services would be diminished. Provided an easement is retained along the south side of the building for the existing combined storm and sanitary sewer line and a north-south access easement be provided from South Avenue to the sewer line, staff found that this criterion has been met.

(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 GJMC; and
With the utility easement being retained as provided in (4) above, neither staff, including the Fire Department, nor utility providers have identified that the requested right-of-way vacation would inhibit the provision of adequate public facilities and services. Therefore, staff finds that this criterion has been met.

(6) The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

Since the alley is not currently maintained by the City, this criterion does not apply to

this proposed right-of-way vacation.

FINDINGS OF FACT AND RECOMMENDATION

After reviewing the request to vacate an undeveloped alley right-of-way as set forth in the description and sketch attached to the proposed vacation ordinance, City file number VAC-2021-681, located south of 245 and 333 South Avenue, the following findings of fact have been made:

1. The request conforms with Section 21.02.100 (c) of the Zoning and Development Code.

Therefore, Staff and Planning Commission recommend conditional approval of the request with the following conditions:

1. A utility easement shall be retained along the southern side of the vacated right-of-way as shown on Exhibit B of the proposed ordinance; and
2. An access easement to benefit the City of Grand Junction shall be provided from South Avenue to the utility easement and any utilities on the railroad property to the south as described and shown on Exhibit C of the proposed ordinance.

FISCAL IMPACT:

Average value of property and right-of-way can range broadly. A private property sale in the area of 245 and 333 South Avenue consisting of 10,890 square feet recently sold for \$100,000, which would equate to \$9.18 per square foot. The applicant's request to vacate approximately 2,239 square feet of right-of-way would result in a value of approximately \$20,554.

SUGGESTED MOTION:

I move to introduce an Ordinance vacating a portion of public alley right-of-way south of 245 and 333 South Avenue and set a public hearing for April 20, 2022.

Attachments

1. Application Materials
2. Planning Commission Minutes - 2022 - March 22 - Alley Vacate
3. Vacation 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

Digitally signed by Tom Logue
DN: cn=Tom Logue, o=ou, email=talldc@msn.com, c=US
Date: 2015.09.29 05:46:22 -0600

Date

Signature of Legal Property Owner

Date

GENERAL PROJECT REPORT FOR:

VACATION APPLICATION

ALLEY SOUTH OF
245 SOUTH AVENUE

GRAND JUNCTION, COLORADO
August, 2021

PREPARED FOR:
ANNA COMPANY, LLC.
PO Box 489
GRAND JUNCTION, CO 81502
970-208-7527

**PART A
REQUEST**

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EXISTING LAND USE	3
EXISTING LAND USE MAP	3
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**PART B
EVALUATION OF THE REQUEST**

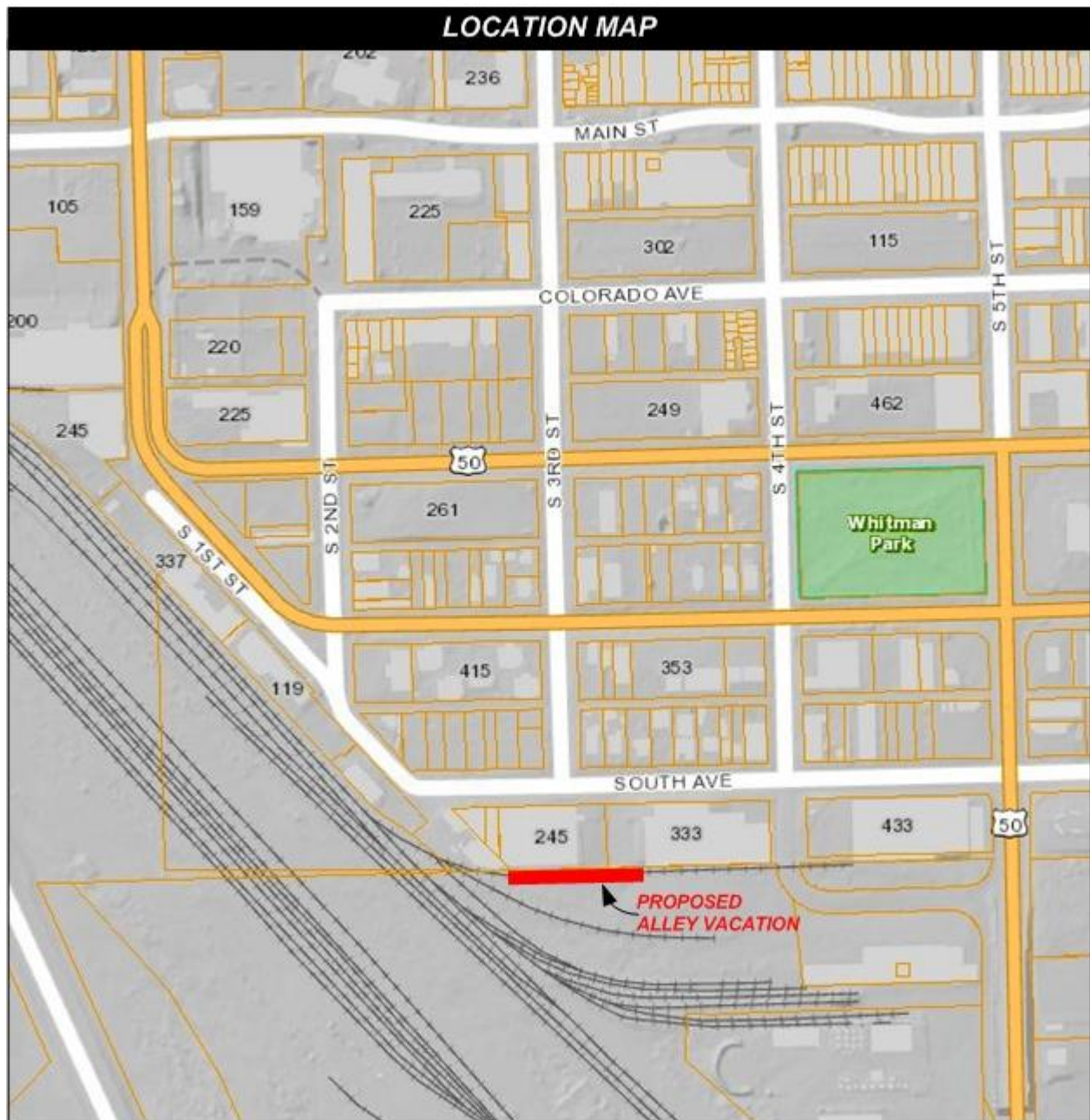
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THOMAS A. LOGUE LAND DEVELOPMENT CONSULTANT
537 FRUITWOOD DRIVE • GRAND JUNCTION • COLORADO • 81504 • 970-434-8215

SITE LOCATION DATA

Common Location South of 245 South Avenue
 Aliquot Section: SE ¼ Section 14, Township 1 South, Range 1 East, Ute Meridian
 Latitude and Longitude: 39° 03' 47", -108° 34' 05"



REQUEST - This application is a request to vacate 310 centerline feet of a 10 foot wide Alley south of 245 South Avenue comprising approximately 3,100 square feet. The land adjoining the requested vacated area is under the control of the applicant, Anna Company, LLC. Vacation of the alley will eliminate a approximate one foot building encroachment into the ally right-of-way.

The requested vacated areas will not impede access to any property not currently owned by the applicant. Drawings contained herein, illustrates the relationship of the proposed Alley vacation to the current adjacent land use and the existing land uses in the area surrounding the requested vacation.

LAND USE ZONING – An examination of the Grand Junction Zoning Map reveals that the property adjacent to the vacated area is zoned: C-2, (General Commercial) and I-2 (General Industrial).



EXISTING LAND USE – The land use north of the requested vacated alley is dominated by 23,350 square foot office/warehouse building that was constructed in 1970 and an adjoining 33,914 square foot office/warehouse building. A shared parking lot is located between the two buildings. A rail siding is located adjacent to the south side of the alley.



SURROUNDING LAND USE – The surrounding land uses in the vicinity of the proposed street and alley vacations are considered to be “high” intensity. The area is dominated by the adjoining office warehouse uses. Most the land in the surrounding area, not owned by the applicant consists of light commercial and auto related services. Some mature residential housing is located along the north side of South Avenue.

Evaluation of the **Vacation Request** is accomplished by using the six approval criteria for “Vacations of Rights-of-Way or Easements” in section 21.02.100 of the *Grand Junction Municipal Code*. The following response to each of the criteria illustrates compliance:

The vacation of the right-of-way or easement shall conform to the following:

Criteria 1: The Growth Plan, major street plan and other adopted plans and policies of the City;

RESPONSE: According to the major street plan South Avenue is classified as a: local street. The major street plan does not include any specific requirement for the subject alley and is not included in any other known adopted plans and policies.

Criteria 2: No parcel shall be landlocked as a result of the vacation;

RESPONSE: No parcels of land not under the control of the applicant will be landlocked as a result of the proposed vacation.

Criteria 3: Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;

RESPONSE: Access to parcels not owned by the applicant will not be restricted as a result of the requested right-of-way vacation.

Criteria 4: There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility service);

RESPONSE: Accessibility to public facilities and services will not substantially change once the alley is vacated.

Criteria 5: The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06;

RESPONSE: All necessary public facilities exist. A new easements can be dedicated in the event that access to facilities is necessary in the alley right-of-way.

Criteria 6: The proposal shall provide benefits to the City such as reduced maintenance requirement, improved traffic circulation, etc.

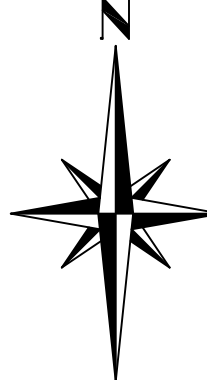
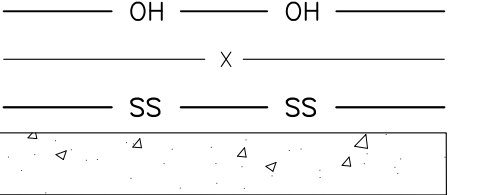
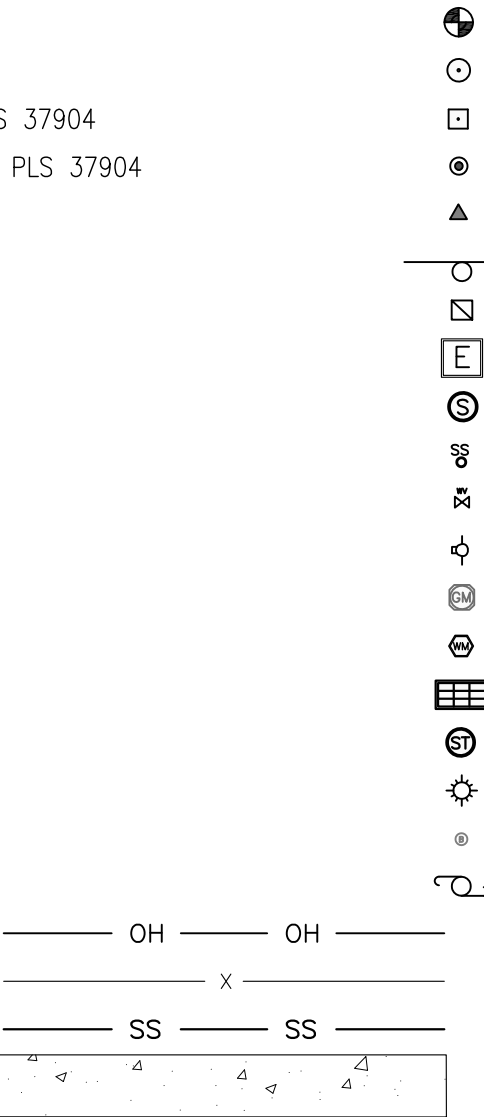
RESPONSE: Since the alley is not currently maintained by the City, this criterion does not apply.

IMPROVEMENT SURVEY

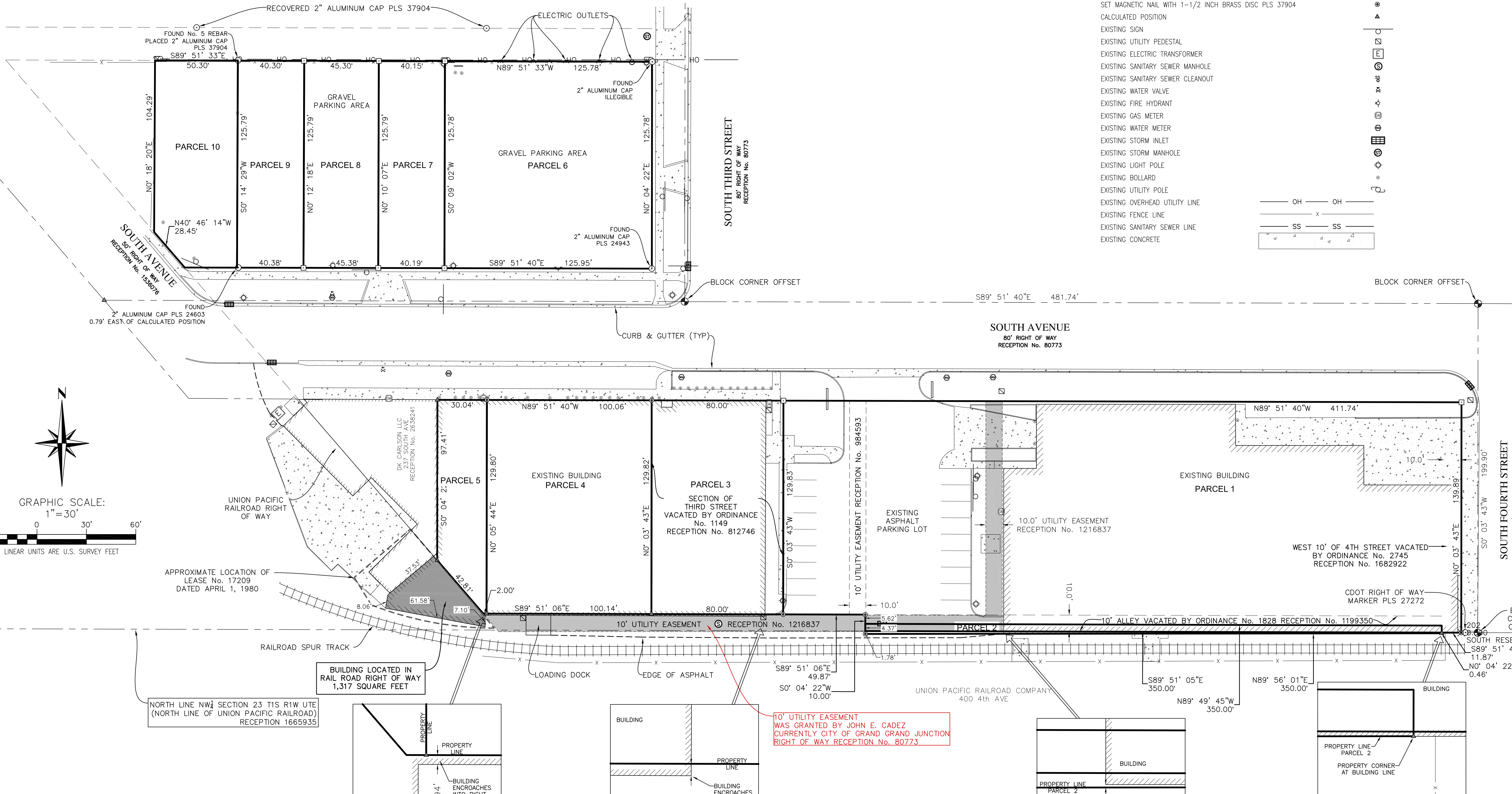
SITUATED IN THE SW¼ SECTION 14
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN
AND BEING A PART PLAT OF PART OF SECOND DIVISION RESURVEY, AS AMENDED
COUNTY OF MESA, STATE OF COLORADO

LEGEND:

- FOUND BLOCK CORNER OFFSET AS DESCRIBED
- FOUND SURVEY MARKER AS DESCRIBED
- SET No. 5 REBAR WITH 2 INCH ALUMINUM CAP PLS 37904
- SET MAGNETIC NAIL WITH 1-1/2 INCH BRASS DISC PLS 37904
- CALCULATED POSITION
- EXISTING SIGN
- EXISTING UTILITY PEDESTAL
- EXISTING ELECTRIC TRANSFORMER
- EXISTING SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER CLEANOUT
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- EXISTING GAS METER
- EXISTING WATER METER
- EXISTING STORM INLET
- EXISTING STORM MANHOLE
- EXISTING LIGHT POLE
- EXISTING BOLLARD
- EXISTING UTILITY POLE
- EXISTING OVERHEAD UTILITY LINE
- EXISTING FENCE LINE
- EXISTING SANITARY SEWER LINE
- EXISTING CONCRETE



GRAPHIC SCALE:
1"=30'
LINEAR UNITS ARE U.S. SURVEY FEET



NOTES

- OWNERSHIP, RECORDED RIGHTS-OF-WAY, AND EASEMENT INFORMATION WAS DONE WITH A CURRENT TITLE POLICY BY LAND TITLE GUARANTEE COMPANY ORDER No. GJC65047471-2.
- BEARINGS ARE BASED ON THE BLOCK OFFSET LINE BETWEEN SOUTH THIRD STREET AND SOUTH FOURTH STREET AT THE INTERSECTION OF SOUTH AVENUE. THE VALUE USED S89°51'40"E. WAS CALCULATED USING THE MESA COUNTY LOCAL COORDINATE SYSTEM. CITY SURVEY MARKERS WERE FOUND AT THE EAST AND WEST ENDS 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.

IMPROVEMENT SURVEY

PITTS WEST INVESTMENTS, LLC
SITUATED IN THE SW¼ SECTION 14
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN
COUNTY OF MESA, STATE OF COLORADO

JOB #: 2021-104 FIELD WORK: SL DRAWN BY: OM
DATE: 6/29/21 DRAWING NAME: SOUTH AVE. CHECKED BY: PC

POLARIS SURVEYING

PATRICK W. CLICK P.L.S.
3194 MESA AVE. #B
GRAND JUNCTION, CO 81504
PHONE (970)434-7038

LEGAL DESCRIPTION

A parcel of land situated in Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the 20 foot Block Corner offset monument at the Southeast Corner of Block 163 as shown on Plat of part of Second Division Resurvey, as Amended recorded at Reception Number 80773 of the Mesa County Records, from whence the Southwest Section Corner of said Section 14 bears N89°50'55"W a distance of 1324.53 feet for a Basis of Bearings with all bearings herein related thereto; thence N89°50'55"W a distance of 371.55 feet to a point on the South Line of an existing alley within the City of Grand Junction as shown on the plat thereof as recorded at Reception Number 2000000 of the Mesa County Records and the Point of Beginning;

thence continuing along said South Line N89°50'55"W a distance of 223.66 feet to a point on the Northeasterly line of the Union Pacific Railroad Right of Way; thence N40°46'14"W along said Right of Way a distance of 13.23 feet to a point on the South Line of Lot 12 as shown on said Plat of part of Second Division Resurvey; thence S89°50'55"E a distance of 232.32 feet to the Southeast Corner of Lot 2 in Block 163 of said Plat; thence S0°03'43"W a distance of 10.00 feet to the Point of Beginning.

Said parcel contains 2,280 square feet.

Above legal description written by:

Patrick W. Click

Colorado registered Professional Surveyor No. 37904

3194 Mesa Avenue Unit B

Grand Junction, Colorado 81504

245 and 333 South Avenue Alley Vacation Request

NEIGHBORHOOD MEETING

September 22, 2021

A Virtual Neighborhood Meeting to discuss the pending Alley Vacation Request for a alley along the south sides of property located at 245 and 333 South Avenue was held at 5:30 p.m. on September 21, 2021.

In addition to Jace Hockwalt, Community Development Department staff planner, the land owner and their representative, one neighbor who owns an adjacent property at 237 South Avenue was in attendance out of the approximately 38 that were notified of the meeting.

An overview of the proposed vacation and the City's approval process was presented by the owner's representative and the staff planner. The meeting lasted about 45 minutes. The adjoining owner was interested in some of the details surrounding the request and indicated support of the alley vacation.

Respectfully submitted,

Tom Logue, Representative for Anna Company, LLC, Michael Cadaz, Manager

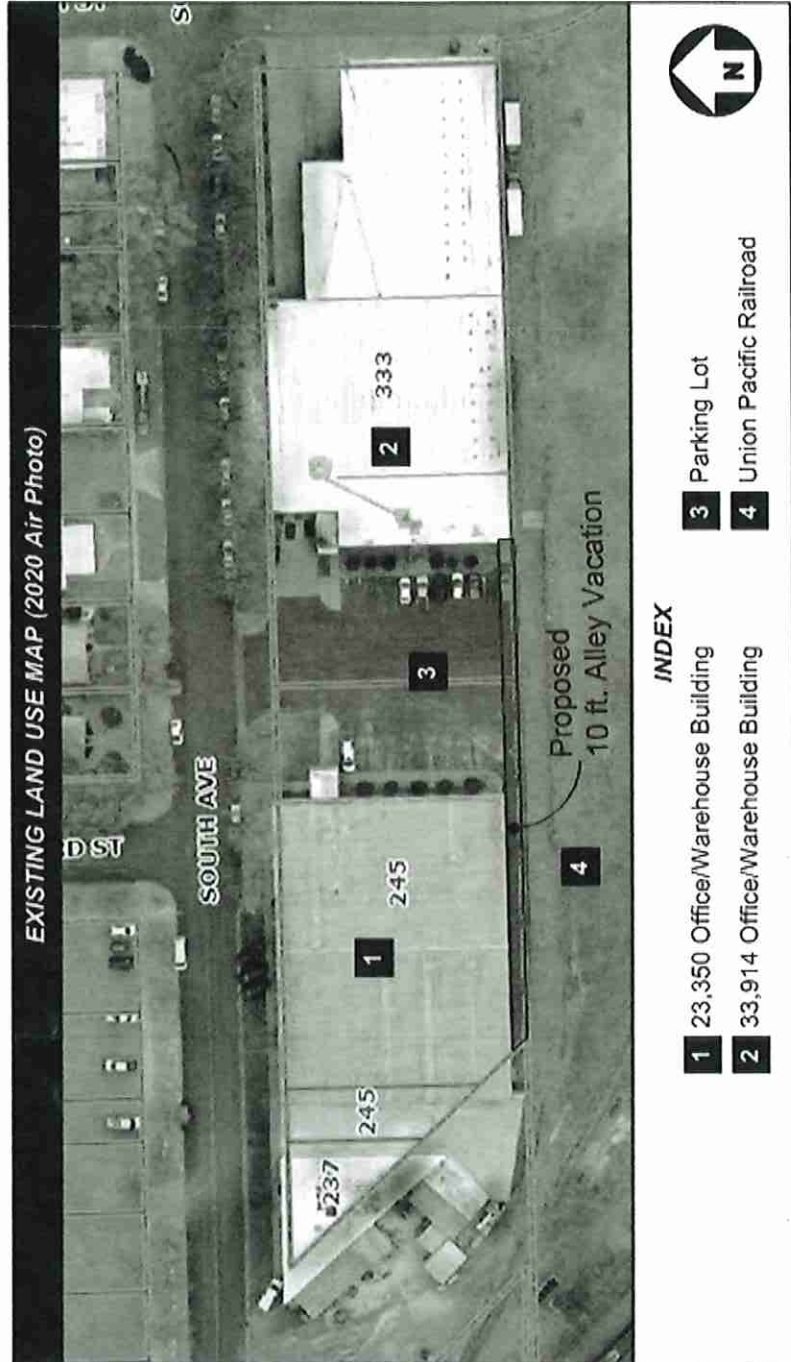
245 and 330 South Avenue, Alley Vacation Request
NEIGHBORHOOD MEETING

Dear Neighbor:

The City of Grand Junction required that we arrange a "Neighborhood Meeting" prior to their consideration of our proposed alley vacation request. This application is a request to vacate 310 centerline feet of a 10 foot wide Alley south of 245 and 330 South Avenue comprising approximately 3,100 square feet. The requested vacated area will not impede access to any property not currently owned by the applicant.

In addition to the development application team, a planner with the City's Community Development Department will be in attendance to discuss the proposal and answer any questions which may arise.

The exhibit shown below, illustrates the relationship of the proposed Alley Vacation to the current adjacent land use and the area surrounding the requested vacation.



245 and 333 South Avenue
Alley Vacation
NEIGHBORHOOD MEETING

Virtual Meeting

Date: Tuesday,
September 21, 2021

Time: 5:30 P.M.

To attend the virtual Meeting,
please go to: <https://zoom.us/join>
and enter:

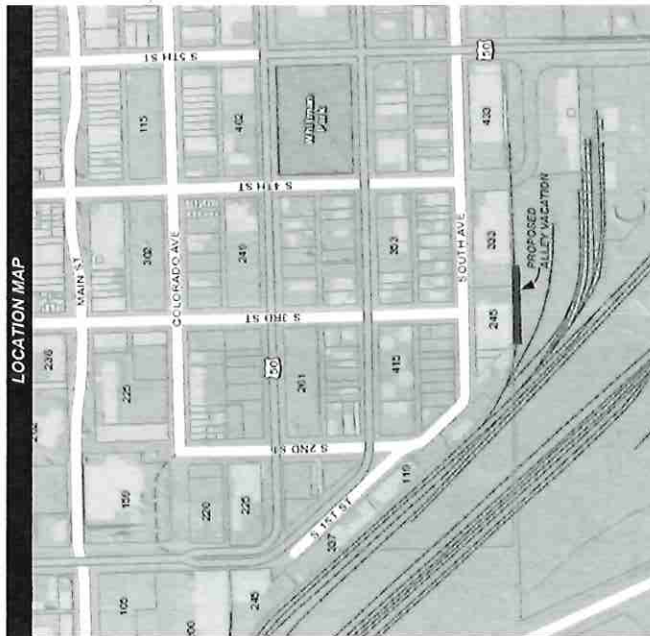
Meeting ID: 853 7017 4443
Passcode: xE8iTh

If you have any questions prior to the
Neighborhood Meeting, do not hesitate to
contact anyone of the team members listed
below:

Owner/Applicant:
Anna Company, LLC
Michael Cadez
970-208-7572
micheal@centraldistributing.com

Project Manager:
Tom Logue
970-260-2911
talldc@msn.com

Sr. Planner, City of Grand Junction:
Jace Hockwalt
970-256-4008
jaceh@gjcity.org



Anna Company, LLC.
PO Box 489
Grand Junction, CO 81502

GRAND JUNCTION CO-025
09 SEP 2021 PM 12



CITY OF GRAND JUNCTION
JACE HOCHWALT
250 N 5TH ST
GRAND JUNCTION CO 81501-2628

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) Anna Company, LLC. ("Entity") is the owner of the following property:

(b) See Attached Exhibit "A"

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) Manager 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) Central Distributing Alley Vacation

I have the following knowledge or evidence of a possible boundary conflict affecting the property:

(e) Building encroachment on alley right-of-way

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: Gaylord M. Cadez

Printed name of person signing: Gaylord M. Cadez

State of Colorado)

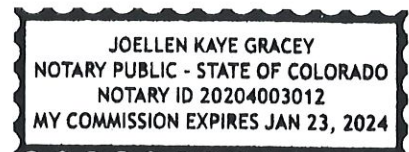
County of Mesa) ss.

Subscribed and sworn to before me on this 3rd day of August, 2021

by Gaylord M. Cadez, Manager, Anna Company, LLC.

Witness my hand and seal.

My Notary Commission expires on 1-23-24



Joellen Kaye Gracey
Notary Public Signature

GRAND JUNCTION PLANNING COMMISSION
March 22, 2022, 5:30 PM
MINUTES

The meeting of the Planning Commission was called to order at 5:35 p.m. by Community Development Director, Tamra Allen with a call for deliberation to elect an interim chair. Commissioner Secrest made a motion to nominate commissioner Ehlers as interim chair. Commissioner Gatseos seconded. Passed 6-0.

Those present were Planning Commissioners; Keith Ehlers, George Gatseos, Shanon Secrest, Kimberly Herek, Melanie Duyvejonck, and JB Phillips.

Also present were Jamie Beard (City Attorney), Tamra Allen (Community Development Director), Kristen Ashbeck (Principal Planner), Nicole Galehouse (Principal Planner), Jace Hochwalt (Senior Planner), and Kalli Savvas (Planning Technician).

There were members 5 of the public in attendance and 3 virtually.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from March 8, 2022.

2. Central Distributing Alley Vacation **VAC-2021-681**

Consider a request by Anna Company LLC to Vacate a Public Alley Right-of-Way, located south of 245 and 333 South Avenue.

Commissioner Gatseos moved to accept the consent agenda. Herek Seconded. Passed 6-0.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE VACATING AN UNDEVELOPED ALLEY RIGHT-OF-WAY
LOCATED SOUTH OF 245 and 333 SOUTH AVENUE**

Recitals:

The applicant, Anna Company LLC (Owner) is requesting vacation of an undeveloped east-west alley that lies south of 245 and the western portion of 333 South Avenue. The area to be vacated is a 10-foot wide and variable length strip of land, encompassing a total of 2,239 square feet. The vacation of the alley will eliminate the approximately one-foot encroachment of the building into a public right-of-way. The requested vacation conforms with the City's Comprehensive Plan and Circulation Plan.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, and upon recommendation of approval by the Planning Commission, the Grand Junction City Council finds that the request to vacate a public alley right-of-way, conforms with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING RIGHT-OF-WAY DESCRIBED BELOW AND ON EXHIBIT A IS HEREBY VACATED SUBJECT TO THE LISTED CONDITION:

1. A utility easement is hereby retained and reserved along the southern side of the vacated right-of-way as described and shown on Exhibit B of this ordinance attached and incorporated herein; and
2. An access easement to benefit the City of Grand Junction shall be provided by separate document from South Avenue to the utility easement and any utilities on the railroad property to the south as shown on Exhibit C of the proposed ordinance.

A parcel of land situated in Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

That portion of right of way as shown on the Plat of Part of Second Division Resurvey, as Amended and recorded at Reception Number 80773 of the Mesa County Records lying South of and adjoining Lots 1 and 2 of Block 163 of said Plat, Lots 12 thru 16 of Block 164 of said Plat and that portion Third Street vacated by Ordinance Number 1149

as recorded at Reception Number 812746 and lying West of and adjoining that portion Alley vacated by Ordinance Number 1828 as recorded at Reception Number 1199350;
And also lying East of and adjoining the Union Pacific Railroad Right of Way;
Said parcel contains 2,239 square feet more or less as depicted on Exhibit A.

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.

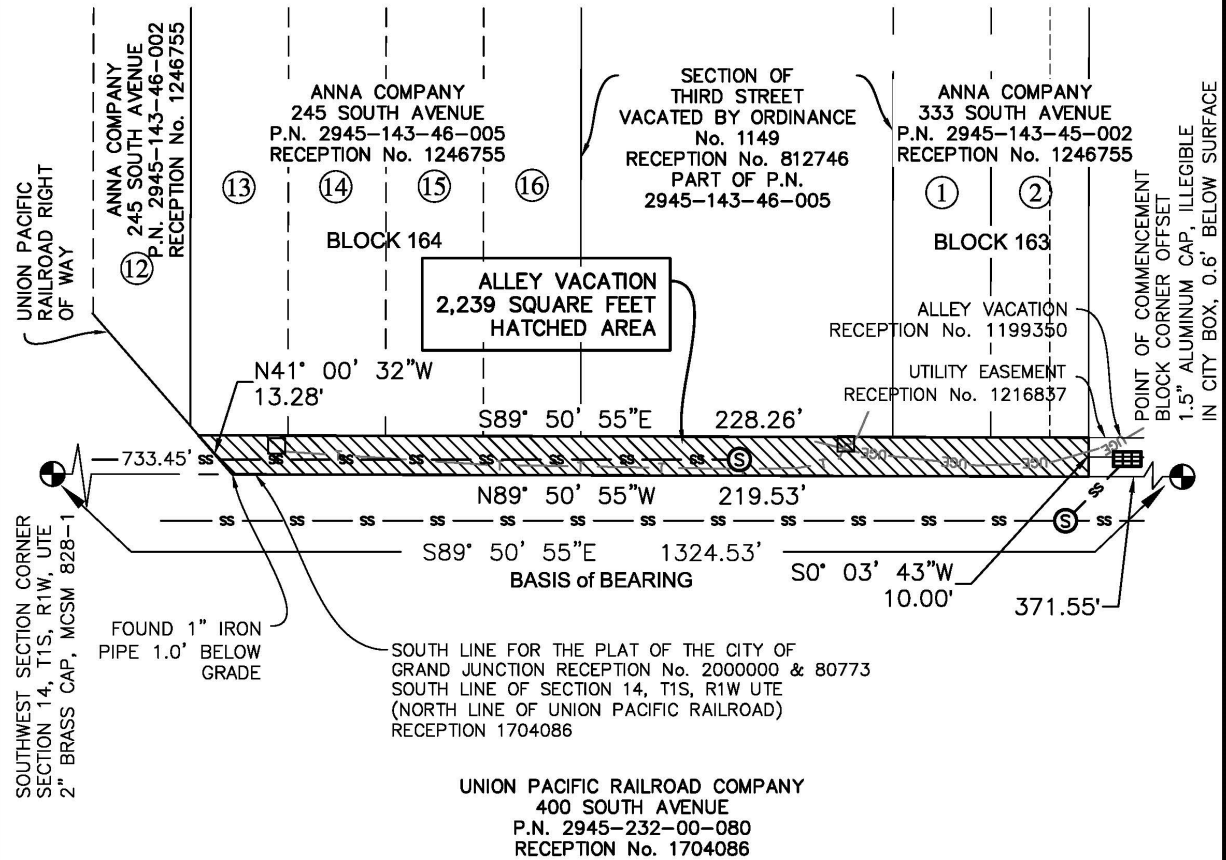
ATTEST:

Interim City Clerk

Mayor

EXHIBIT A

Legal Sketch



LEGAL DESCRIPTION SKETCH

ALLEY VACATION

245 SOUTH AVENUE
GRAND JUNCTION, COLORADO

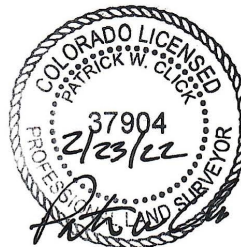
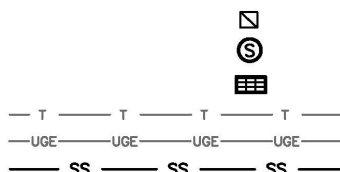
SW 1/4 SECTION 14

T1S, R1W, UTE

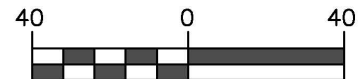
CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO

LEGEND

EXISTING UTILITY PEDESTAL
EXISTING SANITARY SEWER MANHOLE
EXISTING CATCH BASIN
EXISTING UNDERGROUND TELEPHONE LINE
EXISTING UNDERGROUND ELECTRIC LINE
EXISTING COMBINED SEWER LINE



GRAPHIC SCALE:
1"=40'



LINEAR UNITS ARE U.S. SURVEY FEET

POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

3194 MESA AVE
GRAND JUNCTION, CO 81504
PHONE (970)434-7038

EXHIBIT B

A parcel of land situated in Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

The South 8.50 feet of the Plat of Part of Second Division Resurvey, as Amended and recorded at Reception Number 80773 of the Mesa County Records lying West of and adjoining that portion of Alley vacated by Ordinance Number 1828 as recorded at Reception Number 1199350;

And also lying East of and adjoining the Union Pacific Railroad Right of Way;

Said parcel contains 1,898 square feet more or less.

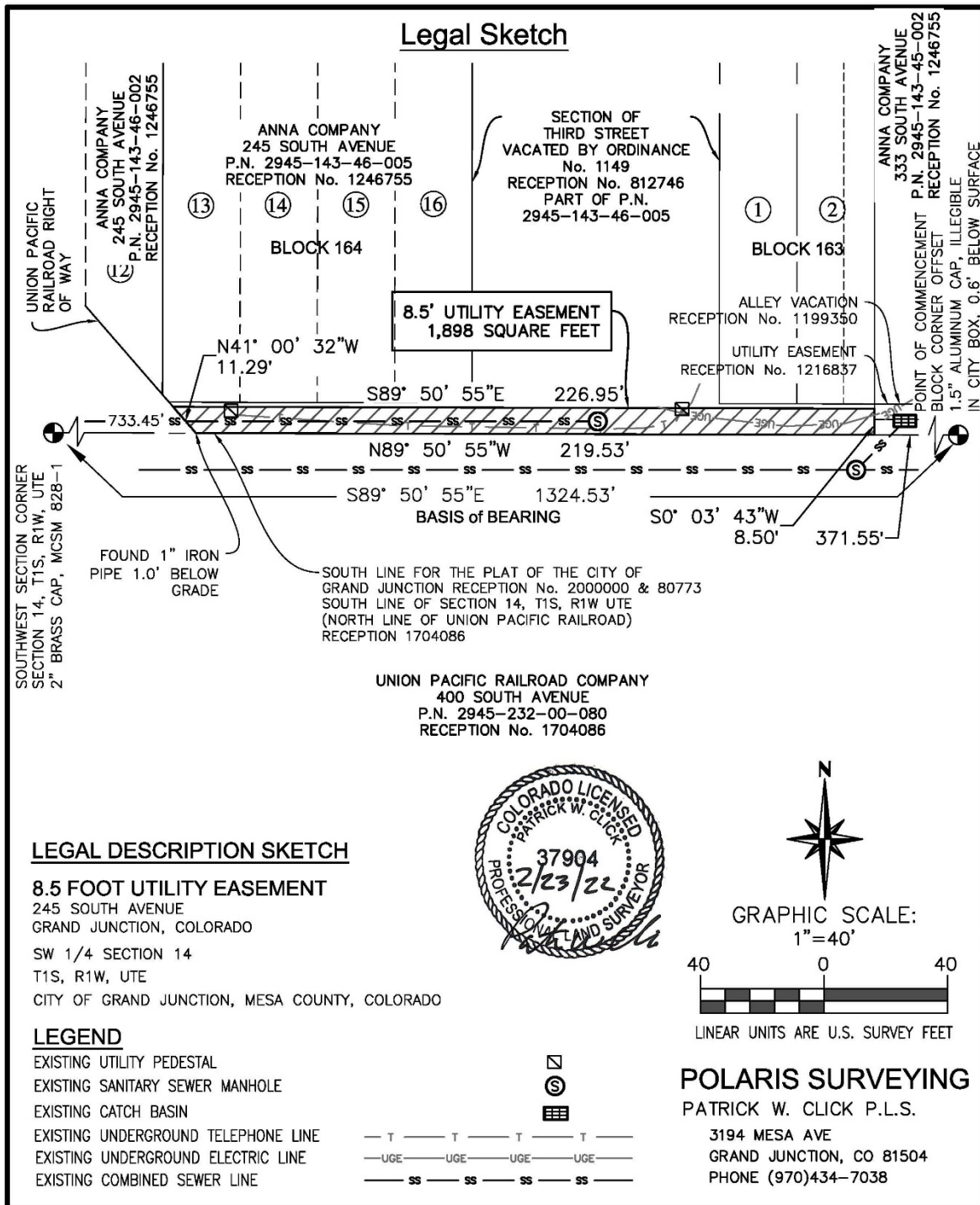


EXHIBIT C

A parcel of land situated in Section 14, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

The East 10.00 feet of Lot 2 Block 163 Plat of Part of Second Division Resurvey, as Amended and recorded at Reception Number 80773 of the Mesa County Records.

And also

That portion of right of way as shown on the Plat of Part of Second Division Resurvey, as Amended and recorded at Reception Number 80773 of the Mesa County Records lying South of and adjoining the East 10.00 feet of said Lot 2 Block 163.

Said parcel contains 1,399 square feet more or less.

80' RIGHT OF WAY
RECEPTION No. 2000000 & 80773





Grand Junction City Council

Regular Session

Item #2.a.ii.

Meeting Date: April 6, 2022
Presented By: David Thornton, Principal Planner
Department: Community Development
Submitted By: David Thornton, Principal Planner

Information

SUBJECT:

A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, Exercising Land Use Control, and Introducing Proposed Annexation Ordinance for the Twenty Eighty Broadway Annexation of 2.37 Acres, Located at 2080 Broadway, and Setting a Public Hearing for May 18, 2022

RECOMMENDATION:

Staff recommends adoption of a resolution referring the petition for the Twenty Eighty Broadway Annexation, introducing the proposed Ordinance and setting a hearing for May 18, 2022.

EXECUTIVE SUMMARY:

The Applicant, Redlands Limited is requesting annexation of approximately 2.37 acres consisting of 1 parcel of land located at 2080 Broadway. There is no right-of-way included in the annexation. The subject property has an existing residence.

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 developing the northern portion of the property which is currently vacant. 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.

BACKGROUND OR DETAILED INFORMATION:

Annexation Request:

The Applicant, Redlands Limited is requesting annexation of approximately 2.37 acres consisting of 1 parcel of land located at 2080 Broadway. There is no right-of-way

included in the annexation. The subject property has an existing residence.

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 the northern portion of the property. 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 – April 6, 2022.
- Planning Commission considers Zone of Annexation – April 26, 2022.
- Introduction of a Proposed Ordinance on Zoning by City Council – May 4, 2022.
- Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council – May 18, 2022.
- Effective date of Annexation and Zoning – June 19, 2022.

ANALYSIS

The property is currently adjacent to existing city limits to the west. 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 Twenty Eighty Broadway 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 Twenty Eighty Broadway Annexation has just over 40% 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 has existing urban utilities and services near and available to the property.
- e) The area is capable of being integrated with the City. The proposed annexation area

is adjacent to the city limits on the west side and is positioned to interconnect with the proposed Monument Ridge Estates Subdivision to the west currently under city review for 46 lots on 17.07 acres and where urban services will be expanded and stubbed to this property.

f) No land held in identical ownership is being divided by the proposed annexation. The entire property owned by the applicant 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.

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. This annexation does not include any of CDOT's State Hwy 340 / Broadway right-of-way and therefore does not have an impact to public works in regard to annexation of existing infrastructure.

Utilities.

- 1) Plant Capacity and Fees: Based on the Land Use designation and proposal for up to 11 dwelling units there is sufficient sewer capacity, and the property would be assessed the current plant investment fee (PIF) of \$5,219 per equivalent unit (2022 rate) or \$14,328. This fee is intended to pay the equivalent share of the payments due on bonds for the existing wastewater treatment plant and infrastructure.
- 2) Sewer Service Charges: Monthly sewer service rates for single family units are \$23.31. These rates have been determined sufficient to cover the cost of service.

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 \$310 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 \$212 per year (prior to development) and \$1,400-

\$3,000 per year after estimated planned development. 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.

Police Department. Based upon the assumed construction of 5 to 11 homes on this property, its location and makeup, there will be limited impact upon the police department. Considering calls for service in the area, value of homes, and makeup of the surrounding residential properties, we would expect to see limited need for police response, but not none.

For the purpose of this analysis, we would estimate the impact upon our staffing to be less than 1 full officer position and following other similar estimates would recommend that out of a full year, an officer would only need to dedicate 2 hours out of every week, 104 hours for a year, on average for random patrol, traffic enforcement/accident investigation, crime reports, or civil requests for assistance. This calculates to an expected increase of 0.01 full-time officer in calculating police demand for this annexation, consistent with other small developments.

SUGGESTED MOTION:

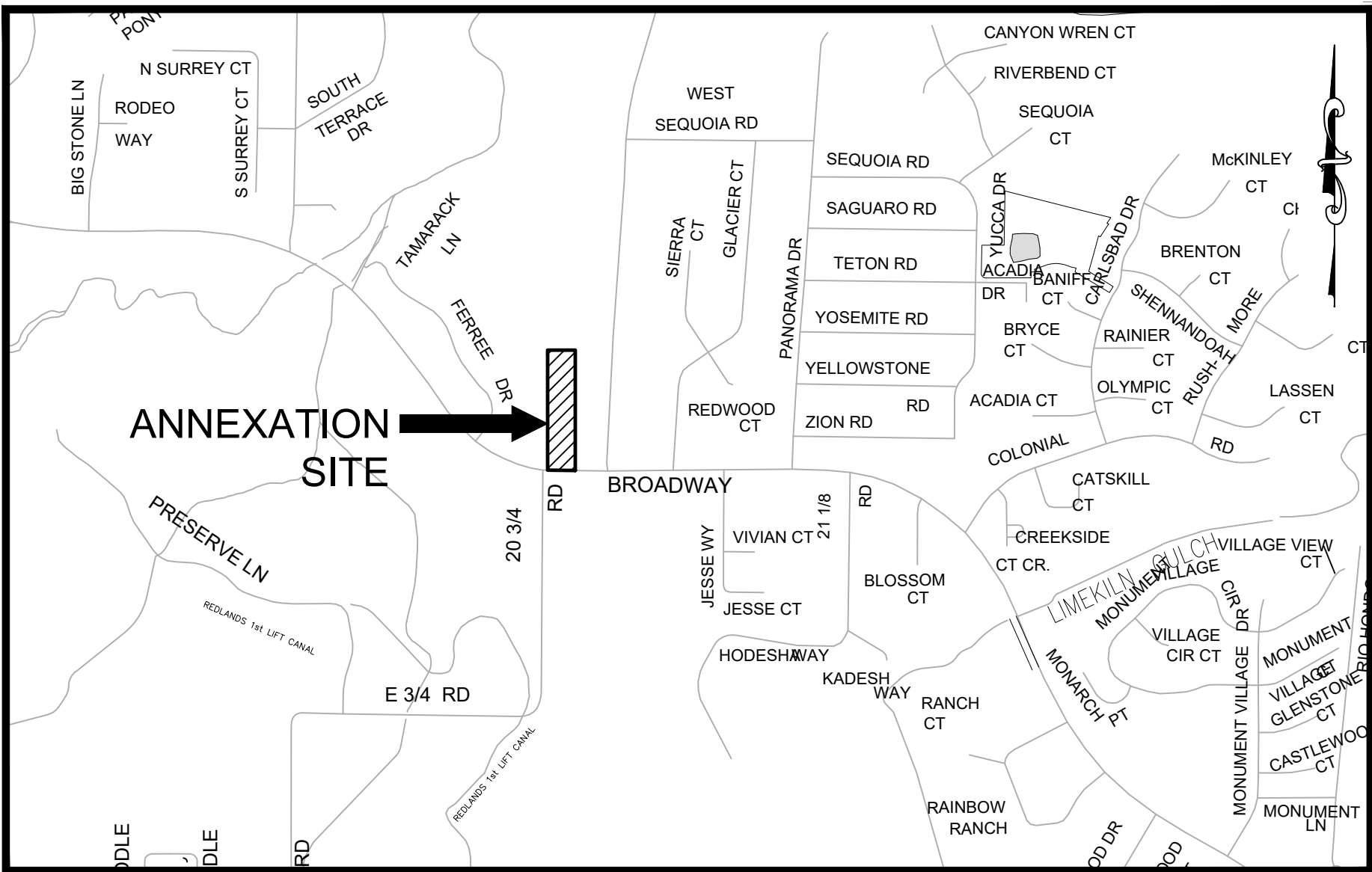
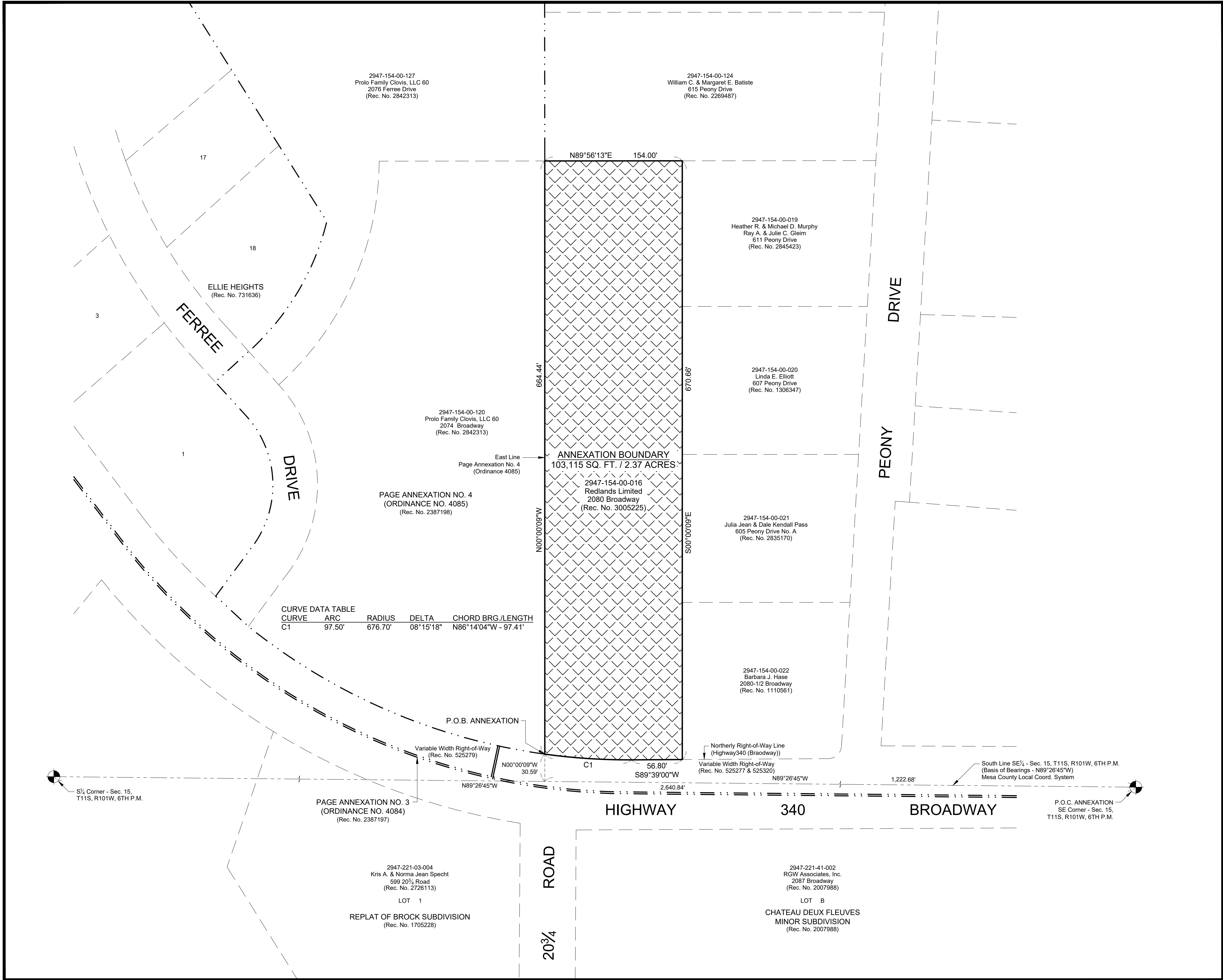
I move to (adopt/deny) Resolution No. 27-22, a resolution referring a petition to the City Council for the annexation of lands to the City of Grand Junction, Colorado, setting a hearing on such annexation and exercising land use control over the Twenty Eighty Broadway Annexation, approximately 2.37 acres, located at 2080 Broadway, as well as introduce a proposed ordinance annexing territory to the City of Grand Junction, Colorado, Twenty Eighty Broadway Annexation, approximately 2.37 acres, located at 2080 Broadway, and set a public hearing for May 18, 2022.

Attachments

1. 2080 Broadway Annexation Plat
2. Site Maps and Photo
3. Annexation Schedule - Table - Twenty Eighty Broadway Annexation
4. Resolution - Referral of Petition Twenty Eighty Broadway Annexation
5. Twenty Eighty Broadway Annexation Ordinance

TWENTY EIGHTY BROADWAY ANNEXATION

Located in the SE 1/4 SE 1/4 SECTION 15, TOWNSHIP 11 SOUTH, RANGE 101 WEST,
6TH PRINCIPAL MERIDIAN, COUNTY OF MESA, STATE OF COLORADO



SITE LOCATION MAP

SCALE: 1" = 800'

LEGAL DESCRIPTION

A parcel of land as described in Reception Number 3005225, located in the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section 15, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southeast Corner of said Section 15 and assuming the South line of the Southeast Quarter of said Section 15 bears N89°26'45"W with all other bearings contained herein relative thereto; thence N89°26'45"W along said South line, a distance of 1,222.68 feet; thence N00°00'09"W, a distance of 30.59 feet to a point on the Northerly Right-of-Way line of Highway 340 as described in Reception Number 525320, said point also being a point on the East line of PAGE ANNEXATION NO. 4, Ordinance 4085, Reception Number 2387198 and being the Point of Beginning;

thence continuing N0°00'09"W along said East line of PAGE ANNEXATION NO. 4, a distance of 664.44 feet; thence N89°56'13"E, a distance of 154.00 feet; thence S00°00'09"E, a distance of 670.66 feet to said Northerly Right-of-Way line of Highway 340; thence S89°39'00"W, a distance of 56.80 feet to the beginning of a curve; thence Westerly, a distance of 97.50 feet along the curve concave to the North, having a radius of 676.70 feet, a central angle of 08°15'18" and a chord which bears N86°14'04"W, a distance of 97.41 feet distant to the Point of Beginning.

Said parcel containing 103,115 Square Feet or 2.37 Acres more or less, as described.

LEGEND

ANNEXATION BOUNDARY	---
ANNEXATION AREA	XXXX
EXISTING CITY LIMITS	---

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT	SQ. FT.	SQUARE FEET
P.O.B.	POINT OF BEGINNING	Δ=	CENTRAL ANGLE
R.O.W.	RIGHT OF WAY	RAD.	RADIUS
SEC.	SECTION	ARC	ARC LENGTH
TWP.	TOWNSHIP	CHD.	CHORD LENGTH
RGE.	RANGE	CHB.	CHORD BEARING
U.M.	UTE MERIDIAN	BLK.	BLOCK
NO.	NUMBER	P.B.	PLAT BOOK
REC.	RECEPTION	BK.	BOOK
		PG.	PAGE
		HOR. DIST.	HORIZONTAL DISTANCE

AREAS OF ANNEXATION

ANNEXATION PERIMETER	1,643.40 FT.
CONTIGUOUS PERIMETER	664.44 FT.
AREA IN SQUARE FEET	103,115 FT ²
AREA IN ACRES	2.37
AREA WITHIN R.O.W.	0.000 FT ²
	0.00 ACRES

ORDINANCE NO.
XXXX

EFFECTIVE DATE
APRIL XX, 2022

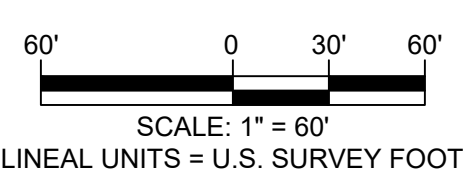
NOTE:
THE DESCRIPTION(S) CONTAINED HEREIN HAVE BEEN DERIVED FROM SUBDIVISION PLAT, DEED DESCRIPTIONS & DEPOSIT SURVEYS AS THEY APPEAR IN THE OFFICE OF THE MESA COUNTY CLERK & RECORDER. THIS PLAT OF ANNEXATION DOES NOT CONSTITUTE A LEGAL BOUNDARY SURVEY, AND IS NOT INTENDED TO BE USED AS A MEANS OF ESTABLISHING 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

G:\Data\SURVEY\Annexations\2022\2022-60 - 2080 Broadway\60 CAD\2080 Broadway Annexation Plat.dwg - PLOTTED 2022-03-01

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: 03/01/2022
DESIGNED BY: RBP DATE: 03/01/2022
CHECKED BY: CVW DATE: 03/04/2022
APPROVED BY: RBP DATE: 03/04/2022



CITY OF
Grand Junction
COLORADO
333 WEST AVENUE - BLDG. C
GRAND JUNCTION, CO. 81501

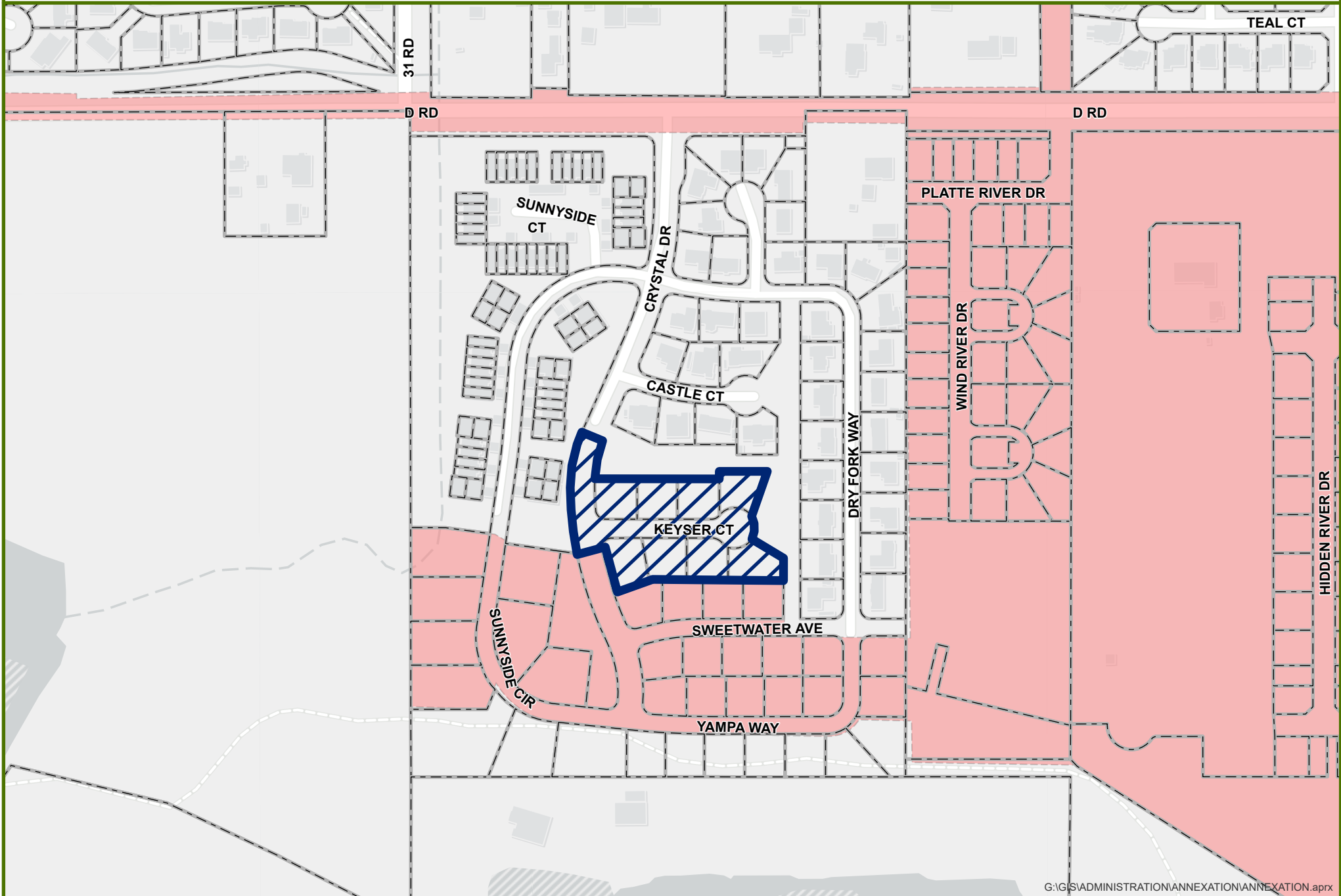
PUBLIC WORKS
ENGINEERING DIVISION

TWENTY EIGHTY BROADWAY ANNEXATION

Located in the SE 1/4 SE 1/4 SECTION 15, TOWNSHIP 11 SOUTH, RANGE 101 WEST,
6TH PRINCIPAL MERIDIAN, COUNTY OF MESA, STATE OF COLORADO

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OF
1

KEYSER COURT ANNEXATION



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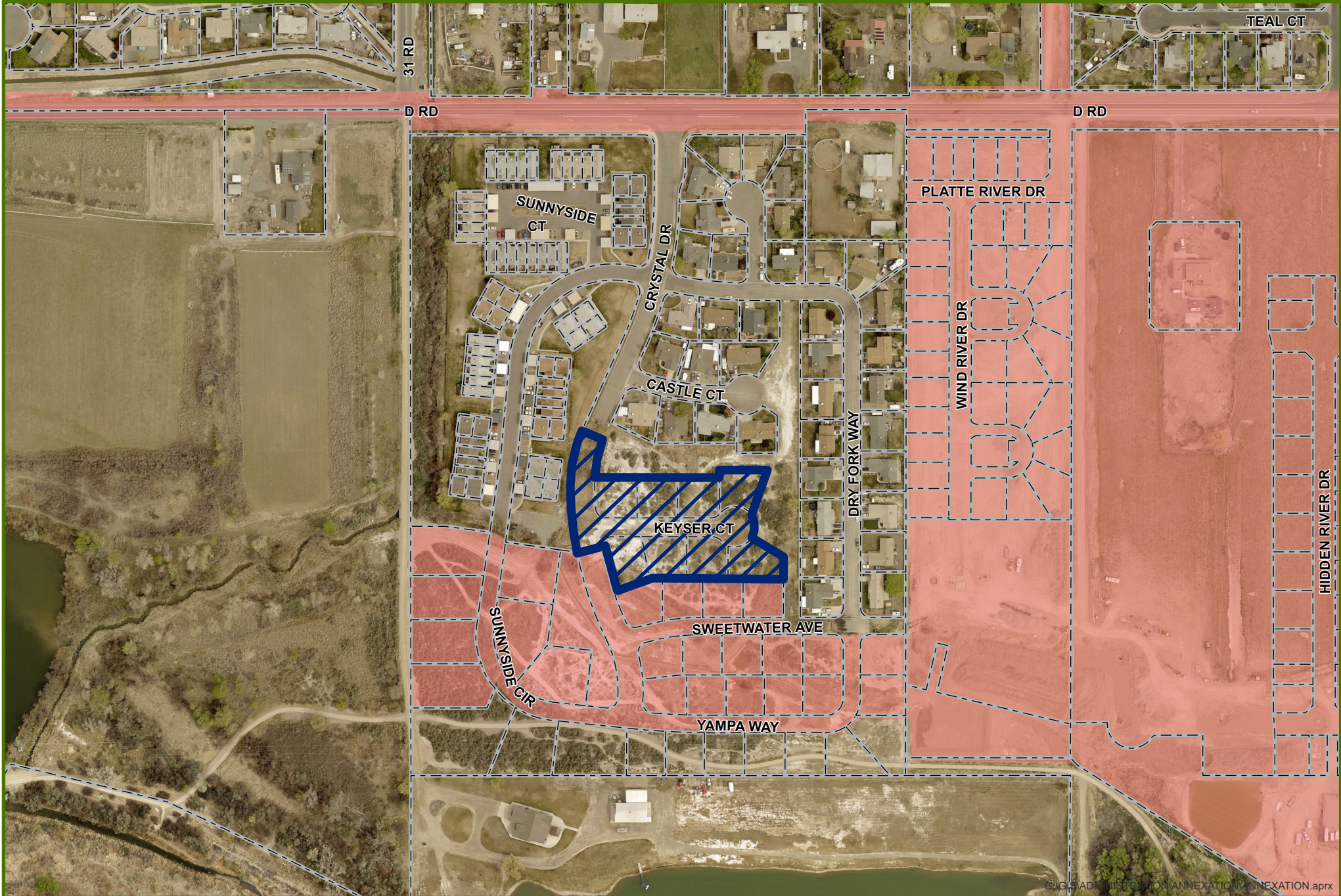


Annexation



City Limits

KEYSER COURT ANNEXATION



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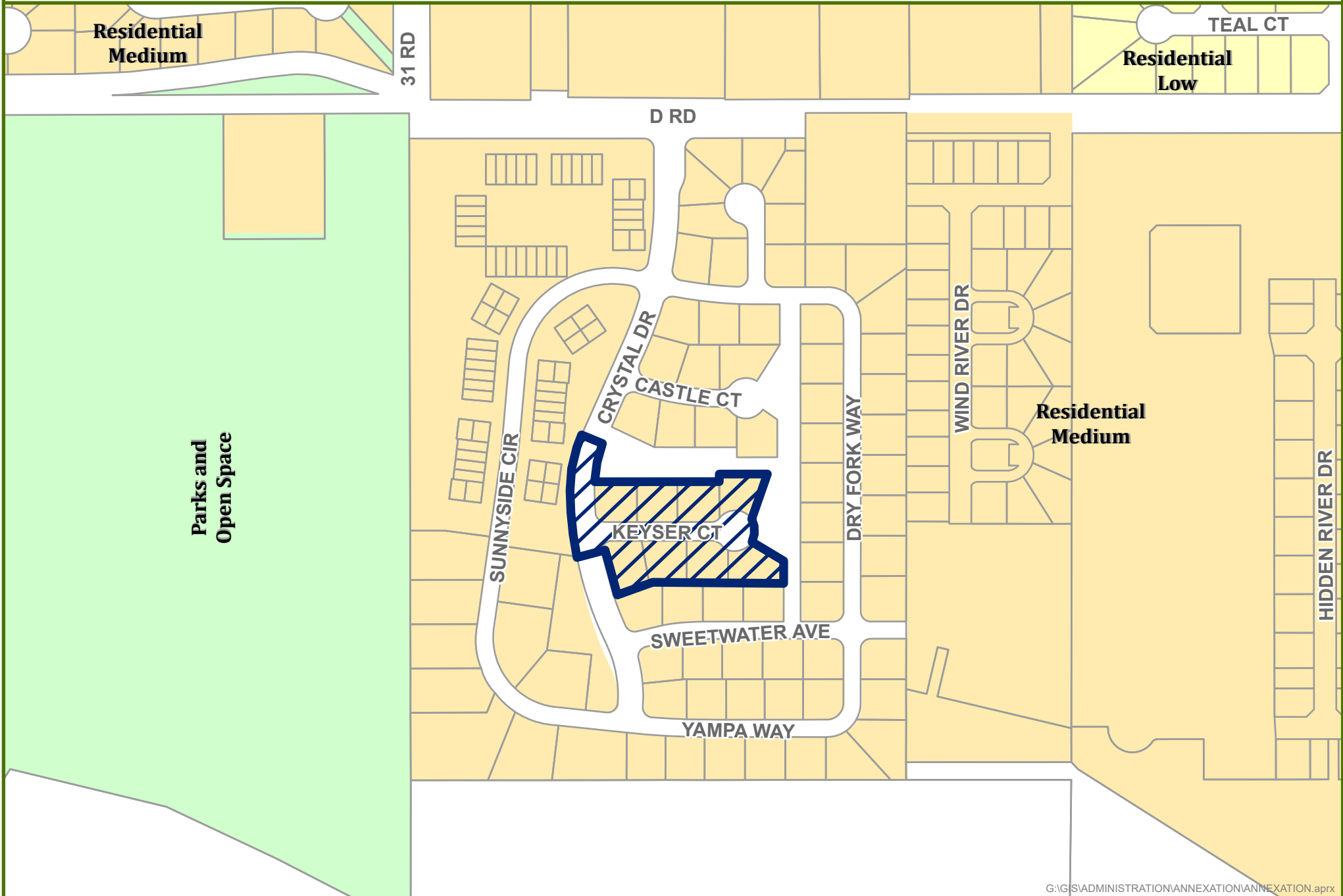


Annexation



City Limits

KEYSER COURT ANNEXATION - LAND USE



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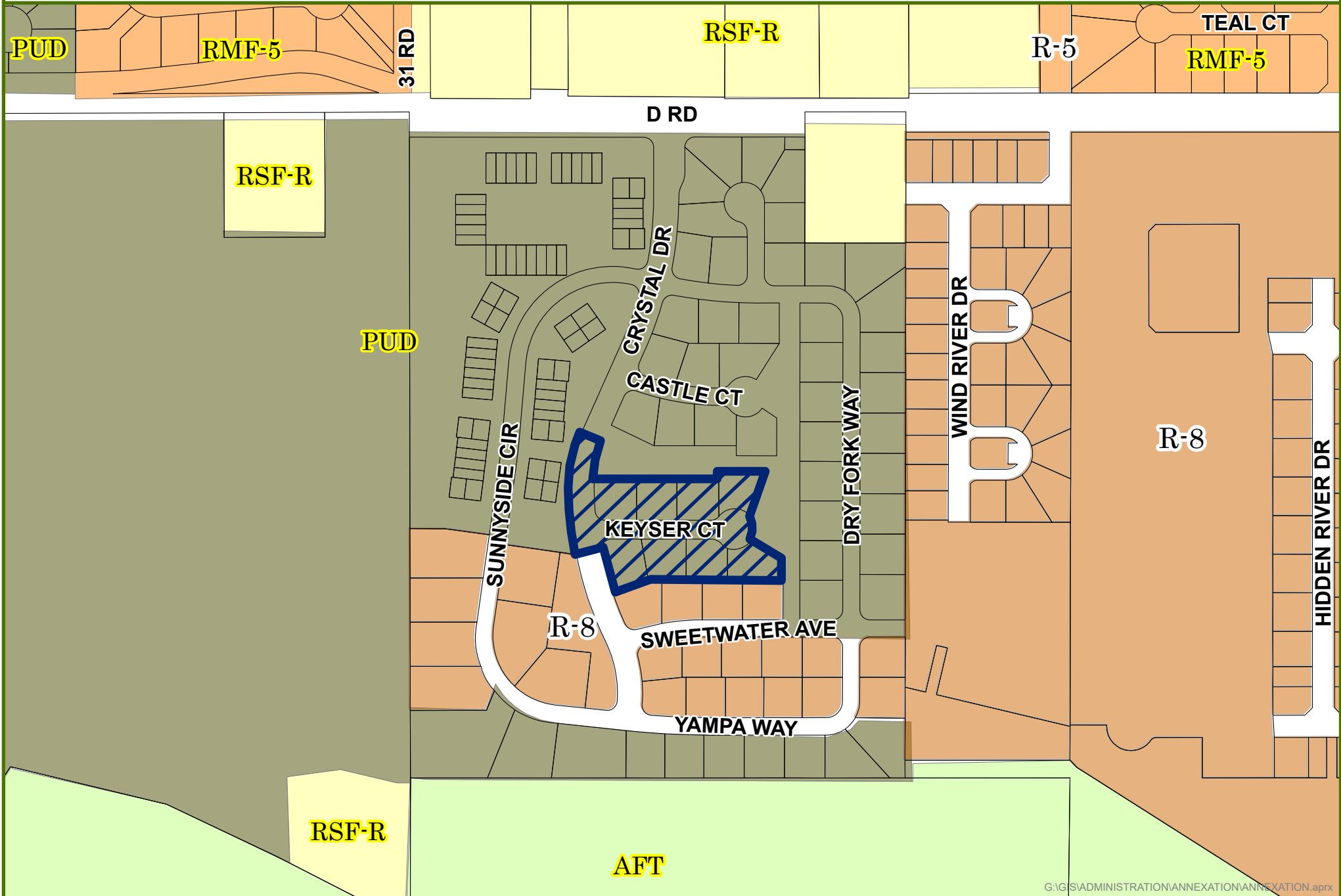
Annexation Boundary

Packet Page 47

Date Created: 2/23/2022

CITY OF
Grand Junction
COLORADO
GEOGRAPHIC INFORMATION SYSTEMS

KEYSER COURT ANNEXATION - ZONING



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0 200 400 Feet



Annexation

City Zoning

County Zoning

Packet Page 48

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.

TWENTY EIGHTY BROADWAY ANNEXATION SCHEDULE

April 6, 2022	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
April 26, 2022	Planning Commission considers Zone of Annexation
May 4, 2022	Introduction of a Proposed Ordinance on Zoning by City Council
May 18, 2022	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
June 19, 2022	Effective date of Annexation and Zoning

ANNEXATION SUMMARY

File Number:		ANX-2022-60
Location:		2080 Broadway
Tax ID Numbers:		2947-154-00-016
# of Parcels:		1
Existing Population:		2
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		2.37
Developable Acres Remaining:		2
Right-of-way in Annexation:		0
Previous County Zoning:		RSF-4
Proposed City Zoning:		R-5
Current Land Use:		Single Family
Comprehensive Plan Land Use:		Residential Low
Values:	Assessed:	\$26,500
	Actual:	\$370,590
Address Ranges:		2880 Broadway
Special Districts:	Water:	Ute
	Sewer:	City
	Fire:	GJ Rural (& GJ Rural Fire Redlands Sub)
	Irrigation/Drainage:	Redlands Water and Power
	School:	District 51
	Pest:	Grand River Mosquito District
	Other:	Colorado River Water Conservancy

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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 6th day of April 2022, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

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

TWENTY EIGHTY BROADWAY ANNEXATION

**APPROXIMATELY 2.37 ACRES
LOCATED 2080 BROADWAY**

WHEREAS, on the 6th day of April, 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:

**TWENTY EIGHTY BROADWAY ANNEXATION
PERIMETER BOUNDARY LEGAL DESCRIPTION**

A parcel of land as described in Reception Number 3005225, located in the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section 15, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southeast Corner of said Section 15 and assuming the South line of the Southeast Quarter of said Section 15 bears N89°26'45"W with all other bearings contained herein relative thereto; thence N89°26'45"W along said South line, a distance of 1,222.68 feet; thence N00°00'09"W, a distance of 30.59 feet to a point on the Northerly Right-of-Way line of Highway 340 as described in Reception Number 525320, said point also being a point on the East line of *PAGE ANNEXATION NO. 4, Ordinance 4085*, Reception Number 2387198 and being the Point of Beginning; thence continuing N0°00'09"W along said East line of *PAGE ANNEXATION NO. 4*, a distance of 664.44 feet; thence N89°56'13"E, a distance of 154.00 feet; thence S00°00'09"E, a distance of 670.66 feet to said Northerly Right-of-Way line of Highway 340; thence S89°39'00"W, a distance of 56.80 feet to the beginning of a curve; thence Westerly, a distance of 97.50 feet along the curve concave to the North, having a radius of 676.70 feet, a central angle of 08°15'18" and a chord which bears N86°14'04"W, a distance of 97.41 feet distant to the Point of Beginning.

Said parcel containing **103,115** Square Feet or **2.37** Acres more or less, as described.

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

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

1. That a hearing will be held on the 18th day of May, 2022, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 5:30 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED the 6th day of April, 2022.

President of the Council

Attest:

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
April 8th, 2022
April 15th, 2022
April 22nd, 2022
April 29th, 2022

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO
TWENTY EIGHTY BROADWAY ANNEXATION**

**APPROXIMATELY 2.37 ACRES
LOCATED AT 2080 BROADWAY**

WHEREAS, on the 6th day of April, 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:

**TWENTY EIGHTY BROADWAY ANNEXATION
EXHIBIT A**

**TWENTY EIGHTY BROADWAY ANNEXATION
PERIMETER BOUNDARY LEGAL DESCRIPTION**

A parcel of land as described in Reception Number 3005225, located in the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section 15, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southeast Corner of said Section 15 and assuming the South line of the Southeast Quarter of said Section 15 bears N89°26'45"W with all other bearings contained herein relative thereto; thence N89°26'45"W along said South line, a distance of 1,222.68 feet; thence N00°00'09"W, a distance of 30.59 feet to a point on the Northerly Right-of-Way line of Highway 340 as described in Reception Number 525320, said point also being a point on the East line of *PAGE ANNEXATION NO. 4, Ordinance 4085*, Reception Number 2387198 and being the Point of Beginning;

thence continuing N0°00'09"W along said East line of *PAGE ANNEXATION NO. 4*, a distance of 664.44 feet; thence N89°56'13"E, a distance of 154.00 feet; thence S00°00'09"E, a distance of 670.66 feet to said Northerly Right-of-Way line of Highway 340; thence S89°39'00"W, a distance of 56.80 feet to the beginning of a curve; thence Westerly, a distance of 97.50 feet along the curve concave to the North, having a radius of 676.70 feet, a central angle of 08°15'18" and a chord which bears N86°14'04"W, a distance of 97.41 feet distant to the Point of Beginning.

Said parcel containing **103,115** Square Feet or **2.37** Acres more or less, as described.

INTRODUCED on first reading on the 6th day of April 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

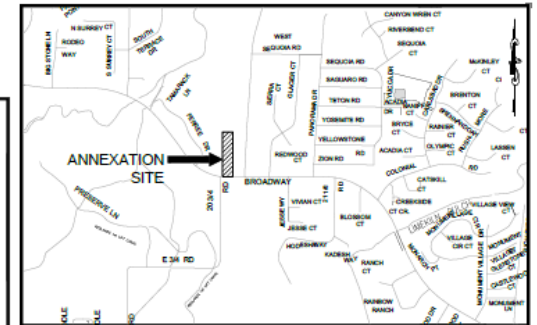
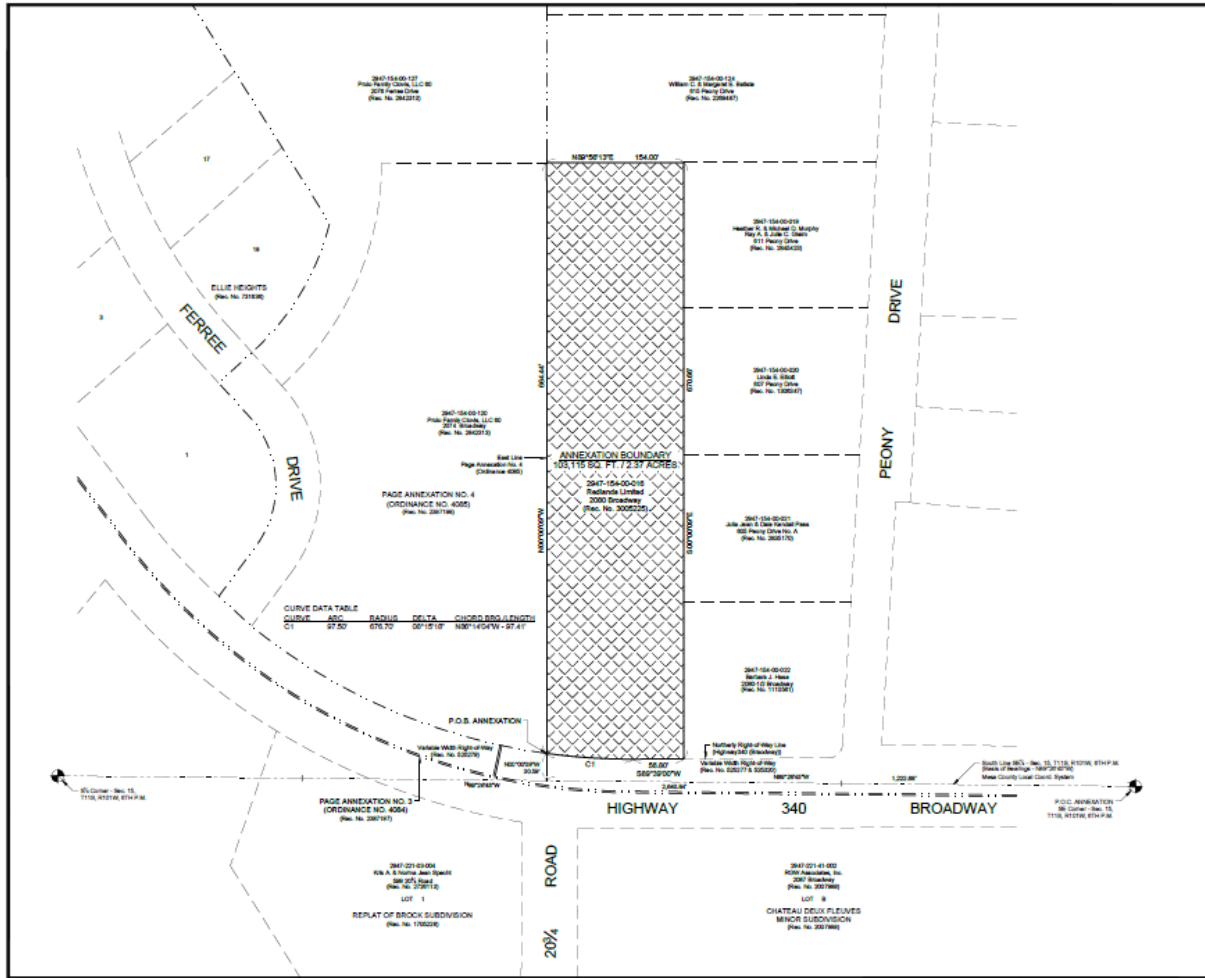
Attest:

City Clerk

EXHIBIT A

TWENTY EIGHTY BROADWAY ANNEXATION

Located in the SE 1/4 SE 1/4 SECTION 15, TOWNSHIP 11 SOUTH, RANGE 101 WEST,
6TH PRINCIPAL MERIDIAN, COUNTY OF MESA, STATE OF COLORADO



SITE LOCATION MAP

LEGAL DESCRIPTION

A parcel of land as described in Reception Number 3000235, located in the Southwest Quarter of the Southwest Quarter (SE1/4 SE1/4) of Section 15, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southwest Corner of said Section 15 and measuring the South line of the Southwest Quarter of said Section 15 bearing N80°20'00"W, a distance of 35.00 feet to a point on the Northern Right-of-Way line of Highway 340 as described in Reception Number 3000235; said point also being a point on the East line of PAGE ANNEXATION NO. 4, Ordinance 4001, Reception Number 3207158 and being the Point of Beginning;

thence continuing N20°00'00"W along said East line of PAGE ANNEXATION NO. 4, a distance of 964.44 feet; thence N80°20'00"W, a distance of 154.00 feet; thence S80°20'00"W, a distance of 87.50 feet to said Northern Right-of-Way line of Highway 340; thence S80°20'00"W, a distance of 50.00 feet to the beginning of a curve; thence westerly, a distance of 87.50 feet along the curve concave to the North, having a radius of 87.50 feet, a central angle of 90°12'10" and a chord which bears N80°14'04"W, a distance of 37.41 feet distant to the Point of Beginning;

Said parcel containing 105,115 Square Feet or 2.37 Acres more or less, as described.

LEGEND

ANNEXATION BOUNDARY
ANNEXATION AREA
EXISTING CITY LIMITS

SURVEY ABBREVIATIONS

P.O.B.	POINT OF BEGINNING	SQ. FT.	SQUARE FEET
P.O.S.	POINT OF BEGINNING	AC.	ACRES
R.O.W.	RIGHT OF WAY	RAD.	RADIUS
SEC.	SECTION	ARC.	ARC LENGTH
TWP.	TOWNSHIP	CHD.	CHORD LENGTH
RGE.	RANGE	CHL.	CHORD BEARING
U.M.	UTM MERIDIAN	BLK.	BLOCK
NO.	NUMBER	P.B.	PLAT BOOK
REC.	RECEPTION	PO.	PAGE
		HOR. DIST.	HORIZONTAL DISTANCE

AREAS OF ANNEXATION

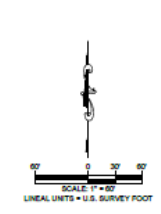
ANNEXATION PERIMETER 1,840.40 FT.
CONTIGUOUS PERIMETER 664.44 FT.
AREA IN SQUARE FEET 105,115 FT²
AREA IN ACRES 2.37
AREA WITHIN P.O.B. 0.00 ACRES

ORDINANCE NO.

XXXX

EFFECTIVE DATE

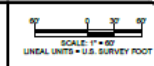
APRIL XX, 2022



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: RSP
DESIGNED BY: RSP
CHECKED BY: CWM
APPROVED BY: RSP

DATE: 05/01/2022
DATE: 05/01/2022
DATE: 05/04/2022
DATE: 05/04/2022



Grand Junction
COLORADO
333 WEST AVENUE, SUITE C
GRAND JUNCTION, CO 81501

PUBLIC WORKS
ENGINEERING DIVISION

TWENTY EIGHTY BROADWAY ANNEXATION
Located in the SE 1/4 SE 1/4 SECTION 15, TOWNSHIP 11 SOUTH, RANGE 101 WEST,
6TH PRINCIPAL MERIDIAN, COUNTY OF MESA, STATE OF COLORADO

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of
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Grand Junction City Council

Regular Session

Item #2.a.iii.

Meeting Date: April 6, 2022
Presented By: Jace Hochwalt, Senior Planner
Department: Community Development
Submitted By: Jace Hochwalt, Senior Planner

Information

SUBJECT:

Introduction of an Ordinance Rezoning One Parcel Totaling Approximately 2.46 Acres from PD (Planned Development) to C-1 (Light Commercial) Located at the Northeast Corner of Horizon Drive and 27 1/2 Road and Setting a Public Hearing for April 20, 2022

RECOMMENDATION:

Planning Commission heard this request at its March 22, 2022 meeting and voted (6-0) to recommend approval of the request.

EXECUTIVE SUMMARY:

The Applicant, Sid Squirrell, acting on behalf of the property owner, Emanuel Epstein Revocable Trust, is requesting the rezone of one parcel totaling approximately 2.46 acres from PD (Planned Development) to C-1 (Light Commercial) located at the northeast corner of Horizon Drive and 27 ½ Road. The requested C-1 zone district conforms with the Comprehensive Plan Land Use Map designation of Commercial.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The proposed rezone comprises one parcel totaling 2.46 acres situated at the northeast corner of Horizon Drive and 27 ½ Road that has sat vacant for several decades and has not been formally subdivided. The property was annexed into the Grand Junction city limits in 1978 as part of the Etter Annexation No. 2, and has a PD zone district which was approved in February of 2001 as City File Number ODP-2000-058. The subject site was only a portion of the approved Outline Development Plan (ODP), and had a Business/Commercial designation, which allowed for a number of commercial, multi-family, and retail type uses. At the time of approval, the Outline Development Plan

had a three-year expiration, which was extended for another three years in April of 2004. There was no follow-up or development of the site following the 2004 extension, and as such, the Outline Development Plan formally expired on April 7, 2007. While the site currently has a PD zoning designation, there is no active plan in place, and a rezone is required prior to any major development of the site.

The site is situated at the northeast corner of the Horizon Drive and 27 ½ Road intersection, and surrounded by several different uses. Adjacent to the north are hotels/motels, to the south is undeveloped land, to the east are two residential units followed by the Ptarmigan Estates subdivision, and to the west is the Azteca's Mexican Restaurant followed by the Bookcliff Country Club. Adjacent zoning to the north and west is Light Commercial (C-1), with the zoning to the south and east as Planned Development (PD). The 2020 One Grand Junction Comprehensive Plan classifies the subject property and adjacent properties to the north, south, and west with a Commercial land use designation. Zone districts that may implement the Commercial Land Use classification include Mixed Use (M-U), Business Park (B-P), Industrial Office Park (I-O), Light Commercial (C-1), General Commercial (C-2), as well as the form-based Mixed Use Residential and Commercial districts. As such, the Comprehensive Plan land use classification of Commercial does support the rezone request to C-1 (Light Commercial).

Because of the expiration of the formerly approved ODP that encompassed the subject site, the Applicant is proposing a rezone to C-1 (Light Commercial) to allow for future development of the site. While no development is currently proposed for the site aside from a lot split, if the rezone application is approved and a development is subsequently proposed, it would be required to go through a formal review process, likely in the form of a Major Site Plan Review.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed rezone request was held virtually on January 6, 2022 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant team and City staff were present, as well as four members of the public. The rezone request, as well as a right-of-way vacation request, was discussed, and some questions related to future uses of the site came up, although they were not elaborated on by the Applicant team at that time.

Notice was completed 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 February 2, 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, as well as neighborhood associations within 1000 feet, on March 11, 2022. The notice of the Planning Commission public hearing was published on March 15, 2022 in the Grand Junction Daily Sentinel.

ANALYSIS

Pursuant to Section 21.02.140 of the Grand Junction Municipal Code, in order to maintain internal consistency between this code and the zoning maps, zoning map amendments must only occur if at least one of the five criteria listed below is met. Staff analysis of the criteria is found below each listed criterion.

(1) Subsequent events have invalidated the original premises and findings; and/or The Comprehensive Plan Land Use Map identifies the subject property as Commercial, which is generally similar to the designation the property had in 2001 when the ODP was approved (which at the time was Mixed-Use). According to the 2001 ODP, the subject site had a designation of Business/Commercial, which allowed for a variety of commercial, multi-family, and retail uses. With that said, the ODP formally expired in April of 2007 and while the site has a zoning designation of Planned Development, no approved plan is in place. Therefore, no major development can occur on site until the property is either rezoned, or a new Outline Development Plan (ODP) is proposed. Although the ODP has expired, staff finds that the original premises of the prior land use classification of Business/Commercial under the approved ODP, which accommodated very similar uses to the C-1 (Light Commercial) zone district, are not invalidated. As such, staff finds 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
As previously indicated, the subject site has not been subdivided and has remained vacant for several decades. There is still a sizable amount of vacant or underdeveloped land in the surrounding area, albeit much of the vacant land does have some topographical challenges, including the subject site. There has been some development in the surrounding area of the subject site since the original Outline Development Plan was approved in 2001, with the largest development being the Safeway and associated shopping center to the southwest which was constructed in phases between 2002 and 2008. While the rezone would allow for further development of the subject site, the character and/or condition of the area hasn't necessarily changed since the expiration of the ODP, and as such, 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
The subject property is within an urbanized area in the north portion of the City of Grand Junction. Adequate public and community facilities and services are available and sufficient to serve uses associated with the C-1 zone district. The type and scope of land-use allowed within the C-1 zone district is similar in character and extent to the existing land-use of many nearby properties, which include restaurants, hotels, gas stations, and grocery stores/shopping centers. The subject site is currently served by Ute Water, Persigo Wastewater Treatment, and Xcel Energy (electricity and natural gas). Additionally, multi-modal access to the site is sufficient, with multiple bus stops within a few hundred feet of the subject site. There is also a proposed roundabout currently under design for the Horizon and G Road/27 ½ Road intersection that will likely be under construction in the next couple years. The application packet was sent

out to applicable utility companies for this rezone proposal, and there were no objections expressed during the review process. Based on the provision of adequate public utilities and community facilities to serve the rezone request, staff finds that 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 site has a Planned Development zoning designation, but has no approved plan that is in effect. As such, a rezone is necessary for future development of the site. The Applicant is proposing a zoning designation of C-1 (Light Commercial) to allow flexibility of uses on the site. The C-1 zone district accounts for approximately 1,158 acres of City zoned land (or 5.6%), and of that, approximately 67 acres are vacant within the City limits. While the site has been vacant for several decades, staff believes that there is land throughout the City (and in close proximity of the subject site) available to accommodate the diversity of uses allowed within the C-1 zone district. Based on these considerations, staff finds that this criterion has not been met.

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

The site is well served by transportation infrastructure, utilities, and other community facilities, and is within close proximity to commercial and employment centers. While the site has a Planned Development zoning designation, there is no approved Outline Development Plan in effect, as it expired in 2007. As such, a rezone of the property will accommodate future development of the site that couldn't otherwise occur in its current capacity, thus providing benefits to the surrounding area and community. As such, staff finds this criterion has been met.

The rezone criteria provide the City must also find the request consistent with the vision, goals, and policies of the Comprehensive Plan. Staff has found the request to be consistent with the following goals and policies of the Comprehensive Plan:

Plan Principle 3.1.b. Intensification and Tiered Growth – Support the efficient use of existing public facilities and services by directing development to locations where it can meet and maintain the level of service targets as described in Chapter 3, Servicing Growth. Prioritize development in the following locations (in order of priority).

Periodically consider necessary updates to the Tiers.

- i. Tier 1: Urban Infill
- ii. Tier 2: Suburban Infill
- iii. Tier 3: Rural Areas and County Development

Plan Principle 3.6.b. Mix of Uses - Support the creation of a mix of uses as in neighborhood centers and along prominent corridors that reflect the needs of adjoining residents and the characteristics of individual neighborhoods, including, but not limited to retail, office, entertainment, schools, libraries, parks, recreation amenities, transit facilities, and other amenities.

FINDINGS OF FACT AND RECOMMENDATION

After reviewing the Horizon Cache Rezone, City file number RZN-2022-52, rezoning one parcel totaling 2.46 acres from PD (Planned Development) to C-1 (Light Commercial) for the property located at the northeast corner of Horizon Drive and 27 ½ Road, the following findings of fact have been made:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan; and
2. In accordance with Section 21.02.140 of the Grand Junction Zoning and Development Code, one or more of the criteria have been met.

Therefore, the Planning Commission recommends approval of the request.

FISCAL IMPACT:

There is no direct fiscal impact related to this request.

SUGGESTED MOTION:

I move to introduce an ordinance rezoning approximately 2.46 acres from a PD (Planned Development) zone district to a C-1 (Light Commercial) zone district located at the northeast corner of Horizon Drive and 27 ½ Road and set a public hearing for April 20, 2022.

Attachments

1. Exhibit 1 - Application Packet
2. Exhibit 2 - Maps and Exhibits
3. Exhibit 3 - Past Ordinances & Staff Reports
4. ORD-Epstein Zoning Ordinance 032522

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: 702 Horizon Dr.

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation PD

Existing Zoning PD

Proposed Land Use Designation Commercial

Proposed Zoning C-1

Property Information

Site Location: 270 Horizon Dr. Grand Junction, CO 81501

Site Acreage: 2.46348

Site Tax No(s): 2945-012-00-93

Site Zoning: PD

Project Description: Rezone an expired PD to Light Commercial (C-1)

Property Owner Information

Name: Emanuel Epstein
Revocable Trust

Street Address: 37116 Mandarin Ave.

City/State/Zip: 2PM, FL 33541

Business Phone #: 727-320-7704

E-Mail: dronny2282@gmail.com

Fax #:

Contact Person: Deb Schneider

Contact Phone #: 727-320-7704

Applicant Information

Name: Sid Squirrel

Street Address: 244 N. 7th St.

City/State/Zip: GR JCT, CO 81501

Business Phone #: 970-263-2948

E-Mail: sid@jcommercial.com

Fax #: 970-241-6263

Contact Person: Sid Squirrel

Contact Phone #: 970-260-0121

Representative Information

Name: Mark Austin

Street Address: 123 N. 7th St.

City/State/Zip: GR JCT, CO 81501

Business Phone #: 970-242-7540

E-Mail: marka@custinicitygroup.com

Fax #: 970-255-1212

Contact Person: Mark Austin

Contact Phone #: 970-242-7540

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

Sid Squirrel

Date 1/12/22

Signature of Legal Property Owner

Debra Schneider Free

Date 1/19/22

OWNERSHIP STATEMENT - TRUST

(a) Deborah Schneide ("Trust") is the owner of the following property:

(b) Northwest corner of 27 1/2 Road and Horizon Drive

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 is also attached.

I, (c) Deborah Schneide, am the Trustee for the Trust. I have the legal authority to bind the Trust to agreements concerning financial obligations and this property. I have attached the most recently recorded Statement of Authority of the Trust.

☒ My legal authority to bind the Trust both financially and concerning this property is unlimited.

☐ My legal authority to bind the Trust financially and/or concerning this property is limited in the following manner:

All other Trustees and their authority to bind the Trust are listed and described here:

NA

☒ Trust is the sole owner of the property.

☐ Trust owns the property with other(s). The other owners of the property are:

(d) NA

On behalf of Trust, I have reviewed the application for the (e) rezoning, single sub., ROW vacation

I understand the continuing duty to inform the City planner of any changes in my authority to bind the Trust or regarding any interest in the property, such as ownership, easement, right-of-way, encroachment, boundary disputes, lienholder and any other interest in the property.

☒ I and the Trustees have no knowledge of any possible conflicts between the boundary of the property and abutting properties.

☐ I and the Trustees have the following knowledge (indicate who has the knowledge) and evidence concerning possible boundary conflicts between the property and the abutting property(ies):

(f) NA

I swear under penalty of perjury that the information in this Ownership Statement is true, complete and correct.

Signature of Partnership representative: Deborah Schneide TTEE

Printed name of person signing: Deborah Schneide

State of Florida)

County of Pinellas) ss.

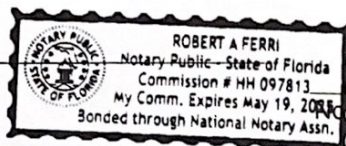
Subscribed and sworn to before me on this 19th day of January, 2022

by Robert A Ferri

Witness my hand and seal.

My Notary Commission expires on

05/19/2025



Robert A Ferri Notary Public Signature

QUITCLAIM DEED

This Quitclaim Deed made this 22nd day of July, 2019, by and between the Emanuel Epstein Revocable Trust Dated June 16, 2004, as Amended and Restated April 18, 2005 (Grantor) of 12701 126th Avenue North, #213, Largo, Florida 33774, for Ten Dollars (\$10.00) and other valuable consideration, hereby sell(s) and quitclaim(s) to the **Emanuel Epstein Revocable Trust Dated June 16, 2004, as Amended and Restated April 18, 2005** (Grantee), whose address is 12701 126th Avenue North, #213, Largo, Florida 33774, the real property interests located in the County of Mesa, State of Colorado bearing the following legal description:

That parcel of land located in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 1, Township 1 South, Range 1 West of the Ute Meridian in Grand Junction, Mesa County, Colorado and being more particularly described as follows:

PARCEL 1:

COMMENCING at the Northeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 1 South, Range 1 West, Ute Meridian, Grand Junction, Mesa County, Colorado, whence the Southeast corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ bears South 00°03'04" West, a distance of 1322.09 feet, for a basis of bearings with all bearings contained herein relative thereto; South 00°03'04" West, a distance of 230.05 feet; thence North 89°56'56" West, a distance of 40.00 feet to the West right-of-way line of 27 $\frac{1}{2}$ Road, as defined in Reception No. 718654, Mesa County records to the POINT OF BEGINNING; thence South 00°03'04" West, a distance of 133.81 feet, along said right-of-way line and that right-of-way line described in Reception No. 2075083; thence, along said right-of-way described in Reception No. 2075083 the following seven (7) courses: (1) with a non-tangent curve turning to the right having a delta angle of 25°33'38", a radius of 173.00 feet, an arc length of 77.18 feet, and a chord length of 76.54 feet, with a chord bearing of South 32°53'46" West; (2) South 45°40'34" West, a distance of 86.77 feet; (3) North 89°49'12" West, a distance of 40.54 feet; (4) North 44°19'26" West, a distance of 52.62 feet; (5) North 39°45'00" West, a distance of 150.48 feet; (6) North 44°19'26" West, a distance of 272.90 feet; (7) North 00°02'16" West, a distance of 30.03 feet; thence with a non-tangent curve turning to the left having a delta angle of 03°44'08", a radius of 1332.77 feet, an arc length of 86.89 feet, and a chord length of 86.88 feet, with a chord bearing of North 41°38'57" East, along the Southeasterly right-of-way line of Horizon Drive as dedicated in Reception No. 813634; thence North 89°59'29" East, a distance of 220.48 feet, along the South right-of-way line of G Road as dedicated in Reception No. 1322383; thence South 00°00'00" East, a distance of 184.98 feet; thence North 89°59'54" East, a distance of 189.77 feet to the POINT OF BEGINNING.

Said parcel containing an area of 2.46 Acres, as herein described.

with all its appurtenances.

**EMANUEL EPSTEIN REVOCABLE TRUST
DATED JUNE 16, 2004, AS AMENDED AND
RESTATED ON APRIL 18, 2005**

Legal Description Prepared by:
Jeffrey C. Fletcher PLS 24953
High Desert Surveying, LLC
1673 Highway 50 Unit C
Grand Junction, Colorado 81503

General Project Report
for
702 Horizon Dr. Rezone

Project Description (Location, Acreage, Proposed Use)

The purpose of this submittal is to obtain approval from the City of Grand Junction to rezone a 2.46-acre property located at 702 Horizon Drive in Grand Junction, Colorado. The project site is located on the northeast corner of 27 ½ Road and G Road at Horizon Drive. This location is depicted in the photo below:



Project Location

The property is currently zoned Planned Development (PD) in the City of Grand Junction and lies next to the intersection of Horizon Drive and 271/2 Road in an area compose of commercial properties. The applicant is requesting the property be rezoned to Light Commercial (C-1) at this time.

Adjacent properties and properties in the vicinity of the project site are zoned as Planned Development (PD) or Light Commercial (C-1).

Surrounding Land Uses and Zoning

The following adjacent properties are zoning accordingly:

DIRECTION	ZONING	CURRENT LAND USE
North/west	PD	Residential
North	C-1	Commercial
South	PD	Commercial

General Project Report
for
702 Horizon Dr. Rezone

East
West

PD
C-1

Residential
Commercial

The City of Grand Junction's current zoning surrounding this parcel is shown below.



Current City of Grand Junction Zoning



2020 Comprehensive Plan

**General Project Report
for
702 Horizon Dr. Rezone**

Neighborhood Meeting

A virtual neighborhood meeting was held on January 6, 2022, via Zoom, at 5:33 P.M. for the rezone and ROW vacation request for a 2.46-acre property located at the northeast corner of 27-1/2 Road and Horizon Drive in Grand Junction, Colorado. There were 7 participants in the Zoom meeting. A screen shot of the participant list is depicted below:



Participant List from Zoom Virtual Neighborhood Meeting

Site Access

The proposed rezone requests no changes to site access. The site is accessible from 27 1/2 Road and Horizon Drive. A future development project will likely require an access point at 27 1/2 Road and G Road.

Utilities

All utility services required for this project are currently located on, or adjacent to, the project site. No changes are proposed at this time for the rezone from PD to C-1.

An 8-inch PVC sanitary sewer line currently exists adjacent to the north side of the parcel on G Road. There is also an 8-inch PVC stubbed sanitary sewer line adjacent to the property on the southwest corner located along 27 1/2 Road. A 15-inch PVC sanitary main line exists on the west side of the parcel along Horizon Drive.

There are two 8-inch water lines owned by Ute Water that are adjacent to the property. One line is located on the east side of the property on 27 1/2 Court and runs from 27 1/2 Road to G Road.

General Project Report
for
702 Horizon Dr. Rezone

The second water line is adjacent to the north side of the property on G Road to Horizon Drive. There are two water mains owned by Ute Water within the vicinity of the property; an 18-inch water main adjacent to the south side of the property on 27 ½ Road and a 12-inch water main located on the west side of the property on Horizon Drive.

Three flow hydrants exist within the vicinity of the property; on the northeast corner of 27 ½ Court at G Road, on the north side of the property on G Road, and one located on the northwest side of Horizon Dr. A test hydrant exists on the southeast corner of 27 ½ Road at 27 ½ Court. The water lines and hydrants owned by Ute Water are depicted in the image below:



Map of Ute Water Lines and Hydrant Locations

City water does not currently exist on this site. Future development would likely utilize the previously listed water lines owned by Ute Water. Exact water distribution system requirements are yet to be determined. No changes are proposed at this time.

Irrigation water is present on the site, so use remains unchanged by the proposed zoning.

Development Schedule and Phasing

The project anticipates obtaining rezone approval in late March or early April of 2022.

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

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

Response: The Comp Plan Land Use Map indicates this parcel as Commercial and since the current PD has expired with nothing done with property and nothing can be done until it's been rezone, so I would argue that this criterion has been satisfied.

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

Response: I do not feel that the area and character has changed substantially so therefore I don't think this criterion has been met.

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

Response: The rezone request would allow for a future land development project which is consistent with the surrounding area. There are ample and adequate community/public facilities to support this proposed zoning, therefore I believe 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**

Response: While there is ample supply of commercially zoned property in the community, I think there is a lack of it on the Horizon Dr corridor and this property is perfectly suited for this zoning, so I think this criterion has been met.

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

Response: This is great location that has gone way too long under developed and not generating its highest potential property tax and sales tax revenue that a business located on this site would generate and currently is a real eye sore compared to a new development. Therefore, I do believe this rezone meets this criterion as well.

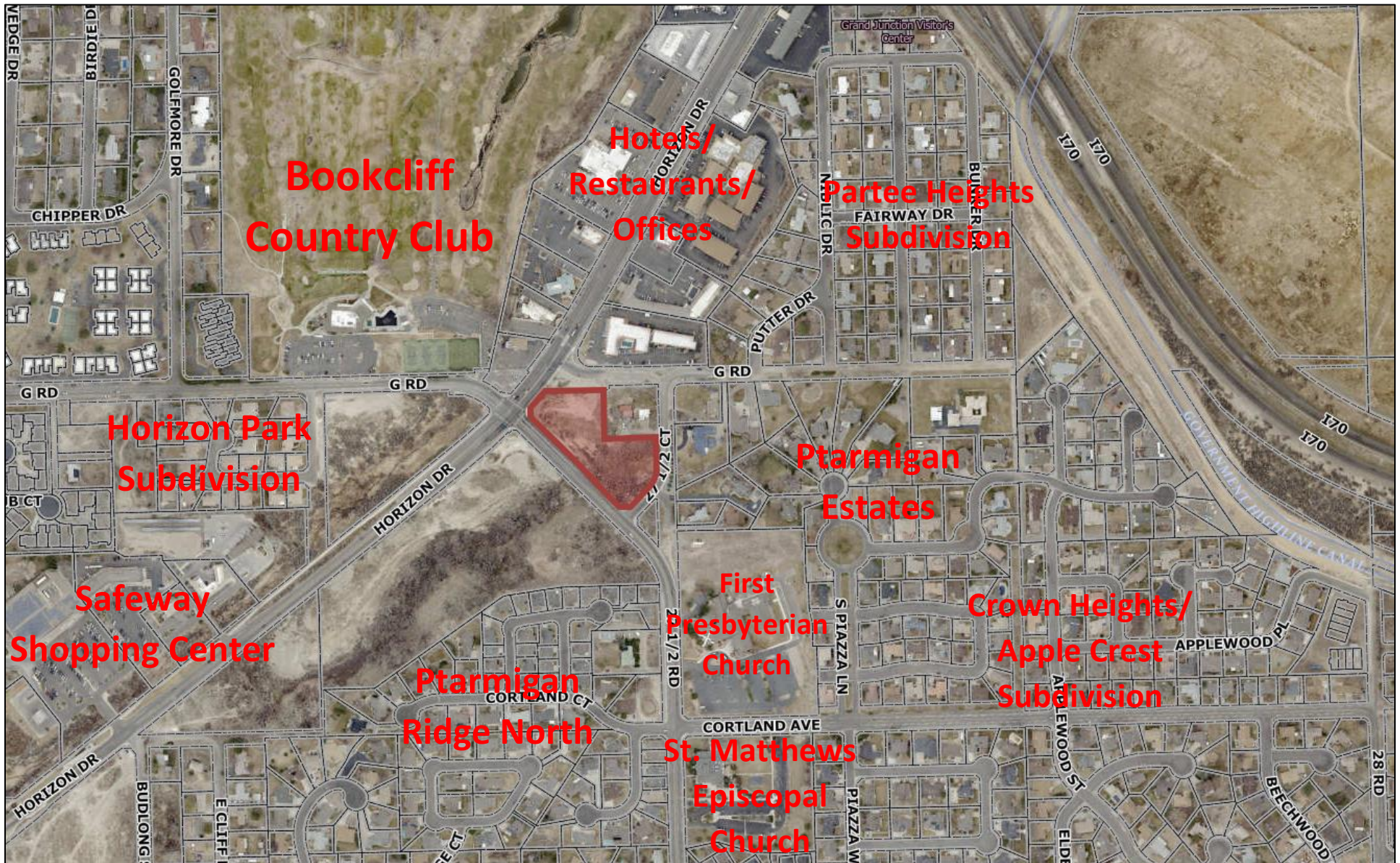
EXHIBIT A
LEGAL DESCRIPTION
NE CORNER 27 ½ & HORIZON DRIVE

That parcel of land located in the Northeast Quarter of the Northwest Quarter, also known as Government Lot 3 of Section 1, Township 1 South, Range 1 West of the Ute Meridian in Grand Junction, Mesa County, Colorado and being more particularly described as follows:

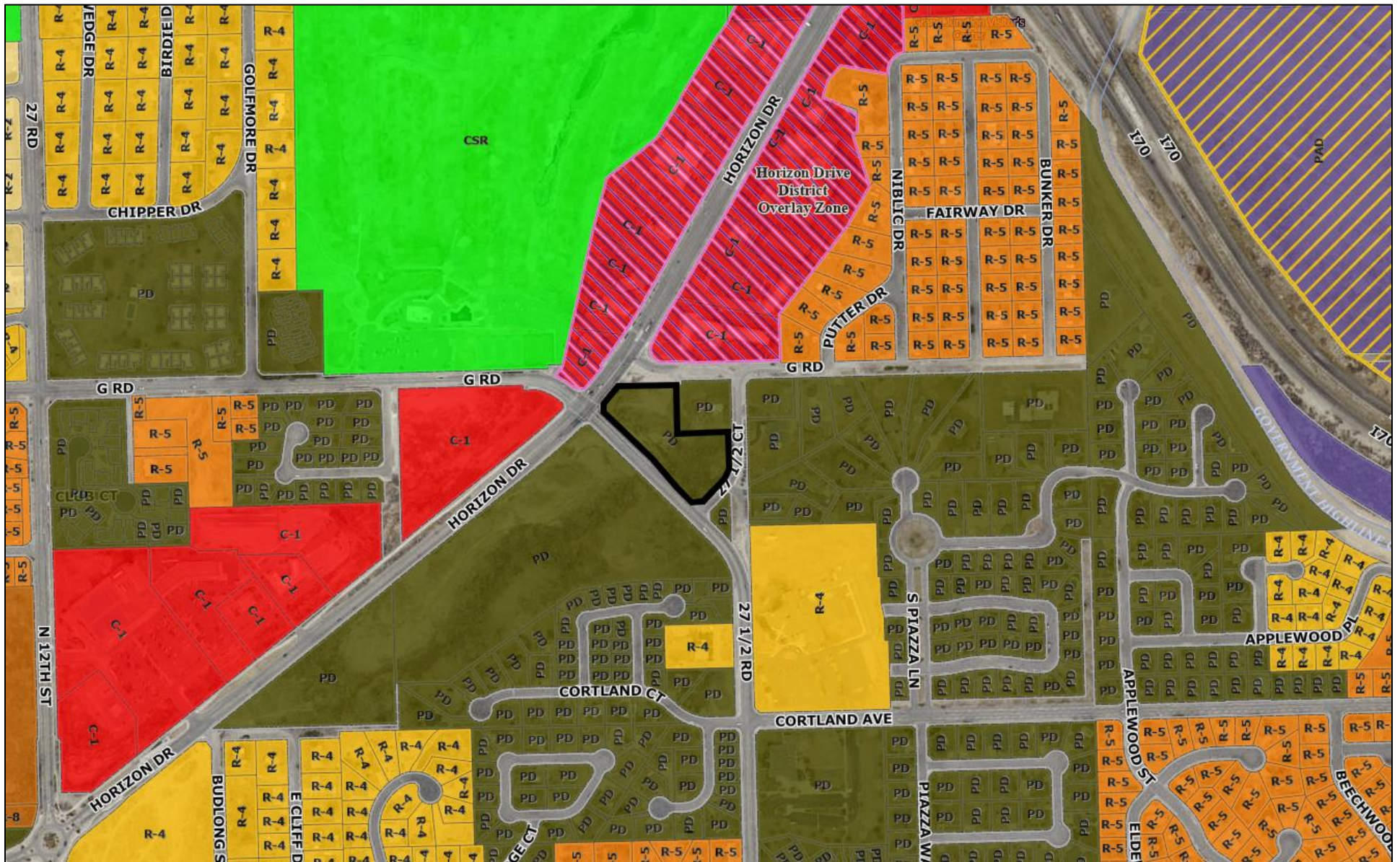
COMMENCING at the Northeast corner of said Government Lot 3 of Section 1, Township 1 South, Range 1 West, Ute Meridian, Grand Junction, Mesa County, Colorado, whence the Southeast corner of said Government Lot 3 bears South 00°03'04" West, a distance of 1322.09 feet, for a basis of bearings with all bearings contained herein relative thereto; South 00°03'04" West, a distance of 230.00 feet; thence North 89°56'56" West, a distance of 40.00 feet to the West right-of-way line of 27½ Road, as called to in Reception No.1376416, Mesa County records to the POINT OF BEGINNING; thence South 00°03'04" West, a distance of 133.82 feet, along said right-of-way line to that right-of-way line described in Reception No.2075083; thence, along said right-of-way described in Reception No.2075083 the following seven (7) courses: (1) with a non-tangent curve turning to the right having a delta angle of 25°33'38", a radius of 173.00 feet, an arc length of 77.18 feet, and a chord length of 76.54 feet, with a chord bearing of South 32°53'46" West ; (2) South 45°40'34" West, a distance of 86.77 feet; (3) North 89°49'12" West, a distance of 40.54 feet; (4) North 44°19'26" West, a distance of 52.62 feet; (5) North 39°45'00" West, a distance of 150.48 feet; (6) North 44°19'26" West, a distance of 272.90 feet; (7) North 00°02'16" West, a distance of 30.43 feet; thence with a non-tangent curve turning to the left having a delta angle of 02°31'58", a radius of 1960.00 feet, an arc length of 86.64 feet, and a chord length of 86.64 feet, with a chord bearing of North 41°48'21" East, along the Southeasterly right-of-way line of Horizon Drive as dedicated in Reception No.813634; thence North 89°59'53" East, a distance of 220.41 feet, along the South right-of-way line of G Road as dedicated in Reception No.1322383; thence South 00°03'04" West, a distance of 185.00 feet; thence North 89°59'53" East, a distance of 190.00 feet to the POINT OF BEGINNING.

Said parcel containing an area of 2.46 Acres, as herein described.

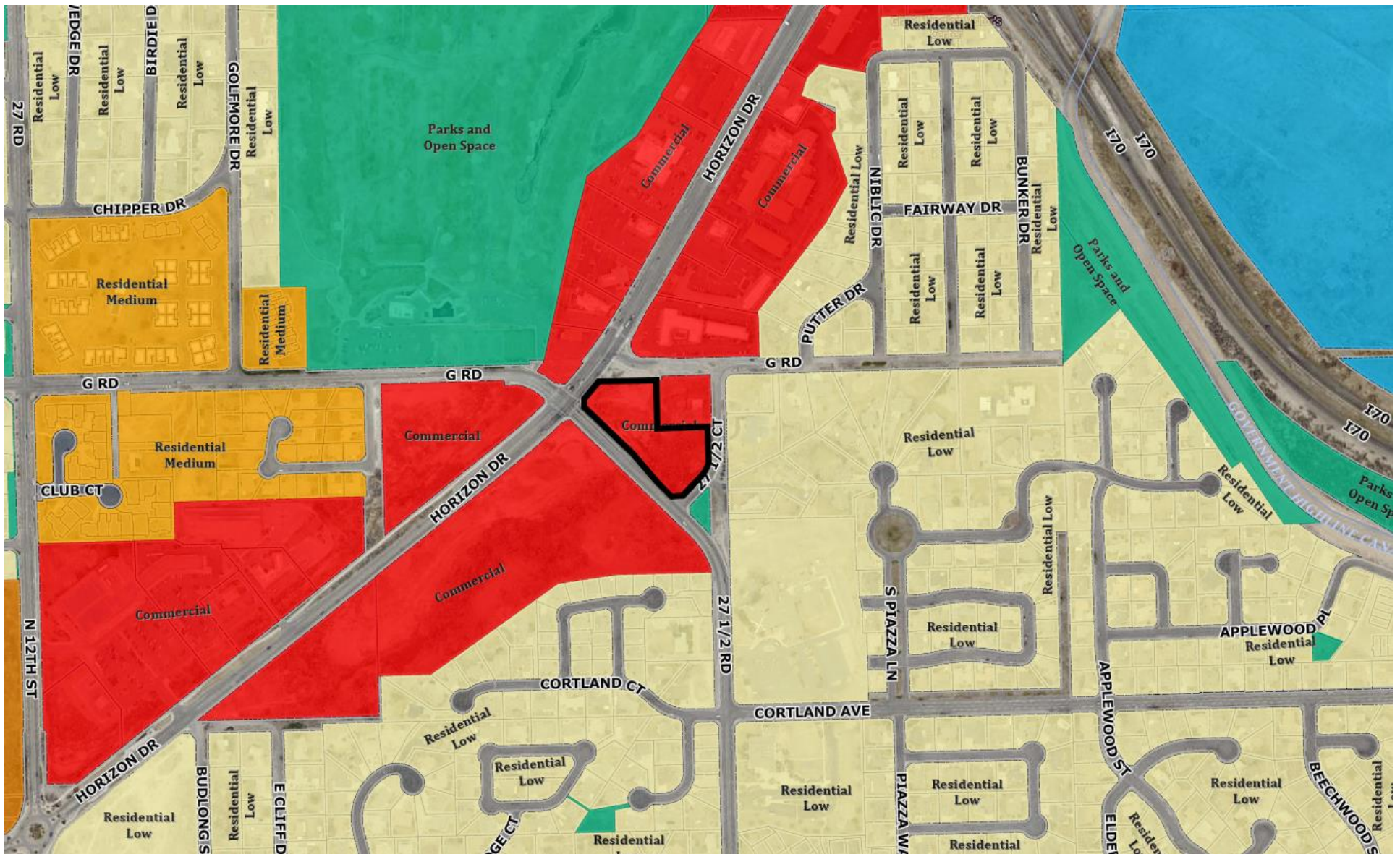
Vicinity Map



Zoning Map



Comprehensive Plan Land Use Map



1978 Annexation Ordinance

ORDINANCE NO. 1723

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

WHEREAS, on the 4th day of January, 1978, 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, 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 as the petition was signed by the owners of one hundred percent of the territory petitioned for annexation;

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

That the following described territory, to wit:

Beginning at a point on the West right-of-way line of 27 1/2 Road, said point being 25 feet West and 230 feet South of the Northeast Corner of the Northeast Quarter of the Northwest Quarter of Section 1, Township 1 South, Range 1 West, Ute Meridian; thence South along the West right-of-way line of 27 1/2 Road 552.5 feet; thence West 383 feet; thence South 82° 49' West 220 feet; thence South 55° 57' West 596 feet; thence West 190 feet; thence South 176 feet; thence West approximately 200 feet to the East line of O'Nan Subdivision; thence North along the East line of O'Nan Subdivision 30 feet to the North right-of-way line of Cliff Drive; thence West along said right-of-way line to the Southeast right-of-way line of Horizon Drive; thence Northeasterly along said right-of-way line to the North right-of-way line of G Road; thence East along said right-of-way line to the Northerly extension of the West right-of-way line of 27 1/2 Road; thence South along said extension 60 feet to the South right-of-way line of G Road; thence West along said right-of-way line 205 feet; thence South 200 feet; thence East 205 feet to the point of beginning,

AND

That part of the Northeast Quarter of the Northwest Quarter of Section 1, Township 1 South, Range 1 West, Ute Meridian, lying North and West of County Highway (Horizon Drive), also that part of County Highway (Horizon Drive) adjacent on the South and East,

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

PASSED and ADOPTED this 1st day of February, 1978.

Lawrence L. Kozisek

President of the Council

Attest:

Neva B. Lockhart, CMC

City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1723, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 4th day of January, 1978, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 2nd day of February, 1978.

Neva B. Lockhart, CMC

Neva B. Lockhart
City Clerk

Published: January 8, 1978

Final Publication: February 5, 1978

Effective: March 7, 1978

ETTER ANNEXATION No 2

LEGAL DESCRIPTION

Part of the North Half of the NW quarter
of Section 1, Township 1 South, Range 1 West, Ute Meridian

More particularly described as: Beginning at a point on the West Right of Way line of 27 1/2 Road, said point being 25 feet West and 230 feet South of the NE corner of the NE quarter of the NW quarter of Section 1, Township 1 South, Range 1 West; of the Ute Meridian; Thence South along the West right of way line of 27 1/2 Road 552.5 feet; Thence West 383 feet; Thence South 82° 49' West 220 feet; Thence South 55° 57' West 596 feet; Thence West 190 feet; Thence South 176 feet; Thence West approximately 200 feet to the East line of the O'Nan Subdivision; Thence North along the East line of O'Nan Subdivision 30 feet to the North right of way line of Cliff Drive; Thence West along said right of way line to the Southeast right of way line of Horizon Drive; Thence Northeasterly along said right of way line to the North right of way line of G Road; Thence East along said right of way line to the Northerly extension of the West right of way line of 27 1/2 Road; Thence South along said extension 60 feet to the South right of way line of G Road; Thence West along said right of way line 205 feet; Thence South 200 feet; Thence East 205 feet to the point of beginning

LEGEND

BOUNDARY OF EXISTING CORPORATE LIMITS —————
BOUNDARY OF NEW CORPORATE LIMITS - - - - -

AREA OF ANNEXATION

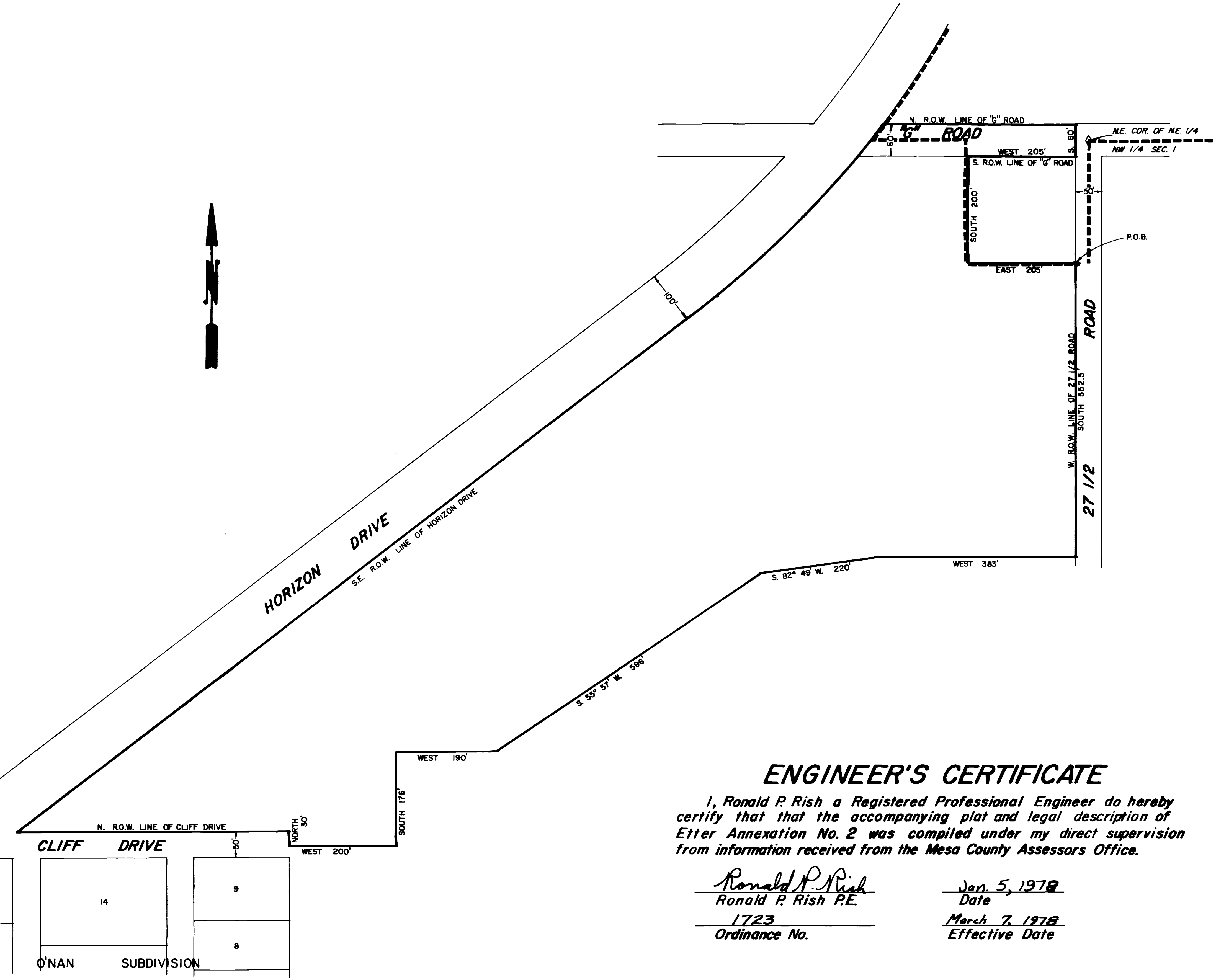
BOUNDARY CONTIGUOUS TO EXISTING CORPORATE LIMITS —
— APPROX. — 615 ft.
PERIMETER OF AREA TO BE ANNEXED —
— APPROX. — 6000 ft.
TOTAL ANNEXED AREA IN ACRES —
— APPROX. — 2.2 acres

ENGINEER'S CERTIFICATE

I, Ronald P. Rish a Registered Professional Engineer do hereby certify that that the accompanying plat and legal description of Etter Annexation No. 2 was compiled under my direct supervision from information received from the Mesa County Assessors Office.

Ronald P. Rish
Ronald P. Rish P.E.
1723
Ordinance No.

Jan. 5, 1978
Date
March 7, 1978
Effective Date



DESCRIPTION	DATE	DRAWN BY	DATE	SCALE	DEPARTMENT OF PUBLIC WORKS AND UTILITIES ENGINEERING DIVISION CITY OF GRAND JUNCTION, COLORADO	SHEET NO. 1 OF 2 FILE NO. 01-539
REVISION Δ		CHECKED BY	DATE	PLAN HORIZ. 1" = 100'		
REVISION Δ		APPROVED BY	DATE	PROFILE HORIZ. _____		
REVISION Δ		FIELD BOOK NO.	PAGE	VERT. _____		
REVISION Δ						

ETTER ANNEXATION NO. 2

LEGAL DESCRIPTION

Part of the North half of the NE quarter of the NW quarter of Section 1
T1S, R1W of the Ute Meridian

More particularly described as: Beginning at the NW corner of the NE quarter of the NW quarter of said Section 1; Thence South along the West sixteen line also known as the center line of County Road called 27 1/4 Road, to a point that intersects with the SE Right of Way line of Horizon Drive; Thence Northeast along said Right of Way line to a point that intersects with the North line of said Section 1, also known as the center line of County Road called G Road; Thence West along said section line to the Point of Beginning.

LEGEND

BOUNDARY OF EXISTING CORPORATE LIMITS -----
BOUNDARY OF NEW CORPORATE LIMITS =====

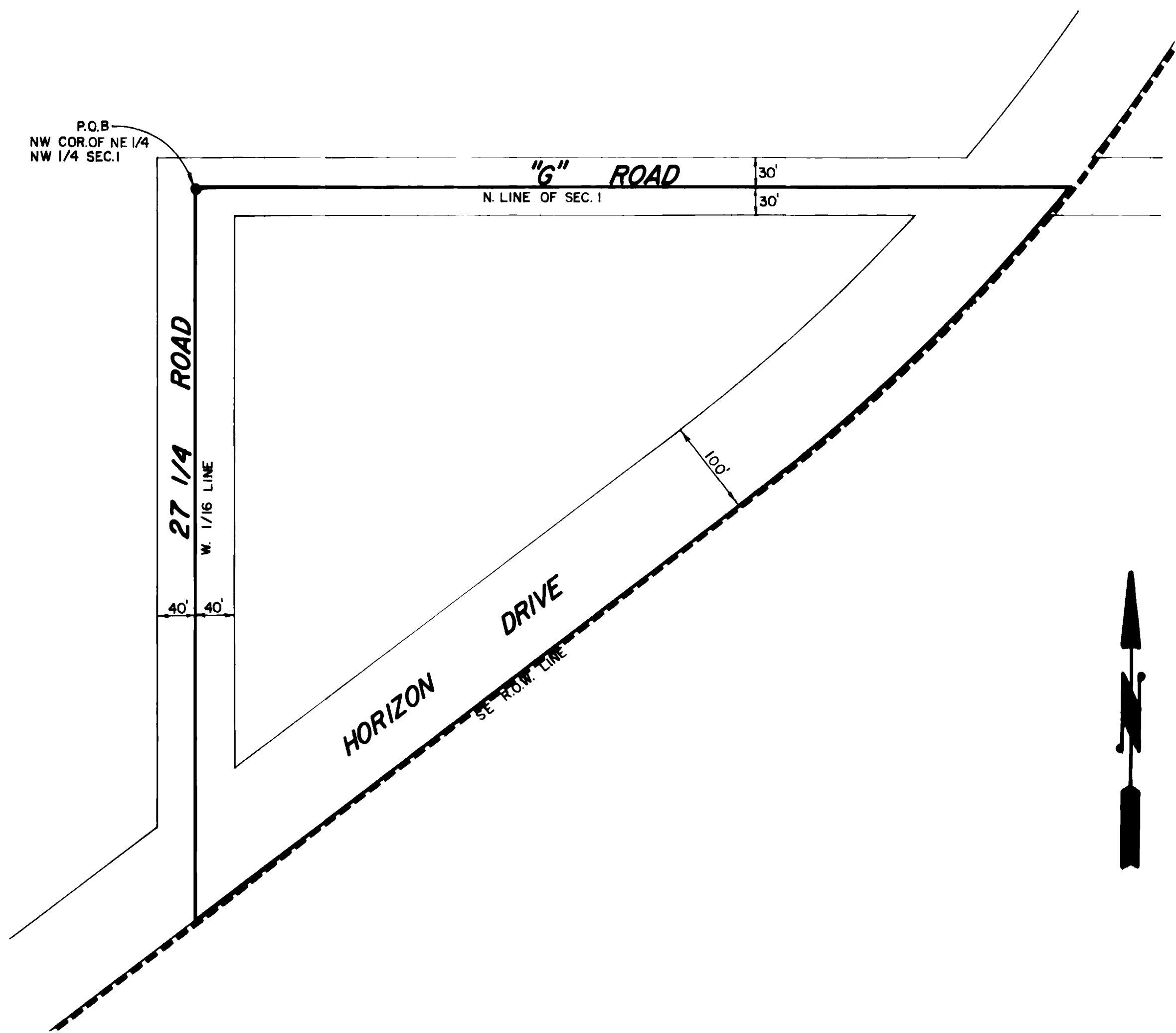
AREA OF ANNEXATION

BOUNDARY CONTIGUOUS TO EXISTING CORPORATE LIMITS approx. 1200 ft.
PERIMETER OF AREA TO BE ANNEXED approx. 2875 ft.
TOTAL ANNEXED AREA IN ACRES approx. 8.4 acres

ENGINEER'S CERTIFICATE

I, Ronald P. Rish a Registered Professional Engineer do hereby certify that the accompanying plat and legal description of Etter Annexation No. 2 was compiled under my direct supervision from information received from the Mesa County Assessor's Office.

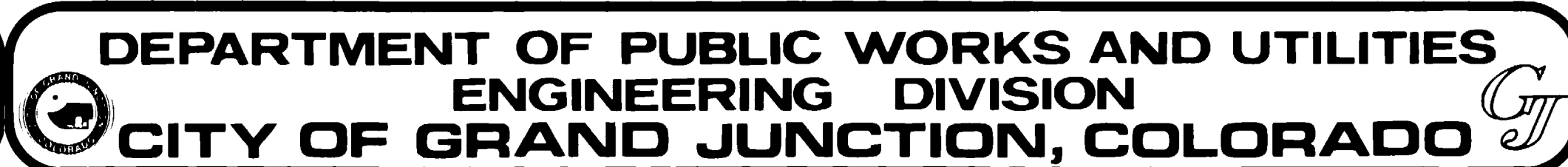
SIGNED Ronald P. Rish DATE Jan. 10, 1978
ORDINANCE NO. 1723 EFFECTIVE DATE March 7, 1978



DESCRIPTION	DATE
REVISION Δ	
REVISION Δ	
REVISION Δ	
REVISION Δ	

DRAWN BY <u>SPS</u>	DATE <u>1-10-77</u>
CHECKED BY	DATE
APPROVED BY	DATE
FIELD BOOK NO.	PAGE

<u>SCALE</u>	
<u>PLAN</u>	<u>PROFILE</u>
HORIZ. <u>1" = 100'</u>	HORIZ. _____
_____	VERT. _____



ETTER ANNEXATION NO. 2	SHEET NO. <u>2</u> OF <u>2</u> FILE NO. <u>01-539</u>
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CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION

CITY COUNCIL

Subject: Etter-Epstein ODP
Meeting Date: February 21, 2001
Date Prepared: February 12, 2001
Author: Kristen Ashbeck Senior Planner
Presenter Name: Same Same
Workshop X Formal Agenda

Subject: ODP-2000-058: Etter-Epstein Outline Development Plan (ODP)
Request for approval of an Outline Development Plan (ODP) to establish a Planned Development (PD) zone district consisting of Business/Commercial, Residential, and Open Space uses. Upon remand by City Council, Planning Commission approved the ODP and recommended approval of the PD zoning subject to conditions. The applicant has appealed the condition pertaining to maximum building height. The appeal will be heard with second reading of the proposed zoning ordinance.

Summary: The 22.56-acre Etter-Epstein property is located at the southeast corner of Horizon Drive and G Road and consists of three parcels of land. Approximately 1.4 acres of the property is public right-of-way due to the realignment of 27.5 Road and the Horizon Drive/G Road intersection. The parcels are presently zoned Planned Development (PD) but a plan has never been established for the property. The property owners are proposing propose this ODP to retain the PD zoning.

Background Information: See Attached Staff Report

Budget: N/A

Action Requested (by applicant): 1) Uphold appeal of applicant and approve the ODP for the Etter-Epstein property that establishes a PD zone district; and 2) Approve ordinance zoning land known as the Etter-Epstein Planned Development (PD).

Citizen Presentation: No X Yes If Yes,
Name: Bruce Phillips
Purpose: Representative

Report results back to Council: X No Yes When:

Placement on Agenda: X Consent Indiv. Consideration
Workshop

CITY OF GRAND JUNCTION DATE: February 12, 2001
CITY COUNCIL STAFF PRESENTATION: Kristen Ashbeck

AGENDA TOPIC: ODP-2000-058 Etter-Epstein Outline Development Plan (ODP)
Request for approval of an ODP for a Planned Development consisting of
Business/Commercial, Residential, and Open Space uses.

SUMMARY: The 22.56-acre Etter-Epstein ODP property consists of three parcels of land. The parcels are presently zoned Planned Development (PD) but a plan has never been established for the property. The property owners propose this ODP to establish a plan and maintain the PD zoning.

City Council remanded the application to Planning Commission with instructions to consider concessions made by the applicant and concerns expressed including building height, density, airport critical zone, set backs and buffering. Planning Commission, at its January 16, 2001 meeting, approved the ODP and recommended approval of the PD zoning subject to conditions. The applicant has appealed the condition pertaining to maximum building height.

BACKGROUND INFORMATION

Location: Southeast Corner Horizon Drive and G Road

Applicants: Etter Estate and Emanuel Epstein, Owners
Bruce Phillips, Representative

Existing Land Use: 1 Single Family Residence & Vacant

Proposed Land Use: Business/Commercial, Res., Open Space

Surrounding Land Use:

North Vacant & Commercial (Hotel)

South Single Family Residential (Ptarmigan Ridge, Ptarmigan Point & O'Nan)

East Single Family Residential (Ptarmigan Ridge) and Church

West Vacant

Existing Zoning: Planned Development (PD)

Proposed Zoning: Same

Surrounding Zoning:

North Light Commercial (C-1)

South PD (Residential)

East PD (Residential) & Residential Single Family 4 units per acre (RSF-4)

West C-1 & RSF-4

Growth Plan Designation: Residential Medium-Low: 2 to 4 units per acre &

Residential-High: 12+ units per acre

Zoning within density range? Yes X No

ACTION REQUESTED: Approve the ODP and zoning for the Etter-Epstein property that establishes a PD zone district.

Staff Analysis:

Project Background/Summary. The applicant has requested approval of an ODP for three parcels totaling 22.56 acres located on the southeast corner of Horizon Drive and G Road.

During the process to create the new zoning map, staff initially proposed to zone all three parcels Residential Single Family, 1 unit per 5 acres (RSF-R) due to the natural constraints of the property and its partial location within the Airport Critical Zone. However, Council agreed to adopt the new zoning map showing these parcels as Planned Development (PD) with the understanding that a plan for the property would have to be proposed and approved for the PD zoning to be maintained on the property.

The Future Land Use Map of the Growth Plan shows these parcels to remain residential, with the easterly two parcels at a low density of 2-4 units per acre and the westerly parcel high density of 12+ units per acre.

The purpose of this ODP is to establish a plan for the properties and demonstrate that the parcels can be compatible for the intended uses. The applicant's design intent is to serve as a transitional area between the commercial uses along Horizon Drive and the single family residential uses to the south. The following mix of uses is proposed as indicated on the ODP plan and stated in the applicant's narrative.

Business/Commercial	12.5 acres	125,000 to 250,000 sf
Residential, 4-8 du/ac	5.26 acres	Maximum 21 units (4 du/ac)
Open Space	3.18 acres	
27.5 Road Right-of-Way	1.62 acres	

Business/Commercial Land Use/Development Standards. The ODP proposes the uses listed below to be allowed in Business/Commercial areas 1, 2 and 3.

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Retail Alcohol Sales	Bar, Nightclub
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Car wash	Gasoline service station
Quick lube	Limited vehicle service
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
Counseling centers (nonresident)	
General retail sales with indoor operations, display and storage	

The applicant agreed to remove some uses from Area 4 along 27.5 Road including:

- Bar, nightclub and retail alcohol sales, unless an accessory use to a motel or hotel
- Lube and oil change
- Automotive repair
- Gas station

A condition of approval from Planning Commission suggested that the list of uses to be excluded also include car wash and that the uses also be eliminated from Area 1 and the eastern portion of Area 3 (noted as the "Etter Residence" on the ODP). The applicant has agreed with this condition.

The applicant is proposing that the bulk requirements of the C-1 zone district apply to the business/commercial areas of the site except for building height limitations. The maximum height in the C-1 zone district in this area is 40 feet. The applicant is proposing that the maximum height in areas 1 and 4 be 35 feet which is compatible with the adjacent residential areas and 65 feet above the grade of Horizon Drive nor 35 feet from the old section of 27.5 Road in areas 2 and 3.

Planning Commission raised concerns with the proposed maximum building height and added a condition of approval that the height be restricted to 40 feet as measured from Horizon Drive and not to exceed 30 feet when measured along the old segment of 27.5 Road. The applicant has appealed this condition of approval.

Residential Land Use/Development Standards. A residential density of up to 4 units per acre, or a maximum of 21 dwelling units is proposed, with the following uses allowed:

Single family attached	Duplex
Single family detached	Multifamily
Townhome	Assisted Living Facility

Residential uses with a density of up to 4 units per acre may be allowed within the Airport Critical Zone, if a Conditional Use Permit is obtained and noise reduction measures are applied. The applicant is proposing that the bulk standards of the Residential Multifamily 8 units per acre (RMF-8) zone district apply to the residential area of the ODP (Area 5). A condition of approval from Planning Commission was that the rear or side yard setback as applicable in the residential Area 5, shall be a minimum of 25 feet from the southern property line (common with Ptarmigan Ridge and Ptarmigan Point). The applicant has agreed to this revision to the proposed setbacks

Open Space Land Use/Development Standards. Proposed uses allowed in the Open Space Area include:

- Underground utilities
- Road right-of-way
- Pedestrian and recreational amenities

No bulk standards were proposed for open space areas of the ODP. Therefore, it is assumed that the open space areas are to be considered "no build" areas.

Development Schedule. The applicant has not proposed a phasing plan with the ODP, but is requesting that the ODP be valid for a period of 3 years from the date of approval. Given the pace of development along the Horizon Drive corridor and the amount of vacant land along it, a three-year time frame for the ODP seems reasonable.

Site Access and Traffic Patterns. The recently completed road realignment and reconstruction work on Horizon Drive, G Road and 27.5 Road has a significant impact on site access and traffic patterns. The specific access points shown on the ODP plan will need to be analyzed in a traffic study at the Preliminary Plan phase to demonstrate that they can operate safely. Access to the proposed Business/Commercial areas will primarily be from Horizon Drive to minimize the traffic impact on existing residential areas to the south and east of the property. Planning Commission added a condition of approval that the use shall minimize traffic impacts to the old segment of 27-1/2 Road.

Other Constraints. Natural constraints on the Etter-Epstein property include topography and the potential for wetlands. There is a 30-foot topographical break that runs northeast-southwest through the property, parallel to Horizon Drive. Some of this was and still is being regraded with the 27.5 Road project to meet a 7 percent grade for the roadway. It is assumed that comparable site grading could be accomplished on the Business/Commercial sites along Horizon Drive, or the applicant has suggested that the sites could be terraced with "walk-out" multi-story structures. Staff is in agreement with this analysis. Determination of wetlands and the potential mitigation of disturbance will need to be addressed in greater detail prior to submittal of a Preliminary Plan.

Findings of Review.

a. Section 2.12 of the Zoning and Development Code lists criteria by which an ODP application shall be reviewed. An ODP application shall demonstrate conformance with all of the criteria. Staff's findings relative to the criteria and the plan revisions outlined above are listed below.

Growth Plan, Major Street Plan and Other Adopted Plans & Policies. The proposal is not in conformance with the Growth Plan, however, previous zoning on the site suggested that non-residential uses might be appropriate for the property. The residential use proposed at a density of 4 units per acre may be compatible with the Airport Environs Overlay, provided a Conditional Use Permit is approved at a subsequent phase of development.

Rezone Criteria. The proposal generally meets the rezone criteria.

Corridor Guidelines/Overlay Districts. The residential component of the proposal generally conforms to the Airport Environs Overlay, provided a Conditional Use Permit is approved at a subsequent phase of development.

Adequate Public Services. Since this is an infill site, adequate public services and facilities exist to the site.

Adequate Circulation and Access. Access and circulation are adequate to the site and were recently improved with the Horizon Drive reconstruction and G Road/27.5 Road realignment project.

Appropriate Screening and Buffering. Due to the natural amenities/constraints on the property, the plan can adequately provide for screening and buffering between land uses.

Appropriate Range of Density/Intensity. The residential component of the proposal may be appropriate for its location in the Critical Zone and is compatible with surrounding residential densities. The proposed intensity of the business/commercial component appears appropriate, but uses should be limited (as revised for Area 4) where these sites are directly adjacent to residential use or zoning (Area 1 just north of the O'Nan Subdivision and the eastern portion of Area 3 across the street from Ptarmigan Estates).

Appropriate Minimum Standards. The applicant proposed standards compatible with the straight zones of C-1 and RMF-8 with some modification to the maximum building height for business/commercial areas 2 and 3. Additional buffering between Area 5 and the existing residential area to the south is desirable. This can be addressed by increasing the required setback from the southern property line to be consistent with that in the adjacent established residential area and further with the Conditional Use Permit required for the proposed residential use in the Critical Zone.

Appropriate Phasing Schedule. The applicant has requested that the ODP be valid for a period of 3 years from the time the 27-1/2 Road street improvements are 100 percent complete. Staff recommends that the period be from the date of approval rather than completion of the street improvements.

Minimum 20-Acre Size. The Etter-Epstein property, less the area to be set aside as right-of-way is 20.94 acres.

b. Section 2.6 of the Zoning and Development Code lists criteria by which a rezone application shall be reviewed. Staff's findings relative to the criteria and the plan revisions outlined above are listed below.

Existing Zoning in Error. The existing zoning constitutes a planned zone without a plan. In conjunction with the ODP, adoption of the zoning ordinance will establish a plan to maintain the PD zoning.

Change of Neighborhood Character. The recently-completed Horizon Drive reconstruction and G Road/27.5 Road realignment project had a significant impact on this property and the surrounding neighborhood. The new streets make the Etter-Epstein property more developable for a mix of uses.

Neighborhood Compatibility. Due to the natural and man-made constraints, the Etter-Epstein property is conducive to a mixed-use zoning that provides a transition from the commercial uses on the Horizon Drive corridor to the adjacent single family residential areas to the south and east. The proposed ODP accommodates this necessary transition.

Community or Neighborhood Benefit. Infill development such as that proposed by this plan and zone is a community goal. It also meets the goal of minimizing vehicular traffic to and from neighborhood services if these can be provided adjacent to residential areas as proposed by this plan.

PLANNING COMMISSION RECOMMENDATION (1/16/01 - 7-0): Approval of the ODP and zoning for the Etter-Epstein property with the following conditions:

- 1) Uses to be excluded from Areas 1, 4 and the eastern area of 3 (Etter Residence): quick lubes, auto repair, gas station, car wash, bar/nightclub or retail liquor sales, unless an accessory use to a motel/hotel.
- 2) The rear or side yard setback as applicable in the residential Area 5, shall be a minimum of 25 feet from the southern property line (common with Ptarmigan Ridge and Ptarmigan Point).
- 3) The maximum building height shall be restricted to 40 feet as measured from Horizon Drive and not to exceed 30 feet when measured along the old segment of 27.5 Road, whichever is more restrictive. NOTE: minutes are not clear as to which areas this restriction applies to-40 feet is higher than the 35 feet applicant proposed in areas 1 and 4.
- 4) The use shall minimize traffic impacts to the old segment of 27.5 Road.

Conditions 2 and 3 have already been incorporated into the proposed zoning ordinance.

- ATTACHMENTS:
- a. Proposed Ordinance
 - b. Letter of Appeal
 - c. Aerial Photo Location Map
 - d. Assessor's Map
 - e. Minutes of 12/6/00 City Council
 - f. Draft Minutes of 1/16/01 Planning Commission
 - g. Materials Provided by Applicant - Plans & Narrative
 - h. Letters from Concerned Citizens

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. _____

ZONING THREE PARCELS OF LAND LOCATED

ON THE SOUTHEAST CORNER OF THE HORIZON DRIVE AND
G ROAD INTERSECTION

Recitals.

A rezoning of the property to establish a plan for a Planned Development (PD) has been requested for three properties located on the southeast corner of the intersection of Horizon Drive and G Road. The property is generally known as the Etter-Epstein property. The City Council finds that the request meets the goals and policies set forth by the Growth Plan. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PROPERTY DESCRIBED BELOW IS HEREBY ZONED PLANNED DEVELOPMENT (PD):

Parcel 2945-012-00-008

Beginning at the NE corner NE4NW4 Section 1 1S 1W South 230 ft West 230 ft North 230 ft East to the Point of Beginning EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also

Parcel 2945-012-00-075/076

That part of NW4 NW4 Section 1 1S 1W S + East of County Highway EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also

Parcel 2945-012-00-073/074

Beginning Northeast corner NE4 NW4 Section 1 1S 1W S 782.5 ft West 408 ft South 82deg49' West 220 ft South 55deg57' W 596 ft West 190 ft to West LI NE4 NW4 North to County Highway Northeasterly along highway to North line 4 NW4 E to beginning EXC road on East + EXC North 230 ft of East 230 ft of NE4NW4 EXC Road ROW as per Book 1426 Pages 244-245 Mesa County Records.

The uses of the property allowed by the zoning shall be as generally depicted on the Outline Development Plan (ODP) attached as Exhibit A:

Business/Commercial	12.5 acres	125,000 to 250,000 sf
Residential, 4-8 du/ac	5.26 acres	Maximum 21 units (4 du/ac)
Open Space	3.18 acres	

A list of the types of allowed uses are as follows corresponding to denominated areas on Exhibit A.

BUSINESS/COMMERCIAL USES (Area 2 and western portion of Area 3):

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Retail Alcohol Sales	Bar, Nightclub
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Car wash	Gasoline service station
Quick lube	Limited vehicle service
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	

Counseling centers (nonresident)
General retail sales with indoor operations, display and storage

BUSINESS/COMMERCIAL USES (Areas 1, 4 and eastern portion of Area 3 (Etter Residence):

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
Counseling centers (nonresident)	
General retail sales with indoor operations, display and storage	

RESIDENTIAL USES (Area 5 with a maximum of 21 dwelling units):

Single family attached	Duplex
Single family detached	Multifamily
Townhome	Assisted Living Facility

OPEN SPACE USES (No-Build areas):

Underground utilities
Road right-of-way
Pedestrian and recreational amenities

2) The bulk requirements for this zone and property shall be as follows:

Business/Commercial Areas: Same as Light Commercial (C-1) in section 3.4 of the March 7, 2000, City of Grand Junction, Zoning and Development Code except for: Maximum building height as follows (refer to Exhibit A attached).

Areas 1 & 4: 35 feet

Areas 2: Building heights shall not exceed 65 feet above Horizon Drive

Area 3: Building heights shall not exceed 65 feet above Horizon Drive nor 35 feet above the north/south section (old alignment) of 27.5 Road

Residential Areas: Same as Residential Multifamily 8 units per acre (RMF-8) in section 3.3 of the March 7, 2000, City of Grand Junction, Zoning and Development Code, EXCEPT for the rear or side yard setback as applicable in the residential Area 5, shall be

a minimum of 25 feet from the southern property line (common with Ptarmigan Ridge and Ptarmigan Point).

3) Per Section 7.3 of the March 7, 2000, City of Grand Junction, Zoning and Development Code, a Conditional Use Permit shall be required at a subsequent phase of development in order to establish a residential density of up to 4 units per acre within the Airport Critical Zone.

4) The ODP shall be valid for a period of 3 years from the date of approval.

INTRODUCED for FIRST READING and PUBLICATION this 7th day of February 2001.

PASSED on SECOND READING this 21st day of February 2001.

ATTEST:

City Clerk

President of Council

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. 3328

ZONING LAND LOCATED NEAR
THE SOUTHEAST CORNER OF THE HORIZON DRIVE AND
G ROAD INTERSECTION

Recitals.

The owners of the property described below have applied for approval of an outline development plan and concomitant for a Planned Development (PD) for the owners' three tax parcels located near the southeast corner of the intersection of Horizon Drive and G Road. The property is locally known as the Etter-Epstein property. The City Council finds that the request meets the goals and policies set forth by the *Growth Plan*. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

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

1. The property consisting of the following three tax parcel descriptions is hereby zoned Planned Development (PD) subject to the conditions and provisions of the Zoning and Development Code and the approved plan:
 - (a) Parcel 2945-012-00-008
Beginning at the NE corner NE4NW4 Section 1 1S 1W South 230 ft West 230 ft North 230 ft East to the Point of Beginning EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also
 - (b) Parcel 2945-012-00-075/076
That part of NW4 NW4 Section 1 1S 1W S + East of County Highway EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also
 - (c) Parcel 2945-012-00-073/074
Beginning Northeast corner NE4 NW4 Section 1 1S 1W S 782.5 ft West 408 ft South 82deg49' West 220 ft South 55deg57' W 596 ft West 190 ft to West LI NE4 NW4 North to County Highway Northeasterly along highway to North line 4 NW4 E to beginning EXC road on East + EXC North 230 ft of East 230 ft of NE4NW4 EXC Road ROW as per Book 1426 Pages 244-245 Mesa County Records.

2. The uses of the 20.94 acre property allowed by the zoning shall be as generally depicted on the Outline Development Plan (ODP) attached as Exhibit A:
 - (a) Business/Commercial 11.36 acres less the eastern portion of Area 3*
(approximately 125,000-250,000 sf)
 - (b) Residential, 4 du/ac 6.4 acres plus eastern portion of Area 3*
 - (c) Open Space 3.18 acres

3. A list of the types of allowed uses are as follows corresponding to 2. (a), (b) and (c) as denominated on Exhibit A. The attached map classifies and designates the property into 5 acres.
 - (a) BUSINESS/COMMERCIAL USES (Area 2 and western portion of Area 3*):

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Retail Alcohol Sales	Bar, Nightclub
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Car wash	Gasoline service station
Quick lube	Limited vehicle service
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
Counseling centers (nonresident)	
General retail sales with indoor operations, display and storage	

 - (b) BUSINESS/COMMERCIAL USES (Area 1):

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
Counseling centers (nonresident)	
General retail sales with indoor operations, display and storage	

(c) RESIDENTIAL USES (Areas 4 and 5 and eastern portion of Area 3 – Etter Residence*):

Single family attached	Duplex
Single family detached	Multifamily
Townhome	Assisted Living Facility

(d) OPEN SPACE USES (No-build areas):

Underground utilities
Road right-of-way
Pedestrian and recreational amenities

4) The bulk requirements for this property shall be as follows:

(a) Business/Commercial area: Same as Light Commercial (C-1) in section 3.4 of the Zoning and Development Code except that: the maximum building heights are as follows (refer to Exhibit A, attached):

Area 1: 35 feet above grade

Area 2:

- South of the southern boundary of the Airport Critical Zone: 40 feet measured from the nearest portion of Horizon Drive
- Remainder of Area 2 (north of the line formed by the southern boundary of the Airport Critical Zone): 55 feet measured from the nearest portion of Horizon Drive

Area 3 (Western Portion*): 65 feet measured from the nearest portion of Horizon Drive

(b) Residential areas (4 and 5 and eastern Portion of Area 3*): Same as Residential Multifamily 8 units per acre (RMF-8) in section 3.3 of the Zoning and Development Code, EXCEPT that:

- 1) the rear or side yard setback in the residential Area 5 shall be a minimum of 25 feet from the southern property line (common with Ptarmigan Ridge and Ptarmigan Point); and
- 2) Height in the eastern portion of Area 3* shall be 35 feet measured from the existing grade of the Old 27-1/2 Road Right-of-Way (elevation of 4736 feet).

(c) * Note: Per City Council motion, the eastern portion of Area 3 (generally noted as the Etter Residence on Exhibit A) is to be residential with the exact area defined at the next phase of development.

5) A Conditional Use Permit shall be required at the next phase of development in order to establish a residential density of up to 4 units per acre within the Airport Critical Zone, as required by Section 7.3 of the Zoning and Development Code.

6) This zoning, and the concomitant ODP, are only valid until the 3rd anniversary of approval.

INTRODUCED for FIRST READING and PUBLICATION this 7th day of February, 2001.

PASSED on SECOND READING this 21st day of February, 2001.

ATTEST:

/s/ Stephanie Nye
City Clerk

/s/ Gene Kinsey
President of Council

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA

Subject Etter-Epstein Outline Development Plan (ODP) Request for Extension

Meeting Date March 17, 2004

Date Prepared March 9, 2004 File: ODP-2000-058

Author Kristen Ashbeck Senior Planner

Presenter Name Kristen Ashbeck Senior Planner

Report results back to Council X No Yes When

Citizen Presentation Yes X No Name

Workshop X Formal Agenda X Consent

Individual Consideration

Summary: A mixed-use Outline Development Plan (ODP) and Planned Development (PD) zoning ordinance for the Etter-Epstein property on the southeast corner of Horizon Drive and G Road was approved by City Council on February 21, 2001. The ordinance stated that the ODP would expire three years from the date of approval. Due to development and market trends and the difficulty and expense to develop this property, the plan has not yet evolved to the next phase of development - submittal of a Preliminary Plan. Thus, the property owners are requesting an extension to the three-year expiration for another three-year period.

Budget: NA

Action Requested/Recommendation: First reading of proposed revised ordinance extending the Etter-Epstein ODP for another three-year period and set a hearing for the April 7, 2004 City Council meeting. Planning Commission will hear this item at its March 9, 2004 meeting and make a recommendation to City Council.

Attachments:

- 1) Background Information / Analysis
- 2) Letters from Property Owners Requesting Extension of ODP
- 3) Proposed Planned Development Ordinance
- 4) Etter-Epstein Outline Development Plan

BACKGROUND INFORMATION

Location: Southeast Corner Horizon Drive and G Road

Applicants: The Estate of Jimmie Etter and Emanuel Epstein, Owners

Existing Land Use: 1 Single Family Residence and Vacant

Proposed Land Use: Business/Commercial, Residential, Open Space

Surrounding

Land Use:

North Vacant & Commercial (Hotel)

South Single Family Residential (Ptarmigan Ridge, Ptarmigan Point & O'Nan)

East Single Family Residential (Ptarmigan Ridge) and Church

West Vacant

Existing Zoning: Planned Development (PD)

Proposed Zoning: No Change Proposed

Surrounding Zoning:

North Light Commercial (C-1)

South PD (Residential)

East PD (Residential) & Residential Single Family 4 units per acre (RSF-4)

West C-1 & RSF-4

Growth Plan Designation: Mixed Use

Zoning within density range? X Yes No

ANALYSIS

1. Background: The 22.56-acre Etter-Epstein ODP property consists of three parcels of land. Approximately 1.4 acres of the property were transferred to the City as public right-of-way due to the realignment of 27-1/2 Road and the Horizon Drive/G Road intersection several years ago. The parcels were zoned Planned Development (PD) when the new zoning map was adopted in 2000 but with the agreement that a plan would be established to maintain the PD zoning shortly thereafter.

The ODP approved by City Council in early 2001 is specifically described in the attached proposed zoning ordinance. Item 7 in the proposed ordinance reads exactly as specifically stated in the original ordinance - that the ODP and the zoning were only valid until the 3rd anniversary of the approval date of February 21, 2001. Otherwise, the only change proposed in the new ordinance is the addition of Item 6 which is highlighted in italics.

2. Consistency with the Growth Plan: The Growth Plan was updated to reflect the ODP and zoning of the Etter-Epstein property, designating it as a Mixed Use future land use category.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Etter-Epstein ODP application, ODP-2000-058, for an extension request, staff makes the following findings of fact and conclusions:

1. The previously-approved Etter-Epstein Outline Development Plan is consistent with the Growth Plan.
2. The land development and market conditions in the Horizon Drive corridor area have not progressed as rapidly as may have been envisioned three years ago. While conditions have changed some with the start of development of the Safeway Center, conditions have not changed dramatically to warrant a re-review of the previously approved ODP for the Etter Epstein property. In addition, this property is difficult and likely costly to develop. Due to these factors, staff believes that the Etter-Epstein ODP as

approved is still relevant to the future land use and development in this area. However, this does not represent a commitment to any future extensions beyond this 3-year period.

3. Staff supports the ODP that was originally approved. The plan proposes reasonable land uses for the area and for the specific property as well as providing an acceptable transition from the Horizon Drive corridor to the residential areas east and south of the property. If the extension request is not approved, the City would be required to revert the PD zoning to a straight zone. Staff believes that any other straight zone would not fit the unique constraints and opportunities of this particular piece of property as well as the approved ODP does within a planned zone district.

4. The property owners have requested a 3-year extension for the Etter-Epstein ODP. Given the conditions described in 1 through 3 above, staff believes that this extension is a reasonable request.

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. _____

ZONING LAND LOCATED NEAR

THE SOUTHEAST CORNER OF THE HORIZON DRIVE AND G ROAD INTERSECTION

Recitals.

The owners of the property described below have applied for approval of an outline development plan and concomitant for a Planned Development (PD) for the owners' three tax parcels located near the southeast corner of the intersection of Horizon Drive and G Road. The property is locally known as the Etter-Epstein property. The City Council finds that the request meets the goals and policies set forth by the Growth Plan. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

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

1. The property consisting of the following three tax parcel descriptions is hereby zoned Planned Development (PD) subject to the conditions and provisions of the Zoning and Development Code and the approved plan:

(a) Parcel 2945-012-00-008

Beginning at the NE corner NE4NW4 Section 1 1S 1W South 230 ft West 230 ft North 230 ft East to the Point of Beginning EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also

(b) Parcel 2945-012-00-075/076

That part of NW4 NW4 Section 1 1S 1W S + East of County Highway EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also

(c) Parcel 2945-012-00-073/074

Beginning Northeast corner NE4 NW4 Section 1 1S 1W S 782.5 ft West 408 ft South 82deg49' West 220 ft South 55deg57' W 596 ft West 190 ft to West LI NE4 NW4 North to County Highway Northeasterly along highway to North line 4 NW4 E to beginning EXC road on East + EXC North 230 ft of East 230 ft of NE4NW4 EXC Road ROW as per Book 1426 Pages 244-245 Mesa County Records.

2. The uses of the 20.94 acre property allowed by the zoning shall be as generally depicted on the Outline Development Plan (ODP) attached as Exhibit A:

- (a) Business/Commercial 11.36 acres less the eastern portion of Area 3*
(approximately 125,000-250,000 sf)
- (b) Residential, 4 du/ac 6.4 acres plus eastern portion of Area 3*
- (c) Open Space 3.18 acres

3. A list of the types of allowed uses are as follows corresponding to 2. (a), (b) and (c) as denominated on Exhibit A. The attached map classifies and designates the property into 5 acres.

(a) BUSINESS/COMMERCIAL USES (Area 2 and western portion of Area 3*):

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Retail Alcohol Sales	Bar, Nightclub
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Car wash	Gasoline service station
Quick lube	Limited vehicle service
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
Counseling centers (nonresident)	
General retail sales with indoor operations, display and storage	

(b) BUSINESS/COMMERCIAL USES (Area 1):

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics

Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
Counseling centers (nonresident)	
General retail sales with indoor operations, display and storage	

(c) RESIDENTIAL USES (Areas 4 and 5 and eastern portion of Area 3 - Etter Residence*):

Single family attached	Duplex
Single family detached	Multifamily
Townhome	Assisted Living Facility

(d) OPEN SPACE USES (No-build areas):

- Underground utilities
- Road right-of-way
- Pedestrian and recreational amenities

4) The bulk requirements for this property shall be as follows:

(a) Business/Commercial area: Same as Light Commercial (C-1) in section 3.4 of the Zoning and Development Code except that: the maximum building heights are as follows (refer to Exhibit A, attached):

Area 1: 35 feet above grade

Area 2:

- South of the southern boundary of the Airport Critical Zone: 40 feet measured from the nearest portion of Horizon Drive

- Remainder of Area 2 (north of the line formed by the southern boundary of the Airport Critical Zone): 55 feet measured from the nearest portion of Horizon Drive

Area 3 (Western Portion*): 65 feet measured from the nearest portion of Horizon Drive

(b) Residential areas (4 and 5 and eastern Portion of Area 3*): Same as Residential Multifamily 8 units per acre (RMF-8) in section 3.3 of the Zoning and Development Code, EXCEPT that:

- 1) the rear or side yard setback in the residential Area 5 shall be a minimum of 25 feet from the southern property line (common with Ptarmigan Ridge and Ptarmigan Point); and

- 2) Height in the eastern portion of Area 3* shall be 35 feet measured from the existing grade of the Old 27-1/2 Road Right-of-Way (elevation of 4736 feet).

(c) * Note: Per City Council motion, the eastern portion of Area 3 (generally noted as the Etter Residence on Exhibit A) is to be residential with the exact area defined at the next phase of development.

5) A Conditional Use Permit shall be required at the next phase of development in order to establish a residential density of up to 4 units per acre within the Airport Critical Zone, as required by Section 7.3 of the Zoning and Development Code.

6) Subsequent applications to the City shall conform to the then-effective Zoning and Development Code.

6) This zoning, and the concomitant ODP, are only valid until the 3rd anniversary of approval.

INTRODUCED for FIRST READING and PUBLICATION this 17th day of March, 2004.

PASSED on SECOND READING this 7th day of April, 2004.

ATTEST:

City Clerk

President of Council

ORDINANCE NO. 3619
AN ORDINANCE ZONING LAND LOCATED NEAR
THE SOUTHEAST CORNER OF THE HORIZON DRIVE AND
G ROAD INTERSECTION TO PD

Recitals.

The owners of the property described below have applied for approval of an outline development plan and concomitant for a Planned Development (PD) for the owners' three tax parcels located near the southeast corner of the intersection of Horizon Drive and G Road. The property is locally known as the Etter-Epstein property. The City Council finds that the request meets the goals and policies set forth by the Growth Plan. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

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1. The property consisting of the following three tax parcel descriptions is hereby zoned Planned Development (PD) subject to the conditions and provisions of the Zoning and Development Code and the approved plan:

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- (c) Open Space 3.18 acres

3. A list of the types of allowed uses are as follows corresponding to 2. (a), (b) and (c) as denominated on Exhibit A. The attached map classifies and designates the property into 5 acres.

(a) BUSINESS/COMMERCIAL USES (Area 2 and western portion of Area 3*):

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Retail Alcohol Sales	Bar, Nightclub
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Car wash	Gasoline service station
Quick lube	Limited vehicle service
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
Counseling centers (nonresident)	
General retail sales with indoor operations, display and storage	

(b) BUSINESS/COMMERCIAL USES (Area 1):

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility
General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
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(d) OPEN SPACE USES (No-build areas):

- Underground utilities
- Road right-of-way
- Pedestrian and recreational amenities

4. The bulk requirements for this property shall be as follows:

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5. A Conditional Use Permit shall be required at the next phase of development in order to establish a residential density of up to 4 units per acre within the Airport Critical Zone, as required by Section 7.3 of the Zoning and Development Code.

6. *Subsequent applications to the City shall conform to the then-effective Zoning and Development Code.*

7. This zoning, and the concomitant ODP, are only valid until the 3rd anniversary of approval.

INTRODUCED for FIRST READING and PUBLICATION this 17th day of March, 2004.

PASSED on SECOND READING this 7th day of April, 2004.

ATTEST:

/s/: Stephanie Tuin
City Clerk

/s/: Jim Spehar
President of Council

DRAWING NO. 0000-NL-18-00-02

CLAVONNE & ASSOC., INC.
LANDSCAPE AND
PLANNING ARCHITECTS

844 GRAND AVE.
GRAND JCT, CO 81501
PH: 870-241-0743
FAX: 870-241-0785
EMAIL: clavonne@aol.net

CITY OF BRAND JUNCTION COMMUNITY DEVELOPMENT

DATE	TITLE	APPROVED BY



LAND USE CHART		N/A - Refer to Ordinances		PLANNED PERSONAL USE AREA		PERSONAL USE AREA	
LAND USE	PERCENTAGE	AREA	NETWORTH	NETWORTH	AREA	NETWORTH	NETWORTH
1	12.5	30 FT. ABOVE GRADE	1	12.5	30 FT. ABOVE GRADE	1	12.5
2	5	50 FT. ABOVE GRADE	1	5	50 FT. ABOVE GRADE	1	5
3	2.5	50 FT. ABOVE GRADE	1	2.5	50 FT. ABOVE GRADE	1	2.5
4	2.5	50 FT. ABOVE GRADE	1	2.5	50 FT. ABOVE GRADE	1	2.5

N/A Refer to Ordinance

[illegible]

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

AN ORDINANCE REZONING APPROXIMATELY 2.46 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF HORIZON DRIVE AND 27 ½ ROAD FROM PD (PLANNED DEVELOPMENT) TO C-1 (LIGHT COMMERCIAL)

Recitals:

The Emanuel Epstein Revocable Trust (Owner) owns the approximately 2.46-acre parcel of land located at the northeast corner of Horizon Drive and 27½ Road (Property). The Property is designated *Commercial* by the Comprehensive Plan Land Use Map. The Owner proposes that the Property be rezoned from PD (Planned Development) to C-1 (Light Commercial).

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended rezoning the Property to the C-1 (Light Commercial) zone district. The Planning Commission found that the C-1 zoning conforms to and is consistent with the Comprehensive Plan Land Use designation of *Commercial*, 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 C-1 (Light Commercial) zone district is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

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

The Property described as follows is and shall be zoned C-1 (Light Commercial):

That parcel of land located in the Northeast Quarter of the Northwest Quarter, also known as Government Lot 3 of Section 1, Township 1 South, Range 1 West of the Ute Meridian in Grand Junction, Mesa County, Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Government Lot 3 of Section 1, Township 1 South, Range 1 West, Ute Meridian, Grand Junction, Mesa County, Colorado, whence the Southeast corner of said Government Lot 3 bears South 00°03'04" West, a distance of 1322.09 feet, for a basis of bearings with all bearings contained herein relative thereto; South 00°03'04" West, a distance of 230.00 feet; thence North 89°56'56" West, a distance of 40.00 feet to the POINT OF BEGINNING; thence South 00°03'04" West, a distance of 133.82 feet, along said right-of-way line to that right-of-way line described in Reception No.2075083; thence, along said right-of-way described in Reception No.2075083 the following seven (7) courses: (1) with a non-tangent curve turning to the right having a delta angle of 25°33'38", a radius of 173.00 feet, an arc length of 77.18 feet, and a chord length of 76.54 feet, with a chord bearing of South 32°53'46" West ; (2) South 45°40'34" West, a distance of 86.77 feet; (3) North 89°49'12" West, a distance of 40.54 feet; (4) North 44°19'26" West, a

distance of 52.62 feet; (5) North 39°45'00" West, a distance of 150.48 feet; (6) North 44°19'26" West, a distance of 272.90 feet; (7) North 00°02'16" West, a distance of 30.43 feet; thence with a non-tangent curve turning to the left having a delta angle of 02°31'58", a radius of 1960.00 feet, an arc length of 86.64 feet, and a chord length of 86.64 feet, with a chord bearing of North 41°48'21" East, along the Southeasterly right-of-way line of Horizon Drive as dedicated in Reception No.813634; thence North 89°59'53" East, a distance of 220.41 feet, along the South right-of-way line of G Road as dedicated in Reception No.1322383; thence South 00°03'04" West, a distance of 185.00 feet; thence North 89°59'53" East, a distance of 190.00 feet to the POINT OF BEGINNING.

Said Property containing an area of 2.46 Acres, as herein described.

Introduced on first reading this 6th day of April, 2022 and ordered published in pamphlet form.

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

ATTEST:

Laura Bauer
Interim City Clerk

C.B. McDaniel
President of City Council/Mayor



Grand Junction City Council

Regular Session

Item #2.a.iv.

Meeting Date: April 6, 2022

Presented By: Nicole Galehouse, Senior Planner

Department: Community Development

Submitted By: Nicole Galehouse, Senior Planner

Information

SUBJECT:

Introduction of an Ordinance to rezone 1.18 acres from R-4 (Residential - 4 du/ac) to R-8 (Residential – 8 du/ac), Located at 702 25 Road and Setting a Public Hearing for April 20, 2022

RECOMMENDATION:

The Planning Commission heard this request at the March 22, 2022 meeting and voted (6 to 0) to recommend approval of the request.

EXECUTIVE SUMMARY:

The Applicant, Kent Slawson, Property Owner, is requesting a rezone from R-4 (Residential - 4 du/ac) to R-8 (Residential – 8 du/ac) for 1.18-acres located at 702 25 Road in anticipation of future development. The requested R-8 zone district would be consistent with the Comprehensive Plan Land Use Map designation of Residential Medium (5.5 – 8 du/ac), if approved.

BACKGROUND OR DETAILED INFORMATION:

The subject property is situated at the northeast corner of the intersection of 25 Road and G Road. The property currently has one single-family home on the site, along with several accessory structures and a tennis court. The applicant is seeking a change in zoning that implements the 2020 One Grand Junction Comprehensive Plan adopted by the City in December 2020 to expand options for future development on the site. The current City zoning for the property is R-4 (Residential 4 du/ac) which is not consistent with nor implements the adopted Comprehensive Plan.

The property has access to sewer service with a sewer trunk line running along G Road and water service with lines running along both G Road and 25 Road. The property

was annexed by the City in 1991. It is located within Tier 1 on the Intensification and Growth Tiers Map of the Comprehensive Plan, supporting the request to intensify land use through infill in this area. The “Residential Medium” land use designation within this category is implemented through zone districts requiring a minimum density of 5.5 units per acre.

The request for a rezone anticipates future subdivision and development on the property. Understanding that the Comprehensive Plan adopted in 2020 promotes growth through infill, the future land use requires a minimum density of 5.5 units per acre. The current zone district of R-4 (Residential – 4 du/ac) does not implement this goal, as the maximum permitted density (4 du/ac) is less than the minimum required by the Comprehensive Plan (5.5 du/ac). The R-4 zone district allows a minimum density of 2 du/acre while proposed R-8 (Residential – 8 du/ac) zone district has a minimum density requirement of 5.5 units per acre that aligns well with and implements the land use designation of Residential Medium.

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 multi-family uses, providing a transition between lower density single-family districts and higher density multi-family or business developments. As noted above, the R-8 zone district ensures the minimum density of 5.5 dwelling units per acre is met.

In addition to the R-8 (Residential – 8 du/ac) zoning requested by the applicant, the following zone districts would also be consistent with the Comprehensive Plan designation of Residential Medium (5.5 – 12 du/ac):

- a. R-12 (Residential – 12 du/ac)
- b. CSR (Community Services and Recreation)
- c. MXR-3 (Mixed Use Residential)
- d. MXG-3 (Mixed Use General)
- e. MXS-3 (Mixed Use Shopfront)

The properties adjacent to the subject property to the north and east are zoned R-4, with a future land use designation of Residential Low. The R-8 zone districts would provide for a transition between lower density single-family districts and higher density residential development. The properties to the west and south have a land use designation of Residential Medium and a connection to Parks and Open Space per the 2020 Comprehensive Plan.

NOTIFICATION REQUIREMENTS

A virtual Neighborhood Meeting regarding the proposed rezone request was held through Zoom on Wednesday, January 12, 2022, in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The applicant, their representative, and City staff were in attendance; there were no neighbors present. The representative went through the presentation with City staff and discussed possible options for future

development.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with a new application sign on January 31, 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 March 11, 2022. The notice of this public hearing was published March 15, 2022 in the Grand Junction Daily Sentinel.

ANALYSIS

The criteria for review are set forth in Section 21.02.140 (a) of the Zoning and Development Code, which provides 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

While the property owner could still develop under the R-4 zone district, they have requested a rezone to increase the density consistent with the Land Use Map in the 2020 Comprehensive Plan. The land use designation for this site remained Residential Medium through adoption of the 2020 Comprehensive Plan. However, the density range for Medium changed from 4-8 du/ac to 5.5-12 du/ac. This change to the Comprehensive Plan constitutes a subsequent event that invalidates the original premise of the zoning, which was in alignment with the density ranges from the 2010 Comprehensive Plan.

The subject property is also located within Tier 1 on the Intensification and Growth Tiers Map of the 2020 One Grand Junction Comprehensive Plan. The primary goal of Tier 1 is to support urban infill with a focus on intensifying residential growth. Therefore, staff finds that this criterion is met.

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

The existing structures on the site were built in the early 1900s. At this point in time, and for about 75 years after, the surrounding area was very sparsely populated and rural in character. Beginning in the late 1990s/early 2000s, the neighborhoods to the west and south of the subject property began to subdivide and develop as medium-density residential. These properties have zoning and developed densities that range from 5 du/ac to 8 du/ac. As this development has occurred, it is a logical progression to increase the density at this site. This property's location at the intersection of G Road and 25 Road makes it an ideal site to allow for transition to the Residential Low properties to the north and east. The proposed R-8 zone district maximizes this opportunity while also implementing the goals of the 2020 Comprehensive Plan. Therefore, staff finds that this criterion has been met.

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

Public sanitary sewer service, Ute Water domestic water service, Grand Valley Power, Xcel electrical gas service, stormwater sewer through Grand Valley Drainage District, and irrigation through Grand Valley Irrigation Company are available to the site. Transportation infrastructure is generally adequate to serve development of the type and scope associated with the R-8 zone district. The City Fire Department expressed no concern with providing service for the additional density proposed by the rezone. Therefore, staff finds that this criterion is 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

As demonstrated in the City's recent Housing Needs Assessment, Grand Junction has a need for additional housing, both in terms of general quantity and as it relates to varied housing types and price ranges. Medium-density residential dwelling types are a critical piece in providing housing that is attainable to a wider demographic. There is limited undeveloped property in the area zoned for medium-density residential development, while demand for this product type remains high. Therefore, Staff finds this criterion to be met.

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

The current property use of a single-family home on 1.18 acres underutilizes the land use vision for this property/area as provided in the 2020 Comprehensive Plan. By rezoning the property to R-8 and developing at a minimum of 5.5 du/ac, the City will provide additional opportunity for housing to be constructed at a higher density; this may result in the construction of new, more attainable housing units in this area of the community. The location of the property also provides for convenient access and proximity to the recreational and retail activities, such as Canyon View Park and the Mesa Mall area. Equitable access to outdoor recreational amenities is a key principle within the Comprehensive Plan. It also provides proximate access to I-70, which allows for easier regional connections as well. Therefore, Staff finds this criterion to be met.

In addition to the above criteria, the City may rezone property if the proposed changes are consistent with the vision, goals, and policies of the Comprehensive Plan. The following provides an analysis of the relevant sections of the Comprehensive Plan that support this request.

Implementing the Comprehensive Plan. The proposed rezone to R-8 (Residential – 8 du/ac) implements the following Plan principles, goals, and policies of the Comprehensive Plan:

- Land Use Plan: Relationship to Existing Zoning
 - Requests to rezone properties should be considered based on the Implementing Zone Districts assigned to each Land Use Designation. As a guide to future zoning changes, the Comprehensive Plan states that requests for zoning changes are required to implement the Comprehensive Plan.
 - The 2020 Comprehensive Plan provides the subject property with a land use designation of Residential Medium. As outlined in the background section of this staff report, the R-8 zone district is a permissible district to implement the Residential Medium designation.
- Plan Principle 3: Responsible and Managed Growth
 - Goal: Support fiscally responsible growth...that promote a compact pattern of growth...and encourage the efficient use of land.
 - Goal: Encourage infill and redevelopment to leverage existing infrastructure.
 - The proposed rezone will provide for a higher density of development in an area of the City where infrastructure is readily available and other neighborhoods with similar densities have been constructed. The higher density implements a more compact pattern of growth, utilizing a smaller footprint for a greater number of residential units.
- 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.
 - The R-8 (Residential – 8 du/ac) allows for flexibility in the type of housing units that can be built per the Zoning & Development Code, allowing for both single-family and multifamily construction. With this ability, it becomes easier to add diversity to the City's housing stock.
- Plan Principle 6: Efficient and Connected Transportation
 - Goal: Encourage the use of transit, bicycling, walking, and other forms of transportation.
 - The subject property is located at the intersection of G Road and 25 Road. It is located 1.5 miles from the entrance to I-70, adding to ease of accessibility to the regional transportation system. The Active Transportation Corridor Map, part of the City's 2018 Circulation Plan, identifies a trail on the south side of G Road along Leach Creek, which will be easily accessible from this project site.
- Plan Principle 8: Resource Stewardship
 - Goal: Promote the use of sustainable development.
 - Plan Principle 8 encourages thoughtful planning as it relates to the natural resources and development occurring in the City. It promotes sustainable development through the concentration of development in areas that maximize existing infrastructure which is already available on the site of the proposed rezone.
- Chapter 3 – Land Use and Growth: Intensification and Tiered Growth Plan

- Subject property is located within Tier 1 (Urban Infill) – Description: Areas where urban services already exist and generally meet service levels, usually within existing City limits, where the focus is on intensifying residential and commercial areas through infill and redevelopment.
- Policy: Development should be directed toward vacant and underutilized parcels located primarily within Grand Junction’s existing municipal limits. This will encourage orderly development patterns and limit infrastructure extensions while still allowing for both residential and business growth. Development in this Tier, in general, does not require City expansion of services or extension of infrastructure, though improvements to infrastructure capacity may be necessary.
- As previously discussed, the subject property has infrastructure that is already available on-site. It currently only has one single-family home on the property, which indicates that it is underutilized as the land use designation would allow up to 14 units on the site.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Slawson Rezone request, for a rezone from R-4 (Residential 4 du/ac) to R-8 (Residential – 8 du/ac) for the property located at 702 25 Road, the following findings of facts have been made:

- 1) The request has met one or more of the criteria in 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:

N/A

SUGGESTED MOTION:

I move to introduce an ordinance rezoning approximately 1.18 acres from an R-4 (Residential - 4 du/ac) zone district to a R-8 (Residential - 8 du/ac) zone district located at 702 25 Road and set a public hearing for April 20, 2022.

Attachments

1. EXHIBIT 2 - Development Application
2. EXHIBIT 3 - Site Maps & Pictures of Site
3. EXHIBIT 4 - Neighborhood Mtg Notes

4. ORD-Zoning 702 25 Road 040122

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.

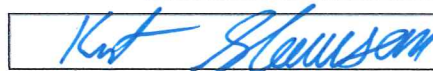
We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application 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

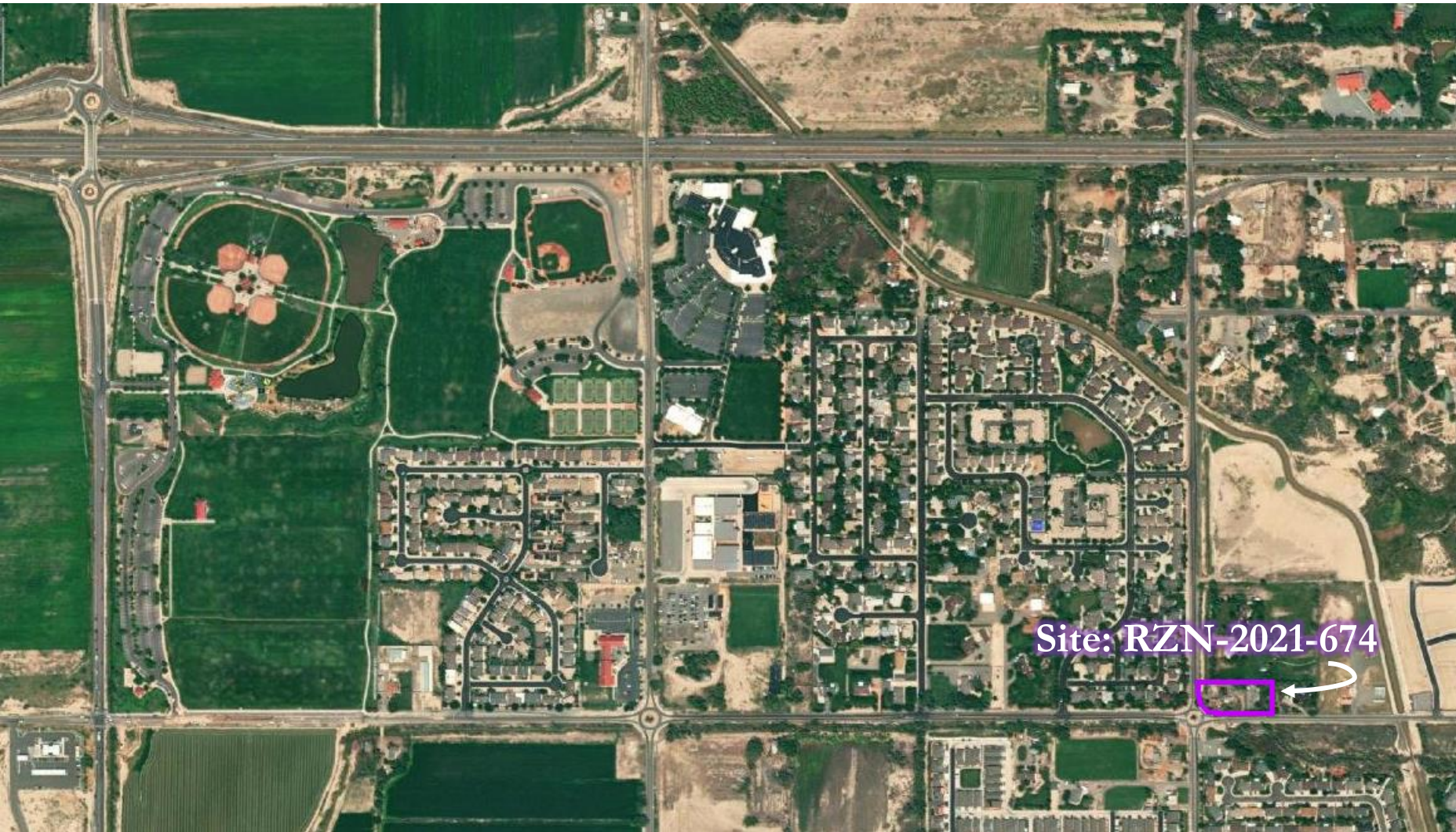
Digitally signed by Tracy States
Date: 2022.01.20 16:11:04 -07'00'

Date

Signature of Legal Property Owner



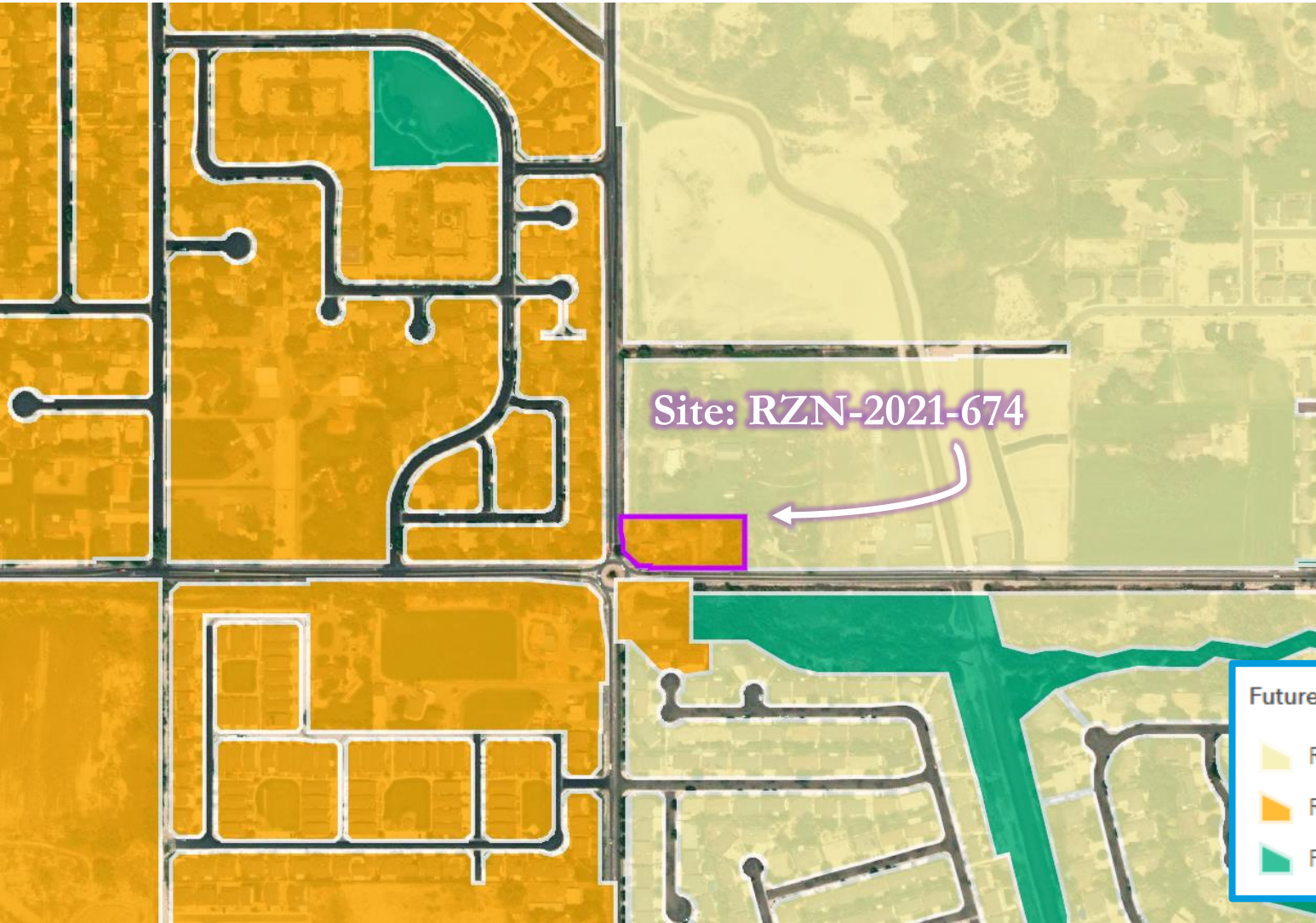
Date



Site: RZN-2021-674

Slawson Rezone

Site Location
Map

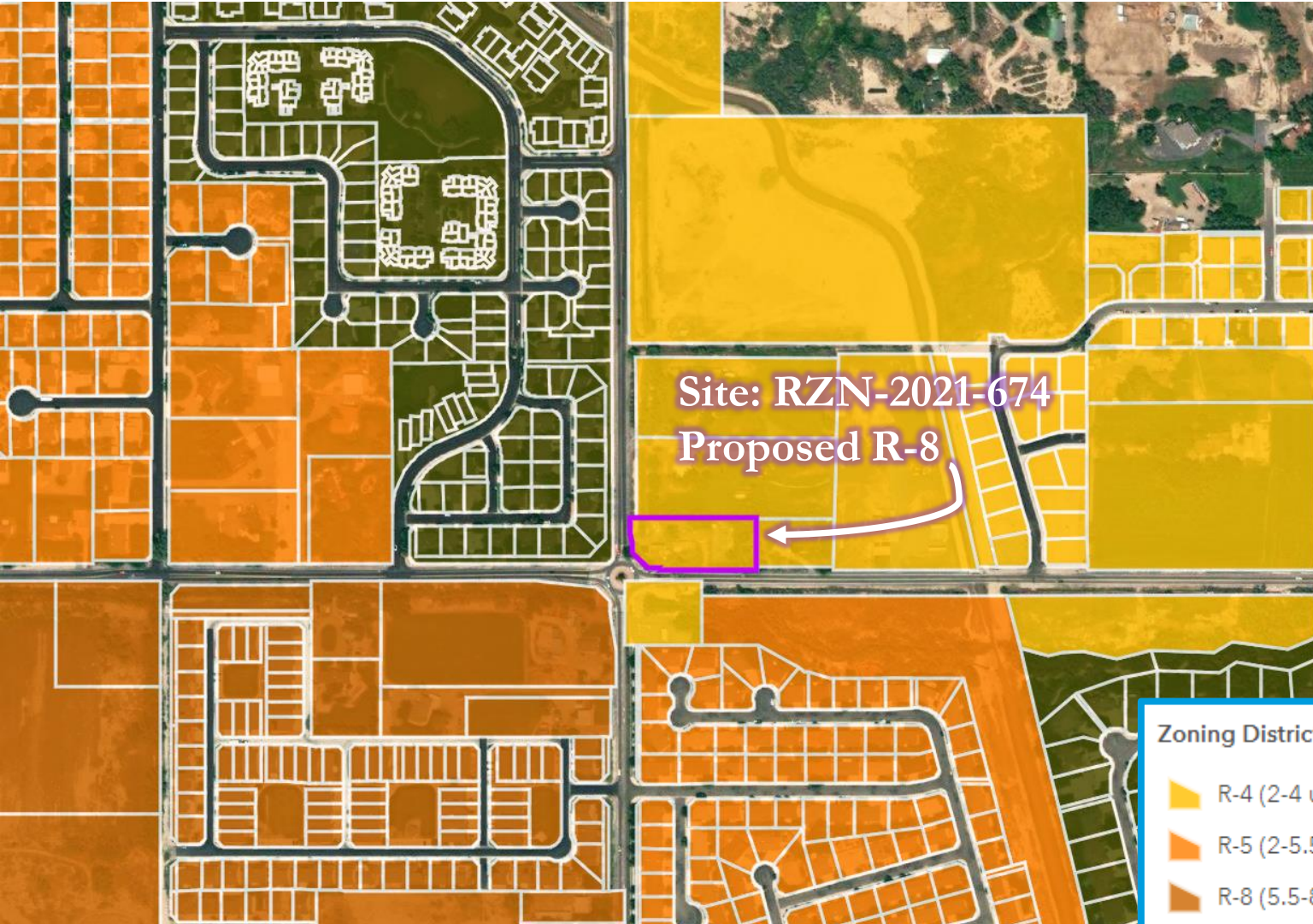


Site: RZN-2021-674

Future Land Use

- Residential Low (2 - 5.5 DU/Acre)
- Residential Medium (5.5 - 12 DU/Acre)
- Parks and Open Space

2858 Investors Rezone Land Use Map



Site: RZN-2021-674
Proposed R-8

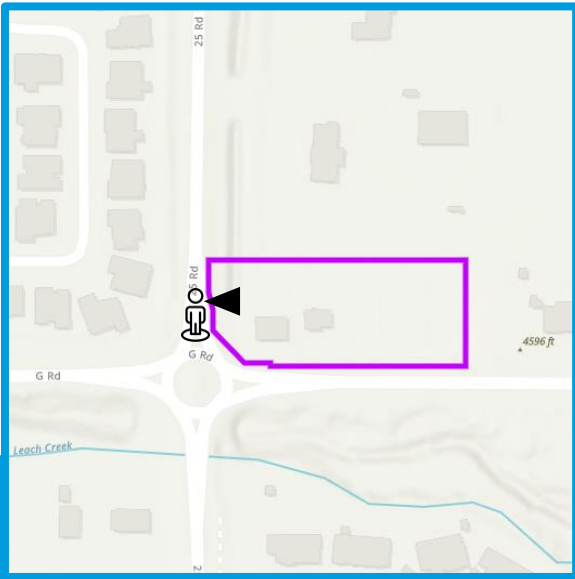
Zoning Districts

-  R-4 (2-4 units/acre)
-  R-5 (2-5.5 units/acre)
-  R-8 (5.5-8 units/acre)
-  PD (Planned Development)

Slawson Rezone Zoning Map

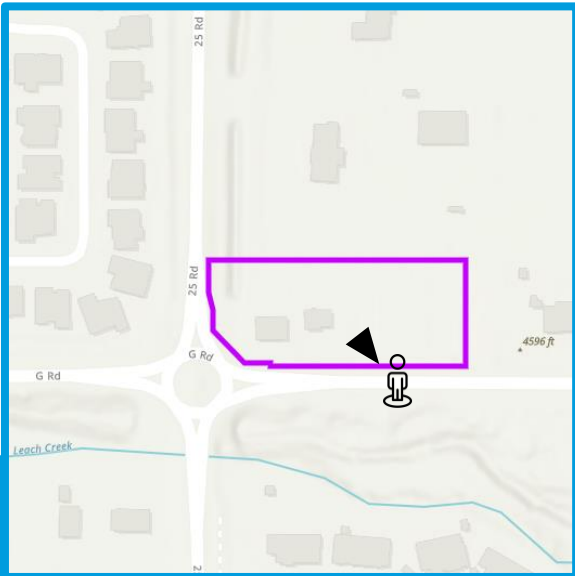
Slawson Rezone Site Photo

Google Maps street view of property looking east from 25 Road



Slawson Rezone Site Photo

Google Maps street view of property looking north from G Road





**702 25 Road, Grand Junction, CO 81505, REZONE
(Parcel No. 2701-343-00-105)**

**SUMMARY OF VIRTUAL NEIGHBORHOOD MEETING
TUESDAY, AUGUST 10, 2021 @ 5:30 PM
VIA ZOOM**

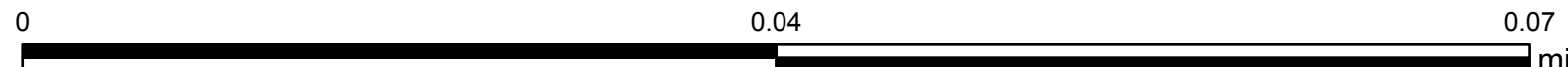
A virtual neighborhood meeting for the above-referenced Annexation and Zoning, was held Wednesday, January 12, 2022, via Zoom, at 5:30 PM. The initial letter notifying the neighboring property owners within the surrounding 500 feet was sent on December 30, 2021, per the mailing list received from the City of Grand Junction. There were three attendees including Tracy States, Project Coordinator, with River City Consultants, Kent Slawson, the Owner/Developer and Jace Hochwalt, Senior Planner with the City of Grand Junction. There were no neighbors in attendance.

With no one from the public in attendance, Tracy States explained to Jace Hochwalt what the plan was, to rezone the parcel from the existing zoning of R-4 to R-8 and showed him the maps intended to be used during the presentation. There was some discussion regarding possible plans once the rezone is completed.

The meeting adjourned at approximately 5:45 PM.

.

Location Map

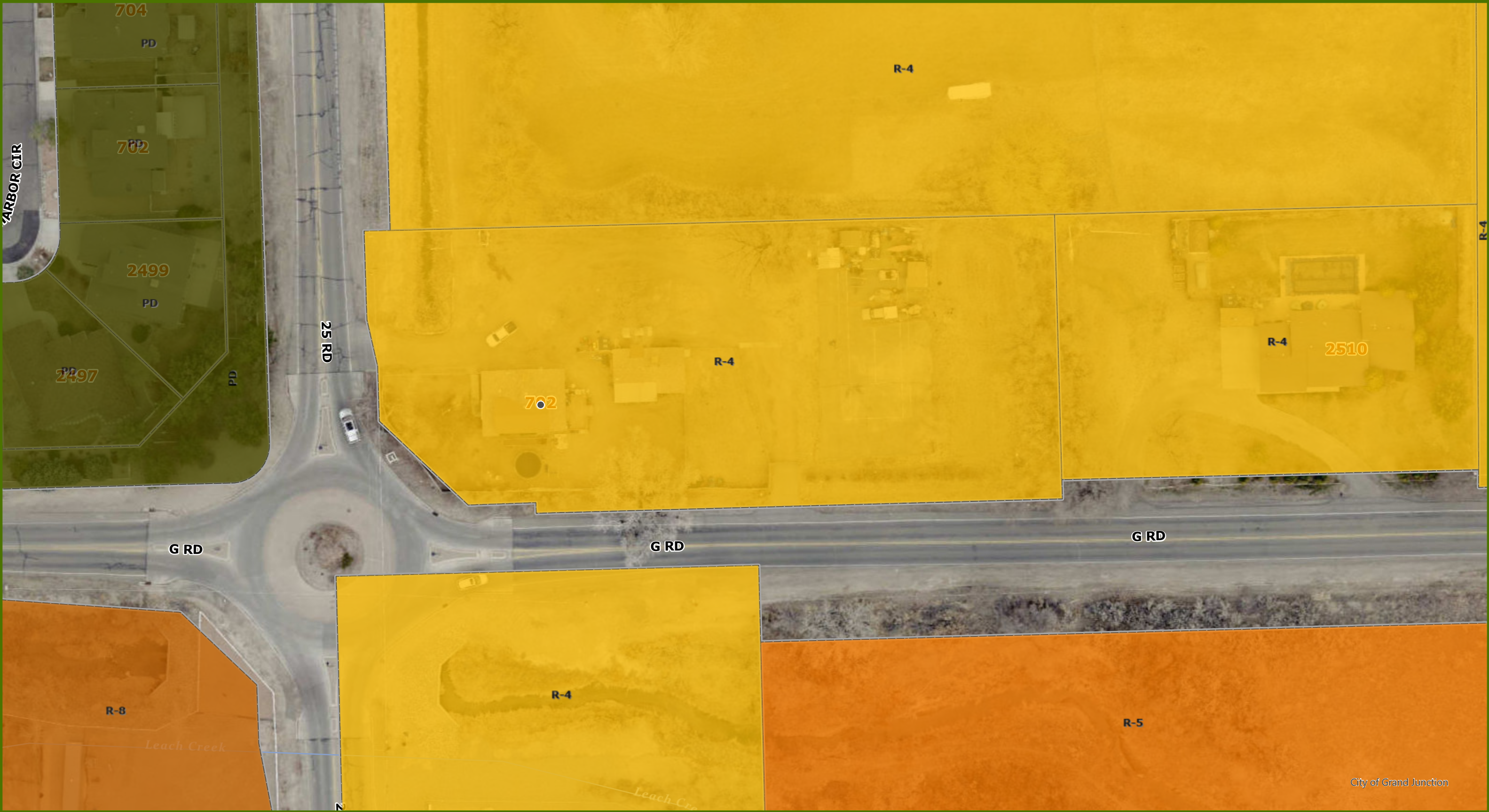


Printed: 1/12/2022
1 inch equals 47 feet
Scale: 1:564

City of Grand Junction

CITY OF
Grand Junction
COLORADO
GEOGRAPHIC INFORMATION SYSTEM

Existing Zoning



Printed: 1/12/2022
1 inch equals 47 feet
Scale: 1:564

2020 Comprehensive Plan Designation



Printed: 1/12/2022
1 inch equals 47 feet
Scale: 1:564

R-8: Residential – 8.

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

The parcel is 0.88 acre which would allow for four to seven dwelling units. If the property is subdivided, a separate neighborhood meeting will be held to present the plan.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE ZONING 702 25 ROAD TO R-8 (RESIDENTIAL - 8 DU/AC) ZONE DISTRICT

Recitals:

The property owner, Kent Slawson, proposes a rezone from R-4 (Residential – 4 du/ac) to R-8 (Residential – 8 du/ac) on a total of 1.18-acres located at the 702 25 Road.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended zoning the approximately 1.18 acres property located at 702 25 Road (Property) R-8 (Residential – 8 du/ac) from R-4 (Residential – 4 du/ac). The Planning Commission found that both the R-8 zone district conforms with the designation 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 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 district is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning & Development Code and that the Property is and shall be zoned R-8 (Residential – 8 du/ac) in accordance with this ordinance.

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

THAT the Property, a parcel of land of approximately 1.18 acres located at 702 25 Road, in the City of Grand Junction, County of Mesa, State of Colorado is described and as follows:

702 25 Road

Tax Parcel #2701-343-00-105

Lot 63, POMONA PARK

EXCEPT that portion of said Lot 63 described as follows.

Beginning South 89 ° 50' East 379 from the Southwest corner of said Section 34;

Thence South 89 ° 50' East 280 feet;

Thence North 658.44 feet;

Thence North 89 ° 50' West

659 feet; Thence South

480.34 feet;

Thence South 89 ° 50' East 379 feet;

Thence South 178.1 feet to beginning, ALSO EXCEPTING THEREFROM those portions thereof conveyed to The City of Grand Junction by instruments recorded June 12, 1998, in Book 2451 at Pages 817 and 820 as Reception Nos 1850499 and 1850500, AND ALSO EXCEPTING THEREFROM that portion thereof conveyed to The City of Grand Junction by instrument recorded October 25, 2001 in Book 2945 at Page 175,

County of Mesa, State of Colorado.

Said parcel containing 1.18 acres, more or less, as described herein, is hereby zoned R-8 (RESIDENTIAL - 8 DU/AC).

INTRODUCED on first reading this 6th day of April 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:

Laura Bauer
Interim City Clerk



Grand Junction City Council

Regular Session

Item #3.a.

Meeting Date: April 6, 2022
Presented By: Doug Shoemaker, Chief of Police
Department: Police
Submitted By: Chief Doug Shoemaker

Information

SUBJECT:

2022 Agreement with Mesa County for Animal Control Services

RECOMMENDATION:

Approve a contract with Mesa County to provide Animal Control services for the year 2022 to the City of Grand Junction.

EXECUTIVE SUMMARY:

The City of Grand Junction is asking to again contract with Mesa County Animal Services to provide services relative to animal control complaints as they pertain to the City. This contract is for the calendar year of 2022, and will not exceed \$385,260.60.

BACKGROUND OR DETAILED INFORMATION:

Under this agreement, which has been in effect for several years, Mesa County Animal Services (MCAS) provides animal control services for the City of Grand Junction. The purpose of this contract is to enforce the animal control codes within the city limits, and includes the appropriate personnel, equipment, and other related costs to properly serve that function. For the period of January 2020 through October 2021, MCAS responded to over 5,200 calls for service within the city limits, including dogs at large, aggressive animals, animal bites, animal welfare checks and agency assists on calls related to animals. Additionally, MCAS officers respond to criminal cases as needed regarding animal-based complaint cases.

The City's share of animal control costs is based on the percentage of overall calls for service inside City limits. The agreement is based on a projection of costs and three quarterly payments are made based on that projection/budget. The final payment is made after a reconciliation of actual costs following year-end and if it is less than

projected, that is the total paid for the year. In any case, the cost will not exceed the contract amount of \$385,260.60.

FISCAL IMPACT:

The total cost of the contract will not exceed \$385,260.60 and is included in the 2022 Adopted Budget.

SUGGESTED MOTION:

I move to (authorize/not authorize) a contract with Mesa County Animal Services (MCAS) to provide animal control services for the City of Grand Junction for the calendar year 2022.

Attachments

1. Mesa County Animal Services Contract for 2022

**AGREEMENT BETWEEN MESA COUNTY, COLORADO, A POLITICAL
SUBDIVISION OF THE STATE OF COLORADO, BY AND THROUGH THE MESA
COUNTY BOARD OF COUNTY COMMISSIONERS, AND THE CITY OF GRAND
JUNCTION, A COLORADO HOME RULE MUNICIPALITY, PERTAINING TO ANIMAL
SERVICES.**

The City of Grand Junction, a Colorado home rule municipality ("City"), and Mesa County, Colorado, a Political Subdivision of the State of Colorado, by and through the Mesa County Board of County Commissioners, ("Mesa County" or "County") for the benefit of Mesa County Animal Services ("MCAS") have determined that Mesa County shall provide animal services within the City. Those services will be pursuant to the City's home rule powers and under the provisions of §29-1-201, et. seq., C.R.S. as amended. This Agreement, dated _____, 20____, is intended to provide the basis for animal services for the year January 1, 2022 through December 31, 2022.

AGREEMENT

(1) The City has adopted Title 6 of the Grand Junction Municipal Code ("Code" or "the Code") for the control of animals within the City. The City hereby agrees to provide the County with the authority necessary to administer and enforce the animal control Code within the City.

(2) The County agrees to enforce the Code as now codified and hereafter amended, in accordance with its provisions, consistent with proper enforcement practice and on a uniform basis throughout the City.

(3) During the term hereof, the City will pay to the County, Three Hundred and Eighty Five Thousand, Two Hundred Sixty and 60/100ths, (\$385,260.60). The City shall make three equal payments to the County of, Ninety-Six Thousand, Three Hundred Fifteen and 15/100ths, (\$96,315.15) on or before March 31, June 30, and September 30, 2022. A final payment for 2022 services shall be made on or before January 15, 2023 following an actual cost accounting for the animal control services provided to the City by MCAS. The final payment for services shall not exceed \$385,260.60 but may, as shown by the accounting, be less than that amount. Upon receipt of four payments not to exceed the total sum of \$385,260.60 the County shall have received full consideration for its services.

All fines and shelter/impoundment revenues derived from 2022 enforcement under this Agreement shall be paid to the County as additional consideration for the services rendered and such revenue is separate and apart from the calculation of payments due to the County from the City.

(4) The consideration paid by the City to the County as established by this

Agreement is sufficient to support the making and enforcement of this Agreement. The consideration is determined as follows:

a. Mesa County's actual expenses (shown herein below as personnel expenditures, operating expenditures and Mesa County OMB Circular A-87 Cost Allocation Plan – 2020 Actual Expenditures) for animal services from July 1, 2020 through June 30, 2021, shall be reduced by MCAS operation revenues from July 1, 2020 through June 30, 2021, excluding as provided in (3) all fines and shelter/impoundment revenues paid by the City.

The resulting amount represents the Estimated Net Cost of the overall, combined City-County animal services program for 2022.

The City and County recognize and acknowledge that the County will occasionally incur capital expenditures related to the County facilities, equipment and/or tooling utilized in providing the services referenced in this Agreement. The only capital expenditures permitted in the formula in paragraph (4)c hereof are capital expenditures that have been agreed to in writing by both the City and County prior to such costs for capital expenditures actually being expended. There are no approved Capital expenditures for the term of this Agreement.

b. As part of this Agreement, the County's dispatch and patrol stops are logged within a database. The percentage of animal services attributable to the City is calculated from this data after administrative stops have been deleted.

c. Multiplying the Estimated Net Cost of the City-County Program by the percentage of the workload attributable to enforcement activity within the City yields an amount representing the Estimated City Cost for Animal Services 2022. The resulting figure is the estimated amount due Mesa County under this Agreement for providing animal control services in 2022. That amount will be paid as provided in paragraph (3) hereof.

The 2022 calculation is:

\$ 739,277.00	personnel expenditures 7/1/20 to 6/30/21
\$ 157,866.00	operating expenditures 7/1/20 through 6/30/21
\$ 325,048.00	Mesa County A-87 Cost Allocation Plan 2020 Actual Expenditures
\$ 0.00	Capital expenditures
\$ 383,939.00	MCAS operation revenues from 7/1/20 through 6/30/21

\$	838,252.00	Estimated Net Cost of City-County Program
X	45.96	City's 3-year average percentage of Animal Control Responses 7/1/18 through 6/30/21
\$	385,260.60	Estimated City Cost for Animal Services 2022.
\$	96,315.15	PAYMENTS DUE Mesa County for Estimated City Cost for Animal Services for 2022. Final payment based on actual costs, all payments not to exceed Estimated City Cost for Animal Services 2022.

(5) The County shall provide animal services pursuant to this Agreement during those hours best suited, as determined by the County, for enforcement. The County shall provide a standby system for emergency calls for all other hours. In situations that cannot be handled solely by the County, the Grand Junction Police Department may be called by the County to assist.

(6) The County will select and supervise the personnel providing animal services under this Agreement. Mesa County shall provide to the City all necessary or required reports on the activities of the animal services officers.

(7) Enforcement actions arising out of or under the Code shall be prosecuted in the Grand Junction Municipal Court in the same manner as other enforcement actions as determined by the City prosecutor. The City agrees to reasonably cooperate with the County in enforcement and prosecution activities.

(8) Liability. Each party understands and agrees that each may be protected by and will rely on and do not waive or intend to waive by any provision of this Agreement the limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, 24-1-101, et seq., C.R.S. and as amended. Each party shall be responsible for its own acts and results thereof and shall not be responsible for the acts of the other party and the results thereof. Any person(s) employed by the City or the County that performs work hereunder shall remain employee(s) of the respective party and not agent(s) and/or employee(s) of the other party.

(9) This Agreement shall terminate upon six months' written notice of intent to terminate, or on December 31, 2022 if the parties to this Agreement enter into a new agreement for the provision of animal control services in the succeeding year as set forth below. Notice to terminate, if issued, shall be sent to the appropriate signatory of this Agreement by certified mail.

(10) It shall be the responsibility of the County to provide the City with a proposed animal services Agreement for 2023 services no later than November 1, 2022. After

review of the proposed Agreement, the City will on or before December 1, 2022, either issue a preliminary acceptance of the proposed Agreement or a written notice of termination of the existing Agreement and a statement of the City's intention not to enter into the proposed Agreement for animal services in the succeeding calendar year.

(11) If preliminary acceptance has been given, the proposed Agreement shall not become effective until expiration of the then existing Agreement and until signed by the parties. The City's preliminary acceptance may be withdrawn at any time prior to signing of the Agreement by notification of termination being sent to the County as specified in paragraph 9. If preliminary acceptance is withdrawn by a notice of termination, the City will pay for, and the County will provide, animal services for six (6) months from the date of the notice of termination.

(12) The terms and rates for the six (6) months service continuation period after notice of termination shall be those agreed to by the parties in the 2022 Agreement.

(13) If terms and conditions of the proposed Agreement are not accepted by the parties in the form of a signed written Agreement, on or before December 31, 2022, the provision of animal services to the City shall cease June 30, 2023.

Attest:

CITY OF GRAND JUNCTION

City Clerk:

Mayor:

Date: _____

Date: _____

Attest:

COUNTY OF MESA

County Clerk:

Board of County Commissioners
Chairperson:

Date: _____

Date: _____



Grand Junction City Council

Regular Session

Item #3.b.

Meeting Date: April 6, 2022

Presented By: Ken Sherbenou, Parks and Recreation Director

Department: Parks and Recreation

Submitted By: Ken Sherbenou

Information

SUBJECT:

Agreement for Palisade Pool Operations

RECOMMENDATION:

Staff recommends approval of the agreement as proposed.

EXECUTIVE SUMMARY:

The Grand Junction Parks and Recreation's Aquatics Division was asked to manage the aquatics operations at the Town of Palisade's municipal swimming pool in exchange for reimbursement. This includes covering all direct and indirect costs of providing this service. The City and the Town of Palisade first entered into this agreement in 2009. Each year, it is updated and costs are increased to reflect current staffing and operational needs. For 2022, the increase was 5%. If approved by City Council, the City will provide another year of staffing, scheduling, minor maintenance, concessions, and overall operations of public swim and swim lessons. The expertise of the Grand Junction Parks and Recreation's Aquatics Division enables a safe and quality operation of the Town of Palisade Pool and the costs of providing this service are paid by the Town of Palisade.

BACKGROUND OR DETAILED INFORMATION:

Based on the terms of the agreement, the City agrees to provide all required labor for the Palisade Pool. Labor includes lifeguards, swim instructors, swim coaches, guest service representatives, and pool managers. The City pays all wages, salaries, benefits, and workers' compensation insurance premiums for the required labor for the Palisade Pool. There are operational efficiencies and economies of scale since the City also hires, trains, and staffs the Orchard Mesa Pool and the Lincoln Park Pool.

Ellis and Associates Comprehensive Aquatic Risk Management Program, employed at Orchard Mesa Pool and Lincoln Park Pool, is applied to the Palisade Pool. This, and all other operational decisions are made by the Grand Junction Parks and Recreation team. Furthermore, City staff provide basic daily maintenance, including but not limited to lawn mowing, cleaning of the facility, and pool vacuuming. This is reflected in the enclosed proposed agreement, as is the Town of

Palisade's obligations. These include larger-scale maintenance of the Pool. Per the agreement, the Town of Palisade shall repair and/or replace all mechanical and chemical systems. The Town of Palisade will also repair and/or replace all sprinklers, fences, lights, restroom facilities, shelters, tables, benches, sign(s), trash receptacles and any other feature, facility, or installation of the Pool.

The cost to maintain the Pool, including repairs, upkeep and utilities shall be the sole expense and liability of the Town of Palisade. All supplies and equipment required by the City and Ellis and Associates Comprehensive Aquatic Risk Management Program shall be purchased by the Town of Palisade. A detailed list of supplies and equipment is provided in Exhibit D of the Memorandum of Understanding.

FISCAL IMPACT:

The City has included expenses and offsetting revenues of \$110,918.25 in the 2022 Adopted Budget.

SUGGESTED MOTION:

I move to (authorize/not authorize) the execution of the Palisade Pool Agreement as proposed between the City of Grand Junction and the Town of Palisade from April 7, 2022 to September 31, 2022.

Attachments

1. AGR-Palisade Pool IGA - 2022

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) is made and entered into this _____ day of _____, 2022, by and between THE TOWN OF PALISADE, hereinafter called “Town” and THE CITY OF GRAND JUNCTION, a Colorado Home Rule City, hereinafter called “City,” collectively the “Parties.”

R E C I T A L S

The Town is the owner of real property situated at 571 West 5th Street, in Palisade, Colorado, known as Palisade Swimming Pool, hereinafter called “Pool”.

The City and the Town agree that the provision of recreation programs is important to the public in general and specifically to those persons utilizing Palisade Swimming Pool.

In support of the Pool, the City and Town agree that the City will provide all lifeguards, guest service representatives, swim instructors, and pool managers at Palisade Swimming Pool.

An intergovernmental agreement for such purpose is authorized pursuant to Section 18, Article XIV of the Colorado Constitution, Section 29-1-203, C.R.S., Section 22-32-110(1)(f), C.R.S., and other applicable laws.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein and other valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

1. The term of this Agreement will be for six months, commencing April 7, 2022, and ending September 31, 2022, and may be extended for an additional term upon mutual agreement, except if the additional term constitutes a multi-year fiscal obligation and/or either party disclaims in writing any obligation(s) that arise(s) or may be claimed to arise out or under paragraph 10.

2. The City agrees to provide all required labor for the Pool. Labor for purposes of this Agreement is lifeguards, swim instructors, swim coach, guest service representatives, and pool managers. The City will pay all wages, salaries, benefits, and workers’ compensation insurance premiums for the required labor for the Pool. The Town agrees that the standard and customary City and Ellis and Associates Comprehensive Aquatic Risk Management Program shall be applied to the Pool. City staff will provide basic daily maintenance including but not limited to lawn mowing, cleaning of facility, and pool vacuuming.

3. As owner of the Pool, Town agrees to be responsible for maintenance of the Pool. Without limiting the generality of that responsibility, the Town shall repair and/or replace all mechanical and chemical systems. The Town will also repair and/or replace all sprinklers, fences, lights, restrooms facilities, shelters, tables, benches, sign(s), trash receptacles and any other feature, facility, or installation of the Pool. The cost to maintain the Pool, including repairs, upkeep and utilities shall be the sole expense and liability of the Town. All facility compliance as it refers to Virginia Graeme Baker Pool and Spa Safety Act (15 USC 8001) is the responsibility of the Town of Palisade, as well as all 2010 ADA requirements.

All supplies and equipment required by the City and Ellis and Associates Comprehensive Aquatic Risk Management Program shall be purchased by the Town. A detailed list of supplies and equipment is provided in Exhibit D of the Memorandum of Understanding, which is attached hereto as Exhibit 1 and incorporated herein by reference.

4. The Town and City agree to promptly notify each other should the physical condition of the Pool not be conducive to the safe conduct of any programmed activity in the Pool and/or if maintenance practices may impact in any way, the scheduling of activities in the Pool.

5. The City will register all swim lesson and special event participants as well as manage all public swim entries, swim lessons, and community swim team. The City staff will collect the revenues generated by public swim, swim lessons, private parties, and special events but the Town will retain all revenues.

The Town agrees to give management of all concession operations, including staff and supply expenses, to the City with all revenues being retained by the City.

6. The City and Town agree that for purposes of this Agreement the City's annual expenses to cover all public swim and swim lessons are estimated to be \$110,918. This includes all direct staff costs, indirect staff costs with a Recreation Supervisor and Recreation Coordinator, hiring costs incurred by the City, Ellis and Associates audit fees, mileage, special equipment, and uniform costs. The City shall bill the Town a lump sum of \$110,918 in September 2022. Direct labor costs for all mutually agreed upon special events and private parties shall be charged to the Town above and beyond the \$110,918.

In the event the City's annual expense exceeds the annual amount for some unforeseen circumstances, the City and Town may renegotiate the base amount based on the City's actual cost.

7. The Town understands and agrees that it will not reserve, schedule, or hold any activity at the Pool, for itself or for any other person or entity, without first communicating and coordinating with the City's Parks and Recreation designee. The final determination regarding the scheduling of such activities at the pool will be made jointly by the Town and the City.

8. The Town will set the fees and charges for Pool usage and programming in accordance with the prevailing Town rates in effect as of the date of this Agreement. All fees collected by the City shall be retained by the Town per the provisions of Paragraph 5 herein. Exhibit C of the attached Memorandum of Understanding provides the fee schedule for the Palisade Pool. In addition, it is agreed that the Town and City will allow season pass holders of the respective swimming pool facilities to utilize the pool facilities of the other jurisdiction upon presentation of the other's season pass for an additional \$1.00 charge.

9. The Parties understand and agree that both the City and the Town may be protected by and will rely on and do not waive or intend to waive by any provision of this Agreement the monetary insurance limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, C.R.S. 24-10-101 *et seq.*, as may be amended or otherwise available.

10. To the extent authorized by law, the Town agrees to indemnify and hold harmless the City and its officers and its employees, from and against all liability, claims, demands and expenses, including court costs and attorney fees, on account of any injury, loss or damage, which arise out of or are in any manner connected with the maintenance work to be performed by the Town under this agreement, if such injury, loss or damage is caused by, or is claimed to be caused by, the act, omission or other fault of the Town or any officer or employee of the Town.

To the extent authorized by law, the City agrees to indemnify and hold harmless the Town and its officers and its employees, from and against all liability, claims, demands and expenses including court costs and attorney fees, on account of any injury, loss or damage, which arise out of or are in any manner connected with the programming work to be performed by the City under this agreement, if such injury, loss or damage is caused by, or is claimed to be caused by, the act, omission, or other fault of the City or any officer or employee of the City.

11. Any persons employed by either the City or the Town for the performance of work hereunder shall be employees of the respective party and not agents or employees of the other.

12. Neither party may assign or delegate this Agreement or any portion thereof without the prior written consent of the other Party.

13. Each term and condition hereof shall be deemed to be a material element of this Agreement. In the event either Party should fail or refuse to perform according to the terms of this Agreement; such party may be declared in default.

14. This Agreement may be terminated by either party for material breach, default of the Agreement by the other party not caused by any action or omission of the other party, or for no reason, by giving the other party written notice of at least thirty (30) days in advance of the termination date. Termination pursuant to this subsection shall not prevent either party from exercising any other legal remedies which may be available to it.

15. The Parties shall reasonably comply with the applicable provisions of the American with Disabilities Act of 1990 and all other applicable federal, state, or local laws and regulations.

EXHIBIT 1

MEMORANDUM OF UNDERSTANDING
Regarding
Cooperative Operation and Provision of Lifeguards
For the Palisade Swimming Pool
2022

DATE: April 1, 2022

WHEREAS, City of Grand Junction (City) and Town of Palisade (Town) have a history of cooperation; and,

WHEREAS, there are opportunities for cooperation in the area of recreation services to the benefit of citizens of both jurisdictions and the Grand Valley; and,

WHEREAS, both municipalities are desirous of cooperating and contracting for certain services associated with the provision of life guards and operation of the Palisade Swimming Pool;

NOW THEREFORE BE IT AGREED as follows:

The City of Grand Junction will:

- 1) Hire, employ, supervise and provide Ellis and Associates trained and certified Lifeguards for the Palisade Swimming Pool for the 2022 summer swimming season.
- 2) Pay all wages, benefits, pursuant to Grand Junction personnel policies and pay all workers' compensation insurance premiums for all Life Guards utilized at the Palisade Swimming Pool.
- 3) Provide uniforms for Palisade Swimming Pool staff pursuant to Exhibit A - Uniforms attached hereto.
- 4) Provide sufficient staffing to operate the Palisade Swimming Pool seven days per week from May 21, 2022 through and including September 5, 2022, with a minimum of one Pool Manager, one Guest Services Representative, and adequate number of Lifeguards during agreed operating hours.
- 5) Provide, provision, open, and staff a concession located on site and keep and retain all revenues generated from the sale of concessions at the Palisade Pool.
- 6) Answer inquiries and schedule lessons and special events utilizing employees at the Palisade Pool
- 7) Plan, staff, and manage special events and lessons at the Palisade Pool.
- 8) Collect all admission and fees for pool programs at the Palisade Swimming Pool pursuant to Exhibit C – Palisade Pool Fee Schedule.
- 9) Provide sufficient on and off-site supervision of the Palisade Swimming Pool operation and personnel by the Grand Junction Aquatics Coordinator, Recreation Supervision and other Grand Junction Recreation Office Management staff.

The Town of Palisade will:

- 1) Pay \$110,918.25 to the City of Grand Junction in September 2022 for direct and indirect staffing costs associated with regular pool operations.
- 2) Pay the additional costs of direct staffing associated with lessons and special events at the hourly rates specified in Exhibit B.
- 3) Equip the Palisade Pool with all supplies and equipment as specified in Exhibit D – Supplies attached hereto.
- 4) Provide space at the Palisade Pool for a concession operation to be operated by the City of Grand Junction.
- 5) Pay all costs of pool repairs, maintenance, and utilities.

IT IS FURTHER AGREED AS FOLLOWS:

- 1) All admission, lesson, special events, or other fees associated with use of the Palisade Swimming Pool will be retained by the Town of Palisade.
- 2) All revenues from concessions will be retained by the City of Grand Junction.
- 3) Grand Junction and Palisade will honor each other's season pass with a \$1 additional charge at their respective pools as follows:
 - Patrons of the Palisade pool with a Grand Junction pool season pass will be allowed admission to the Palisade Pool for \$1.
 - Patrons of the Orchard Mesa and Lincoln Park pools with a Palisade pool season pass will be allowed admission to the Orchard Mesa and Lincoln Park pools for \$1.

City of Grand Junction Authorized Signature

Town of Palisade Authorized Signature

Exhibit A – Uniforms

<u>Item</u>	<u>Cost</u>
Men's Shorts	\$26.50
Women's Shorts	\$19.00
*Women's Suits	\$30.00
T-shirts	\$7.50
Whistles	\$2.90
Lanyards	\$1.85
Fanny packs	\$6.75
Hats	\$ 12.00
Visors	\$10.00

Women purchase suits. Employees choose a hat or visor. Grand Junction Parks and Recreation purchases and provides all other uniforms.

DRAFT

Exhibit B Staffing & Budget

	Direct Staffing Cost			
	<u>Managers</u>	<u>Guards</u>	<u>Instructors</u>	<u>GSR</u>
Hours Per Season	840	2703	1331	873
Rate	\$18.40	\$16.10	\$16.10	\$15.52
Cost for 15 weeks	\$15,456	\$43,518	\$21,429	\$13,549

Total Direct Staffing Cost \$93,952
*Does not include special events or private parties, these are billed separately bases on mutual agreement.

Indirect Staffing	
Aquatics Coordinator Time 80 hours @ \$33.25	\$2,660
Recreation Supervisor Time 25 hours @ \$45.36	\$1,134
Management Staff Preseason 50 hours @ \$19.61	\$980
Administration Cost 5% of direct labor	\$4,698
Mileage	\$250
Total indirect staffing cost	\$9,722

Direct Operational Cost	
Uniform cost 11 guards @ 63.75 each	\$701.25
Lifeguarding audit fee 3 @ 333.75	\$1,001.25
Risk Mgt retainer fee	\$316.75
Staff hiring/training 11 @ \$475	\$5,225
Total direct operational cost	\$7244.25

Exhibit C – Palisade Pool Fee Schedule

Daily Admission

Child (0-2 years):	Free with Paid Adult limit 2 per adult
Youth (3-17 years) & seniors (55+):	\$3
Adult (18-55):	\$4
Senior:	\$2.50
Wednesday all ages:	\$1
Twilight:	\$2.50
Sunday:	\$2.00

Season Passes

Youth:	\$70
Adult:	\$80
Senior:	\$65
Family Pass (up to 6 members):	\$185

*Pass are discounted 50% on July 1

Punch Card

20 visits, all ages:	\$55
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Group Admissions

10 or more by same group, single day: \$2.50 each

Daycare Swim	\$2.50
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Special Events/Parties

0 – 20 people:	\$80
21 to 50 people:	\$180
51 to 100 people:	\$230
101 to 125 people	\$280

Exhibit D – Required Equipment and Supplies

Supply Needs

AED
AED Case
AED Rechargeable Battery
AED Trainer
AED Trainer Battery
AED Pads (Adult & Pediatric)x2
Scissors/Deodorant/Razors
Supplemental O2
Rescue Tubes
V-Vac suction
BVM (Adult/Child/Infant)x2
Chamois Cloth Towel
Non-rebreathers
Trauma Bag
Gloves Latex
Gloves Nitride
Bandages
Band-Aids
Gauze pads
Cotton Balls
Tape
Hydrogen Peroxide
CPR/AR Training Mannequins
Vigilance Training Manikin
Life Jackets
CJ Wood Backboard



Grand Junction City Council

Regular Session

Item #4.a.

Meeting Date: April 6, 2022

Presented By: Jay Valentine, General Services Director

Department: General Services

Submitted By: Jim Stavast & Jerod Timothy

Information

SUBJECT:

Contract for Municipal Service Center Reroof

RECOMMENDATION:

Authorize the City Purchasing Division to enter into a contract with Supreme Roofing of Englewood, CO for the Municipal Service Center Re-Roof Project for the amount of \$276,469.00.

EXECUTIVE SUMMARY:

The Municipal Service Center building is home to the City's Fleet Operations, Public Works Engineering Division, and the City's Warehouse functions. The roof of this facility needs to be replaced due to age and condition. The roof has a life of 20 years and is currently 26 years old. The cost of roof repairs continues to rise as more repairs are needed every year.

BACKGROUND OR DETAILED INFORMATION:

At 32,000 square feet of area, this is the third largest building in the City's inventory. The current rock ballasted rubber membrane roof is to be replaced with a non-ballasted white TPO (thermopolyolefin) membrane roof with a 20-year warranty. The new roof will reflect much of the sun's rays and should also help with reducing the heat load during the summer months.

A formal Invitation for Bids was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City's Purchasing website, sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractors Association, and advertised in The Daily Sentinel. Eleven (11) companies submitted a formal bid,

which were found to be responsive and responsible in the following amounts.

Firm	Location	Bid Amount
Supreme Roofing	Englewood, CO	\$276,469.00
Alpine Roofing	Denver, CO	\$309,989.00
R3NG, LLC	Sheridan, CO	\$321,000.00
B & M Roofing of Colorado, Inc	Frederick, CO	\$324,778.00
CRW, Inc.	Grand Junction, CO	\$325,648.00
Douglass Colony Group	Commerce City, CO	\$345,543.00
Kruger Roofing, LLC	Grand Junction, CO	\$389,500.00
Colorado Moisture Control, Inc.	Denver, CO	\$394,313.00
Contract West Roofing, Inc.	Salt Lake City, UT	\$427,700.00
Sunwest Roofing LLC	Colorado Springs, CO	\$459,248.00
United Materials LLC	Denver, CO	\$459,248.00

Per Section 10.10 of the Purchasing Manual, all solicitation documents shall remain confidential until the Purchasing Division awards the contract.

FISCAL IMPACT:

The funds for this project are included in the 2022 Facilities Budget.

SUGGESTED MOTION:

I move to (authorize/not authorize) the City Purchasing Division to enter into a contract with Supreme Roofing of Englewood, CO for the Municipal Service Center Re-Roof Project for the amount of \$276,469.00.

Attachments

None



Grand Junction City Council

Regular Session

Item #4.b.

Meeting Date: April 6, 2022

Presented By: Trenton Prall, Public Works Director, Jay Valentine, General Services Director

Department: Public Works - Streets

Submitted By: Eric Rink, Project Engineer

Information

SUBJECT:

Contract for 2022 Concrete Curb, Gutter and Sidewalk Replacement Project

RECOMMENDATION:

Authorize the City Purchasing Division to enter into a Contract with Agave Construction, LLC of Grand Junction, CO for the 2022 Curb, Gutter, and Sidewalk Replacement Project in the amount of \$299,038.00.

EXECUTIVE SUMMARY:

This construction contract with Agave Construction, LLC, if approved, will reconstruct various sections of concrete curb, gutter, sidewalks, drain pans, driveways, and ramps at various locations throughout the City.

BACKGROUND OR DETAILED INFORMATION:

This project will include the removal and replacement of several segments of various concrete roadway elements at 35 locations throughout the city. It will include the removal and replacement of approximately: 80 linear feet of curb and gutter, 310 square yards of monolithic curb, gutter, sidewalk; 900 square yards of sidewalk; 50 square yards of concrete intersection corners; 10 square yards of concrete drainage pan; and 200 square yards of driveway.

This contract will repair various defective concrete elements in high pedestrian traffic areas.

A formal Invitation for Bids was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City's Purchasing website, sent to the

Grand Junction Chamber of Commerce and the Western Colorado Contractors Association, and advertised in The Daily Sentinel. One company submitted a formal bid, which was found to be responsive and responsible in the following amounts:

Firm	Location	Bid Amount
Agave Construction, LLC	Grand Junction, CO	\$299,038.00

This project is scheduled to begin in Mid-April with an expected final completion date of the end of June.

While only one bid was received, it was from the same contractor who completed the 2021 work. Pricing is similar to 2021 with modest escalation due to material/labor increases.

Per Section 10.10 of the Purchasing Manual, all solicitation documents shall remain confidential until the Purchasing Division awards the contract.

FISCAL IMPACT:

A total of \$400,000 is in the 2022 Adopted Budget for the 0.75% Sales Tax Capital Improvement Fund to improve the condition of the City's sidewalks. The 2022 Curb, Gutter, and Sidewalk Replacement project for \$299,038.00 is just one aspect of the sidewalk improvement program. The remaining budget will be utilized for a concrete grinding/leveling contract, and City crew-led replacement projects.

SUGGESTED MOTION:

I move to (authorize/not authorize) the City Purchasing Division to enter into a contract with Agave Construction, LLC of Grand Junction, CO for the 2022 Curb, Gutter, and Sidewalk Replacement Project in the amount of \$299,038.00.

Attachments

1. 2022 CGS Location List

2022 Curb, Gutter, and Sidewalk Replacement Project Locations

- (1) 2920 Music Ave.
- (2) 183 country Ridge Rd.
- (3) 2335 Cypress Ct.
- (4) 3640 Applewood St.
- (5) 1418 Cedar Ave.
- (6) Lowell Ct. (Various Locations)
- (7) 2543 Mira Vista Rd.
- (8) 2827 Pitchblend Ct.
- (9) 903 Grand Ave.
- (10) 2990 Summerbrook Dr.
- (11) 2810 ½ Texas Ave.
- (12) E. Side 14th St. between Main St. and Colorado Ave.
- (13) S. Side Ouray Ave. – 60' W. of 5th St.
- (14) 450 Ouray Ave.
- (15) 606 Chipeta Ave. (6th St. Side)
- (16) SE Corner 5th St. and Ouray Ave.
- (17) 1411 Main St.
- (18) 1834 Juniper St.
- (19) 1325 and 1335 Chipeta Ave.
- (20) N. Side 1400 Block Chipeta Ave. (Grand River Academy – Various Locations)
- (21) S. Side 1400 Block Gunnison Ave. (Grand River Academy)
- (22) Alley Approach W. Side 2nd St. – Between Chipeta Ave. and Gunnison Ave.
- (23) 3742 Piazza Way
- (24) 1026 Main St.
- (25) 803 White Ave. (8th St. Side)
- (26) 210 Ouray Ave.
- (27) 909 Kami Circle
- (28) 1039 & 1055 Chipeta Ave.
- (29) 302 Gunnison Ave.
- (30) 259 Teller Avenue
- (31) 132 Gunnison Ave.
- (32) 261 Chipeta Ave.
- (33) 255 Chipeta Ave.
- (34) 616 Belford Ave.
- (35) 246 Belford Ave.



Grand Junction City Council

Regular Session

Item #4.c.

Meeting Date: April 6, 2022

Presented By: Randi Kim, Utilities Director

Department: Utilities

Submitted By: Randi Kim, Utilities Director

Information

SUBJECT:

Contract for Professional Engineering Services Consultant for Wastewater Treatment Plant Expansion Projects

RECOMMENDATION:

Staff recommends approval for the City Purchasing Division to enter into a contract with Burns & McDonnell in the amount of up to \$3,340,568.

EXECUTIVE SUMMARY:

The scope of services for the engineering consultant encompasses design, permitting, bidding assistance, project management, and design support during construction of the Phase 1 Wastewater Treatment Plant Expansion projects, which were prioritized based on criticality to increase operational efficiencies, the need to replace aging assets, and the need to expand available treatment capacity. Staff recommends approval for the City Purchasing Division to enter into a contract with Burns & McDonnell in the amount of up to \$3,340,568.

BACKGROUND OR DETAILED INFORMATION:

The Persigo wastewater treatment plant reached 80 percent capacity in 2018. As required by permit, Staff began planning for plant expansion upon reaching this capacity milestone. In 2021, a Wastewater Treatment Facilities Master Plan was completed that provides a 20-year plan for infrastructure revitalization and expansion to meet future growth and regulatory requirements.

The master plan recommends expanding the wastewater treatment plant in two phases to meet projected population growth for the 201 Service Area and anticipated wastewater flows and loads. Phase 1 Plant Expansion maximizes use of existing

infrastructure and provides necessary capacity (13.5 mgd) through the 2040 planning period. Based on anticipated growth projections, it is estimated that the WWTP will reach 95% capacity by 2028 and, therefore, Phase 1 Plant Expansion/Rehabilitation projects will need to be initiated by this time. The City is currently experiencing higher growth rates than the 20-year projected average growth rates. Therefore, the City is planning for plant expansion as early as possible so that adequate capacity is available should these higher growth rates continue in the near term.

The scope of services for the engineering consultant encompasses design of the following Phase 1 Plant Expansion projects, which were prioritized based on criticality to increase operational efficiencies, the need to replace aging assets, and the need to expand available treatment capacity:

- Aeration Basin Asset Revitalization and Blower Building
- Disinfection Operational Improvements
- New Dewatering Building and Solids Storage
- Headworks screening

The scope of services includes engineering design, permitting, bidding assistance, project management, design support during construction. It is expected that the design phase of the project will be completed in approximately 18 months.

A formal Request for Proposals (RFP) was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City's Purchasing website, sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractors Association, and advertised in The Daily Sentinel. The following four firms submitted proposals:

Company	Location	Proposal Amount
Burns & McDonnell	Centennial, CO	\$3,340,568.00
Carollo Engineers	Broomfield, CO	\$4,290,400.00
Stantec Consulting Services	Denver, CO	\$4,531,069.00
Garver	Palisade, CO	\$7,236,148.96

The selection committee evaluated proposals in accordance with the following criteria: responsiveness of submittal, understanding of the project and objectives, experience, strategy and implementation plan, and fees. Based upon these evaluations and subsequent interviews, Burns & McDonnell was selected as the preferred proposer to enter into negotiations, and then award, for engineering services for the Phase 1 Wastewater Treatment Plant Expansion Projects.

Per Section 10.10 of the Purchasing Manual, all solicitation documents shall remain confidential until the Purchasing Division awards the contract.

FISCAL IMPACT:

The contract cost of \$3,340,568 is within the capital budget of \$3,551,000 included in the 2022 Sewer Enterprise Fund for the design phase of the Phase 1 Wastewater Treatment Plant Improvement project.

SUGGESTED MOTION:

I move to (approve/not approve) the City Purchasing Division to enter into a contract with Burns & McDonnell in the amount of up to \$3,340,568.

Attachments

None



Grand Junction City Council

Regular Session

Item #4.d.

Meeting Date: April 6, 2022

Presented By: Jodi Welch, Finance Director

Department: Finance

Submitted By: Jodi Welch, Finance Director

Information

SUBJECT:

Contract for the Acquisition of GenTax Tax Administration Software by FAST Hosting Services, LLC

RECOMMENDATION:

Authorize the City Purchasing Division to enter into a contract with FAST Hosting Services, LLC for the GenTax Platform for \$490,000.

EXECUTIVE SUMMARY:

GenTax is a complete, integrated tax processing software system designed to support the implementation and collection of multiple types of City taxes. This system will manage over \$90 million in tax revenues including sales, use, lodging, and cannabis tax revenues, as well as the E911 surcharge revenue. In accordance with the purchasing policy, the City will piggyback on the procurement process completed by multiple Colorado municipalities. The agreement will be for the first year, with the option to renew for four additional years, contingent on appropriation authority.

BACKGROUND OR DETAILED INFORMATION:

Because the City has home rule authority, the City Council sets tax policy, and staff is responsible for administering the City's sales tax system. This includes licensing, collection, and enforcement of tax laws. Currently, the City has 5,700 licensed businesses that collect and remit the City's sales taxes.

Over the years, staff have implemented a few sales tax management software systems. The most recent was in 2014 with custom-developed software using a customer relationship management platform. At the time of implementation, there were few systems that specialized in sales tax administration and none that were in the City's

price range. It has become increasingly more difficult to maintain support for the existing system and many of the processes are manually intensive. Therefore, staff has planned and budgeted for a new integrated tax management system for implementation this year.

Gen Tax is a hosted solution that is developed specifically to support the business of revenue agencies and complex tax structures. Gen Tax will improve the experience of businesses collecting sales tax for the City as it includes fully functional online services and options for support (screen share, self-help, one-on-one virtual, etc.). The Gen Tax system is user-friendly, intuitive, and cities have reported that online filings have increased with the system. Gen Tax will substantially automate the City's current processes and procedures, allowing limited resources to focus on taxpayer education of businesses and equitable tax enforcement.

In accordance with the purchasing policy, the City will piggyback on the procurement process completed by multiple Colorado municipalities. The agreement will be for the first year, with the option to renew for four additional years, contingent on appropriation authority.

Per Section 10.10 of the Purchasing Manual, all solicitation documents shall remain confidential until the Purchasing Division awards the contract.

A memo to City Council providing additional background was issued March 9, 2022 and is also attached for reference.

FISCAL IMPACT:

The funds for the acquisition of the sales tax software of \$490,000 are included in the 2022 Adopted Budget.

SUGGESTED MOTION:

I move to (approve/not approve) the City Purchasing Division to enter into a contract with FAST Hosting Services, LLC in the amount of \$490,000.

Attachments

1. Sales Tax Administration System 030922

Memorandum

TO: Members of City Council
FROM: Greg Caton, City Manager
Jodi Welch, Finance Director
DATE: March 9, 2022
SUBJECT: Sales Tax Administration System

Because the City has home rule authority, the City Council sets tax policy, and staff is responsible for administering the City's sales tax system. This includes licensing, collection, and enforcement of tax laws. Currently the City has 5,700 licensed businesses that collect and remit the City's sales taxes.

Over the years, staff has implemented a few sales tax management software systems. The most recent was in 2014 with a custom-developed software using a customer relationship management platform. At the time of implementation, there were few systems that specialized in sales tax administration and none that were in the City's price range. It has become increasingly more difficult to maintain support for the existing system and many of the processes are manually intensive. Therefore, staff has planned and budgeted for a new integrated tax management system for implementation this year. This system will manage over \$90 million in revenues including sales, use, lodging, and cannabis tax revenues, as well as the E911 surcharge revenue.

Because the sales tax structure in Colorado is complex, including different laws within the cities that are self-collected under home rule power, there are not a lot of options on the market for a standard sales tax system. After several months of evaluating the available options for a new system, including discussions with other Colorado municipalities and demonstrations with potential vendors, the recommended option is joining a Colorado consortium of cities, comprising of Lakewood, City and County of Denver, Boulder, and Aurora that use Gen Tax (through Fast Enterprises). Boulder is the most recent city to complete a competitive solicitation where Gen Tax was selected. The consortium acts as a governance structure for the overall product which helps to ensure product costs remain low and standardized, as well as acts a resource for process improvement and best practices.

Gen Tax is a hosted solution that is developed specifically to support the business of revenue agencies and complex tax structures. Gen Tax will improve the experience for the businesses collecting sales tax for the City as it includes fully functional on-line services and options for support (screen share, self-help, one-on-one virtual, etc.). The Gen Tax system is user-friendly, intuitive, and cities have reported that on-line filings have increased with the system. Gen Tax will substantially automate the City's current processes and procedures, allowing limited resources to focus on taxpayer education of businesses and equitable tax enforcement.

The Finance Department budgeted \$305,000 for initial system implementation with another \$185,000 for the first year's subscription in the adopted 2022 budget. In accordance with the purchasing policy, the City will piggyback on the consortium's procurement process for Gen Tax. The agreement will be for the first year, with the option to renew for four additional years, contingent on appropriation authority.

This is a significant investment of resources in an ERP (enterprise resource system) to manage and protect the most critical source of revenue for all the City's government operations, and staff's expectation is to use this system long-term. Procurement approval will come to City Council on the April 6, 2022, agenda.

C: Department Directors



Grand Junction City Council

Regular Session

Item #5.a.

Meeting Date: April 6, 2022
Presented By: Senta Costello, Development Coordinator
Department: Community Development
Submitted By: Senta Costello, Development Coordinator

Information

SUBJECT:

A Resolution Issuing a Revocable Permit to Allow Encroachments of a Free-standing Sign, Fence and Planter Located within the 29 Road and Presley Avenue Rights-of-Way, Located at 581 29 Road Requested by Darin Carei

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

The Applicant, Darin Carei, is requesting a Revocable Permit to allow encroachments of the free-standing sign for Graff Dairy, fence and planter located within the 29 Road and Presley Avenue rights-of-way.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

Graff Dairy was originally established in 1964 as an ice cream shop and dairy. The business ultimately closed in 2014 when the owner/operator at that time planned on retiring and did not have anyone to continue operations. The Dairy was purchased and reopened in 2015 by Mr. Carei. Over the last 7 years the building and property have expanded and had multiple improvements installed. Most recently, Mr. Carei has requested a rezone of the property directly west of the Dairy site and applied for a Simple Subdivision and Site Plan review to combine the properties and make improvements to parking and traffic circulation. These three (3) requests have been approved.

During the review of the Simple Subdivision, staff discovered that a fence and free-standing sign had been installed within the 29 Road right-of-way, both were permitted

but not installed per approved plans. Additionally, a planter resides in the public right-of-way at the northeast corner of the intersection but was installed prior to the dedication of Presley Avenue as public right-of-way. If approved, the improvements may remain in their current location, and Mr. Carei, as well as any future owner(s) would be on notice that the City may revoke the permit should any work ever be necessary in the area of the permit.

ANALYSIS

Issuance of a Revocable Permit is guided by GJMC 21.02.180, which identifies six approval criteria that the City Council must consider when hearing a request for a revocable permit. These six criteria, found under GJMC 21.02.080(c)(1)-(6), are listed below, along with analyses of this request's conformance with each criterion.

(1) There will be benefits derived by the community or area by granting the proposed revocable permit;

Good wayfinding is a key component of safe vehicle, bicycle, and pedestrian travel, especially when they are located in the same space. The location of the sign does not create any issues for site distance in either direction, while providing visual information of what the business is and the entrance location.

The fence provides a clear boundary of the public space in front of the building without creating any impacts to visibility.

The planter is raised to approximately 18 inches and provides an area for street frontage landscaping that is protected from vehicle and pedestrian traffic.

(2) There is a community need for the private development use proposed for the City property;

Graff Dairy has been a historical use on the property since 1964, providing a variety of dairy products and ice cream to valley residents. Since it reopened in 2015, the success of the business has continued to grow. The sign provides clear wayfinding to motorists, bicyclist, and pedestrians.

The business has outdoor seating for its customers who are from all walks of life and the fence provides a clear boundary for an area where children can play while caretakers or parents can eat and supervise.

The planter enhances the corridor and intersections creating an entrance feature to the subdivision and the business.

(3) The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property;

The sign is approximately 7.5 feet behind the back of the sidewalk and the fence is

behind that. The extra right-of-way between the sidewalk and property line does not have any proposed and/or conflicting uses anticipated.

(4) The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas;

The sign, fence and planter complement the character of the 29 Road corridor and entrance to the Graff Meadows Subdivision, as well as the on-site improvements for Graff Dairy. The location and size of the sign, fence, and planter do not negatively affect traffic circulation or access. Lastly, city engineering has found that the sign, fence, and planter do not impede the site distance triangle of the intersection of 29 Road and Presley Avenue.

(5) The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Comprehensive Plan, other adopted plans and the policies, intents and requirements of this code and other City policies; and

The proposed revocable permit does not conflict with any of the goals or policies in the Comprehensive Plan or the City's Ordinances. As a part of the overall neighborhood, the proposed revocable permit would further the following principal and goal of the 2020 One Grand Junction Comprehensive Plan:

Plan Principal 6 Efficient and Connected Transportation, Item (4)(h) Wayfinding: implement wayfinding to help people navigate when biking or walking.

(6) The application complies with the submittal requirements as set forth in Section 127 of the City Charter, this chapter and the Submittal Standards for Improvements and Development manual.

The application complies with the submittal requirements for a Revocable Permit. Therefore, this criterion has been found to be met.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing Darin Carei's Revocable Permit request, RVP-2021-810, for the property located at 581 29 Road, the following findings of fact have been made:

1. The request conforms with Section 21.02.180 of the Zoning and Development Code.

Therefore, Staff recommends approval of the request.

FISCAL IMPACT:

There is no direct fiscal impact related to this request.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 28-22, a resolution concerning the issuance of a Revocable Permit to Darin Carei to allow for a free-standing sign, fence, and planter within the right-of-way for 29 Road and Presley Avenue, City File No. RVP-2021-810, with the findings of fact described in the staff report.

Attachments

1. Application Packet
2. Maps
3. Previous Approvals
4. RES-Graff Revocable Permit 032522

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 #:

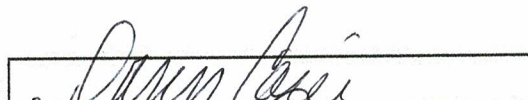
Contact Person:

Contact Phone #:

NOTE: Legal property owner is owner of record on date of submittal.

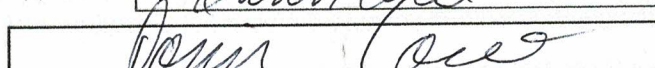
We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application 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



Date: December 30th, 2021

Prepared By: Kim Kerk, PM

Submitted to: Senta Costello

Graff Dairy Revocable Sign Permit

Property Address: 589 29 Rd., Grand Junction, CO 81501

Re: Project Report

Please let us know if you have any questions.

Thank you,

Kim Kerk

**2829 North Ave, Suite 105
Grand Junction, CO 81501
Ph: 970-640-6913**

Graff Dairy Sign, Fence & Planter



Criterion to addressed:

Consider a request to issue a revocable permit for Graff Dairy on the parcel located at 589 29 Rd., Grand Jct., CO.

21.02.180 Revocable permit.

(a) Purpose. A revocable permit is needed to ensure that any private development on public land is safely conducted in a manner that does not pose potential burdens on the public.

The sign, fence and planter at Graff Dairy are installed so to not create any potential negative impacts on the public.

(b) Applicability. No structure, fence, sign, or other permanent object shall be constructed, maintained, or erected, or a public right-of-way used, without a revocable permit. A revocable permit for irrigation and landscaping in the rights-of-way shall be reviewed and may be approved by the Director.

With an approved Revocable Permit all standards and requirements of this code, City Policies and

regulations have been met.

(c) Approval Criteria. Applications for a revocable permit shall demonstrate compliance with all of the following:

(1) There will be benefits derived by the community or area by granting the proposed revocable permit;

The sign allows the community to better recognize their surroundings and allows drivers to be aware of where traffic is entering and exiting the existing business. The community will benefit from both the fence and planter by increasing safety and security, improving privacy, and help mitigate accidents.

(2) There is a community need for the private development use proposed for the City property;

This sign is needed by the community to indicate that there is a business in operation and warns drivers of high density of traffic so they can be aware of drivers entering or exiting the business onto 29 road. The fence and planter help to keep the public a safe distance away from busy traffic and work as a "do not cross" line for people by dividing the property from the street.

(3) The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property;

There are no other proposed or conflicting uses for the City property at this time.

(4) The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas;

Our proposal of a Revocable Permit notifies road users and the public in the area that there is a business in operation. This in turn allows for safer traffic flow and increased safety and security that benefit the community and neighboring homes. The fence and the planter improve the appearance of the commercial property and the surrounding neighborhoods and causes no negative impacts.

(5) The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Comprehensive Plan, other adopted plans and the policies, intents and requirements of this code and other City policies; and

The Revocable Permit is in conformance with policies, the Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans.

(6) The application complies with the submittal requirements as set forth in Section [127](#) of the City Charter, this chapter and the Submittal Standards for Improvements and Development manual (GJMC Title [22](#)).

(d) Decision-Maker.

(1) The Director shall make recommendations to City Council when applicable.

(2) City Council shall approve, conditionally approve, or deny all applications for a revocable permit, except:

(i) The Director shall approve, conditionally approve, or deny all applications for a revocable permit for landscaping and/or irrigation in a public right-of-way.

(Ord. 4419, 4-5-10)

OWNERSHIP STATEMENT - NATURAL PERSON

I, (a) Darin J. Carei, am the owner of the following real property:

(b) 579 29 Road, Grand Junction, CO. 81501

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) Revocable Permit for Sign pertaining to the property.

I have the following knowledge and evidence concerning possible boundary conflicts between my property and the abutting property(ies): (e) none

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:



Printed name of owner: Darin J. Carei

State of Colorado

County of Mesa

) ss.

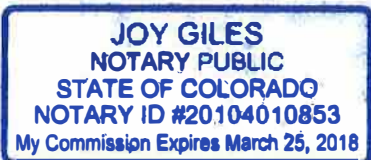
Subscribed and sworn to before me on this 5th day of October, 20 17

by Darin Carei

Witness my hand and seal.

My Notary Commission expires on

3/25/18




Notary Public Signature

PERSONAL REPRESENTATIVE'S DEED
(Sale)

THIS DEED is dated September 23, 2015, and is made between David W. Nichols, the "Grantor," as Personal Representative of the estate of Judy Graff Nichols, deceased, and Darin J. Carei (whether one, or more than one), the "Grantee," whose legal address is 2571 1 1/2 Road, Grand Junction, CO 81505 of the _____ County of Mesa, State of Colorado.

WHEREAS, the decedent died on the date of January 18, 2015 and Grantor was duly appointed Personal Representative of said estate by the District Court in and for the _____ County of Mesa, State of Colorado, Probate No. 15PR 30027, on the date of February 10, 2015, and is now qualified and acting in said capacity;

NOW THEREFORE, pursuant to the powers conferred upon Grantor by the Colorado Probate Code, Grantor does hereby sell and convey unto Grantee ~~(in joint tenancy)~~,* for and in consideration of Ten Dollars, (\$ 10.00), the following described real property situate in the _____ County of Mesa, State of Colorado:

Lot 1 of GRAFF MINOR SUBDIVISION,
County of Mesa, State of Colorado

also known by street address as: 581 29 Road, Grand Junction, CO 81504
and assessor's schedule or parcel number: 2943-071-18-001

With all appurtenances.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

David W. Nichols
Personal Representative of the estate of
Judy Graff Nichols, Deceased

STATE OF WYOMING

County of Platte

The foregoing instrument was acknowledged before me this 23rd day of September 2015
2015 by David W. Nichols as Personal Representative of the
estate of Judy Graff Nichols, Deceased.

KIM BROWN - NOTARY PUBLIC

County of
Platte



State of
Wyoming

My Commission Expires April 17, 2019

Witness my hand and official seal.

Kim Brown
Notary Public
My commission expires: April 17, 2019

*Use pen to cross out as required.

No. w46. Rev. 1-06. PERSONAL REPRESENTATIVE'S DEED (Sale)
Bradford Publishing Co., 1743 Wazee St., Denver, CO 80202 - 303-292-2590 - www.bradfordpublishing.com

GP

Doc Fee \$15.00

3724CKM

Packet Page 165

Legal Description

A tract of land situated in the Northeast Quarter of the Northeast Quarter of Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado and being more particularly described as follows:

Commencing at the North Sixteenth Corner on the East Line of said Section 7 from whence the Northeast Corner of Section 7 bears N0°03'06"W a distance of 1319.91 feet for a Basis of Bearings, all bearings herein related thereto; thence N42°27'38"W a distance of 62.28 feet to the Point of Beginning; thence S89°56'54"W a distance of 26.88 feet; thence N0°03'06"W a distance of 14.60 feet to the Northwesternly Right of Way Line for Presley Avenue as described at Reception Number 2870118 of the Mesa County Records; thence N44°56'11"E along said Northwesternly Right of Way Line a distance of 19.63 feet to the West Right of Way Line for 29 Road as described at Reception Number 1860947 of the Mesa County Records; thence N0°03'06"W along said West Right of Way Line a distance of 101.29 feet; thence N89°56'54"E a distance of 13.00 feet; thence S0°03'06"E a distance of 33.86 feet; thence N89°56'53"E a distance of 7.00 feet; thence S0°03'06"E a distance of 10.00 feet; thence S89°56'53"W a distance of 7.00 feet; thence S0°03'06"E a distance of 85.90 feet to the Point of Beginning.

Said tract of land contains 2,056 square feet as described.

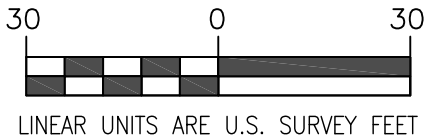
Legal description written by:

Patrick W. Click

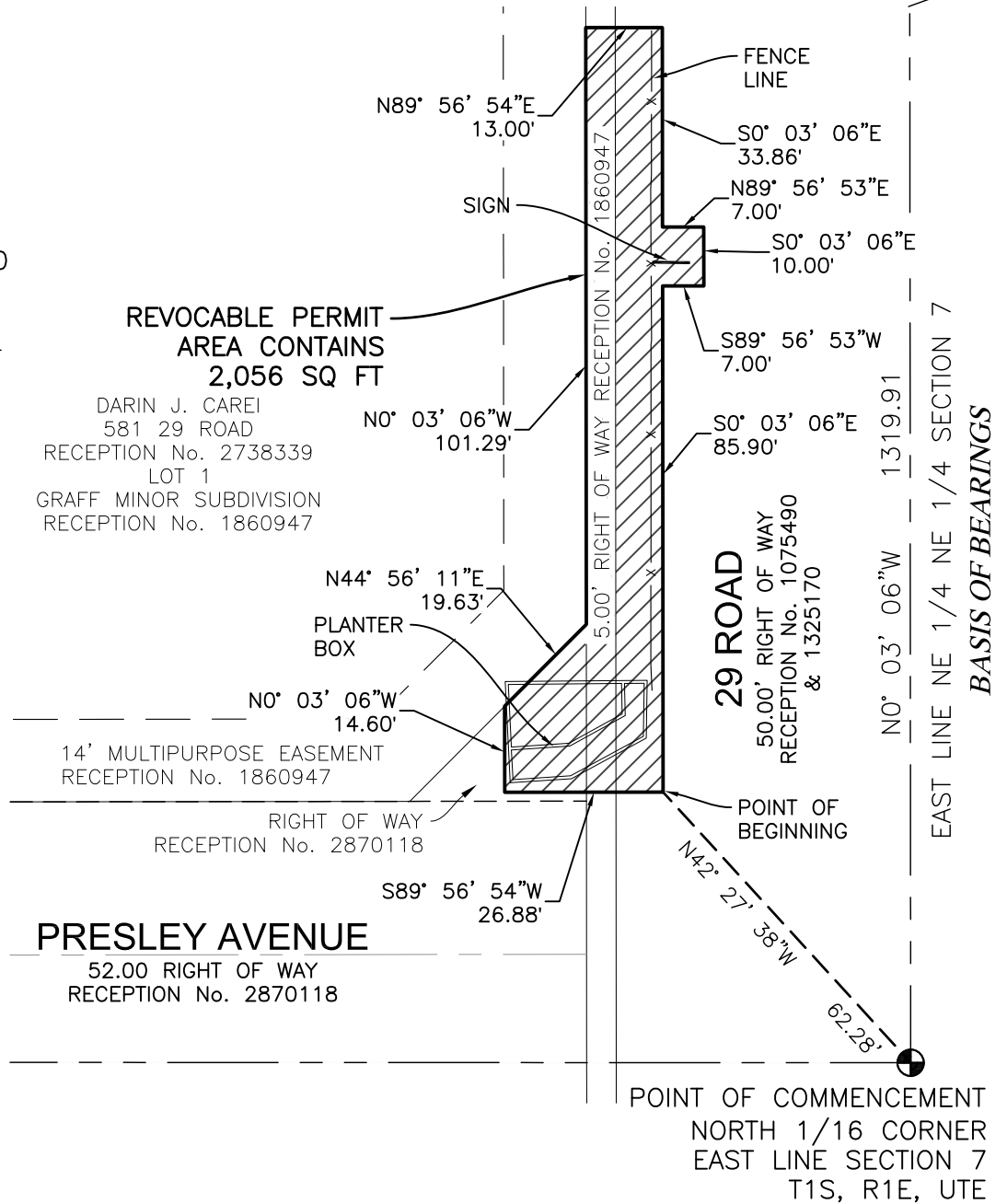
Colorado licensed surveyor number 37904

3194 Mesa Ave #B

Grand Junction, CO 81504



NORTHEAST CORNER
SECTION 7
T1S, R1E, UTE



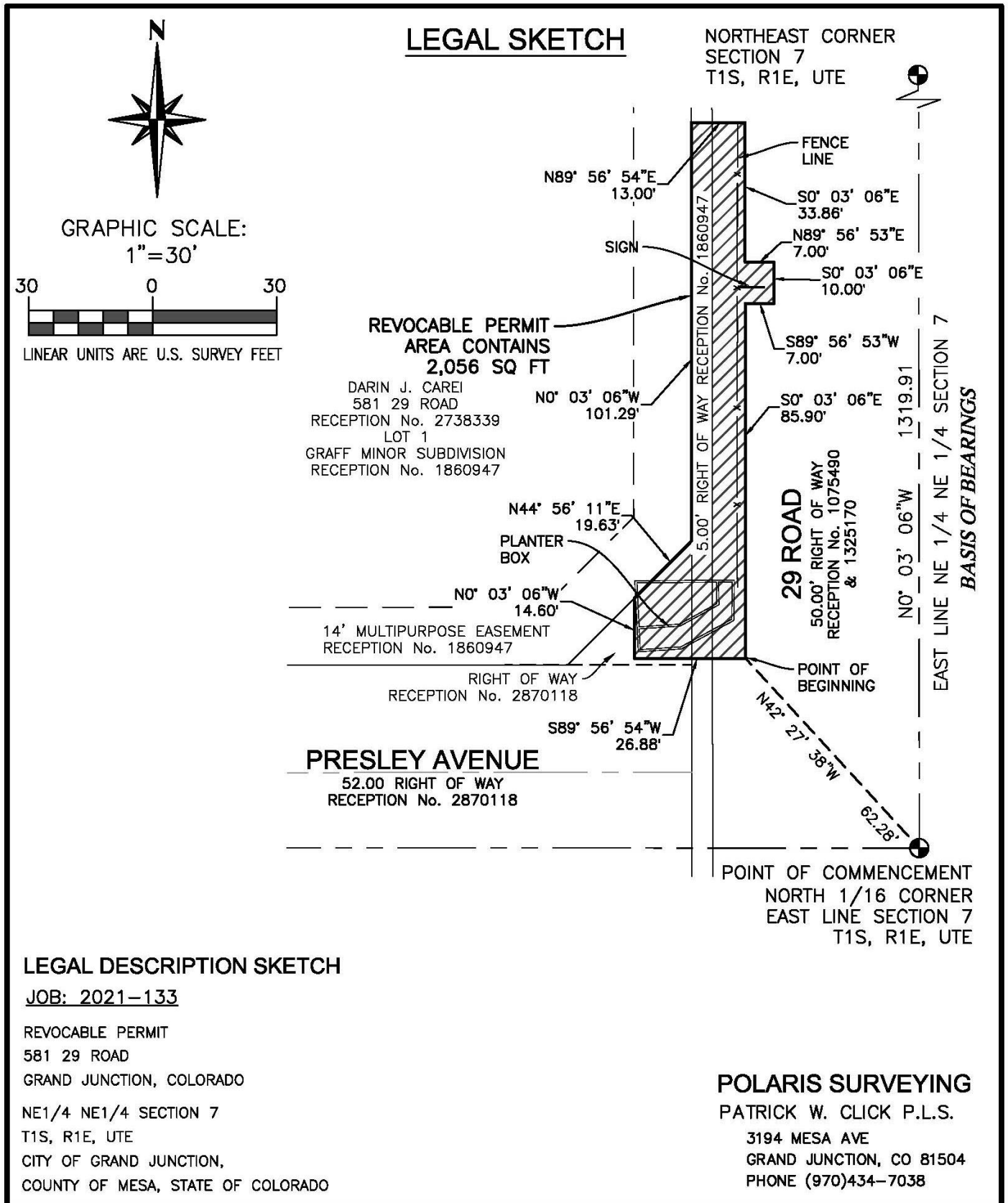
3194 MESA AVE
GRAND JUNCTION, CO 81504
PHONE (970)434-7038

LOCATION MAP



- Property line
- Fence
- Sign
- Planter

SKETCH OF PERMIT AREA



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 5038

**AN ORDINANCE AMENDING THE CITY OF GRAND JUNCTION COMPREHENSIVE
PLAN LAND USE MAP FROM RESIDENTIAL MEDIUM (5.5 -16 DU/ACRE) TO
COMMERCIAL AND REZONING FROM R-5 (5 DU/ACRE) TO C-1 (LIGHT
COMMERCIAL) ZONE DISTRICT THE PROPERTY LOCATED AT 2894 PRESLEY
AVENUE, GRAND JUNCTION, COLORADO**

Recitals:

The property owner, Darin Carei, proposes an amendment to the Comprehensive Plan Land Use Map from Residential Medium (5.5 – 12 du/ac) to Commercial and a rezone from R-5 (Residential – 5 du/ac) to C-1 (Light Commercial) on a total of 0.275-acres, located at 2894 Presley Avenue.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of amending the Comprehensive Plan Future Land Use designation for the Property from Residential Medium (5.5 – 12 du/ac) to Commercial and recommended subsequent approval of changing the zoning from R-5 (Residential – 5 du/ac) to C-1 (Light Commercial) for the property, finding that it conforms to and is consistent with the Land Use Map designation of Commercial of the Comprehensive Plan and 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 amending the Comprehensive Plan Land Use Map from Residential Medium (5.5 – 12 du/ac) to Commercial and rezoning from R-5 (Residential – 5 du/ac) to C-1 (Light Commercial) for the property, is consistent with the vision, intent, goals and policies of the Comprehensive Plan and has met one or more criteria for a Comprehensive Plan amendment, the City Council also finds that the C-1 (Light Commercial) zone district, is consistent and is in conformance with the Comprehensive Plan and at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

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

The following described property in the City of Grand Junction shall be re-designated as Commercial on the Land Use Map of the Comprehensive Plan and shall be zoned C-1 (Light Commercial) on the City zoning map:

Lot 1, Block 1 Graff Meadows Filing One, Reception 2870118, in the Northeast Quarter of Section 7, T1S, R1E, Ute Meridian, Grand Junction, Mesa County, Colorado.

Introduced on first reading this 20th day of October 2021 and ordered published in pamphlet form.

Adopted on second reading this 3rd day of November 2021 and ordered published in pamphlet form.

ATTEST:

Wanda Winkelmann

Wanda Winkelmann
City Clerk

C.B. McDaniel

C.B. McDaniel
President of the City Council



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 5038 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 20th day of October 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 3rd day of November 2021, at which Ordinance No. 5038 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 5th day of November 2021.



Deputy City Clerk

Published: October 22, 2021
Published: November 5, 2021
Effective: December 5, 2021



ADMINISTRATIVE DEVELOPMENT PERMIT SIMPLE SUBDIVISION

FOR:

Darin Carei
1111 S 7th Street
Grand Junction CO 81501

DECISION: APPROVAL

File: SSU-2021-741

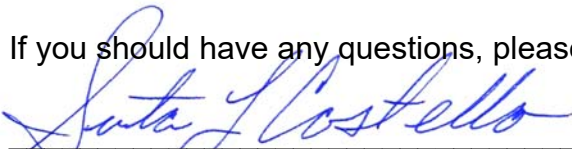
An application for a Simple Subdivision to combine two lots has been submitted by Darin Carei for the proposed Graff Dairy Subdivision for development of one lot on a total of 0.95 acres located at 581 29 Road and 2894 Presley Avenue in a C-1 Light Commercial) zone district. The proposed use of additional parking and circulation accessory to the Graff Dairy business, which falls within the category Retail Sales, Indoor Operations and Storage, is an allowed use within the zone district.

The Simple Subdivision application was considered administratively by the City of Grand Junction Community Development Department in accordance with Section 21.02.070(p) of the Grand Junction Zoning and Development Code. After considering all pertinent data and submittal information, it has been found that the proposal complies with the Comprehensive Plan, and, so long as all the conditions set forth in this decision letter are timely met, all applicable sections of the Grand Junction Zoning and Development Code.

Hereby, the Director **APPROVES** the Simple Subdivision. The form of final approval shall be the recording of the plat per Section 21.02.070 of the Grand Junction Municipal Code. The fees and the remaining items to complete in order to record the Final Plat are listed on the following page.

Pursuant to Section 21.02.070(a)(9)(i) of the Zoning and Development Code, the major subdivision plat must be recorded within two (2) years from the date of this Decision. Failure to timely record the plat or to construct the project shall constitute sufficient basis to revoke this approval. Once constructed, the use shall be allowed in perpetuity so long as it remains compliant with all City Codes.

If you should have any questions, please feel free to contact me at (970) 244-1442.



Senta Costello, Associate Planner

December 28, 2021

Date



PRIOR TO PLAT RECORDING – ITEMS NEEDED

1. Required documents –
 - a. Title work no more than 5 days old
 - b. Surveyor's Final Checklist
 - c. Signed Mylar (all signatures and stamps shall be in permanent black ink)
 - d. Original signed copies of revised CC&R's
 - e. E-copy of plat sent to chrisd@gjcity.org
2. Recording Fees –
 - a. Plat \$13; payable to the City of Grand Junction
 - b. CC&R's \$88

ADMINISTRATIVE DEVELOPMENT PERMIT MAJOR SITE PLAN REVIEW

FOR:

Darin Carei
1111 S 7th St
Grand Junction CO 81501

DECISION: APPROVAL

File: SPN-2020-741

An application for a Major Site Plan Review has been submitted by Darin Carei, for the proposed site, circulation and parking improvements for Graff Dairy on a total of 0.95 acres located at 581 29 Road in a C-1 (Light Commercial) zone district. The proposed use is Food Service, Restaurant and Drive-Through Restaurant which fall within the land use category of Retail Sales and Service. The proposed uses are allowed within the zone district.

The Major Site Plan Review application was considered administratively by the City of Grand Junction Community Development Department in accordance with Section 21.02.070(g) of the Grand Junction Zoning and Development Code. After considering all pertinent data and submittal information, it has been found that the proposal complies with the Comprehensive Plan and all applicable sections of the Grand Junction Zoning and Development Code.

Hereby, the Director **APPROVES** the site plan for this project subject as provided in File SPN-2020-741.

Pursuant to Section 21.02.070(a)(9)(i) of the Zoning and Development Code, construction must commence within two (2) years from the date of this Decision. If a building permit is obtained prior to expiration of the two-year validity period, the approval shall be valid for as long as the building permit remains valid. Failure to timely construct the project shall constitute sufficient basis to revoke this approval. Once constructed, the use shall be allowed in perpetuity so long as it remains compliant with all City Codes.

If you should have any questions, please feel free to contact me at (970) 244-1442.



Senta Costello, Development Coordinator

Date: February 3, 2022

APPLICATION FOR PLANNING CLEARANCE FOR BUILDING PERMIT

1. Submit one hard copy of full plan set for City signatures. Please make sure the set includes all Landscape Plans and Lighting Plans.
2. Pay applicable fees as follows at time of Planning Clearance issuance. Checks made payable to the City of Grand Junction.
 - Inspection Fees: \$625
 - Contact City Customer Service Division at (970) 244-1520 for water and sewer fees payable at time of Planning Clearance issuance.

PRIOR TO APPROVAL OF CERTIFICATE OF OCCUPANCY

1. Complete all proposed on and off-site improvements or provide Development Improvements Agreement (DIA) and security for any remaining work to be completed.
2. Other as applicable

During the course of constructing your project, please note:

1. All applicable Building Permits are required to be obtained through the Mesa County Building Department.
2. Schedule a Pre-Construction Meeting with the City Development Inspector prior to any site/construction activity.
3. Developer is responsible for contacting the City of Grand Junction and requesting a final inspection of all on/off - site improvements upon completion, prior to occupancy of the building(s). Occupancy shall not be allowed until all required improvements have been installed or guaranteed with a Development Improvements Agreement (DIA) and financial security.



RESOLUTION NO. _____

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
DARIN CAREI FOR CERTAIN IMPROVEMENTS IN THE PUBLIC RIGHT OF WAY**

Recitals.

A. Darin Carei, herein referred to as the Petitioner, represents he is the owner of the following described real property in the City of Grand Junction, Colorado, to wit:

LOT 1 GRAFF MINOR SUB SEC 7 1S 1E - 0.67AC and identified by Mesa County Tax Schedule Number 2943-071-18-001.

B. The Petitioner has requested that the City Council issue a Revocable Permit to allow the Petitioner to install, maintain and repair a free-standing sign, fence and raised planter within the public right of way depicted and owing described in the attached Exhibits A and B. Exhibits A and B are incorporated by reference as if fully set forth.

C. Relying on the application and information supplied by the Petitioner and contained in File No. RVP-2021-810 in the City's Community Development Department, the City Council has determined that granting a Revocable Permit, as provided by City Charter and other applicable law, would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the Petitioner for the purposes described within the limits of the public right-of-way as defined, depicted and described, subject to each and every term and condition contained in the Revocable Permit and Agreement all as attached hereto.

PASSED and ADOPTED this 6th day of April 2022.

Attest:

C.B. McDaniel
President of the City Council

Laura Bauer
Interim City Clerk

REVOCABLE PERMIT

Recitals.

A. Darin Carei, hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

LOT 1 GRAFF MINOR SUB SEC 7 1S 1E - 0.67AC and identified by Mesa County Tax Schedule Number 2943-071-18-001.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair a free-standing sign, fence and raised planter within the following described public right-of-way:

See Attached Exhibits A & B.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2021-810 in the office of the City's Community Development Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit for the purpose aforescribed and within the limits of the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The Petitioner's use and occupancy of the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public improvements and public utilities or any other facilities presently existing or which may in the future exist in said right-of-way.
2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.
3. The Petitioner, for itself and for its successors, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioner agrees that it shall at all times keep the above-described public right-of-way in good condition and repair.

5. This Revocable Permit shall be issued only upon the concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole cost and expense of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at its own expense, remove any encroachment so as to make the aforescribed public right-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

6. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this _____ day of _____, 2022.

The City of Grand Junction,
a Colorado home rule municipality

Attest:

City Clerk

City Manager

Acceptance by the Petitioner:

Darin Carei

AGREEMENT

Darin Carei, for itself and for its successors and assigns, does hereby agree to:

- (a) Abide by each and every term and condition contained in the foregoing Revocable Permit;
- (b) Indemnify and hold harmless the City of Grand Junction, its officers, employees and agents with respect to all claims and causes of action, as provided for in the approving Resolution and Revocable Permit;
- (c) Within thirty (30) days of revocation of said Permit by the City Council, peaceably surrender said public right-of-way to the City of Grand Junction;
- (d) At the sole cost and expense of the Petitioner, remove any encroachment to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this _____ day of _____, 2022.

Darin Carei

By: _____
Darin Carei

State of Colorado)
) ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this ____ day of _____, 2022, by Darin Carei.

My Commission expires: _____
Witness my hand and official seal.

Notary Public

EXHIBIT A

Legal Description

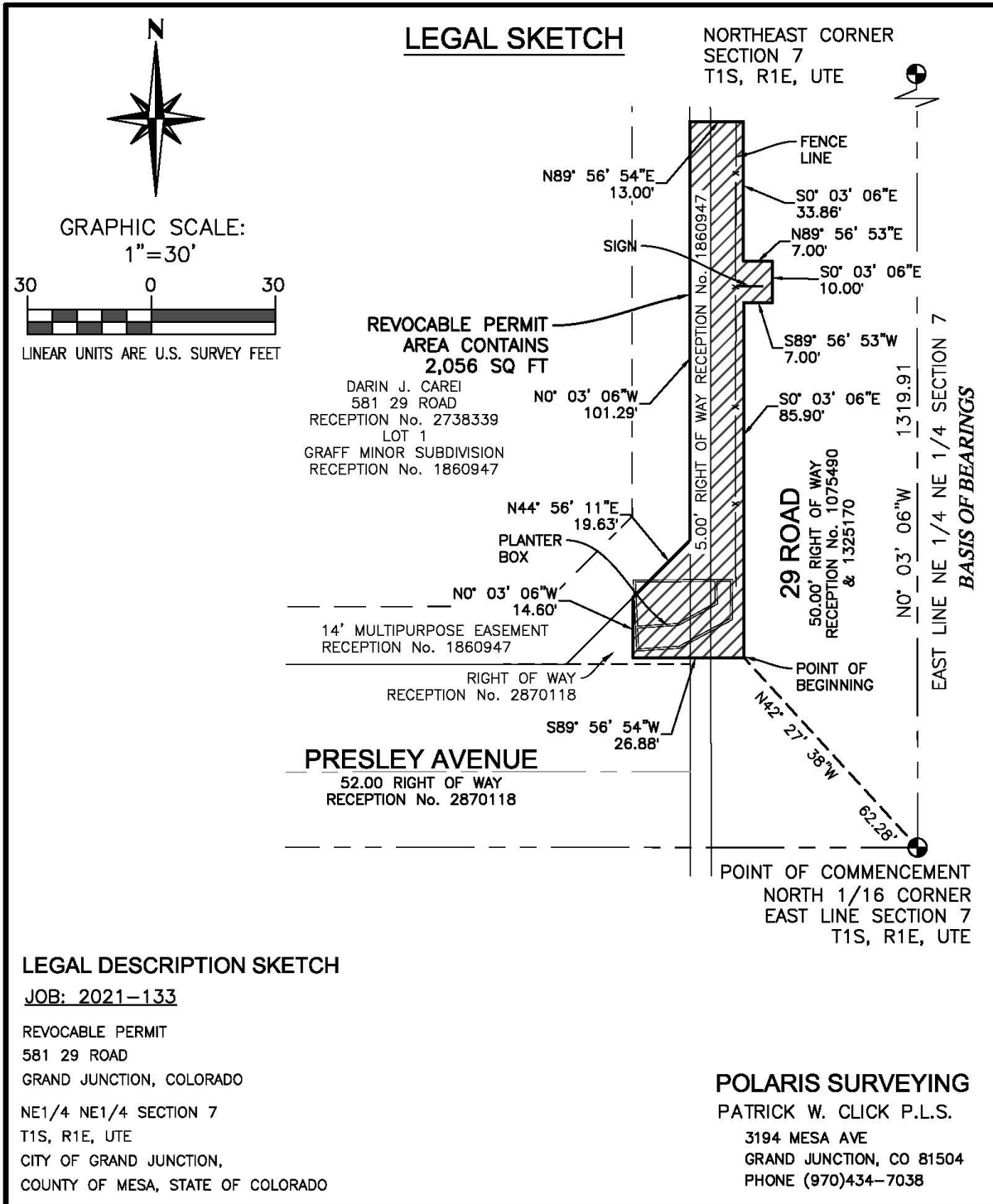
A tract of land situated in the Northeast Quarter of the Northeast Quarter of Section 7, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado and being more particularly described as follows:

Commencing at the North Sixteenth Corner on the East Line of said Section 7 from whence the Northeast Corner of Section 7 bears N0°03'06"W a distance of 1319.91 feet for a Basis of Bearings, all bearings herein related thereto; thence N42°27'38"W a distance of 62.28 feet to the Point of Beginning; thence S89°56'54"W a distance of 26.88 feet; thence N0°03'06"W a distance of 14.60 feet to the Northwestern Right of Way Line for Presley Avenue as described at Reception Number 2870118 of the Mesa County Records; thence N44°56'11"E along said Northwestern Right of Way Line a distance of 19.63 feet to the West Right of Way Line for 29 Road as described at Reception Number 1860947 of the Mesa County Records; thence N0°03'06"W along said West Right of Way Line a distance of 101.29 feet; thence N89°56'54"E a distance of 13.00 feet; thence S0°03'06"E a distance of 33.86 feet; thence N89°56'53"E a distance of 7.00 feet; thence S0°03'06"E a distance of 10.00 feet; thence S89°56'53"W a distance of 7.00 feet; thence S0°03'06"E a distance of 85.90 feet to the Point of Beginning.

Said tract of land contains 2,056 square feet as described.

Legal description written by: Patrick W. Click
Colorado licensed surveyor number 37904
3194 Mesa Ave #B
Grand Junction, CO 81504

EXHIBIT B





Grand Junction City Council

Regular Session

Item #5.b.

Meeting Date: April 6, 2022

Presented By: Trenton Prall, Public Works Director

Department: Public Works - Engineering

Submitted By: Trent Prall

Information

SUBJECT:

A Resolution Supporting the Colorado Department of Transportation's Application to Rebuilding American Infrastructure with Sustainability and Equity (RAISE) for the Multimodal Options for a Vibrant, Equitable (MOVE) Western Slope Project which will include the Grand Junction Mobility Corridor, 2nd Street Promenade and Mobility Hub

RECOMMENDATION:

Staff recommends adoption of the Resolution.

EXECUTIVE SUMMARY:

The proposed resolution confirms City support for the Colorado Department of Transportation's application to the federal Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Application for the Multi-Modal Options for a Vibrant, Equitable (MOVE) Western Slope Project that will include the 2nd Street Promenade, I-70B Improvements and the Mobility Hub.

This resolution will provide authorization for CDOT to identify \$1.0 million as cash match as local contribution for the project.

BACKGROUND OR DETAILED INFORMATION:

The CDOT's Statewide Transit Plan envisions a modally integrated transit system that provides local, regional, and interregional connectivity and is affordable, efficient, and easy to use. Similarly, the City's recently adopted Comprehensive Plan provides in Plan Principle 6: Efficient and Connected Transportation, a goal to "Continue to develop a safe, balanced, and well-connected transportation system that enhances mobility for all modes. In addition, the plan provides a strategy e. Public Transportation: Support a robust public transportation system that includes local transit, paratransit, and other

fixed-route elements that collectively provide timely, efficient service throughout the City and valley while connecting to the Front Range, and other Western Slope communities. **Support development of centralized transit hub facilities for services such as Bustang, Amtrak, GVT and Greyhound.**

The downtown bus terminal closed in 2021 when both Bustang and Greyhound services declined to renew their respective leases. Both bus services are temporarily located at the Grand Valley Transit downtown transfer facility. With the recent closure, CDOT commenced a mobility hub analysis for the Grand Junction area to ultimately develop conceptual plans for a mobility hub.

The purpose of the Grand Junction mobility hub project is to provide a centralized location for frequent, reliable, and high-quality transit and multimodal mobility choices in central Grand Junction.

Consistent with city, county, and regional plans the implementation of a mobility hub seeks to:

- Create a centralized hub to facilitate between modes
- Improve local and regional connectivity
- Provide greater transit access
- Improve safety for all modes of transportation
- Improve connectivity between residential areas and employment
- Extend the transit and multimodal network
- Increase transit reliability
- Support the stability of local neighborhoods and businesses
- Facilitate a visitor experience that does not require a vehicle

Such a hub would serve as a focal point for residents and visitors to access multimodal transportation options in a central location. Options for the hub could include services such as Greyhound, Bustang, Grand Valley Transit, passenger rail, rideshare connections, as well as nonmotorized transportation, such as biking, bike parking, scooters, e-bikes and access for walkers. All of these elements are available in the Grand Valley, but they are not all tied together.

CDOT hired consulting firm HDR to prepare the analysis. CDOT proposes to bring more services together that make it more convenient for all modes, passengers, and travelers in Grand Junction. City staff as well as staff from the MPO/GVT have been working on the technical team and participated in 2021 workshops prior to the 2021 RAISE application and additional workshops in February and March of 2022 in preparation for the 2002 RAISE application. Downtown has been selected as the preferred location due to proximity of a large employment center, rail depot, visitor experience, existing bus route service, and CDOT's pending investment in the I-70 corridor.

The working group's preferred location has shifted to Mesa County's site on the southwest corner of 1st and Main Street due to the property having only one owner.

The previous location was the triangular section of land on the west side of 2nd Street between Ute and Pitkin as well as a portion of the City's lot on the east side of 2nd Street. CDOT is preparing a grant application for the federal Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program called the Multimodal Options for a Vibrant, Equitable (MOVE) Western Slope that will include work in Glenwood, Rifle, and Grand Junction. The work to be included in Grand Junction includes the Mobility Hub, I-70B Phase 6, and the 2nd Street Promenade. The Dos Rios-Downtown Bike/Ped Bridge is not included in the 2022 application to simplify the application for federal reviewers who stated the 2021 application was too complex. Applications are due April 14, 2022.

CDOT is requesting the City put forth matching funds for the inclusion of the 2nd Street Promenade in the grant application. City financial participation would strengthen the grant application by portraying collaboration and partnership along with a diversity of funding sources. The construction of the 2nd Street Promenade from Pitkin Avenue to Colorado Avenue would be completed in combination with the other components and strengthen the amount of local match on the project.

Mesa County is proposed as the owner and operator of the facility, with the Mesa County Regional Transportation Planning Office being relocated, most likely, to a second floor of the mobility hub. If CDOT was the owner, the operation would look and feel more like a rest area rather than more activated space with other commercial opportunities.

Assuming non-CDOT ownership and operation, CDOT has proposed multiple placemaking elements to create an active space that is welcoming to users. Space for food trucks, a pocket park, a playscape, and a pedestrian plaza are just a few of those elements being considered. A 7,000-10,000 square foot multi-purpose building is also proposed. 3,000-5,000 square feet would be for Mesa County Regional Transportation Planning Office, 2,000 square feet of the building would be for ticketing and support services while the remaining 3,000 square feet could house a café with outdoor seating, other vendors, and/or office space.

FISCAL IMPACT:

CDOT's proposed match for the RAISE grant is currently the I-70B Phase 6 project along with transit funding. The City is requested to financially participate in the overall project in order to re-enforce collaboration and partnership for the grant application.

This resolution will provide authorization for CDOT to submit a grant request for RAISE Application for Grand Junction Mobility Hub, 2nd Street Promenade and I-70B Mobility Corridor.

CDOT proposes the following for the grant:

\$ 13M Mobility Hub

\$ 16M I-70B Phase 6 Improvements

\$ 1M 2nd Street Promenade

\$ 30 M Project Total

The City's financial obligation would be the following:

\$1.0 million in cash match in 2023 for the construction of 2nd Street Promenade Improvements.

If Council approves the support resolution, it will direct staff to plan for the projects described above. The corresponding cash match is already accounted for in the City's current 10-year capital plan in 2023.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 29-22, a resolution supporting CDOT's application for a Rebuilding American Infrastructure Sustainability and Equity (RAISE) grant from US Department of Transportation for the Multimodal Options for a Vibrant, Equitable (MOVE) Western Slope project which would include the construction of the Grand Junction Mobility Corridor, 2nd Street Promenade and mobility hub.

Attachments

1. RES-RAISE Grant Application - 040622

RESOLUTION NO. __-22

**A RESOLUTION SUPPORTING THE COLORADO DEPARTMENT OF
TRANSPORTATION'S APPLICATION FOR A REBUILDING AMERICAN
INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) GRANT FROM
THE US DEPARTMENT OF TRANSPORTATION FOR THE MULTIMODAL OPTIONS
FOR A VIBRANT, EQUITABLE (MOVE) WESTERN SLOPE PROPOSAL FOR US
DOT RAISE GRANT FUNDING**

Recitals:

Colorado Department of Transportation's (CDOT) *Multimodal Options for a Vibrant, Equitable (MOVE) Western Slope* project (Project) will advance a regional approach to improving multimodal network connectivity in rural communities along the I-70 corridor in Western Colorado. The Grand Junction Mobility Corridor project, along with the other projects included in the *MOVE Western Slope* initiative, will make travel safer, more accessible, and more active in the City of Grand Junction and across the Western Slope.

The Project focuses on the creation of a mobility hub that will provide a centralized hub to facilitate between travel modes, improve local and regional connectivity, provide greater access, improve safety for all travel modes, improve connectivity between residential areas and employment, extend the transit and multi-modal network, support the stability of local neighborhoods and businesses, and facilitate a visitor experience that does not require a vehicle. The Project also includes CDOT's I-70B Phase 6 and the 2nd Street Promenade helping to economically revitalize an underutilized area of Downtown.

After due consideration, the City Council of the City of Grand Junction supports the Project and desires CDOT to submit a *Rebuilding American Infrastructure with Sustainability and Equity (RAISE)* grant application to obtain the necessary funding for the Project, and if the grant is awarded, to enter into such further agreements as are necessary and proper to complete the Project.

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

1. The City Council of the City of Grand Junction, Colorado supports CDOT's application to U.S. Department of Transportation to obtain funds needed to complete the Project. Accordingly, the City Manager is authorized and directed to work to finalize the City's portion of the application.
2. If the grant is awarded, the City Council supports the completion of the Project and authorizes the City Manager to sign appropriate grant agreements on behalf of the City as a sub-grantee of the *RAISE* grant, as well as budget necessary funds for the City's portion of the Project match.

This Resolution shall be in full force and effect from and after its passage and adoption.

Passed and adopted this 6th day of April 2022.

C.B. McDaniel
City Council President

ATTEST:

Laura Bauer
Interim City Clerk

DRAFT



Grand Junction City Council

Regular Session

Item #5.c.

Meeting Date: April 6, 2022
Presented By: Trenton Prall, Public Works Director
Department: Public Works - Engineering
Submitted By: Trent Prall, Public Works Director

Information

SUBJECT:

A Resolution Authorizing the City Manager to submit a request for Congressionally Directed Spending for the I-70/29 Road Interchange Project

RECOMMENDATION:

Staff recommends adoption of the Resolution.

EXECUTIVE SUMMARY:

The proposed resolution authorizes the City Manager to submit a request to Senator Hickenlooper for Congressionally Directed Spending for the I-70 Interchange at 29 Road project. The \$5.0 million request would cover \$3.5 million of right of way acquisition and \$1.5 million in preliminary engineering for the new interchange.

BACKGROUND OR DETAILED INFORMATION:

The I-70 interchange at 29 Road project will construct a new interchange on Interstate 70 to facilitate much-needed transportation network connectivity and enhanced access to support adjacent land use and existing and planned population and employment growth. An interchange at 29 Road has long been identified in many local and regional plans as a way to enhance local and regional connectivity as part of a larger plan to provide connections in and around Grand Junction. Mesa County and the City of Grand Junction partnered on transportation improvements to support this connectivity for decades, including completion of Riverside Parkway and the project to carry 29 Road over I-70B and the Union Pacific Railroad. The city and county continued their partnership through a planning and environmental linkages (PEL) study to determine the best way to provide enhanced access to I-70 northeast of downtown Grand Junction and the 29 Road interchange is the preferred alternative.

The project will improve the quality of life by modernizing the Grand Valley regional transportation network with local and regional multi-modal connectivity and provide more efficient access to/from I-70 to existing neighborhoods, community resources, planned land use and economic development adjacent to the Grand Junction Regional Airport. The project also provides an opportunity for transit services to connect to I-70 and planned development and employment centers.

The project will support planned population and employment growth in the region. The connection is important for local and regional connectivity and establishes 29 Road as a key arterial, reducing out-of-direction travel for area residents, reducing congestion at adjacent interchanges and improving multimodal mobility and safety for the community south of I-70. The associated economic development will better connect local residents to job opportunities in planned employment centers.

The project will augment and relieve CDOT's existing infrastructure at the adjacent Clifton/I-70B and Horizon Drive interchanges and will accommodate more direct travel, reducing Vehicle Miles Traveled.

The additional infrastructure with new I-70 freeway access to a key north-south arterial will improve overall mobility after a disruptive event or changing conditions. The enhanced transportation network connection will provide an additional alternate route during emergencies that does not depend on highway arterial roadways. The new I-70 interchange at 29 Road interchange will provide a key connection to an area of planned substantial economic development adjacent to the Grand Junction Regional Airport. The interchange will provide an important multimodal connection with mobility, safety, and economic benefits for the local community and region.

The City is currently working with Mesa County on the environmental documentation for the project which furthers the Planning and Environmental Linkages (PEL) study completed in 2021. Mesa County is splitting the costs of the \$2.4 million study with the City.

This proposed \$5 million request is for the next phase of the project that will include preliminary engineering and right-of-way acquisition, which is estimated at \$1.5 million and \$3.5 million respectively.

Colorado Senator Hickenlooper's office works to secure important federal funding for Colorado communities. Senator Hickenlooper is considering Congressionally Directed Spending (CDS) requests for the upcoming fiscal year. Congressionally Directed Spending (CDS) is a mechanism by which members of Congress can request funding for specific projects in their home state that have been submitted for consideration by state and local government entities and nonprofits. Funding for projects, if approved, would be distributed as part of the federal appropriations process during FY23 (October 2022 – September 2023). Requests for 2023 funding are due April 8. Awards will be announced later this summer.

FISCAL IMPACT:

The City is currently working with Mesa County on the environmental documentation for the project which furthers the Planning and Environmental Linkages (PEL) study completed in 2021. Mesa County is evenly splitting the costs of the \$2.4 million study.

This proposed \$5 million request is for the next phase of the project that will include preliminary engineering and right-of-way acquisition, which is estimated at \$1.5 million and \$3.5 million respectively.

The City currently has \$60 million in its 10 year Capital Improvement Program (CIP) in the unfunded portion of the CIP (Year 2031). All project costs are proposed to be split evenly with Mesa County.

The requested \$5 million in funding would be for federal Fiscal Year 2023 (starts October 2022).

There is no cash match specific to this request.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 30-22, a resolution authorizing the City Manager to submit a request for Congressionally Directed Spending for the I-70 Interchange at 29 Road to fund the preliminary engineering and right-of-way acquisition.

Attachments

1. RES-CDS-I-70 29 Rd Request - 040622

RESOLUTION NO. __-22

A RESOLUTION SUPPORTING A REQUEST FOR CONGRESSIONALLY DIRECTED SPENDING FOR 29 ROAD AND I-70 INTERCHANGE PROJECT

Recitals:

The 29 Road and I-70 Interchange project (Project) will, when constructed, deliver a new connection to Interstate 70 (Interchange). The Interchange will add needed transportation network connectivity and enhance access to Interstate 70 and the local transportation corridors, including but not limited to 29 Road. The Interchange will support growth and development of adjacent land and serve existing and planned population and employment growth.

Local and regional plans have long identified the need for and benefits from an Interchange at 29 Road. The Interchange will, as part of a component of near term and long-range transportation plans provide connections in and around Grand Junction, Mesa County, and the region. For decades Mesa County and the City of Grand Junction partnered on transportation improvements to support connectivity. Those projects include, but are not limited to, completion of the Riverside Parkway and the 29 Road I-70B Union Pacific Railroad overpass. The City and County continued their partnership through a *Planning and Environmental Linkages* (PEL) study to determine the best way to provide enhanced access to I-70 northeast of Downtown Grand Junction and the Interchange is the alternative the PEL study recommends.

The Project will improve quality of life by modernizing the Grand Valley regional transportation network with local and regional multi-modal connectivity and afford more efficient access to and from I-70 to existing neighborhoods, community resources, planned land use and economic development adjacent to the Grand Junction Regional Airport. The Project also provides an opportunity for transit services to connect to I-70 and anticipates development and new employment centers. The Project will serve planned population and employment growth in the region and the associated economic development will better connect local residents to job opportunities.

The Interchange is important for local and regional connectivity and establishes 29 Road as a key arterial, reducing out-of-direction travel for area residents, reducing congestion at adjacent interchanges and will improve multimodal mobility and safety for the community south of I-70.

Colorado Senator John Hickenlooper and his staff work tirelessly to secure important federal funding for Colorado, and accordingly the Senator is considering Congressionally Directed Spending (CDS) requests for the 2023 fiscal year. It is the City's desire that Senator Hickenlooper utilize Congressionally Directed Spending to secure funding for the Interchange in support of the City, Mesa County and the region. With CDS for the Project, the State, the region and especially the greater Grand Junction community will be benefitted, by state and local government entities and nonprofits. Funding for projects, if approved, would be distributed as part of the federal

appropriations process during FY23 (October 2022 – September 2023). Requests for 2023 funding are due April 8, 2022.

After due consideration, the City Council of the City of Grand Junction supports the Project and authorized the President of the City Council and staff to submit a request for Congressionally Directed Spending to obtain the necessary funding for the Project, and if awarded, to enter into such further agreements as are necessary and proper to complete the Project.

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

- 1: The City Council of the City of Grand Junction strongly supports a request to Senator Hickenlooper for Congressionally Directed Spending for the I-70 Interchange at 29 Road project. The requested \$5.0 million would cover the \$1.5 million in preliminary engineering and \$3.5 million of right of way acquisition for the project. The City Manager is authorized and directed to work to finalize the City's portion of the request.
- 2: If the funding is awarded, the City Council of the City of Grand Junction strongly supports the completion of the Project and authorizes the City Manager to sign appropriate agreements on behalf of the City as a sub-grantee of the Congressionally Directed Spending.

This Resolution shall be in full force and effect from and after its passage and adoption.

Passed and adopted this 6th day of April 2022.

C.B. McDaniel
City Council President

ATTEST:

Laura Bauer
Interim City Clerk



Grand Junction City Council

Regular Session

Item #7.a.i.

Meeting Date: April 6, 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 1.83 Acres of Land and Ordinances Annexing and Zoning the Keyser Court Annexation to R-8 (Residential - 8 du/ac), Located at 3110 through 3117 Keyser Court

RECOMMENDATION:

Staff recommends adoption of a resolution accepting the petition for the Keyser Court Annexation, and approval of the annexation and zone of annexation ordinances. The Planning Commission heard the zoning request at its March 8, 2022 meeting and voted (7-0) to recommend approval of the request.

EXECUTIVE SUMMARY:

The Applicant, BK Holdings II LLLP is requesting annexation of 8 parcels of land including portions of unbuilt right-of way in Crystal Drive and Keyser Court and a zone of annexation to R-8 (Residential 8 du/ac) for the Keyser Annexation. The approximately 1.83-acre annexation is located at 3110 through 3117 Keyser Court. The subject property is undeveloped. The adjacent property to the south is already zoned R-8.

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 developing this property along with the rest of the undeveloped portions of the River Bend Subdivision. 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 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. 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 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 annexation area has 8 platted residential lots that were subdivided in Mesa County in 1982. Not all of the infrastructure improvements have been constructed, including the streets to access the 8 lots. The applicant has submitted to the City a Developers Improvement Agreement (DIA) and guaranteed funds to construct the improvements to ensure that future property owners of these 8 lots will have urban services available to them. These improvements will be constructed following annexation and within agreed timeframes of the DIA.

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 around 8 dwelling units per acre.

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 dwelling and multifamily. R-8 is a transitional district between lower density single-family districts and higher density multifamily or business development. A mix of dwelling types is allowed in this district. 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

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.

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.

ANALYSIS

Annexation Analysis

The property is currently adjacent to existing city limits to the 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 Keyser Court 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 Keyser Court Annexation has just over 31% 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 properties have existing urban utilities available and are part of the undeveloped portion of the River Bend Subdivision that was originally platted in 1982 and planned for 5.5 to 8 dwelling units per acre. Over half of the land area of River Bend Subdivision was developed following the subdivision platting. The Applicant /Developer has stated they will be constructing the road improvements within the established right-of-way to serve the 8 platted lots.
- e) The area is capable of being integrated with the City. The proposed annexation area is adjacent to the city limits on the south side and is currently interconnected with existing urban services. Utilities and City services are available and currently serving the existing urban area adjacent to this site.
- f) No land held in identical ownership is being divided by the proposed annexation. The entire property owned by the applicants are 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-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 finds 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 area and will be extended by the applicant to the 8 platted lots which is 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 be constructed prior to housing development, sanitary sewer located within the right-of-way is already available to the platted lots. The applicant will construct the road improvements within the established right-of-way to serve the 8 platted lots following annexation. A DIA has been executed and the guarantee of funds has been received by the city from the applicant for these improvements. 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 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. 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 Keyser Court Annexation is eligible to be annexed because of compliance with the seven (7) criteria (a through g) found in the Statutes.
2. The zone of annexation to R-8 request conforms with Section 21.02.140 of the Zoning and Development Code.
3. The zone of annexation to R-8 request is consistent with the vision (intent), goals and policies of the Comprehensive Plan.

Therefore, staff recommends accepting the Annexation Petition and the Planning Commission recommends approval of the zone of annexation request.

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

This annexation does not include any constructed right-of-way and therefore does not have an impact to public works in regard to annexation of existing infrastructure. The developer will be constructing new streets and utility infrastructure upon annexation.

Utilities. The eight lots being annexed are located within the Clifton Water District and sewer is available to each lot, each individual lot will have to pay the Plant Investment fee for new construction when homes are built. There is no financial impact to the Utilities Department.

Fire Department. Currently, the property is in the Clifton Fire Protection District. The Fire District collects a 11.5520 mill levy that generates \$402 per year in property taxes for the eight development sites. If annexed, the property will be excluded from the Clifton Fire Protection District and the City's 8 mills will generate \$278 per year. If the property develops at the estimated 8 dwelling units with an estimated value of \$350,000, the estimated annual property tax revenue (at the current residential assessment rate) would be approximately \$1,557 per year. Sales and use tax revenues will be dependent on construction activity and consumer spending on City taxable items for residential and commercial uses. City services are supported by a combination of property taxes and sales/use taxes.

Parks and Recreation

Parks and Recreation fees of \$1,001 (2022 fees) each will be collected for the homes built on the 8 lots being annexed when a residential planning clearance is issued.

SUGGESTED MOTION:

I move to (adopt/not adopt) Resolution No. 31-22, a resolution accepting a petition to the City Council for the annexation of lands to the City of Grand Junction, Colorado, the Keyser Court Annexation, approximately 1.83 acres, located at 3110 through 3117 Keyser Court, as well as adopt Ordinance No. 5062 annexing territory to the City of Grand Junction, Colorado, Keyser Court Annexation, approximately 1.83 acres, located

at 3110 through 3117 Keyser Court, on final passage and order final publication in pamphlet form.

I move to adopt Ordinance No. 5063 zoning the Keyser Court Annexation to R-8 (Residential - 8 du/ac) zone district, from Mesa County zoning of Planned Unit Development (PUD) on final passage and order final publication in pamphlet form.

Attachments

1. Development Application
2. Site Maps and Photo
3. Annexation Schedule - Table - Keyser Court Annexation
4. Keyser Court Annexation Plat
5. Planning Commission Minutes - 2022 - March 8 - Draft
6. Resolution Accepting Petition for Annexation
7. Keyser Court Annexation Ordinance
8. 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 #: 2061455

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

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

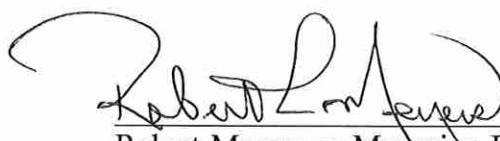
AFFIDAVIT

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:

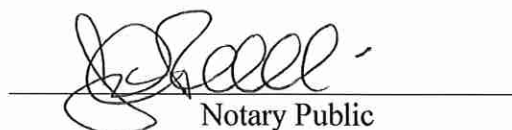
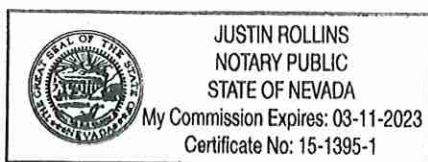
That each signature on the said petition is the signature of the person whose name it purports to be.



Robert Meyers as Managing Limited Partner
for BK Holdings II, LLLP

Subscribed and sworn to before me this 19th day of NOVEMBER, 2021.

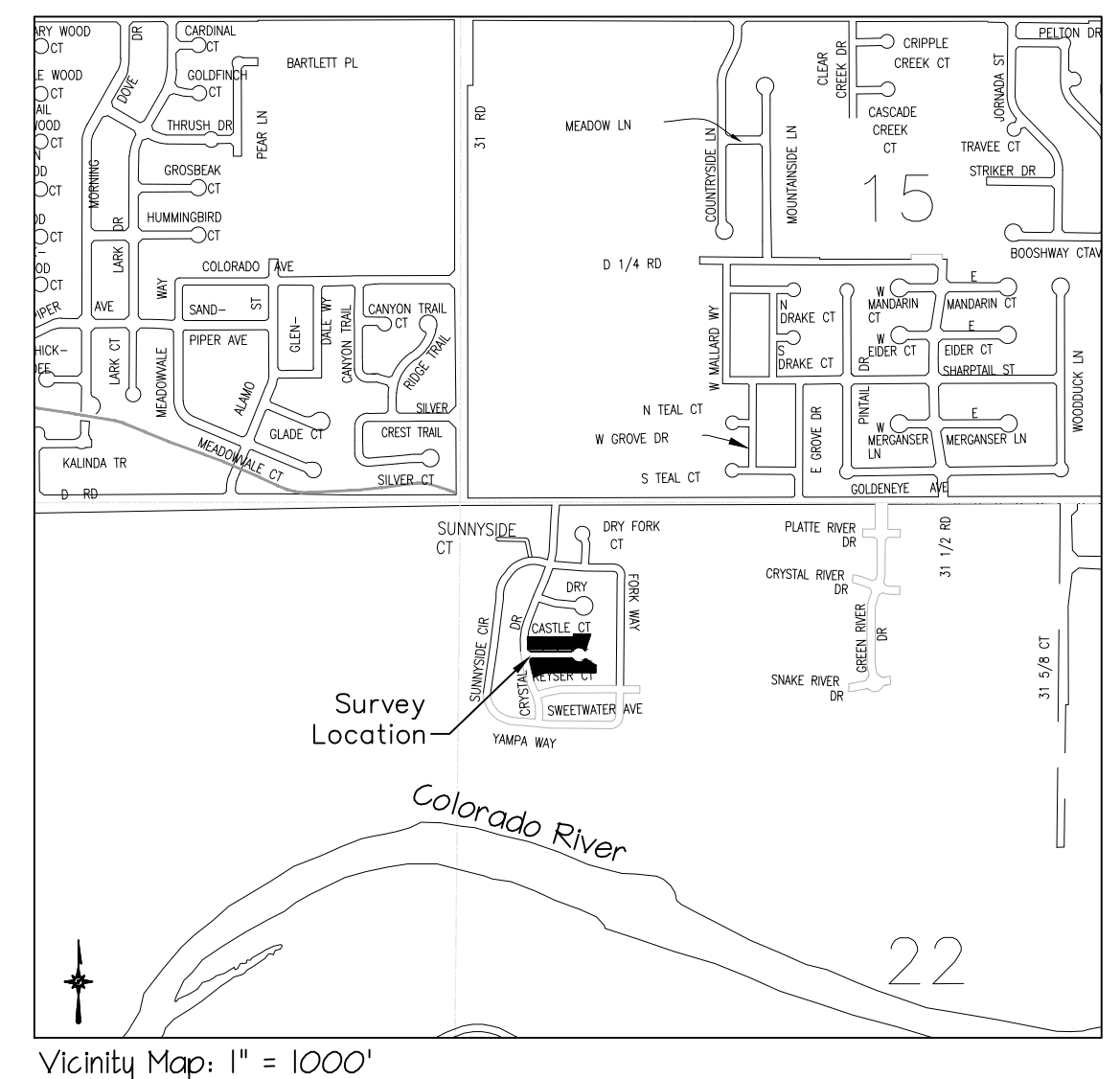
Witness my hand and official seal.


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\1989 Dave Gross\001 Rapist River Bend\Survey\DWG\1989-001 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	SCOTTPE@GJLITY.ORG	CITY PLANNING
ARRE	WHELAN	970 244-4122	JWHELAN@RELLWEST.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)

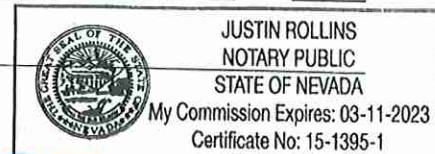
County of CLARK) ss.

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")

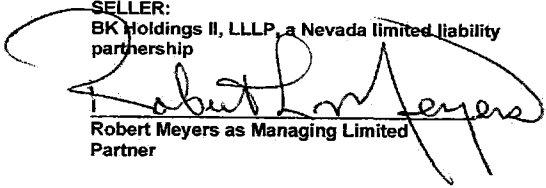
The instrument and recording information, including the County, of the document by which title was acquired is:

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

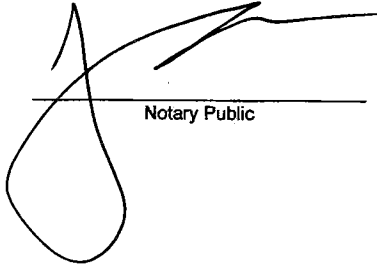
STATE OF COLORADO
COUNTY OF Mesa

} 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**

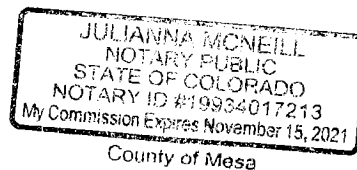
)

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

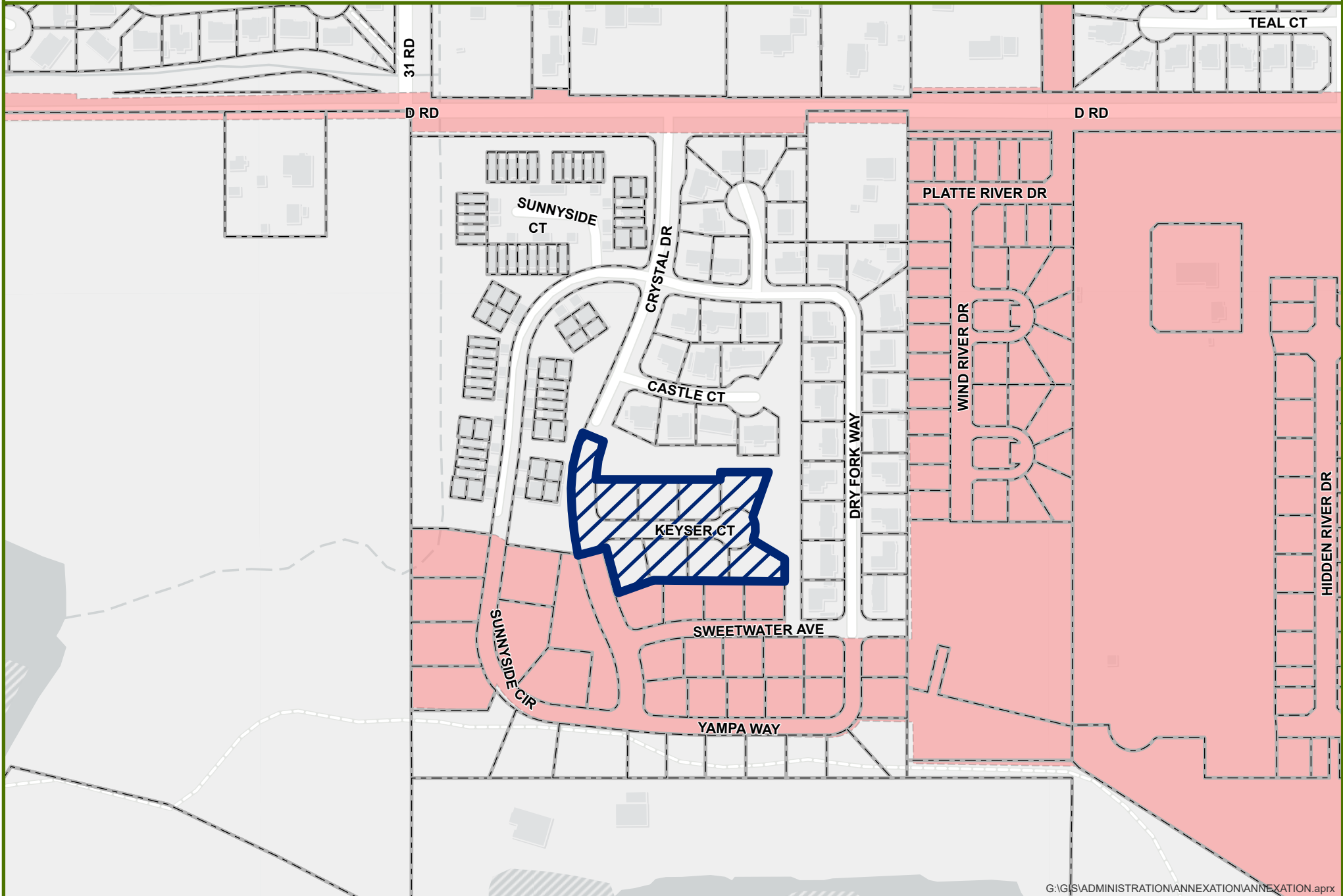
Notary Public



When recorded return to: **BK HOLDINGS II LLLP, A NEVADA LIMITED LIABILITY LIMITED PARTNERSHIP**
10 MOUNTAIN COVE COURT, Henderson, NV 89052



KEYSER COURT ANNEXATION



0 200 400 Feet

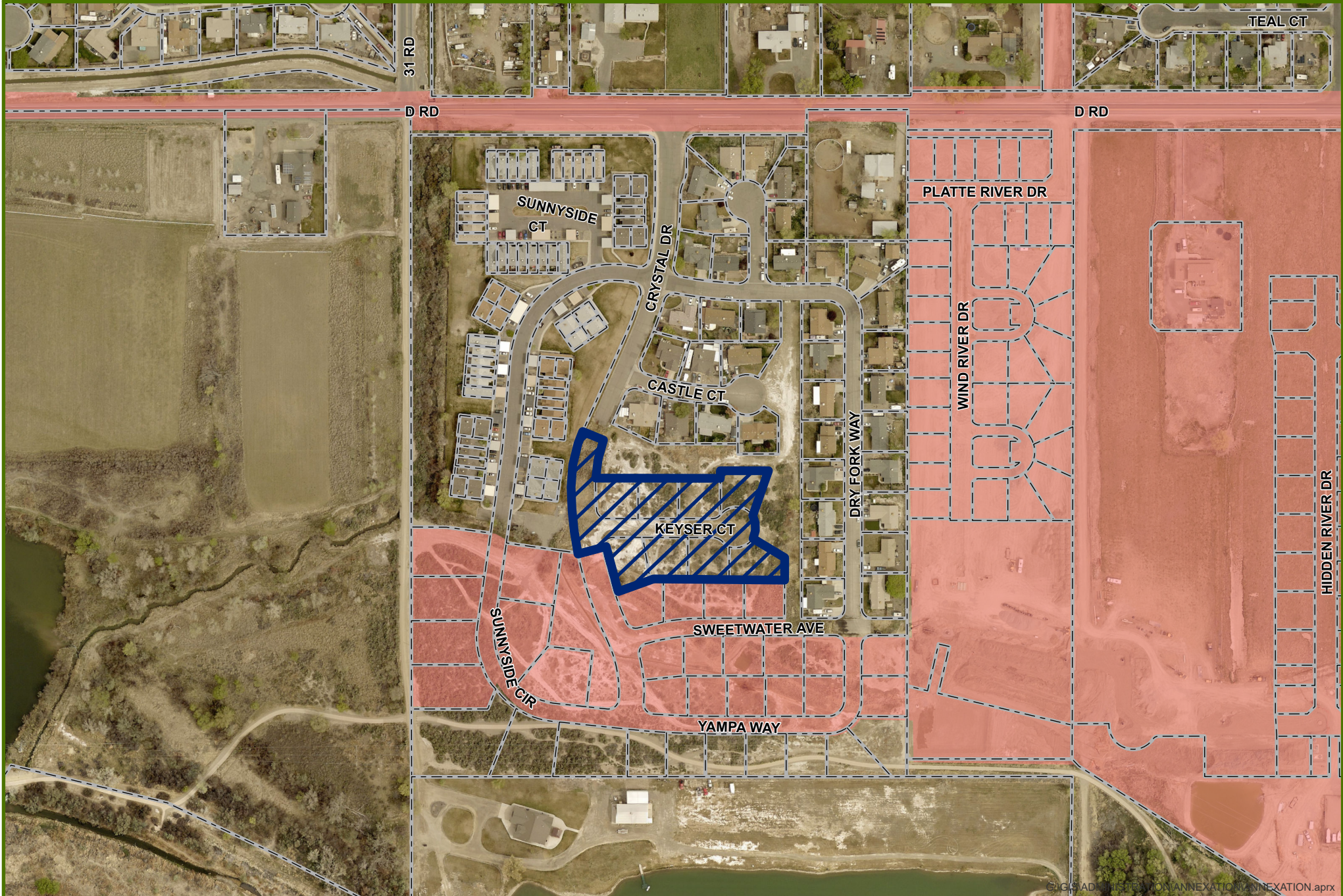


Annexation



City Limits

KEYSER COURT ANNEXATION



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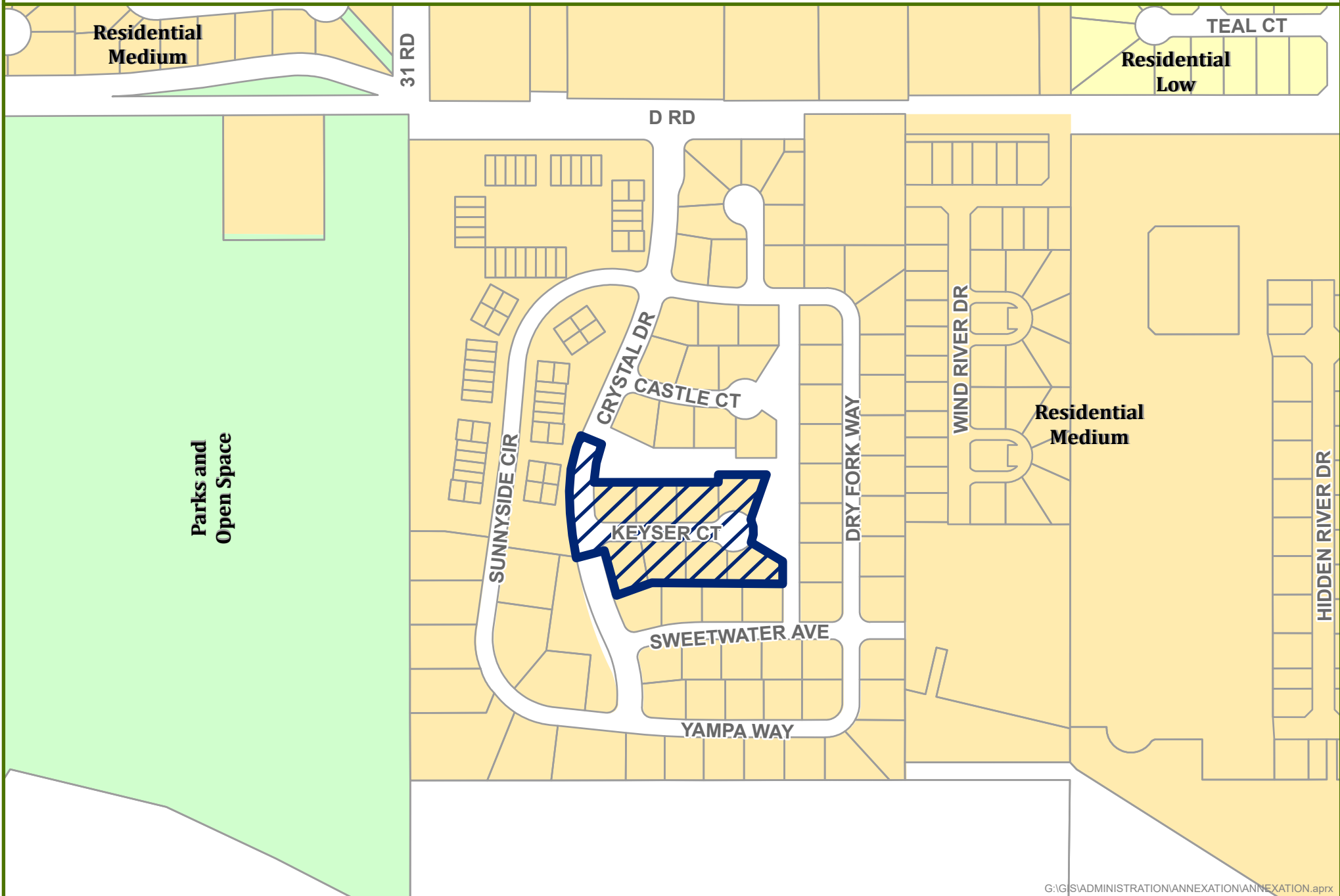


Annexation



City Limits

KEYSER COURT ANNEXATION - LAND USE



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0 200 400 Feet



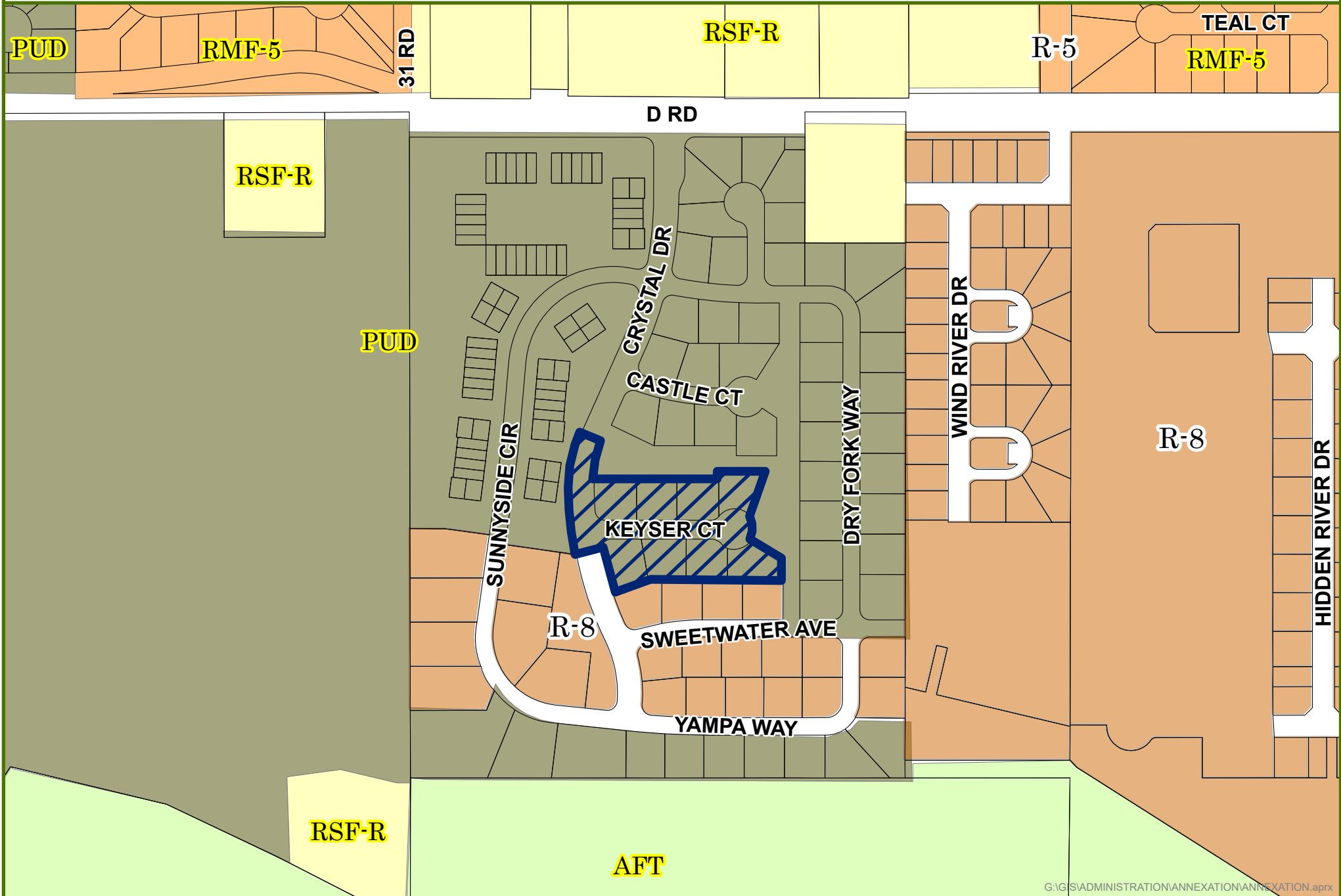
Annexation Boundary

Packet Page 219

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 220

Date Created: 2/23/2022





Google Street View from the southern terminus of Crystal Drive looking south into the annexation area.

KEYSER COURT ANNEXATION SCHEDULE

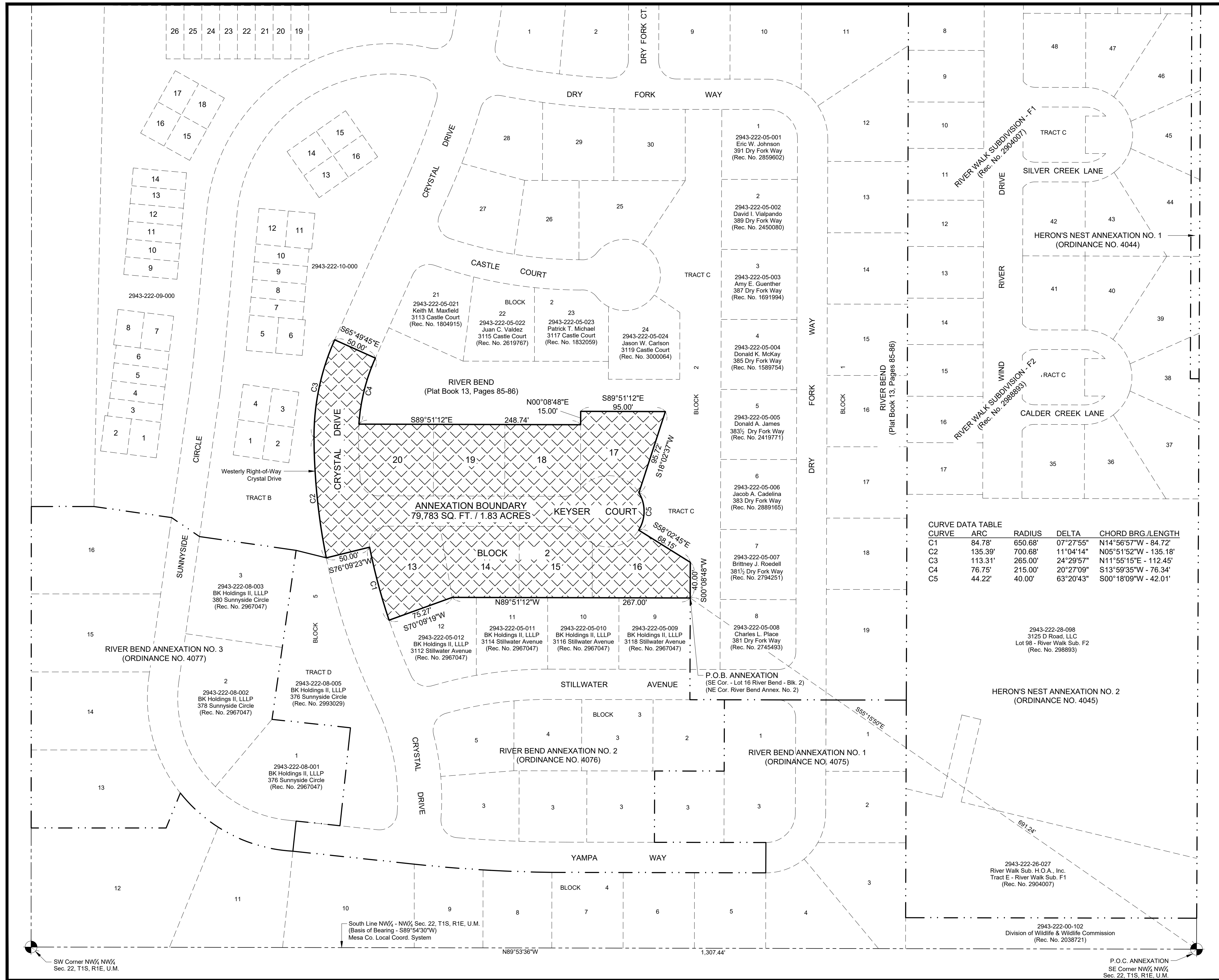
March 2, 2022	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
March 8, 2022	Planning Commission considers Zone of Annexation
March 16, 2022	Introduction of a Proposed Ordinance on Zoning by City Council
April 6, 2022	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
May 8, 2022	Effective date of Annexation and Zoning

ANNEXATION SUMMARY

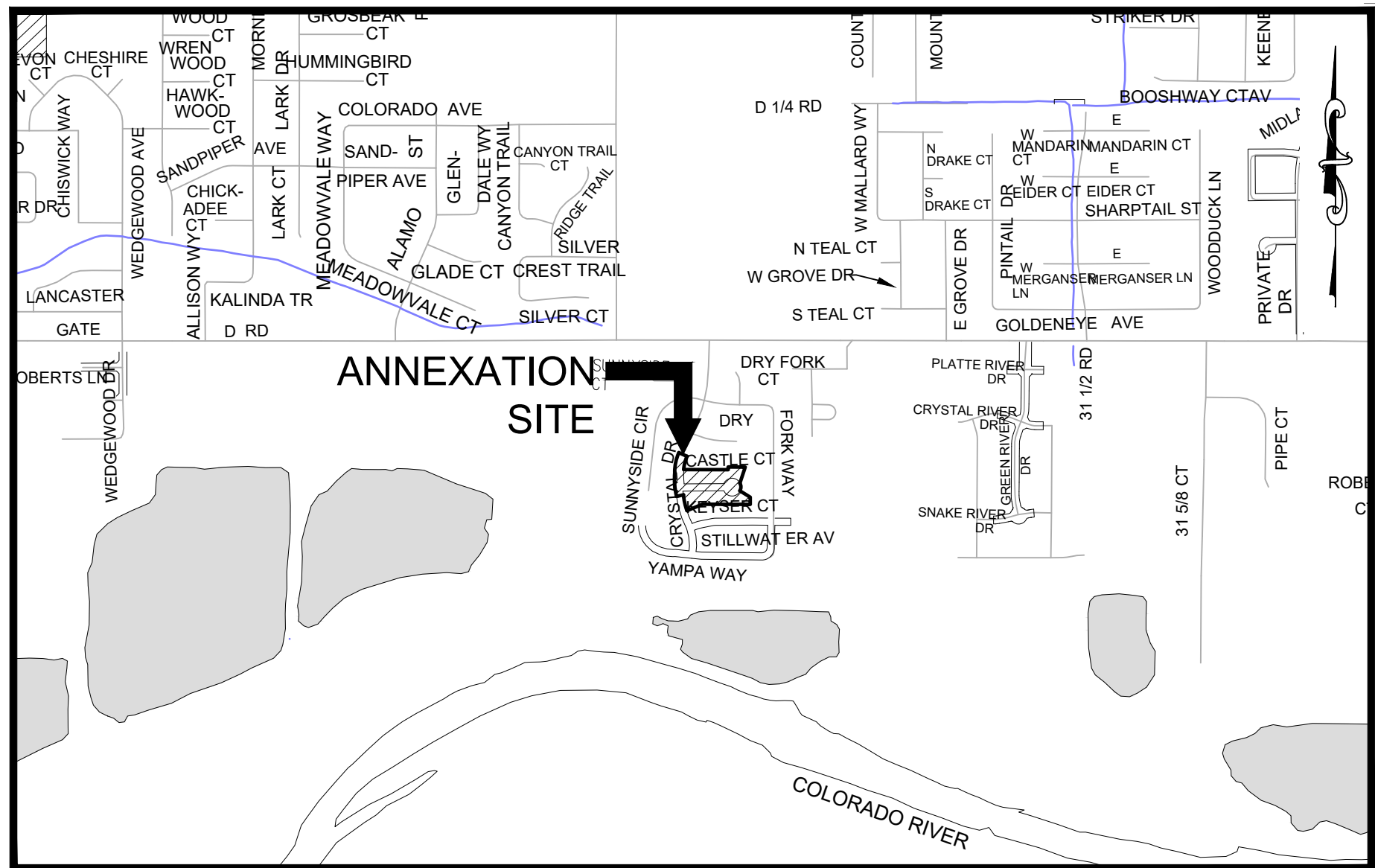
File Number:	ANX-2021-877
Location:	3110 through 3117 Keyser Court
Tax ID Numbers:	2943-222-05-020; 2943-222-05-019; 2943-222-05-018; 2943-222-05-017; 2943-222-05-013; 2943-222-05-014; 2943-222-05-015; 2943-222-05-016
# of Parcels:	8
Existing Population:	0
# of Parcels (owner occupied):	0
# of Dwelling 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) Northwestly along the arc of a 650.68 foot radius curve concave Northeastly, 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) Northwestly 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) Northeastly 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 Southwestly 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 Southwestly 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	- - - - -

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT	RAD.	RADIUS
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

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

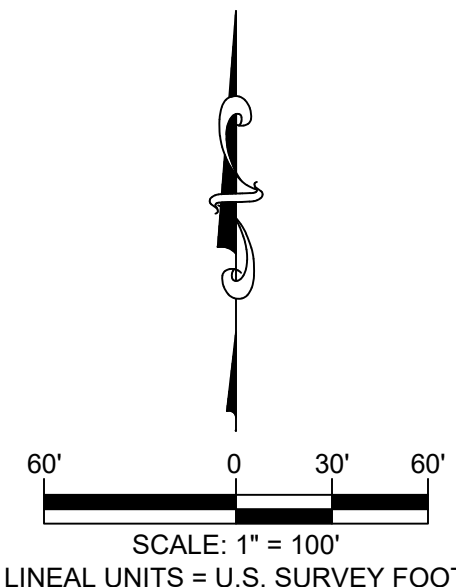
ORDINANCE NO.
XXXX

EFFECTIVE DATE
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

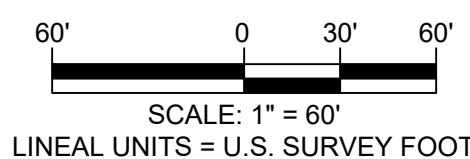
DATE



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: 01/27/2022
DESIGNED BY: RBP DATE: 01/27/2022
CHECKED BY: CVW DATE: 01/27/2022
APPROVED BY: RBP DATE: 01/27/2022



CITY OF
Grand Junction
COLORADO
333 WEST AVENUE - BLDG. C
GRAND JUNCTION, CO. 81501

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

1
OF
1

GRAND JUNCTION PLANNING COMMISSION
March 8, 2022, 5:30 PM
MINUTES

The meeting of the Planning Commission was called to order at 5:33 p.m. by Chair Andrew Teske.

Those present were Planning Commissioners; Chair Andrew Teske, Ken Scissors, Keith Ehlers, George Gatseos, Sandra Weckerly, Kimberly Herek, and Melanie Duyvejonck.

Also present were Scott Peterson (Principal Planner) and Kalli Savvas (Planning Technician).

There were 2 members of the public in attendance and 0 virtually.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from February 22, 2022.

Commissioner Gatseos, moved to accept consent agenda with spelling error correction. Weckerly seconded. Passed 7-0.

REGULAR AGENDA

1. Keyser Court Annexation **ANX-2021-877**

Consider a request by BK Holdings II LLLP to zone 1.83 acres from County Planned Unit Development (PUD) to R-8 (Residential – 8 du/ac).

Staff Presentation

David Thornton, 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

Public Hearing

The public hearing was opened at 5:00 p.m. on Tuesday, March 1, 2022, via www.GJSpeaks.org.

The public hearing was closed at 5:47 p.m. on March 8, 2022.

Discussion

Chair Teske asked for clarification on one of the slides in the presentation.

Motion and Vote

Commissioner Scissors made the following motion Mr. Chairman, on the Zone of Annexation request for the property located at 3110 through 3117 Keyser Court, City file number ANX-2021-877, 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 Ehlers seconded the motion. The motion carried 6-0. Teske, Ehlers, Gatseos, Weckerly, Herek, and Duyvejonck.

2. Other Business

None.

3. Adjournment

Commissioner Scissors moved to adjourn the meeting.

The vote to adjourn was 7-0. Herek, Scissors, Ehlers, Gatseos, Teske, Weckerly, and Duyvejonck.

The meeting adjourned at 5:55 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
KEYSER COURT ANNEXATION
APPROXIMATELY 1.83 ACRES
LOCATED 3110, 3111, 3112, 3113, 3114, 3115, 3116, AND 3117 KEYSER COURT
IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 2nd day of March 2021, 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:

**KEYSER COURT ANNEXATION
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:

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.

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of April, 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 6th day of April, 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
KEYSER COURT ANNEXATION**

**APPROXIMATELY 1.83 ACRES
LOCATED AT 3110, 3111, 3112, 3113, 3114, 3115, 3116, AND 3117 KEYSER COURT**

WHEREAS, on the 2nd day of March, 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 6th day of April, 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:

**KEYSER COURT ANNEXATION
EXHIBIT A**

**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:

- 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.

INTRODUCED on first reading on the 2nd day of March 2022 and ordered published in pamphlet form.

ADOPTED on second reading the 6th day of April 2022 and ordered published in pamphlet form.

President of the Council

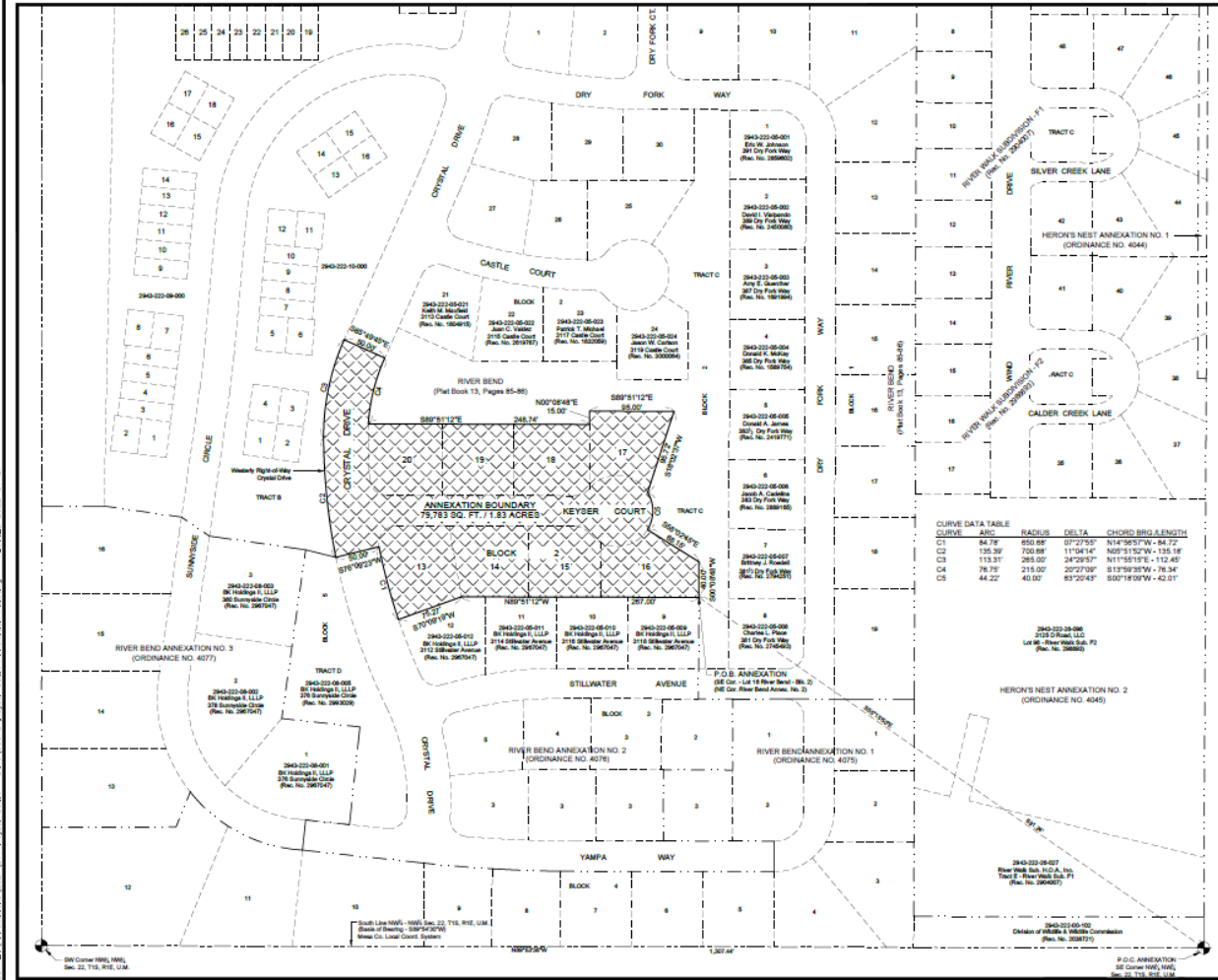
Attest:

City Clerk

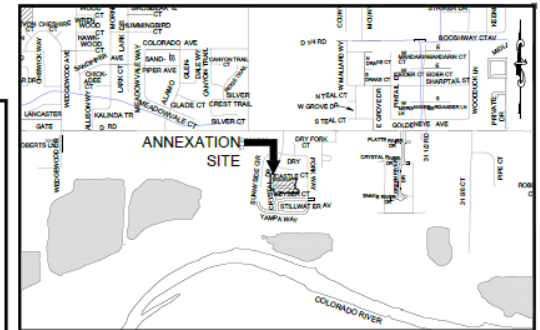
EXHIBIT A

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



THIS IS NOT A BOUNDARY SURVEY



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-Way being Keyser Court (labeled 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 N00°15'00"W, a distance of 691.24 feet to the Southwest Corner of said Lot 15 and being the Northwest Corner of RIVER BEND ANNEXATION NO. 2, ORDINANCE 4078 and the Point of Beginning, thence along the Northernly line of said RIVER BEND ANNEXATION NO. 2 the following four (4) courses:

- 1) N18°17'10"W along the South line of said Lots 14, 15 & 16, a distance of 287.00 feet;
- 2) S70°09'10"W along the South line of said Lot 13, a distance of 75.27 feet to a point on the Eastern Right-of-Way boundary of said Crystal Drive;
- 3) Northwestly along the arc of a 650.68 foot radius curve concave Northwestly, a distance of 84.78 feet to 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) S78°02'27"N, a distance of 50.20 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, a distance of 76.75 feet to the Northwest corner of said Lot 20 then a central angle of 20°27'00" whose chord bears S13°59'25"W, a distance of 135.38 feet to a point of compound curvature thru a central angle of 11°04'14" whose chord bears N02°51'52"W, a distance of 135.18 feet;

1) Northwestly along the arc of a 700.68 foot radius curve concave Easterly, a distance of 135.38 feet to a point of compound curvature thru a central angle of 11°04'14" whose chord bears N02°51'52"W, a distance of 135.18 feet;

2) Northwestly along the arc of a 295.00 foot radius curve concave Easterly, a distance of 113.31 feet to a central angle of 24°29'57" whose chord bears N11°55'15"E, a distance of 112.45 feet;

thence S85°48'45"E, a distance of 50.00 feet to a point on the Eastern Right-of-Way boundary of Crystal Drive, thence Southwestly along the arc of a 255.00 foot radius curve concave Easterly along said Eastern Right-of-Way boundary of Crystal Drive, a distance of 76.75 feet to the Northwest corner of said Lot 20 then a central angle of 20°27'00" whose chord bears S13°59'25"W, a distance of 76.74 feet, thence S88°51'12"E along the North line of said Lots 14, 15 & 16, a distance of 286.74 feet to a point on the West line of said Lot 17;

thence along the boundary of said Lot 17 for the following three (3) courses:

- 1) N00°18'45"E, a distance of 15.50 feet;
- 2) S89°51'12"E, a distance of 69.30 feet;
- 3) S10°02'37"W, a distance of 69.72 feet to a point on the Calde-Cree Right-of-Way boundary of Keyser Court, thence Southwestly 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 to a central angle of 85°02'45" whose chord bears S00°18'00"W, a distance of 40.00 feet to the Northeast Corner of said Lot 16; thence along the boundary of said Lot 16 for the following two (2) courses:

- 1) S85°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

SURVEY ABBREVIATIONS

P.O.C.
P.O.B.
R.O.W.
SEC.
TWP.
RNG.
U.M.
REC.

RD. FT.
RAD.
ARC
CHD.
BLK.
P.B.
PG.
HCR. DIST. HORIZONTAL DISTANCE

AREAS OF ANNEXATION

ANNEXATION PERIMETER
CONTIGUOUS PERIMETER
AREA IN SQUARE FEET
AREA IN ACRES
AREA WITHIN R.O.W.

1,534.85 FT.
477.85 FT.
79.783 FT.
1.83
26.783 FT.
0.61 ACRES

ORDINANCE NO.
XXXX

EFFECTIVE DATE
FEBRUARY XX, 2022

NOTE:
THE DESCRIPTIONS 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. 30286
FOR THE CITY OF GRAND JUNCTION
333 WEST AVENUE, - BLOCK C
GRAND JUNCTION, CO. 81501

DATE

SCALE: 1" = 100'
LINEAL UNITS = U.S. SURVEY FOOT

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
DESIGNED BY: RSP
CHECKED BY: CWM
APPROVED BY: RSP

DATE: 01/27/2022
DATE: 01/27/2022
DATE: 01/27/2022
DATE: 01/27/2022

SCALE: 1" = 60'
LINEAL UNITS = U.S. SURVEY FOOT

CITY OF
Grand Junction
COLORADO
333 WEST AVENUE, - BLOCK C
GRAND JUNCTION, CO. 81501

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

1 OF 1

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:

- 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.

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 #7.b.i.

Meeting Date: April 6, 2022

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

Department: City Attorney

Submitted By: Staff Cannabis Team

Information

SUBJECT:

An Ordinance Amending 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

RECOMMENDATION:

Staff recommends adoption of the Ordinance regulating Cannabis Use, Licenses and Regulations.

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 allow for and regulate and 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. The first reading of the proposed ordinances occurred on March 16, 2022.

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. This Ordinance will be reviewed at a public hearing on May 4th.

FISCAL IMPACT:

SUGGESTED MOTION:

I move to adopt Ordinance No. 5064 amending 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 order final publication in pamphlet form.

Attachments

1. ORD-Cannabis Regulatory - 040422 Redline
2. ORD-Cannabis Regulatory - 040422 Clean
3. Public Comment-A.Walsh
4. Public Comment-D.Baird
5. Public Comment-J.Bonin
6. 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 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 ~~L~~ocal Licensing Authority;
 - 347
 - 348 c. Evidence ~~the~~ 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 others 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
698 3. The Authority, acting by and through the Hearing Officer, may- summarily
699 suspend a license issued pursuant to this Chapter without notice pending
700 any prosecution or public hearing for a period not to exceed 15 days when
701 the Authority determines a Licensee or an agent or employee of the
702 Licensee has violated the Colorado Marijuana Code, the Colorado
703 Department of Revenue Enforcement Division Marijuana Rules, the
704 Colorado Constitution, the City's Code, or any rule and regulation related
705 to the- storage, sale, distribution, transportation, testing, or consumption
706 of any form of cannabis, or when the public health, safety or wellbeing
707 imperatively requires emergency action, and incorporates such findings
708 in the notice for a public hearing before the Authority on the matter.

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

713
714 (e) Authority Hearing procedures.

715
716 1. Hearings shall be scheduled as determined by the Authority and generally
717 with the same frequency as the Liquor ~~and Beer~~ Licensing Authority or at
718 special meetings as scheduled by the Authority.

719
720 2. The Hearing Officer may establish such procedures and local rules to be
721 followed in actions before her/him. Such procedures shall include the
722 following:

723
724 i. Control the mode, manner and order of all proceedings and hearings.

725
726 ii. The adoption of rules, procedures, and policies for its own proceedings
727 and for filing applications and requests.

728
729 iii. The adoption of application forms and submission requirements,
730 including a requirement that applications, complaints and other
731 documents be filed in a digital format approved by the Authority and

732 to refuse applications, complaints and other documents not filed in
733 the approved digital format.

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

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

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

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

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

- 775
- 776 5. A fine, enforced by suspension of the License until the fine
- 777 is paid;
- 778
- 779 6. Default of any motion, complaint or other action then
- 780 pending against the Licensee; and/or
- 781
- 782 7. Denial of any application by the Licensee then pending
- 783 before the Authority.
- 784

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

786

- 787 1. The Hearing Officer shall make his/her determination after
- 788 hearings in accordance with this Code, the Colorado
- 789 Marijuana Code and established legal principles. The
- 790 decision of the Hearing Officer shall be final, and appeal from
- 791 that decision shall be to the District Court of the 21st Judicial
- 792 District.
- 793
- 794 2. Actions taken by the Authority are subject to review by the
- 795 courts pursuant to Rule 106(a)(4) of the Colorado Rules of
- 796 Civil Procedure. Any person applying to the Court for review
- 797 shall be required to pay the cost of preparing a transcript of
- 798 proceedings before the Authority whenever such a transcript
- 799 is necessary for purposes of an appeal.
- 800
- 801 3. Appeals of Hearing Officer Decision(s). If the Authority
- 802 imposes a condition on the license and/or suspends or
- 803 revokes a license or imposes a fine, the Licensee may appeal
- 804 the Authority's order to the Mesa County District Court
- 805 pursuant to Rule 106(a)(4) of the Colorado Rules of Civil
- 806 Procedure. The Licensee's failure to timely appeal any
- 807 decision/order of the Authority is a waiver of the Licensee's
- 808 right to contest the decision/order. Any person applying to
- 809 the court for review shall be required to pay the cost of
- 810 preparing a transcript of proceedings before the Authority
- 811 whenever such a transcript is necessary for the purposes of
- 812 the appeal.
- 813

814 **5.13.016 Application process/requirements.**

815 (a) Applications. All applications for any license authorized by this Chapter
816 shall be submitted to the City Manager upon forms provided by the
817 Authority and shall include supplemental materials as required by this
818 Chapter, the Colorado Marijuana Code, and any rules and regulations
819 adopted pursuant thereto. To the extent any of the foregoing materials
820 have been included with the Applicant's state license application and
821 forwarded to the City by the State, the Authority may rely upon the
822 information forwarded by Applicants without requiring resubmittal of the
823 same materials in conjunction with the local license application.

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

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

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

835 (e) Initial Application.

836 1. Complete Application. The City Manager shall receive all Applications
837 for a license authorized by this Chapter. The City Manager will review
838 and, if demonstrated from the Application, find an Application to be
839 complete if the Applicant, on forms provided by the City, provides
840 materials and information demonstrating that all requirements for
841 licensure can or will be met by the Applicant at the time of licensure as
842 provided in this section and in § 05.13.02224 of this Code. A complete
843 application must comply in all material respect with this GJMC, and the
844 application forms and processes of this Code, resolutions and
845 administrative regulations of the City.

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

849 3. Each Applicant may file only one application for only one license at one
850 location for each class of cannabis business license authorized by this
851 Chapter. A co-located medical and retail cannabis business location
852 shall be deemed one license for the purpose of this section. A location
853 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.

- 895 **6. The Applicant must disclose in writing if the named owner(s),**
896 **member(s), manager(s), Financier(s), agent(s), or person(s) named**
897 **on the Application has(have) been:**
898
- 899 **i. Denied an application for a cannabis business license pursuant**
900 **to this Chapter, or any state or local licensing law, rule, or**
901 **regulation, or had such a license suspended or revoked.**
902
- 903 **ii. Denied an application for liquor license pursuant to Title 44,**
904 **Article 47 or Article 46, C.R.S. or any similar state or local**
905 **licensing law, or had such a license suspended or revoked.**
906
- 907 **1. In the event an owner, member, agent, manager, financier,**
908 **or other person named on the Application contains**
909 **information regarding violations of any law or previous**
910 **denial or revocation of a license, that person must include**
911 **with the Application any information regarding such**
912 **violation(s), denial, or revocation. Such information must**
913 **include, but is not limited to, a statement of the violation(s)**
914 **and penalty(ies) for such violation(s), evidence of**
915 **rehabilitation, character references, and educational**
916 **achievements, and other regulatory licenses held without**
917 **compliance violations, especially those items pertaining**
918 **to the period of time between the Applicant's last violation**
919 **of any law and the date of the application.**
920
- 921 **2. The City may, prior to issuance of the certificate of**
922 **occupancy for the cannabis business, perform an**
923 **inspection of the proposed licensed premises to**
924 **determine compliance with any applicable requirements**
925 **of this Chapter or other provisions of this Code, the**
926 **International Fire Code or the International Building Code.**
927
- 928 **7. The Applicant must provide affirmation in writing that the Applicant**
929 **officers, directors, other owners, any person having a direct or indirect**
930 **financial interest in the business, and agents or employees of the**
931 **Applicant are of Good Moral Character considering the factors in the**
932 **Colorado Marijuana Code, this Chapter, and rules and regulations**
933 **adopted pursuant thereto; have no felony convictions in the last five**
934 **years, no drug related local ordinance, petty offense or misdemeanor**
935 **convictions in the last five years, and no drug related felony**
936 **convictions.**

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

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

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

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

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

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

972 14. The Applicant must provide a written security plan indicating how the
973 Applicant will comply with the requirements set forth in the Colorado
974 Marijuana Code, this Chapter, and any other applicable law, rule, or
975 regulations pursuant thereto. The security plan includes specialized
976 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.

- 1013 **23. The Applicant provides affirmation in writing that it or the Licensee is**
1014 **not overdue on his/her/its payment of any taxes, fines, interest,**
1015 **penalties or collection costs assessed against or imposed upon such**
1016 **Applicant in any business matters, affairs or dealings of the Applicant**
1017 **in any state, county, municipality in which the Applicant conducts**
1018 **business.**
- 1019 **24. The Applicant provides affirmation in writing that the Applicant will**
1020 **make all the improvements to the licensed premises as required by**
1021 **the GJMC so that the cannabis business operations shall begin**
1022 **within 12 months of the Application being selected for licensure in**
1023 **the random selection process.**
- 1024 **25. The Applicant affirms in writing, the Applicant is not a sheriff, deputy,**
1025 **police officer, prosecuting officer, or an officer or employee of the**
1026 **state; and,**
- 1027 **26. The Applicant affirms in writing, the Applicant is not a person whose**
1028 **authority to be a primary caregiver as defined in § 25-1.5-106(2),**
1029 **C.R.S., has been revoked by the state health agency.**
- 1030 **(f) Incomplete Application. Upon review of an application, the City Manager**
1031 **shall provide a notice of initial determination to the Applicant in writing**
1032 **as to whether the Applicant's application is complete and if found to be**
1033 **incomplete that the Applicant may supplement its application so long as**
1034 **the Application is made complete within the application period.**
- 1035 **(g) Denial of initial application. The City Manager may deny any application**
1036 **that does not meet the requirements of this Chapter, the Colorado**
1037 **Marijuana Code, or any other applicable state or City law or regulation. In**
1038 **addition to prohibitions on persons as licensees found in the Colorado**
1039 **Marijuana Code, should the Applicant fail to affirm any information or**
1040 **representation(s) as required by 5.13.016(d), or the City discovers**
1041 **evidence that any affirmation was contrary, false, misleading or**
1042 **incomplete, such shall constitute full and adequate grounds for denial of**
1043 **any application.**
- 1044 **1. Notice of denial. If, after investigation and discovery, the City**
1045 **Manager determines that the application will be denied, the City**
1046 **Manager shall:**
- 1047 **a. Provide notice in writing to the Applicant that the**
1048 **Application is denied and reasons for the denial;**
1049
- 1050 **b. Notify the State in writing of the City Manager's decision to**
1051 **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 10 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.

~~(b)~~ ; 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.

~~(c)~~ ~~(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.

~~(d)~~ ~~(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.

~~(e)~~ ~~(d)~~ Following the assignment of a random number, the numbers will be placed back in the selection container and ten numbers will be randomly selected and those ten 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.

~~(f)~~ ~~(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 §5.13.026(e)(24)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.

(g) (f) 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, §§5.13.025 and 0269 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(ies)
- (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

1162 **Applicant to commence operation for a period not to exceed 24 months**
1163 **from the date of selection in the random selection process, if the Applicant**
1164 **petitions the Authority for an extended commencement date and after**
1165 **hearing the Hearing Officer finds good cause to grant the extension.**

1166 **(f) The Applicant and the Applicant's owner(s) and financier(s) are in**
1167 **compliance with all federal, state and local tax laws; and,**

1168 **(g) A Licensee shall report each and every change of financial interest in the**
1169 **License and/or the Licensee to the Authority prior to any such change**
1170 **pursuant to and in accordance with the provisions of law and the Colorado**
1171 **Marijuana Rules. A report shall be required for transfers of capital stock of**
1172 **any corporation regardless the size, for transfers of member interests of**
1173 **any limited liability company regardless of the size, and for any transfer of**
1174 **an interest in a partnership or other entity or association regardless of size;**

1175 **5.13.023 Fees.**

1176 **(a) A nonrefundable Application Fee shall be paid to the state upon**
1177 **application to the state for a cannabis business license.**

1178 **(b) The Application and License Fees shall be paid to the City at the time of**
1179 **application for a cannabis business license. The License Fee may be**
1180 **refunded if an application is withdrawn by the Applicant, denied by the**
1181 **City Manager or Hearing Officer, or the Applicant is not selected in the**
1182 **randomized selection process. The City Manager will refund to the**
1183 **License Fee within 30 days of the date of the withdrawal, denial of the**
1184 **application or failure of the Applicant to be selected in the randomized**
1185 **selection process for issuance of a cannabis business license. The**
1186 **Application Fee is nonrefundable.**

1187 **(c) Renewal, change of location, inspection and all other fees may be**
1188 **imposed as necessary for the administration, regulation and**
1189 **implementation of this Code, and those fees shall be set by City Council**
1190 **resolution.**

1191 **(d) License and application fees shall be set City Council resolution, and, as**
1192 **deemed necessary, adjusted to reflect the direct and indirect costs**
1193 **incurred by the City in connection with the adoption, administration, and**
1194 **enforcement of this Code.**

1195 **(e) In addition to fees and any other monetary remedy provided by this Code,**
1196 **the City shall have the right to recover all sums due and owing hereunder**
1197 **by any civil remedy available at law.**

5.13.024 No vested rights; commencement of operations.

- (a) Notwithstanding anything contained in this Chapter, an application initially approved for consideration of licensure and found to be 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 23 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 general or 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.

1318
1319 **2. Publication of notice by the City Manager not less than 14 days prior to**
1320 **the public hearing, in the same manner as the City posts notice of other**
1321 **public hearing matters.**
1322

1323 **(c) Any decision of the Authority, acting by and through the Hearing Officer,**
1324 **approving or denying an application shall be in writing stating the reasons**
1325 **therefor and- a copy of such decision shall be mailed by certified mail to the**
1326 **Applicant at the address shown in the Application and to the State licensing**
1327 **authority.**

1328 **5.13.028 Persons prohibited as Licensees.**

1329 **(a) No license shall be issued to, held by or renewed by any of the following:**

1330 **1. Any person until the annual fee for the license has been paid;**

1331 **2. Any natural person who is not of good moral character;**

1332 **3. Any entity of whose officers, directors, or managing members are**
1333 **not of good moral character;**

1334 **4. Any person employing, assisted by, or financed in whole or in part**
1335 **by any other person who is not of good moral character;**

1336 **5. Any natural person who has been released within five years**
1337 **immediately preceding the application from any form of**
1338 **incarceration or court-ordered supervision, including a deferred**
1339 **sentence, resulting from a conviction of any felony or any crime**
1340 **under the laws of the State would be a felony; or any crime of which**
1341 **fraud or intent to defraud element, whether in the State or**
1342 **elsewhere; or any felonious crime of violence, whether in the State**
1343 **or elsewhere;**

1344 **6.- Any person with ten percent (10%) or greater financial interest in**
1345 **the entity that has been convicted of any of the offenses set forth**
1346 **in (54) above;**

1347 **7. Any Applicant who has made a false, misleading or fraudulent**
1348 **statement or who has intentionally omitted pertinent information**
1349 **on his or her application for a license;**

1350 **8. Any natural person who is under 21 years of age;**

1351 **9. Any person who operates or manages a regulated cannabis**
1352 **business contrary to the provisions of this Chapter, any other**
1353 **applicable law, rule, or regulation or conditions imposed on land**

1354 use or license approvals, or contrary to the terms of the plans
1355 submitted with the license application or has operated a business
1356 in violation of any law;

1357 **10. Any person applying for a license to operate a regulated cannabis**
1358 **business who has been licensed to operate another regulated**
1359 **cannabis business in the City pursuant to this Chapter;**

1360 **11. A person licensed pursuant to this Chapter who, during a period**
1361 **of licensure, or who, at the time of application, has failed to remedy**
1362 **an outstanding delinquency for taxes owed, or an outstanding**
1363 **delinquency for judgments owed to a government;**

1364 **12. A sheriff, deputy, police officer, prosecuting officer, or an officer**
1365 **or employee of the state or Authority; and,**

1366 **13. A person whose authority to be a primary caregiver as defined in**
1367 **§ 25-1.5-106(2), C.R.S., has been revoked by the state health**
1368 **agency.**

1369 **14. No owner of any business applying for a License or in possession**
1370 **of a License within the City may apply for or be an owner of or be**
1371 **an Affiliate of any other business entity applying for another**
1372 **cannabis license within the City.**

1373 **(b) In making an evaluation of the good moral character of an individual**
1374 **identified on an application or amendment thereof, the Authority shall**
1375 **consider the following:**

1376 **1. An Applicant's violation of law shall not, by itself, be grounds for**
1377 **denying an application;**

1378 **2. Verification of or lack of ability to verify items disclosed by the**
1379 **Applicant;**

1380 **3. When a person has a history of violation of any law or a history**
1381 **including denial, revocation, or suspension of a license, the types**
1382 **and dates of violations; the evidence of rehabilitation, if any,**
1383 **submitted by the individual; whether the violations of any laws are**
1384 **related to moral turpitude, substance abuse, or other violations of**
1385 **any laws that may directly affect the individual's ability to operate**
1386 **a regulated cannabis business; or whether the violations of any law**
1387 **are unrelated to the individual's ability to operate such a business;**

1388 **4. Rules adopted by the Authority to implement this Chapter;**

1389 5. Law, rules, and regulations applicable to evaluation of other types
1390 of licenses issued by the City that consider the good moral
1391 character of the Applicant; and,

1392 6. Any additional information the Authority may request of the
1393 Applicant if the Applicant has a violation of any laws, an
1394 administrative or judicial finding of violation of laws regarding use
1395 of alcohol or controlled substances or items disclosed by the
1396 individual which require additional information in order for the
1397 Authority to make a determination regarding issuance of the
1398 License.

1399 **5.13.029 Security requirements.**

1400 Security measures at all licensed premises shall comply with the requirements of
1401 the Colorado Marijuana Code and applicable rules and regulations promulgated
1402 thereunder. In addition, thereto, the following security practice are required:

1403 (a) A security plan submitted with the Application, as it may be amended, shall
1404 provide equipment, which shall be in good working order, monitored, and
1405 secured 24 hours per day. The plan, at a minimum, shall include:

1406 1. The installation and use of security cameras to monitor and record all
1407 areas of the premises (except restrooms), and where persons may
1408 gain or attempt to gain access to cannabis or cash maintained by the
1409 regulated cannabis business. Cameras shall record operations of the
1410 business to the off-site location, as well as all potential areas of
1411 ingress or egress to the business with sufficient detail to identify facial
1412 features and clothing. Recordings from security cameras shall be
1413 maintained for a minimum of 40 days in a secure offsite location in the
1414 City or through a service over a network that provides on-demand
1415 access, commonly referred to as a "cloud". The offsite location shall
1416 be included in the security plan submitted to the City and provided to
1417 the Grand Junction Police Department and updated within 72 hours of
1418 any change of such location.

1419 2. The installation and use of a safe for storage and any processed
1420 cannabis and cash on the premises when the business is closed to
1421 the public. The safe, as defined in 5.13.013, shall be incorporated into
1422 the building structure or securely attached thereto.

1423 3. The installation and use of an alarm system that is monitored by a
1424 company that is staffed 24 hours a day, seven days a week. The
1425 security plan submitted to the City shall identify the company
1426 monitoring the alarm, including contact information, and updated
1427 within 72 hours of any change of monitoring company. If the alarm

1428 system includes a panic alarm, an operable dedicated phone for law
1429 enforcement to respond to the alarm shall remain on the premises at
1430 all times.

1431 4. The installation and use of outdoor lighting and a diagram and
1432 description of where the lighting shall be placed in accordance with
1433 the GJMC.

1434 5. If drive thru cannabis service is contemplated, the Applicant shall
1435 provide i) a description of security measures to prevent and address
1436 diversion of cannabis to youth and ii) how the Applicant will reduce
1437 potential criminal behavior such service may encourage.

1438 (b) The security plan shall be designed to:

1439 1. Prevent the use of cannabis on the licensed premises;

1440 2. Prevent unauthorized individuals from entering the limited access
1441 area portion of the licensed premises;

1442 3. Prevent theft or the diversion of cannabis, including maintaining all
1443 cannabis in a secure, locked room that is accessible only to
1444 authorized persons and, when the business is closed to the public, in
1445 a safe or vault or equivalent secured fixture.

1446 **5.13.030 Insurance.**

1447 (a) All Applicants must provide at time of application a binder for worker's
1448 compensation insurance as required by state law and general liability
1449 insurance with minimum limits of \$1,000,000 per occurrence and a
1450 \$2,000,000 aggregate limit.

1451 (b) Licensee shall at all times maintain in force and effect worker's
1452 compensation insurance as required by state law and general liability
1453 insurance with minimum limits of \$1,000,000 per occurrence and a
1454 \$2,000,000 aggregate limit.

1455 (c) Insurance shall:

1456 1. Provide primary coverage;

1457 2. Carry limits as provided in this Chapter;

1458 3. Issue from a company licensed to do business in Colorado having an AM
1459 Best rating of at least A-VI; and,

1460 4. Be procured and maintained in full force and effect for duration of the
1461 License.

1462 (d) Licensee shall be required to maintain insurance under this section and shall
1463 annually provide the City a certificate of insurance evidencing the existence
1464 of a valid and effective policy. The certificate shall show the following:

1465 1. The limits of each policy, the name of the insurer, the effective date and
1466 expiration date of each policy, the policy number, and the names of the
1467 additional insureds; and,

1468 2. A statement that Licensee shall notify the City of any cancellation or
1469 reduction in coverage within seven days of receipt of insurer's
1470 notification to that effect. The Licensee shall forthwith obtain and submit
1471 proof of substitute insurance in the event of expiration or cancellation of
1472 coverage within 30 days.

1473 **5.13.031 Report requirements.**

1474 A cannabis business shall report to the City Manager each of the following within
1475 the time specified. If no time is specified, the report(s) shall be provided within 72
1476 hours of the event:

1477 (a) Transfer or change of financial interest, manager or Financier in the license
1478 to the City at least 30 days before the transfer or change;

1479 (b) File sales and use tax reports to the City monthly; ~~and report use and~~
1480 ~~excise tax transactions;~~

1481 (c) Any violation of law by any Licensee, Applicant, or employee of a regulated
1482 cannabis business;

1483 (d) A notice of potential violation of any law to any license;

1484 (e) Upon City request, any report that the regulated cannabis business is
1485 required to provide to the State; and;

1486 (f) Licensee and any agent, manager or employee thereof shall immediately
1487 report to the Grand Junction Police Department any disorderly act, conduct
1488 or disturbance and any unlawful activity committed in or on the licensed
1489 premises, including, but not limited to, any unlawful sale of regulated
1490 cannabis, and shall also immediately report any such activity of which the
1491 Licensee has knowledge in the immediate vicinity of the business within
1492 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.

1. Prior to transferring cannabis to a customer, the regulated cannabis business must ensure that the consumer is the minimum sales- 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;

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

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

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

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

(f) For any person to possess or operate a cannabis business in violation of this Chapter or in a manner that is not consistent with the items disclosed in

- 1563 the application for the cannabis business or be in violation of any plan made
1564 part of the License Application and/or License;
- 1565 (g) For any person to produce, distribute, or possess more cannabis than
1566 allowed by law, or than disclosed in the application to the State of Colorado
1567 and the Authority for a cannabis business license, or other applicable law;
- 1568 (h) For any person to refuse or fail to provide video surveillance footage to the
1569 Grand Junction Police Department, the City Manager, the City Attorney, or
1570 the Authority in connection with a criminal and/or license violation
1571 investigation, or to refuse to allow inspection of a cannabis business.
1572
- 1573 (i) For any person to refuse to allow inspection of a regulated cannabis
1574 business upon request of a City employee. Any Licensee, owner, manager,
1575 or operator of a regulated cannabis business, or the owner of the property
1576 where a regulated cannabis business is located, may be charged with this
1577 violation;
- 1578 (j) For any person to store or keep cannabis intended for sale or distribution by
1579 the Licensee in any place outside of the licensed premises;
- 1580 (k) For any person to smoke, use, or ingest on the premises of a regulated
1581 cannabis business cannabis, fermented malt beverage, malt, vinous, and
1582 spirituous liquor or any controlled substance(s), except in compliance with
1583 the directions on a legal prescription for the person from a doctor with
1584 prescription writing privileges;
- 1585 (l) For any person to operate or be in physical control of any cannabis business
1586 while under the influence of alcohol or other intoxicant, or cannabis, or any
1587 controlled substance(s), except in compliance with the directions on a legal
1588 prescription for the person from a doctor with prescription writing privileges;
1589
- 1590 (m) For alcohol beverages to be on the licensed premises;
- 1591 (n) For any person to possess or operate a regulated cannabis business in
1592 violation of this Chapter;
- 1593 (o) For any person to produce, distribute, or possess more cannabis than
1594 allowed by law; or than disclosed in the application to the State of Colorado
1595 for a regulated cannabis business license, or other applicable law;
- 1596 (p) For any person to give away, dispense, or otherwise distribute cannabis for
1597 free or without use of a coupon approved and defined by this Code;

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

- 1633 (bb) For any person to cultivate, produce, distribute or possess regulated
1634 cannabis or own or manage a regulated cannabis business in which another
1635 person cultivates, produces, distributes, or possesses cannabis, in
1636 violation of law;
- 1637 (cc) For any person to allow an owner or manager that has not been disclosed
1638 to the City as required by law to operate the business;
- 1639 (dd) For any person to dispose of regulated cannabis or any by-product of
1640 regulated cannabis containing cannabis in a manner contrary to law;
- 1641 (ee) For a person to distribute a regulated cannabis plant to any person, except
1642 as permitted by law for immature plants;
- 1643 (ff) For any person to deliver regulated cannabis between regulated cannabis
1644 businesses except in strict compliance with law;
- 1645 (gg) For any person to advertise or publish materials, honor coupons, sell or
1646 give away products, or display signs that are in violation of this Code or the
1647 laws of the State of Colorado;
- 1648 (hh) For any person to violate any provision of this Code or any condition of a
1649 license granted pursuant to this Code or any law, rule, or regulation
1650 applicable to the use of regulated cannabis or the operation of a regulated
1651 cannabis business;
- 1652 (ii) For any person to permit any other person to violate any provision of this
1653 Code or any condition of an approval granted pursuant to this Code, or any
1654 law, rule, or regulation applicable to the use of regulated cannabis or the
1655 operation of a regulated cannabis business;
- 1656 (jj) For any person to lease any property to a regulated cannabis business that
1657 has cannabis on the property without a regulated cannabis business license
1658 from the City;
- 1659 (kk) For any person to distribute cannabis within a regulated cannabis business
1660 to any person who shows visible signs of intoxication from alcohol,
1661 cannabis, or other drug(s)/intoxicant(s);
- 1662 (ll) For any person to be on or within the licensed premises if such person is
1663 under 21 years of age;
- 1664 (mm) For any person to permit any person under 21 years of age on the premises
1665 of the regulated cannabis business; it is presumed that the Licensee is
1666 aware of the age of all people on the premises if identification is not
1667 specifically checked at the entry to the building;

- 1668 (nn) For any person to fail to confiscate fraudulent proof of age and notify the
1669 Grand Junction Police Department. It shall be an affirmative defense to
1670 failure to confiscate the fraudulent proof of age if an attempt to confiscate
1671 a fraudulent proof of age caused a reasonable person to believe the act
1672 created a threat to any person;
- 1673 (oo) For any person to fail to provide a copy or record of a coupon issued by or
1674 redeemed at the regulated cannabis business upon request of an authorized
1675 City employee;
- 1676 (pp) For any licensee or any manager, agent or employee of such licensee to fail
1677 to immediately report to the Grand Junction Police Department and the
1678 Authority any disturbance(s), disorderly conduct or criminal activity
1679 occurring at the regulated cannabis business, on the licensed premises,
1680 within the licensed premises, or any property under the control or
1681 management of the Licensee, including any associated contiguous parking
1682 area used by Licensee's patrons. For the purpose of this subsection,
1683 "report" means to either:
- 1684 1. Immediately, verbally, and directly in person notify any on-site
1685 uniformed Grand Junction Police Officer whether on duty or working
1686 secondary employment; or
 - 1687 2. Immediately place and complete a telephone call to the non-
1688 emergency line at the Grand Junction Police Department; or
 - 1689 3. Immediately place and complete a telephone call to the emergency
1690 line at the Grand Junction Police Department.
- 1691 (qq) For any person to fail to post the premises with signs notifying the public of
1692 the closure of the business during a suspension as required by this Chapter;
- 1693 (rr) For any licensee holding a regulated cannabis store license, or for any agent,
1694 manager or employee thereof, to sell, give, dispense or otherwise distribute
1695 cannabis or regulated cannabis paraphernalia from any outdoor location;
- 1696 (ss) For any person to employ a business manager that has not been properly
1697 registered with the City; and,
- 1698 (tt) For any person to operate or possess a regulated cannabis business license
1699 in violation of any ordinance or regulation of the City, or any applicable law,
1700 rule or regulation.
- 1701 Any person who pleads guilty or no contest to, or who, after hearing, is found to
1702 have violated any of the foregoing shall be subject to penalties pursuant to Chapter
1703 1.04.080 and any penalties specifically referenced within the GJMC.

5.13.035 Nonrenewal, suspension or revocation of license.

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

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

- 1. The Applicant or licensee, or his or her agent, manager or employee, or financier has violated, does not meet, or has failed to comply with, any of the terms, requirements, conditions, or provisions of this Code or with or with any applicable state or local law, rule or regulation;**
- 2. The Applicant or Licensee, or his or her agent, manager or employee, or financier has failed to comply with any special terms or conditions of its license pursuant to an order of the state or the Authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceeding(s) held subsequent to the issuance of the license;**
- 3. The regulated cannabis business has been operated, by a preponderance of the evidence, in a manner that adversely affects the public health, safety or welfare;**
- 4. Misrepresentation or omission of any material fact, or false or misleading information, on the application any amendment thereto, or renewal request, or any other information provided to the City related to the regulated cannabis business;**
- 5. Violation of any law by which, if occurring prior to and during submittal and review of the application, could have been cause for denial of the license application;**
- 6. Distribution of cannabis, including, without limitation, in violation of this Chapter or any other applicable law, rule, or regulation;**
- 7. Failure to maintain, or provide to the City upon request, any books, recordings, reports, or other records required by this Chapter;**
- 8. Failure of the Licensee to file any report(s), notification(s) or furnish any information as required by the provisions of this Chapter, or any rule or law adopted pursuant thereto relating to any license authorized by law;**

- 1738 9. Failure to timely notify the City and to complete necessary form(s) for
1739 change(s) in financial interest, manager(s), financier, or agent;
- 1740 10. Temporary or permanent closure, or other sanction of the business, by
1741 the City, or by the County or State of Colorado or other governmental
1742 entity with jurisdiction, for failure to comply with health and safety
1743 provisions of this Chapter or otherwise applicable to the business or any
1744 other applicable law;
- 1745 11. Revocation or suspension of another regulated cannabis business or any
1746 other license issued by the City, the State, or any other jurisdiction held
1747 by any Licensee of the regulated cannabis business;
- 1748 12. Failure to timely correct any violation of any law or comply with any order
1749 to correct a violation of any law within the time stated in the notice or
1750 order;
- 1751 13. Abandonment of the licensed premises by the Licensee or otherwise
1752 ceasing of operations without notifying the Authority and the state
1753 licensing authority within 48 hours in advance and without accounting for
1754 and forfeiting to the state licensing authority for the destruction of all
1755 cannabis or products containing cannabis;
- 1756 14. Failure to comply with the provisions of the Colorado Marijuana Code, the
1757 City's Code, and any rule or regulation adopted pursuant thereto, or any
1758 special term or condition placed upon the Licensee by order of the
1759 Authority or State licensing authority.
- 1760 15. Violations of any conditions imposed in connection with the issuance or
1761 renewal of the license;
- 1762 16. Failure to pay all required fines, interest, costs, fees, or penalties
1763 assessed against or imposed upon such Licensee in relation to the
1764 licensed cannabis business;
- 1765 17. Failure to file tax returns when due as required by this Code, or the
1766 Licensee is overdue on his or her payment to the state or local taxes
1767 related to the operation of the business associated with the License;
- 1768 18. Loss of right of possession to the licensed premises;
- 1769 19. Failure of the licensee to comply with the duty to supplement the license
1770 application;

- 1771 **20. Failure of the licensee to operate in accordance with any special term or**
1772 **condition placed upon a license by the Authority or the state licensing**
1773 **authority;**
- 1774 **21. The licensee, or any of agent(s) or employee(s) of the Licensee, have**
1775 **committed any unlawful act as described in this Chapter or violated any**
1776 **ordinance of the City or any state law on the premises or have permitted**
1777 **such a violation on the premises by any person;**
- 1778 **22. The licensee has knowingly permitted or encouraged, or has knowingly**
1779 **and unreasonably failed to prevent a public nuisance within the meaning**
1780 **of this Chapter from occurring or in or about the licensed premises;**
- 1781 **23. The odor of cannabis is perceptible to an ordinary person at the exterior**
1782 **of the building at the licensed premises or is perceptible within any space**
1783 **adjoining the licensed premises;**
- 1784 **24. The licensee knowingly permitted or allowed the consumption of**
1785 **cannabis on the licensed premise;**
- 1786 **25. The licensee knowingly permitted the possession or consumption of an**
1787 **alcohol beverage within the licensed premises. At any hearing for**
1788 **violation of this subsection, any bottle, can, or other container label**
1789 **indicating the contents of such bottle, can, or other container, shall be**
1790 **admissible into evidence and shall be prima facie evidence that the**
1791 **contents of the bottle, can, or other container was composed in whole or**
1792 **in part an alcohol beverage;**
- 1793 **26. The licensee has failed to appear upon a Municipal Court summons;**
- 1794 **27. The licensee, or any of the officer(s), director(s), owner(s), manager(s),**
1795 **agent(s), or employee(s) has(have) been convicted of a felony or drug**
1796 **related criminal offense within the previous 12 months;**
- 1797 **28. The licensee engaged in any form of business or commerce involving the**
1798 **cultivation, processing, manufacturing, storage, sale, distribution,**
1799 **transportation, research or consumption of any form of cannabis or**
1800 **cannabis product other than the privileges granted under the regulated**
1801 **cannabis business license;**
- 1802 **29. The licensee has materially or substantially, changed, altered, or modified**
1803 **the licensed premises, or use of the licensed premises, without obtaining**
1804 **prior approval to make such changes, alterations, or modifications from**
1805 **the Authority;**
- 1806 **30. The licensee has failed to maintain a valid state license; and,**

1807 **31. The licensee, or any of the agent(s), servant(s) or employee(s) of the**
1808 **licensee has/have violated any ordinance of the City or any state or**
1809 **federal law on the premises or have permitted such a violation on the**
1810 **premises by any other person.**

1811 **(c) Evidence to support a finding of a violation(s) may include, without**
1812 **limitation, one or a combination of the following;**

1813 **1. A continuing pattern of disorderly conduct, disturbance(s) or criminal**
1814 **activity occurring at the location, on the licensed premises, within the**
1815 **licensed premises, or any adjoining grounds or property under the**
1816 **control or management of the licensee;**

1817 **2. An ongoing nuisance condition emanating from or caused by the**
1818 **regulated cannabis business.**

1819 **(d) In the event a business or Licensee is charged with violation of any law, upon**
1820 **which a final judgment would be grounds for suspension or revocation of a**
1821 **license, the City may suspend the license pending the resolution of the**
1822 **alleged violation.**

1823 **(e) If the City revokes or suspends a license, the regulated cannabis business**
1824 **may not move any cannabis from the premises except under the supervision**
1825 **of the Grand Junction Police Department.**

1826 **(f) The Authority shall conduct a review of all licenses at least annually and, in**
1827 **addition to examining the factors enumerated in this subsection, may hold a**
1828 **hearing on each license at which the general public may be invited to appear**
1829 **and provide testimony as to the effects of the license on the surrounding**
1830 **community and the City at large, and the Authority may take such views into**
1831 **consideration when deciding whether to continue or renew such license.**

1832 **(g) In the event of the suspension of a regulated cannabis business license,**
1833 **during the period of suspension, the business:**

1834 **1. Shall post two notices provided by the Authority, in conspicuous places,**
1835 **one on the exterior and one on the interior of its premises for the duration**
1836 **of the suspension; and**

1837 **2. Shall not sell or otherwise distribute or transport cannabis, nor allow any**
1838 **customers into the licensed premises.**

1839 **5.13.036 Operational Standards.**

1840 **All regulated cannabis businesses shall comply with the applicable state and local**
1841 **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.

(e) The Licensee shall provide the City with copies of all material that it voluntarily files, or is required to file, with the Colorado Department of Revenue Marijuana Enforcement Division; and,

(f) The Licensee shall post a 24-inch x 36-inch A sign(s) ~~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 the same may be amended from time to time and as presently 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. Owner or manager required on premises. No regulated cannabis business shall be managed by any person other than the Licensee, or the manager(s) listed on the Application for the License or a renewal thereof. Such Licensee or manager(s) shall be on the premises and responsible for all activities within the licensed business during all times when the business is open.

(g) Owner or manager required on premises. No regulated cannabis business shall be managed by any person other than the Licensee, or the manager(s) listed in the Application for the License or a renewal thereof. Such Licensee or manager(s) shall be on the premises and responsible for all activities 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

1921 access to all books, records and information of the regulated cannabis
1922 business. The expense of any audit, examination or inspection
1923 determined necessary by the City shall be paid by the regulated cannabis
1924 business.

1925 (b) Application for regulated cannabis business license and/or operation of
1926 a regulated cannabis business, or leasing property to a regulated
1927 cannabis business, constitutes consent by the Applicant, and all
1928 owner(s), manager(s), and employees of the business, and the owner of
1929 the property to permit the Authority or agent of the Authority, or anyone
1930 authorized to conduct routine inspections of the regulated cannabis
1931 business to ensure compliance with this Chapter or any other applicable
1932 law, rule, or regulation. The owner or manager on duty shall retrieve and
1933 provide the records of the business pertaining to the inspection. For
1934 purposes of Rule 241 of the Colorado Rules of Municipal Procedure,
1935 inspections of regulated cannabis businesses and recordings from
1936 security cameras in such businesses are part of the routine policy of
1937 inspection and enforcement of this Chapter for the purposes of
1938 protecting the public safety, individuals operating and using the services
1939 of the regulated cannabis business, and the adjoining properties and
1940 neighborhood. This section shall not limit any inspection **authority**
1941 authorized under any other provision of law or regulation, including those
1942 of police, fire, building, and code enforcement officials. Application for a
1943 regulated cannabis business license constitutes consent to inspection of
1944 the business as a public premises without a search warrant, and consent
1945 to seizure of any surveillance records, camera recordings, reports, or
1946 other materials required as a condition of a regulated cannabis license
1947 without a search warrant.

1948 (c) The licensed premises, including any places of storage where regulated
1949 marijuana or regulated marijuana products are stored, sold, dispensed,
1950 or tested are subject to inspection by the City, during all business hours
1951 and other times of apparent activity, for the purpose of inspection or
1952 investigation. When any part of the licensed premises consists of a
1953 locked area, upon demand to the Licensee, such area must be available
1954 for inspection without delay, and upon request by the City, the Licensee
1955 shall open the area for inspection.

1956 (d) Initial inspection. The City may inspect any regulated cannabis
1957 businesses prior to final issuance of a license to verify that the facilities
1958 are constructed and can be operated in accordance with the Application
1959 submitted and the requirements of laws.

1960 (e) Regular inspections. The City is authorized to perform regular
1961 inspections on a quarterly basis during the first year following licensure,

1962 and on a yearly basis prior to license renewal following the first year of
1963 operation.

1964 (f) Random inspections. Regular licensing inspection(s) shall not prevent
1965 the City from inspecting regulated cannabis businesses at random
1966 intervals and without advance notice pursuant to the City's Code, the
1967 Colorado Marijuana Code, the Colorado Department of Revenue
1968 Enforcement Division Marijuana Rules, the Colorado Constitution, the
1969 City's Code, or any rule and regulations adopted thereto.

1970 (g) Inspection of records. The records to be maintained by each regulated
1971 cannabis business shall include the source and quantity of any cannabis
1972 distributed, produced, or possessed within the premises. Such reports
1973 shall include, without limitation, for both acquisitions from wholesalers
1974 and transactions to patients or caregivers, the following:

1975 1. Name and address of seller or purchaser;

1976 2. Date, weight, type of cannabis, and monetary amount or other
1977 consideration of transaction;

1978 3. For wholesaler transactions, the state and City, if any, sales and
1979 use tax license number of the seller.

1980 (h) Disposal of regulated cannabis and cannabis byproducts. All regulated
1981 cannabis and any product containing a usable form of cannabis must be
1982 made unusable and unrecognizable prior to removal from the business in
1983 compliance with all applicable laws. This provision shall not apply to
1984 licensed law enforcement, including without limitation, the Grand
1985 Junction Police Department and the Grand Junction Fire Department.

1986 (i) The manager of a regulated cannabis business is required to respond by
1987 telephone or email within 24 hours of contact by a City official concerning
1988 its cannabis business at the telephone number or email address provided
1989 to the City as the contact for the business. Each 24-hour period during
1990 which an owner or manager does not respond to the City official shall be
1991 considered a separate violation.

1992 **5.13.039 Modification of premises.**

1993 (a) Any modification of the licensed premises shall be governed by the
1994 standards and procedures set forth in the Colorado Marijuana Code, this
1995 Chapter, and any regulations adopted pursuant thereto.

1996 (b) The Authority shall administer applications to modify the premises in the
1997 same manner as the state licensing authority administers changes of
1998 location and modifications of premises for state licenses.

1999 (c) Any application for a proposed modification of the licensed premises shall
2000 comply with and shall be subject to review and approval of the Building
2001 Departments and any other agency that is required to approve such
2002 modification.

2003 **5.13.040 Renewals.**
2004

2005 (a) A regulated cannabis business license issued pursuant to this Chapter shall
2006 be valid for one year from the date of issuance and shall automatically expire
2007 on the last day of the month in which the License is issued of the year
2008 following issuance or renewal of the License.
2009

2010 (b) Licensee must apply for the renewal of an existing license at least 45 days
2011 prior to the License's expiration date. The Licensee shall apply for renewal
2012 using forms provided by the City. If the Licensee fails to timely file a renewal
2013 application, the Licensee must provide a written explanation detailing the
2014 circumstances surrounding the late filing. If the Authority accepts the
2015 application, then it administratively continues the License beyond the
2016 expiration date, but for no longer than 45 days after the expiration date, while
2017 the Authority completes the renewal licensing process, in which case, the
2018 Licensee shall pay an additional fee to the City prior to issuance of the
2019 renewed license. The renewal license fee, and late fee if applicable, shall
2020 accompany the renewal application. Such fee(s) are nonrefundable.
2021

2022 (c) In the event that there has been a change to any of the plans submitted with
2023 the license application, a renewal, or modification of the premises
2024 application, such change(s) shall be specifically proposed and described
2025 prior to being made by the Licensee and/or approved, if at all, by the
2026 Authority.
2027

2028 (d) In the event any person who has an interest in the License or any manager,
2029 financier, agent as defined herein, or employee has been charged with or
2030 accused of violations of any law since issuance of the License, the renewal
2031 application shall include the name of the violator, the date of the violation,
2032 the court and case number where the violation was filed, and the disposition
2033 of the violation with the renewal application.
2034

2035 (e) In the event the regulated cannabis business Licensee has received any
2036 notice of violation of any law, the renewal application shall include a copy of
2037 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.
- (l) 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, and/or 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.

2122 (b) In addition to the possible denial, suspension, revocation or nonrenewal
2123 of a license under the provisions of this Chapter, any person, including
2124 but not limited to, any Licensee, manager or employee of a regulated
2125 cannabis business, or any customer of such business, who violates any
2126 of the provisions of this Chapter, shall be guilty of a misdemeanor offense
2127 punishable in accordance with § 1.04.090 of this Code. A person
2128 committing a violation shall be guilty of a separate offense for each and
2129 every day during which the offense is committed or continued to be
2130 permitted by such person and shall be punished accordingly.
2131

2132 (c) The City shall initiate suspension or revocation proceedings by petitioning
2133 the Authority to issue an order to the Licensee to show cause that the
2134 Licensee's license should not be suspended or revoked. The Authority
2135 shall issue such an order to show cause if the petition demonstrates that
2136 evidence exists to determine that one or more grounds exist to suspend
2137 or revoke the Licensee's license. The order to show cause shall set the
2138 matter for a public hearing before the Licensing Authority.
2139

2140 (d) At a **P**ublic **H**earing, the Licensee shall have the opportunity to be
2141 heard, to present evidence and witnesses, and to cross examine
2142 witnesses presented by the City. The Authority shall have the power to
2143 administer oaths and issue subpoenas to require the presence of persons
2144 and the production of papers, books, and records necessary to the
2145 determination of any hearing that the Authority is authorized to conduct.
2146 The standard of proof at such hearings shall be a preponderance of the
2147 evidence. The burden of proof shall be upon the City. The Authority shall
2148 be permitted to accept any evidence that the Hearing Officer finds to be
2149 relevant to the show cause proceeding.
2150

2151 (e) If the Authority, acting by and through the Hearing Officer, finds that a
2152 violation has occurred, the Authority may:

2153
2154 (1) Revoke the license for any period up to and including permanent
2155 revocation;
2156

2157 (2) Suspend the license for any period of time; (6 months?)
2158

2159 (3) Impose a fine or fine in lieu of suspension of at least \$500.00 but
2160 no more than \$100,000.00;
2161

2162 (4) Establish conditions that must be met before the license holder
2163 may apply for reinstatement of the license; and,
2164

(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 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**
244 **ownership or any level of control in common with an Entity, in whole or in part,**
245 **including without limitation, an Entity’s parent corporation, franchisor, licensor**
246 **and any subsidiary(ies) or affiliates or such corporation(s). Affiliate also means a**
247 **Person 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**
322 **rather than an individual, the same disclosure shall be required for each Entity with**
323 **a 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 others 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.

“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 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
696 this Chapter or as applicable law may provide.

697
698 3. The Authority, acting by and through the Hearing Officer, may summarily
699 suspend a License issued pursuant to this Chapter without notice pending
700 any prosecution or public hearing for a period not to exceed 15 days when
701 the Authority determines a Licensee or an agent or employee of the
702 Licensee has violated the Colorado Marijuana Code, the Colorado
703 Department of Revenue Enforcement Division Marijuana Rules, the
704 Colorado Constitution, the City's Code, or any rule and regulation related
705 to the storage, sale, Distribution, transportation, testing, or consumption
706 of any form of Cannabis, or when the public health, safety or wellbeing
707 imperatively requires emergency action, and incorporates such findings
708 in the notice for a public hearing before the Authority on the matter.

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

713
714 (e) Authority Hearing procedures.

715
716 1. Hearings shall be scheduled as determined by the Authority and generally
717 with the same frequency as the Liquor Licensing Authority or at special
718 meetings as scheduled by the Authority.

719
720 2. The Hearing Officer may establish such procedures and local rules to be
721 followed in actions before her/him. Such procedures shall include the
722 following:

723
724 i. Control the mode, manner and order of all proceedings and hearings.

725
726 ii. The adoption of rules, procedures, and policies for its own proceedings
727 and for filing applications and requests.

728
729 iii. The adoption of application forms and submission requirements,
730 including a requirement that applications, complaints and other
731 documents be filed in a digital format approved by the Authority and

732 to refuse applications, complaints and other documents not filed in
733 the approved digital format.

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

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

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

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

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

- 775
- 776 5. A fine, enforced by suspension of the License until the fine
- 777 is paid;
- 778
- 779 6. Default of any motion, complaint or other action then
- 780 pending against the Licensee; and/or
- 781
- 782 7. Denial of any application by the Licensee then pending
- 783 before the Authority.
- 784

785 viii. Determinations with respect to hearings.

786

- 787 1. The Hearing Officer shall make his/her determination after
- 788 hearings in accordance with this Code, the Colorado
- 789 Marijuana Code and established legal principles. The
- 790 decision of the Hearing Officer shall be final, and appeal from
- 791 that decision shall be to the District Court of the 21st Judicial
- 792 District.
- 793
- 794 2. Actions taken by the Authority are subject to review by the
- 795 courts pursuant to Rule 106(a)(4) of the Colorado Rules of
- 796 Civil Procedure. Any Person applying to the Court for review
- 797 shall be required to pay the cost of preparing a transcript of
- 798 proceedings before the Authority whenever such a transcript
- 799 is necessary for purposes of an appeal.
- 800
- 801 3. Appeals of Hearing Officer Decision(s). If the Authority
- 802 imposes a condition on the License and/or suspends or
- 803 revokes a License or imposes a fine, the Licensee may appeal
- 804 the Authority's order to the Mesa County District Court
- 805 pursuant to Rule 106(a)(4) of the Colorado Rules of Civil
- 806 Procedure. The Licensee's failure to timely appeal any
- 807 decision/order of the Authority is a waiver of the Licensee's
- 808 right to contest the decision/order. Any Person applying to
- 809 the court for review shall be required to pay the cost of
- 810 preparing a transcript of proceedings before the Authority
- 811 whenever such a transcript is necessary for the purposes of
- 812 the appeal.
- 813

814 **5.13.016 Application process/requirements.**

815 (a) Applications. All applications for any License authorized by this Chapter
816 shall be submitted to the City Manager upon forms provided by the
817 Authority and shall include supplemental materials as required by this
818 Chapter, the Colorado Marijuana Code, and any rules and regulations
819 adopted pursuant thereto. To the extent any of the foregoing materials
820 have been included with the Applicant's state License application and
821 forwarded to the City by the State, the Authority may rely upon the
822 information forwarded by Applicants without requiring resubmittal of the
823 same materials in conjunction with the local License application.

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

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

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

835 (e) Initial Application.

836 1. Complete Application. The City Manager shall receive all Applications
837 for a License authorized by this Chapter. The City Manager will review
838 and, if demonstrated from the Application, find an Application to be
839 complete if the Applicant, on forms provided by the City, provides
840 materials and information demonstrating that all requirements for
841 licensure can or will be met by the Applicant at the time of licensure as
842 provided in this section and in § 05.13.022 of this Code. A complete
843 application must comply in all material respect with this GJMC, and the
844 application forms and processes of this Code, resolutions and
845 administrative regulations of the City.

846 2. No Person or Entity, to include an Affiliate(s)/Affiliated Entity, shall
847 apply for more than one License for any location in the City, unless
848 applying for a co-located (medical and retail) licensure.

849 3. Each Applicant may file only one application for only one License at
850 one location for each class of Cannabis business License authorized
851 by this Chapter. A co-located medical and retail Cannabis business
852 location shall be deemed one License for the purpose of this section.
853 A location for a License shall be established and determined by lawful

854 street addressing. A unit(s) in a building that is not separately, legally
855 created and addressed is(are) not a separate location(s). The City
856 Manager shall not accept more than one Application for the same
857 address. Applications shall be date and time stamped and the first in
858 time for an address shall be the only Application considered. A
859 subsequent Application for the same address shall be rejected.

860 4. The Applicant has registered with the Authority the name(s) of the
861 manager(s) of the Cannabis business, and has provided to the
862 Authority the names of all Persons having ten percent (10%) Financial
863 interest, in the Cannabis business that is subject of the Application or,
864 if the Applicant is an Entity, having a ten percent (10%) Financial
865 interest in the Entity together with the following:

866 i. Name, address, date of birth;

867
868 ii. Acknowledgment and consent that the City may conduct a
869 background investigation, including a criminal history check,
870 and the City will be entitled to full and complete disclosure of
871 all financial records of the Regulated cannabis business and of
872 any or all Financial interests thereof, including records of
873 deposit, withdrawals, balances and loans;

874
875 iii. If the Applicant is an Entity, information regarding the Entity,
876 including without limitation, the name and address of the Entity,
877 its legal status, and proof of registration with, or a certificate of
878 good standing from, the Colorado Secretary of State, as
879 applicable;

880
881 iv. If the Applicant is not the Owner of the proposed licensed
882 Premises, a notarized statement from the Owner of such
883 property authorizing the use of the property for a Cannabis
884 business and specifying the type of Regulated cannabis
885 business(es) permitted;

886
887 v. A copy of the deed reflecting the Applicant's ownership of, or
888 the lease or contract reflecting the legal right of the Applicant
889 to Possess the proposed licensed Premises for no less than
890 three years from the date of application submittal.

891
892 5. The Applicant must disclose in writing any Financial interests,
893 including individuals and/or entities.
894

895 6. The Applicant must disclose in writing if the named Owner(s),
896 member(s), manager(s), Financier(s), agent(s), or Person(s) named
897 on the Application has(have) been:
898

899 i. Denied an application for a Cannabis business License pursuant
900 to this Chapter, or any state or local licensing law, rule, or
901 regulation, or had such a License suspended or revoked.
902

903 ii. Denied an application for liquor License pursuant to Title 44,
904 Article 47 or Article 46, C.R.S. or any similar state or local
905 licensing law, or had such a License suspended or revoked.
906

907 1. In the event an Owner, member, agent, manager, financier,
908 or other Person named on the Application contains
909 information regarding violations of any law or previous
910 denial or revocation of a License, that Person must
911 include with the Application any information regarding
912 such violation(s), denial, or revocation. Such information
913 must include, but is not limited to, a statement of the
914 violation(s) and penalty(ies) for such violation(s),
915 evidence of rehabilitation, character references, and
916 educational achievements, and other regulatory Licenses
917 held without compliance violations, especially those items
918 pertaining to the period of time between the Applicant's
919 last Violation of any law and the date of the application.
920

921 2. The City may, prior to issuance of the certificate of
922 occupancy for the Cannabis business, perform an
923 inspection of the proposed licensed Premises to
924 determine compliance with any applicable requirements
925 of this Chapter or other provisions of this Code, the
926 International Fire Code or the International Building Code.
927

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

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

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

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

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

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

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

972 14. The Applicant must provide a written security plan indicating how the
973 Applicant will comply with the requirements set forth in the Colorado
974 Marijuana Code, this Chapter, and any other applicable law, rule, or
975 regulations pursuant thereto. The security plan includes specialized
976 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.

- 1013 **23. The Applicant provides affirmation in writing that it or the Licensee is**
1014 **not overdue on his/her/its payment of any taxes, fines, interest,**
1015 **penalties or collection costs assessed against or imposed upon such**
1016 **Applicant in any business matters, affairs or dealings of the Applicant**
1017 **in any state, county, municipality in which the Applicant conducts**
1018 **business.**
- 1019 **24. The Applicant provides affirmation in writing that the Applicant will**
1020 **make all the improvements to the licensed Premises as required by**
1021 **the GJMC so that the Cannabis business operations shall begin**
1022 **within 12 months of the Application being selected for licensure in**
1023 **the random selection process.**
- 1024 **25. The Applicant affirms in writing, the Applicant is not a sheriff, deputy,**
1025 **police officer, prosecuting officer, or an officer or employee of the**
1026 **state; and,**
- 1027 **26. The Applicant affirms in writing, the Applicant is not a Person whose**
1028 **authority to be a primary caregiver as defined in § 25-1.5-106(2),**
1029 **C.R.S., has been revoked by the state health agency.**
- 1030 **(f) Incomplete Application. Upon review of an application, the City Manager**
1031 **shall provide a notice of initial determination to the Applicant in writing**
1032 **as to whether the Applicant's application is complete and if found to be**
1033 **incomplete that the Applicant may supplement its application so long as**
1034 **the Application is made complete within the application period.**
- 1035 **(g) Denial of initial application. The City Manager may deny any application**
1036 **that does not meet the requirements of this Chapter, the Colorado**
1037 **Marijuana Code, or any other applicable state or City law or regulation. In**
1038 **addition to prohibitions on Persons as Licensees found in the Colorado**
1039 **Marijuana Code, should the Applicant fail to affirm any information or**
1040 **representation(s) as required by 5.13.016, or the City discovers evidence**
1041 **that any affirmation was contrary, false, misleading or incomplete, such**
1042 **shall constitute full and adequate grounds for denial of 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
1051

1052 **2. Appeal of denial. An Applicant may appeal the City Manager's**
1053 **decision of denial by submitting a written request on a form provided**
1054 **by the City, received by the City Manager within 10 days of the date**
1055 **on the written notice of denial. The appeal request shall include any**
1056 **legal and factual support for the appeal. An appeal hearing will be set**
1057 **before the Hearing Officer for a written appeal. The Hearing Officer**
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**
1066 **randomized selection process will not occur.**

1067 **(b) If more than two applications are submitted for a location within Horizon**
1068 **Drive Association Business Improvement District, the City shall conduct**
1069 **a random selection process for the Horizon Drive applications only.**

1070 **(c) 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 **(d) 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 **(e) 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 **(f) 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(e)(24). 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.**

(g) 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, §§5.13.025 and 026.)

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(ies)
- (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

1160 **Applicant to commence operation for a period not to exceed 24 months**
1161 **from the date of selection in the random selection process, if the Applicant**
1162 **petitions the Authority for an extended commencement date and after**
1163 **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, and those Fees shall be set by City Council**
1188 **resolution.**

1189 **(d) License and Application Fees shall be set City Council resolution, and,**
1190 **as deemed necessary, adjusted to reflect the direct and indirect costs**
1191 **incurred by the City in connection with the adoption, administration, and**
1192 **enforcement of this Code.**

1193 **(e) In addition to Fees and any other monetary remedy provided by this Code,**
1194 **the City shall have the right to recover all sums due and owing hereunder**
1195 **by any civil remedy available at law.**

5.13.024 No vested rights; commencement of operations.

- (a) Notwithstanding anything contained in this Chapter, an application initially approved for consideration of licensure and found to be 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 2 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 general or 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.

1316
1317 **2. Publication of notice by the City Manager not less than 14 days prior to**
1318 **the public hearing, in the same manner as the City posts notice of other**
1319 **public hearing matters.**
1320

1321 **(c) Any decision of the Authority, acting by and through the Hearing Officer,**
1322 **approving or denying an application shall be in writing stating the reasons**
1323 **therefor and a copy of such decision shall be mailed by certified mail to the**
1324 **Applicant at the address shown in the Application and to the State licensing**
1325 **authority.**

1326 **5.13.028 Persons prohibited as Licensees.**

1327 **(a) No License shall be issued to, held by or renewed by any of the following:**

1328 **1. Any Person until the annual fee for the License has been paid;**

1329 **2. Any natural Person who is not of good moral character;**

1330 **3. Any Entity of whose officers, directors, or managing members are**
1331 **not of good moral character;**

1332 **4. Any Person employing, assisted by, or financed in whole or in part**
1333 **by any other Person who is not of good moral character;**

1334 **5. Any natural Person who has been released within five years**
1335 **immediately preceding the application from any form of**
1336 **incarceration or court-ordered supervision, including a deferred**
1337 **sentence, resulting from a conviction of any felony or any crime**
1338 **under the laws of the State would be a felony; or any crime of which**
1339 **fraud or intent to defraud element, whether in the State or**
1340 **elsewhere; or any felonious crime of violence, whether in the State**
1341 **or elsewhere;**

1342 **6. Any Person with ten percent (10%) or greater Financial interest in**
1343 **the Entity that has been convicted of any of the offenses set forth**
1344 **in (5) above;**

1345 **7. Any Applicant who has made a false, misleading or fraudulent**
1346 **statement or who has intentionally omitted pertinent information**
1347 **on his or her application for a License;**

1348 **8. Any natural Person who is under 21 years of age;**

1349 **9. Any Person who operates or manages a Regulated cannabis**
1350 **business contrary to the provisions of this Chapter, any other**
1351 **applicable law, rule, or regulation or conditions imposed on land**

1352 use or License approvals, or contrary to the terms of the plans
1353 submitted with the License application or has operated a business
1354 in Violation of any law;

1355 **10. Any Person applying for a License to operate a Regulated cannabis**
1356 **business who has been Licensed to operate another Regulated**
1357 **cannabis business in the City pursuant to this Chapter;**

1358 **11. A Person Licensed pursuant to this Chapter who, during a period**
1359 **of licensure, or who, at the time of application, has failed to remedy**
1360 **an outstanding delinquency for taxes owed, or an outstanding**
1361 **delinquency for judgments owed to a government;**

1362 **12. A sheriff, deputy, police officer, prosecuting officer, or an officer**
1363 **or employee of the state or Authority; and,**

1364 **13. A Person whose authority to be a primary caregiver as defined in**
1365 **§ 25-1.5-106(2), C.R.S., has been revoked by the state health**
1366 **agency.**

1367 **14. No Owner of any business applying for a License or in Possession**
1368 **of a License within the City may apply for or be an Owner of or be**
1369 **an Affiliate of any other business Entity applying for another**
1370 **Cannabis License within the City.**

1371 **(b) In making an evaluation of the good moral character of an individual**
1372 **identified on an application or amendment thereof, the Authority shall**
1373 **consider the following:**

1374 **1. An Applicant's violation of law shall not, by itself, be grounds for**
1375 **denying an application;**

1376 **2. Verification of or lack of ability to verify items disclosed by the**
1377 **Applicant;**

1378 **3. When a Person has a history of Violation of any law or a history**
1379 **including denial, revocation, or suspension of a License, the types**
1380 **and dates of violations; the evidence of rehabilitation, if any,**
1381 **submitted by the individual; whether the violations of any laws are**
1382 **related to moral turpitude, substance abuse, or other violations of**
1383 **any laws that may directly affect the individual's ability to operate**
1384 **a Regulated cannabis business; or whether the violations of any**
1385 **law are unrelated to the individual's ability to operate such a**
1386 **business;**

1387 **4. Rules adopted by the Authority to implement this Chapter;**

1388 5. Law, rules, and regulations applicable to evaluation of other types
1389 of Licenses issued by the City that consider the good moral
1390 character of the Applicant; and,

1391 6. Any additional information the Authority may request of the
1392 Applicant if the Applicant has a Violation of any laws, an
1393 administrative or judicial finding of violation of laws regarding use
1394 of alcohol or controlled substances or items disclosed by the
1395 individual which require additional information in order for the
1396 Authority to make a determination regarding issuance of the
1397 License.

1398 **5.13.029 Security requirements.**

1399 Security measures at all licensed Premises shall comply with the requirements of
1400 the Colorado Marijuana Code and applicable rules and regulations promulgated
1401 thereunder. In addition, thereto, the following security practice are required:

1402 (a) A security plan submitted with the Application, as it may be amended, shall
1403 provide equipment, which shall be in good working order, monitored, and
1404 secured 24 hours per day. The plan, at a minimum, shall include:

1405 1. The installation and use of security cameras to monitor and record all
1406 areas of the Premises (except restrooms), and where Persons may
1407 gain or attempt to gain access to Cannabis or cash maintained by the
1408 Regulated cannabis business. Cameras shall record operations of the
1409 business to the off-site location, as well as all potential areas of
1410 ingress or egress to the business with sufficient detail to identify facial
1411 features and clothing. Recordings from security cameras shall be
1412 maintained for a minimum of 40 days in a secure offsite location in the
1413 City or through a service over a network that provides on-demand
1414 access, commonly referred to as a "cloud". The offsite location shall
1415 be included in the security plan submitted to the City and provided to
1416 the Grand Junction Police Department and updated within 72 hours of
1417 any change of such location.

1418 2. The installation and use of a Safe for storage and any processed
1419 Cannabis and cash on the Premises when the business is closed to
1420 the public. The Safe, as defined in 5.13.013, shall be incorporated into
1421 the building structure or securely attached thereto.

1422 3. The installation and use of an alarm system that is monitored by a
1423 company that is staffed 24 hours a day, seven days a week. The
1424 security plan submitted to the City shall identify the company
1425 monitoring the alarm, including contact information, and updated
1426 within 72 hours of any change of monitoring company. If the alarm

1427 system includes a panic alarm, an operable dedicated phone for law
1428 enforcement to respond to the alarm shall remain on the Premises at
1429 all times.

1430 4. The installation and use of outdoor lighting and a diagram and
1431 description of where the lighting shall be placed in accordance with
1432 the GJMC.

1433 5. If drive thru Cannabis service is contemplated, the Applicant shall
1434 provide i) a description of security measures to prevent and address
1435 diversion of Cannabis to youth and ii) how the Applicant will reduce
1436 potential criminal behavior such service may encourage.

1437 (b) The security plan shall be designed to:

1438 1. Prevent the use of Cannabis on the licensed Premises;

1439 2. Prevent unauthorized individuals from entering the limited access
1440 area portion of the licensed Premises;

1441 3. Prevent theft or the diversion of Cannabis, including maintaining all
1442 Cannabis in a secure, locked room that is accessible only to
1443 authorized Persons and, when the business is closed to the public, in
1444 a Safe or vault or equivalent secured fixture.

1445 **5.13.030 Insurance.**

1446 (a) All Applicants must provide at time of application a binder for worker's
1447 compensation insurance as required by state law and general liability
1448 insurance with minimum limits of \$1,000,000 per occurrence and a
1449 \$2,000,000 aggregate limit.

1450 (b) Licensee shall at all times maintain in force and effect worker's
1451 compensation insurance as required by state law and general liability
1452 insurance with minimum limits of \$1,000,000 per occurrence and a
1453 \$2,000,000 aggregate limit.

1454 (c) Insurance shall:

1455 1. Provide primary coverage;

1456 2. Carry limits as provided in this Chapter;

1457 3. Issue from a company licensed to do business in Colorado having an AM
1458 Best rating of at least A-VI; and,

1459 **4. Be procured and maintained in full force and effect for duration of the**
1460 **License.**

1461 **(d) Licensee shall be required to maintain insurance under this section and shall**
1462 **annually provide the City a certificate of insurance evidencing the existence**
1463 **of a valid and effective policy. The certificate shall show the following:**

1464 **1. The limits of each policy, the name of the insurer, the effective date and**
1465 **expiration date of each policy, the policy number, and the names of the**
1466 **additional insureds; and,**

1467 **2. A statement that Licensee shall notify the City of any cancellation or**
1468 **reduction in coverage within seven days of receipt of insurer's**
1469 **notification to that effect. The Licensee shall forthwith obtain and submit**
1470 **proof of substitute insurance in the event of expiration or cancellation of**
1471 **coverage within 30 days.**

1472 **5.13.031 Report requirements.**

1473 **A Cannabis business shall report to the City Manager each of the following within**
1474 **the time specified. If no time is specified, the report(s) shall be provided within 72**
1475 **hours of the event:**

1476 **(a) Transfer or change of Financial interest, manager or Financier in the**
1477 **License to the City at least 30 days before the transfer or change;**

1478 **(b) File sales and use tax reports to the City monthly;**

1479 **(c) Any violation of law by any Licensee, Applicant, or employee of a**
1480 **Regulated cannabis business;**

1481 **(d) A notice of potential Violation of any law to any License;**

1482 **(e) Upon City request, any report that the Regulated cannabis business is**
1483 **required to provide to the State; and**

1484 **(f) Licensee and any agent, manager or employee thereof shall immediately**
1485 **report to the Grand Junction Police Department any disorderly act, conduct**
1486 **or disturbance and any unlawful activity committed in or on the licensed**
1487 **Premises, including, but not limited to, any unlawful sale of regulated**
1488 **Cannabis, and shall also immediately report any such activity of which the**
1489 **Licensee has knowledge in the immediate vicinity of the business within**
1490 **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.

1. Prior to transferring Cannabis to a customer, the Regulated cannabis business must ensure that the consumer is the minimum sales 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;

(b) For any Person to operate a Regulated cannabis business at a licensed Regulated cannabis store any time not permitted by this Code;

(c) For any Person to sell or distribute Cannabis to Persons under the age of 21;

(d) For any underage Person to be on or within the limited access area of any Cannabis business;

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

(f) For any Person to Possess or operate a Cannabis business in violation of this Chapter or in a manner that is not consistent with the items disclosed in

- 1560 the application for the Cannabis business or be in violation of any plan made
1561 part of the License Application and/or License;
- 1562 (g) For any Person to produce, distribute, or Possess more Cannabis than
1563 allowed by law, or than disclosed in the application to the State of Colorado
1564 and the Authority for a Cannabis business License, or other applicable law;
- 1565 (h) For any Person to refuse or fail to provide video surveillance footage to the
1566 Grand Junction Police Department, the City Manager, the City Attorney, or
1567 the Authority in connection with a criminal and/or License violation
1568 investigation, or to refuse to allow inspection of a Cannabis business.
1569
- 1570 (i) For any Person to refuse to allow inspection of a regulated Cannabis
1571 business upon request of a City employee. Any Licensee, Owner, manager,
1572 or operator of a Regulated cannabis business, or the Owner of the property
1573 where a Regulated cannabis business is located, may be charged with this
1574 violation;
- 1575 (j) For any Person to store or keep Cannabis intended for sale or Distribution
1576 by the Licensee in any place outside of the licensed Premises;
- 1577 (k) For any Person to smoke, use, or ingest on the Premises of a Regulated
1578 cannabis business Cannabis, fermented malt beverage, malt, vinous, and
1579 spirituous liquor or any controlled substance(s), except in compliance with
1580 the directions on a legal prescription for the Person from a doctor with
1581 prescription writing privileges;
- 1582 (l) For any Person to operate or be in physical control of any Cannabis business
1583 while under the influence of alcohol or other intoxicant, or Cannabis, or any
1584 controlled substance(s), except in compliance with the directions on a legal
1585 prescription for the Person from a doctor with prescription writing
1586 privileges;
1587
- 1588 (m) For alcohol beverages to be on the licensed Premises;
- 1589 (n) For any Person to Possess or operate a Regulated cannabis business in
1590 violation of this Chapter;
- 1591 (o) For any Person to produce, distribute, or Possess more Cannabis than
1592 allowed by law; or than disclosed in the application to the State of Colorado
1593 for a Regulated cannabis business License, or other applicable law;
- 1594 (p) For any Person to give away, dispense, or otherwise distribute Cannabis for
1595 free or without use of a Coupon approved and defined by this Code;

- 1596 (q) For any Person to knowingly conduct or permit any employee to conduct
1597 any sale(s) transaction(s) when the video surveillance system or equipment
1598 is inoperable;
- 1599 (r) For any Person to distribute Cannabis for remuneration without a regulated
1600 Cannabis or outside of the Restricted area of the Regulated cannabis
1601 business;
- 1602 (s) For any Person to Possess regulated Cannabis, or own or manage a
1603 Regulated cannabis business, or own or manage a building with a Regulated
1604 cannabis business, where there is Possession of regulated Cannabis, by a
1605 Person who is not lawfully permitted to Possess regulated Cannabis;
- 1606 (t) For any Person to Possess or operate a Regulated cannabis business in a
1607 location for which a Regulated cannabis business License is prohibited by
1608 law;
- 1609 (u) For any Person to operate a Regulated cannabis business in a manner that
1610 is not consistent with the Application for the Regulated cannabis business
1611 or is in violation of any plan made part of the License application/issued
1612 License;
- 1613 (v) For any Person to operate a Regulated cannabis business without obtaining
1614 and passing all building inspections and obtaining all permits required by
1615 the City;
- 1616 (w) For any Person to operate a Regulated cannabis business in violation of any
1617 building, fire, zoning, plumbing, electrical, or mechanical code(s) as adopted
1618 and amended by the City;
- 1619 (x) For any Person to operate a Regulated cannabis business without
1620 disclosing, in the application for a Regulated cannabis business License or
1621 an amendment thereto, an agent who acts with managerial authority;
- 1622 (y) For any Person to operate a Regulated cannabis business without a sales
1623 tax license as required by the GJMC;
- 1624 (z) For any Person to make any change(s), or for the Licensee to allow any
1625 change(s), to the terms of any plan(s) submitted with the License application
1626 and approved by the City, or the Person(s) Entity(ies) named in the
1627 application, without prior approval of the City;
- 1628 (aa) For any Person to attempt to use or display a Regulated cannabis business
1629 License at a different location or for a different business Entity than the
1630 location and business Entity disclosed on the application for the issued
1631 License;

- 1632 (bb) For any Person to cultivate, produce, distribute or Possess regulated
1633 Cannabis or own or manage a Regulated cannabis business in which
1634 another Person cultivates, produces, distributes, or Possesses Cannabis,
1635 in violation of law;
- 1636 (cc) For any Person to allow an Owner or manager that has not been disclosed
1637 to the City as required by law to operate the business;
- 1638 (dd) For any Person to dispose of regulated Cannabis or any by-product of
1639 regulated Cannabis containing Cannabis in a manner contrary to law;
- 1640 (ee) For a Person to distribute a Regulated cannabis plant to any Person, except
1641 as permitted by law for Immature plants;
- 1642 (ff) For any Person to deliver regulated Cannabis between Regulated cannabis
1643 businesses except in strict compliance with law;
- 1644 (gg) For any Person to Advertise or publish materials, honor Coupons, sell or
1645 give away products, or display signs that are in violation of this Code or the
1646 laws of the State of Colorado;
- 1647 (hh) For any Person to violate any provision of this Code or any condition of a
1648 License granted pursuant to this Code or any law, rule, or regulation
1649 applicable to the use of regulated Cannabis or the operation of a Regulated
1650 cannabis business;
- 1651 (ii) For any Person to permit any other Person to violate any provision of this
1652 Code or any condition of an approval granted pursuant to this Code, or any
1653 law, rule, or regulation applicable to the use of regulated Cannabis or the
1654 operation of a Regulated cannabis business;
- 1655 (jj) For any Person to lease any property to a Regulated cannabis business that
1656 has Cannabis on the property without a Regulated cannabis business
1657 License from the City;
- 1658 (kk) For any Person to distribute Cannabis within a Regulated cannabis
1659 business to any Person who shows visible signs of intoxication from
1660 alcohol, Cannabis, or other drug(s)/intoxicant(s);
- 1661 (ll) For any Person to be on or within the licensed Premises if such Person is
1662 under 21 years of age;
- 1663 (mm) For any Person to permit any Person under 21 years of age on the Premises
1664 of the Regulated cannabis business; it is presumed that the Licensee is
1665 aware of the age of all people on the Premises if identification is not
1666 specifically checked at the entry to the building;

- 1667 (nn) For any Person to fail to confiscate fraudulent proof of age and notify the
1668 Grand Junction Police Department. It shall be an affirmative defense to
1669 failure to confiscate the fraudulent proof of age if an attempt to confiscate
1670 a fraudulent proof of age caused a reasonable Person to believe the act
1671 created a threat to any Person;
- 1672 (oo) For any Person to fail to provide a copy or record of a Coupon issued by or
1673 redeemed at the Regulated cannabis business upon request of an
1674 authorized City employee;
- 1675 (pp) For any Licensee or any manager, agent or employee of such Licensee to
1676 fail to immediately report to the Grand Junction Police Department and the
1677 Authority any disturbance(s), disorderly conduct or criminal activity
1678 occurring at the Regulated cannabis business, on the licensed Premises,
1679 within the licensed Premises, or any property under the control or
1680 management of the Licensee, including any associated contiguous parking
1681 area used by Licensee's patrons. For the purpose of this subsection,
1682 "report" means to either:
- 1683 1. Immediately, verbally, and directly in Person notify any on-site
1684 uniformed Grand Junction Police Officer whether on duty or working
1685 secondary employment; or
 - 1686 2. Immediately place and complete a telephone call to the non-
1687 emergency line at the Grand Junction Police Department; or
 - 1688 3. Immediately place and complete a telephone call to the emergency
1689 line at the Grand Junction Police Department.
- 1690 (qq) For any Person to fail to post the Premises with signs notifying the public of
1691 the closure of the business during a suspension as required by this Chapter;
- 1692 (rr) For any Licensee holding a regulated cannabis store License, or for any
1693 agent, manager or employee thereof, to sell, give, dispense or otherwise
1694 distribute Cannabis or regulated Cannabis paraphernalia from any outdoor
1695 location;
- 1696 (ss) For any Person to employ a business manager that has not been properly
1697 registered with the City; and,
- 1698 (tt) For any Person to operate or Possess a Regulated cannabis business
1699 License in violation of any ordinance or regulation of the City, or any
1700 applicable law, rule or regulation.

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

5.13.035 Nonrenewal, suspension or revocation of license.

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

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

1. The Applicant or Licensee, or his or her agent, manager or employee, or Financier has violated, does not meet, or has failed to comply with, any of the terms, requirements, conditions, or provisions of this Code or with or with any applicable state or local law, rule or regulation;
2. The Applicant or Licensee, or his or her agent, manager or employee, or Financier has failed to comply with any special terms or conditions of its License pursuant to an order of the state or the Authority, including those terms and conditions that were established at the time of issuance of the License and those imposed as a result of any disciplinary proceeding(s) held subsequent to the issuance of the License;
3. The Regulated cannabis business has been operated, by a preponderance of the evidence, in a manner that adversely affects the public health, safety or welfare;
4. Misrepresentation or omission of any material fact, or false or misleading information, on the application any amendment thereto, or renewal request, or any other information provided to the City related to the Regulated cannabis business;
5. Violation of any law by which, if occurring prior to and during submittal and review of the application, could have been cause for denial of the License application;
6. Distribution of Cannabis, including, without limitation, in violation of this Chapter or any other applicable law, rule, or regulation;
7. Failure to maintain, or provide to the City upon request, any books, recordings, reports, or other records required by this Chapter;

- 1735 8. Failure of the Licensee to file any report(s), notification(s) or furnish any
1736 information as required by the provisions of this Chapter, or any rule or
1737 law adopted pursuant thereto relating to any License authorized by law;
- 1738 9. Failure to timely notify the City and to complete necessary form(s) for
1739 change(s) in Financial interest, manager(s), Financier, or agent;
- 1740 10. Temporary or permanent closure, or other sanction of the business, by
1741 the City, or by the County or State of Colorado or other governmental
1742 Entity with jurisdiction, for failure to comply with health and safety
1743 provisions of this Chapter or otherwise applicable to the business or any
1744 other applicable law;
- 1745 11. Revocation or suspension of another Regulated cannabis business or
1746 any other License issued by the City, the State, or any other jurisdiction
1747 held by any Licensee of the Regulated cannabis business;
- 1748 12. Failure to timely correct any Violation of any law or comply with any order
1749 to correct a Violation of any law within the time stated in the notice or
1750 order;
- 1751 13. Abandonment of the licensed Premises by the Licensee or otherwise
1752 ceasing of operations without notifying the Authority and the state
1753 licensing authority within 48 hours in advance and without accounting for
1754 and forfeiting to the state licensing authority for the destruction of all
1755 Cannabis or products containing Cannabis;
- 1756 14. Failure to comply with the provisions of the Colorado Marijuana Code, the
1757 City's Code, and any rule or regulation adopted pursuant thereto, or any
1758 special term or condition placed upon the Licensee by order of the
1759 Authority or State licensing authority.
- 1760 15. Violations of any conditions imposed in connection with the issuance or
1761 renewal of the License;
- 1762 16. Failure to pay all required fines, interest, costs, fees, or penalties
1763 assessed against or imposed upon such Licensee in relation to the
1764 licensed Cannabis business;
- 1765 17. Failure to file tax returns when due as required by this Code, or the
1766 Licensee is overdue on his or her payment to the state or local taxes
1767 related to the operation of the business associated with the License;
- 1768 18. Loss of right of Possession to the licensed Premises;

- 1769 **19. Failure of the Licensee to comply with the duty to supplement the License**
1770 **application;**
- 1771 **20. Failure of the Licensee to operate in accordance with any special term or**
1772 **condition placed upon a License by the Authority or the state licensing**
1773 **authority;**
- 1774 **21. The Licensee, or any of agent(s) or employee(s) of the Licensee, have**
1775 **committed any unlawful act as described in this Chapter or violated any**
1776 **ordinance of the City or any state law on the Premises or have permitted**
1777 **such a violation on the Premises by any Person;**
- 1778 **22. The Licensee has knowingly permitted or encouraged, or has knowingly**
1779 **and unreasonably failed to prevent a public nuisance within the meaning**
1780 **of this Chapter from occurring in or about the licensed Premises;**
- 1781 **23. The odor of Cannabis is perceptible to an ordinary Person at the exterior**
1782 **of the building at the licensed Premises or is perceptible within any space**
1783 **adjoining the licensed Premises;**
- 1784 **24. The Licensee knowingly permitted or allowed the consumption of**
1785 **Cannabis on the licensed premise;**
- 1786 **25. The Licensee knowingly permitted the Possession or consumption of an**
1787 **alcohol beverage within the licensed Premises. At any hearing for**
1788 **violation of this subsection, any bottle, can, or other container label**
1789 **indicating the contents of such bottle, can, or other container, shall be**
1790 **admissible into evidence and shall be prima facie evidence that the**
1791 **contents of the bottle, can, or other container was composed in whole or**
1792 **in part an alcohol beverage;**
- 1793 **26. The Licensee has failed to appear upon a Municipal Court summons;**
- 1794 **27. The Licensee, or any of the officer(s), director(s), Owner(s), manager(s),**
1795 **agent(s), or employee(s) has(have) been convicted of a felony or drug**
1796 **related criminal offense within the previous 12 months;**
- 1797 **28. The Licensee engaged in any form of business or commerce involving**
1798 **the cultivation, processing, manufacturing, storage, sale, Distribution,**
1799 **transportation, research or consumption of any form of Cannabis or**
1800 **Cannabis product other than the privileges granted under the Regulated**
1801 **cannabis business License;**
- 1802 **29. The Licensee has materially or substantially, changed, altered, or**
1803 **modified the licensed Premises, or use of the licensed Premises, without**

1804 obtaining prior approval to make such changes, alterations, or
1805 modifications from the Authority;

1806 **30. The Licensee has failed to maintain a valid state License; and,**

1807 **31. The Licensee, or any of the agent(s), servant(s) or employee(s) of the**
1808 **Licensee has/have violated any ordinance of the City or any state or**
1809 **federal law on the Premises or have permitted such a violation on the**
1810 **Premises by any other Person.**

1811 **(c) Evidence to support a finding of a violation(s) may include, without**
1812 **limitation, one or a combination of the following;**

1813 **1. A continuing pattern of disorderly conduct, disturbance(s) or criminal**
1814 **activity occurring at the location, on the licensed Premises, within the**
1815 **licensed Premises, or any adjoining grounds or property under the**
1816 **control or management of the Licensee;**

1817 **2. An ongoing nuisance condition emanating from or caused by the**
1818 **Regulated cannabis business.**

1819 **(d) In the event a business or Licensee is charged with Violation of any law,**
1820 **upon which a final judgment would be grounds for suspension or revocation**
1821 **of a License, the City may suspend the License pending the resolution of the**
1822 **alleged violation.**

1823 **(e) If the City revokes or suspends a License, the Regulated cannabis business**
1824 **may not move any Cannabis from the Premises except under the supervision**
1825 **of the Grand Junction Police Department.**

1826 **(f) The Authority shall conduct a review of all Licenses at least annually and, in**
1827 **addition to examining the factors enumerated in this subsection, may hold a**
1828 **hearing on each License at which the general public may be invited to appear**
1829 **and provide testimony as to the effects of the License on the surrounding**
1830 **community and the City at large, and the Authority may take such views into**
1831 **consideration when deciding whether to continue or renew such License.**

1832 **(g) In the event of the suspension of a Regulated cannabis business License,**
1833 **during the period of suspension, the business:**

1834 **1. Shall post two notices provided by the Authority, in conspicuous places,**
1835 **one on the exterior and one on the interior of its Premises for the duration**
1836 **of the suspension; and**

1837 **2. Shall not sell or otherwise distribute or transport Cannabis, nor allow any**
1838 **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.

(e) The Licensee shall provide the City with copies of all material that it voluntarily files, or is required to file, with the Colorado Department of Revenue Marijuana Enforcement Division.

(f) The Licensee shall post a 24-inch x 36-inch sign(s) within the licensed Premises of a Regulated cannabis business which includes the warning statements that comport with Marijuana Enforcement Division regulations, as the same may be amended from time to time and as presently 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. Owner or manager required on Premises. No Regulated cannabis business shall be managed by any Person other than the Licensee, or the manager(s) listed on the Application for the License or a renewal thereof. Such Licensee or manager(s) shall be on the Premises and responsible for all activities within the licensed business during all times when the business is open.

(g) Owner or manager required on Premises. No Regulated cannabis business shall be managed by any Person other than the Licensee, or the manager(s) listed in the Application for the License or a renewal thereof. Such Licensee or manager(s) shall be on the Premises and responsible for all activities 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 access to all books, records and information of the Regulated cannabis business. The expense of any audit, examination or inspection determined necessary by the City shall be paid by the Regulated cannabis business.

(b) Application for Regulated cannabis business License and/or operation of a Regulated cannabis business, or leasing property to a Regulated cannabis business, constitutes consent by the Applicant, and all Owner(s), manager(s), and employees of the business, and the Owner of the property to permit the Authority or agent of the Authority, or anyone authorized to conduct routine inspections of the Regulated cannabis business to ensure compliance with this Chapter or any other applicable law, rule, or regulation. The Owner or manager on duty shall retrieve and provide the records of the business pertaining to the inspection. For purposes of Rule 241 of the Colorado Rules of Municipal Procedure, inspections of Regulated cannabis businesses and recordings from security cameras in such businesses are part of the routine policy of inspection and enforcement of this Chapter for the purposes of protecting the public safety, individuals operating and using the services of the Regulated cannabis business, and the adjoining properties and neighborhood. This section shall not limit any inspection authorized under any other provision of law or regulation, including those of police, fire, building, and code enforcement officials. Application for a Regulated cannabis business License constitutes consent to inspection of the business as a public Premises without a search warrant, and consent to seizure of any surveillance records, camera recordings, reports, or other materials required as a condition of a regulated Cannabis License without a search warrant.

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

(d) Initial inspection. The City may inspect any Regulated cannabis businesses prior to final issuance of a License to verify that the facilities

- 1958 are constructed and can be operated in accordance with the Application
1959 submitted and the requirements of laws.
- 1960 (e) Regular inspections. The City is authorized to perform regular
1961 inspections on a quarterly basis during the first year following licensure,
1962 and on a yearly basis prior to License renewal following the first year of
1963 operation.
- 1964 (f) Random inspections. Regular licensing inspection(s) shall not prevent
1965 the City from inspecting Regulated cannabis businesses at random
1966 intervals and without advance notice pursuant to the City's Code, the
1967 Colorado Marijuana Code, the Colorado Department of Revenue
1968 Enforcement Division Marijuana Rules, the Colorado Constitution, the
1969 City's Code, or any rule and regulations adopted thereto.
- 1970 (g) Inspection of records. The records to be maintained by each Regulated
1971 cannabis business shall include the source and quantity of any Cannabis
1972 distributed, produced, or Possessed within the Premises. Such reports
1973 shall include, without limitation, for both acquisitions from wholesalers
1974 and transactions to patients or caregivers, the following:
- 1975 1. Name and address of seller or purchaser;
- 1976 2. Date, weight, type of Cannabis, and monetary amount or other
1977 consideration of transaction;
- 1978 3. For wholesaler transactions, the state and City, if any, sales and
1979 use tax license number of the seller.
- 1980 (h) Disposal of regulated Cannabis and Cannabis byproducts. All regulated
1981 Cannabis and any product containing a usable form of Cannabis must be
1982 made unusable and unrecognizable prior to removal from the business in
1983 compliance with all applicable laws. This provision shall not apply to
1984 licensed law enforcement, including without limitation, the Grand
1985 Junction Police Department and the Grand Junction Fire Department.
- 1986 (i) The manager of a Regulated cannabis business is required to respond by
1987 telephone or email within 24 hours of contact by a City official concerning
1988 its Cannabis business at the telephone number or email address provided
1989 to the City as the contact for the business. Each 24-hour period during
1990 which an Owner or manager does not respond to the City official shall be
1991 considered a separate violation.
- 1992 **5.13.039 Modification of premises.**

1993 (a) Any modification of the licensed Premises shall be governed by the
1994 standards and procedures set forth in the Colorado Marijuana Code, this
1995 Chapter, and any regulations adopted pursuant thereto.

1996 (b) The Authority shall administer applications to modify the Premises in the
1997 same manner as the state licensing authority administers changes of
1998 location and modifications of Premises for state licenses.

1999 (c) Any application for a proposed modification of the licensed Premises shall
2000 comply with and shall be subject to review and approval of the Building
2001 Departments and any other agency that is required to approve such
2002 modification.

2003 **5.13.040 Renewals.**

2004
2005 (a) A Regulated cannabis business License issued pursuant to this Chapter
2006 shall be valid for one year from the date of issuance and shall automatically
2007 expire on the last day of the month in which the License is issued of the year
2008 following issuance or renewal of the License.

2009
2010 (b) Licensee must apply for the renewal of an existing License at least 45 days
2011 prior to the License's expiration date. The Licensee shall apply for renewal
2012 using forms provided by the City. If the Licensee fails to timely file a renewal
2013 application, the Licensee must provide a written explanation detailing the
2014 circumstances surrounding the late filing. If the Authority accepts the
2015 application, then it administratively continues the License beyond the
2016 expiration date, but for no longer than 45 days after the expiration date, while
2017 the Authority completes the renewal licensing process, in which case, the
2018 Licensee shall pay an additional Fee to the City prior to issuance of the
2019 renewed License. The renewal License Fee, and late Fee if applicable, shall
2020 accompany the renewal application. Such Fee(s) are nonrefundable.

2021
2022 (c) In the event that there has been a change to any of the plans submitted with
2023 the License application, a renewal, or modification of the Premises
2024 application, such change(s) shall be specifically proposed and described
2025 prior to being made by the Licensee and/or approved, if at all, by the
2026 Authority.

2027
2028 (d) In the event any Person who has an interest in the License or any manager,
2029 Financier, agent as defined herein, or employee has been charged with or
2030 accused of violations of any law since issuance of the License, the renewal
2031 application shall include the name of the violator, the date of the violation,
2032 the court and case number where the violation was filed, and the disposition
2033 of the violation with the renewal application.

- 2034
- 2035 (e) In the event the Regulated cannabis business Licensee has received any
- 2036 notice of Violation of any law, the renewal application shall include a copy of
- 2037 the notice or suspension.
- 2038
- 2039 (f) The renewal application shall include verification that the business has a
- 2040 valid state license and the state license is in good standing.
- 2041
- 2042 (g) The Authority shall not accept renewal applications after the expiration of
- 2043 the License.
- 2044
- 2045 (h) No renewal application shall be accepted by the Authority that is not
- 2046 complete. Any application mailed to or deposited with the Authority that,
- 2047 upon examination, is found to have some omission or error, shall be
- 2048 returned to the Applicant for completion or correction.
- 2049
- 2050 (i) In the event there have been allegations of violations of this Chapter, if the
- 2051 Licensee has a history of violation(s), or if the Licensee has committed
- 2052 unlawful acts, and/or if there are allegations against the Licensee that would
- 2053 constitute cause as defined herein by any of the Licensee(s) or the business
- 2054 submitting a renewal application, the Authority may hold a hearing pursuant
- 2055 to § 5.13.027 of this Chapter, prior to approving the renewal application. The
- 2056 hearing shall be to determine whether the application and proposed
- 2057 Licensee(s) comply with this Chapter. If the Authority holds a hearing and
- 2058 the application and the Licensee is found to meet the requirements of this
- 2059 Chapter, or the business has been operated in the past in violation of law,
- 2060 rule or regulation, then the renewal application may be denied or issued with
- 2061 conditions, and the Authority's decision shall be final subject to judicial
- 2062 review.
- 2063
- 2064 (j) All renewal applications shall be reviewed and evaluated by the Authority if
- 2065 no hearing is scheduled. The Authority may refuse to renew any License for
- 2066 Good cause as defined by the Hearing Officer in accordance with this
- 2067 Chapter, and any applicable law, rule, or regulation.
- 2068
- 2069 (k) In the event a Regulated cannabis business that has been open and
- 2070 operating and submitting monthly sales and use tax returns to the City
- 2071 ceases providing sales and use tax returns to the City for a period of three
- 2072 months or longer, the Cannabis business License shall be set for a public
- 2073 hearing for the Authority to determine if the License shall be revoked.
- 2074
- 2075 (l) In the event the City incurs costs in the inspection, clean-up, or any other
- 2076 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, and/or 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 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) At a public 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?)

2160 (3) Impose a fine or fine in lieu of suspension of at least \$500.00 but
2161 no more than \$100,000.00;

2162
2163 (4) Establish conditions that must be met before the License holder
2164 may apply for reinstatement of the License; and,

2165
2166 (5) The Authority may impose the costs to conduct a public hearing
2167 upon a Licensee who has violated any of the provisions prescribed
2168 by this Chapter.

2169
2170 (f) Payment of fines or costs pursuant to the provisions of this Chapter shall
2171 be in the form of a certified check or cashier's check made payable to the
2172 City of Grand Junction and paid within seven days of the imposed
2173 sanction.

2174
2175 (g) If the Authority finds that the License shall be suspended or revoked or a
2176 fine imposed in lieu of a suspension, the Licensee shall be provided
2177 written notice of such fine, suspension or revocation with the reasons
2178 therefore within 20 days following the date of the hearing.

2179
2180 (h) The Authority will establish factors to consider when determining the
2181 amount of fine to impose and adopt guidance for penalties and/or fines.
2182 That guidance will be used consistently for all imposed penalties.

2183
2184 (i) If a License is suspended, the Licensee must post notice that states the
2185 License is under suspension or revocation due to violation(s) of this
2186 Chapter, and that all sales of Cannabis products are prohibited for the
2187 period of the suspension. The signage shall be prominently displayed at
2188 all entrances on the Premises for the entirety of the suspension or
2189 revocation.

2190
2191 (j) When a License has been revoked, no new License shall be issued to the
2192 same Licensee for the period of two years after the revocation.

2193
2194 (k) All Licensees are assumed to be fully aware of the law and the City shall
2195 not therefore be required to issue warnings before issuing citations for
2196 violation(s) of this Chapter.

2197
2198 (l) If the Authority suspends or revokes a License or imposes a fine the
2199 Licensee may appeal the fine, suspension or revocation to the Mesa
2200 County District Court pursuant to Rule 106(a)(4) of the Colorado Rules
2201 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

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:

-
-
- 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.
-
-
-
- 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.
-
-
-
- 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:

-
-
- Provide a reasonable estimate of costs related to build out and startup
-
-
-
- Proof that a facility has been secured and that the location meets zoning requirements
-
-
-
- Proof of a plan/access to technology to facilitate ordering, tracking and ID/age purchase verification.
-
-

-
- Security Plan including storage procedures
-
-
-
- Environmental Impact Plan. This must include a means for odor mitigation and safe disposal of solvents and other hazardous materials.
-
-
-
- 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.*

-
-
- 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

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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 #7.b.ii.

Meeting Date: April 6, 2022

Presented By: Tamra Allen, Community Development Director

Department: Community Development

Submitted By: Staff Team

Information

SUBJECT:

An Ordinance Amending Title 3 of the Grand Junction Municipal Code to Include a Retail Marijuana Sales and Use Tax and a Marijuana Excise Tax

RECOMMENDATION:

Staff recommends adoption of the Ordinance Ordinance establishing the Retail Marijuana Sales and Use Tax and a Marijuana Excise Tax.

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 allow for and regulate and 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. The first reading of the proposed ordinances occurred on March 16, 2022.

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. This ordinance will be heard at the May 4, 2022 City Council meeting.

FISCAL IMPACT:

SUGGESTED MOTION:

I move to adopt Ordinance No. 5065 amending Title 3 of the Grand Junction Municipal Code to include a retail marijuana sales and use tax and a marijuana excise tax and order final publication in pamphlet form.

Attachments

1. ORD-Cannabis Tax - 031522 Clean Final
2. ORD-Cannabis Tax - 031522 Redline

3. Public Comment-J.Bonin
4. Public Comment-T.Bradley
5. Public Comment-A.Walsh
6. Public Comment-D.Baird

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.

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 ~~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.

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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: 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
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: 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

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

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

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.
-
-
-
- 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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- 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.*

-
-
- 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
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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: 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

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

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



Grand Junction City Council

Regular Session

Item #7.b.iii.

Meeting Date: April 6, 2022

Presented By: Jodi Welch, Finance Director, Greg Caton, City Manager

Department: Finance

Submitted By: Jodi Welch, Finance Director

Information

SUBJECT:

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

RECOMMENDATION:

Staff recommends approval of an ordinance making supplemental appropriations and amending the 2022 City of Grand Junction Budget.

EXECUTIVE SUMMARY:

The budget is adopted by City Council through an appropriation ordinance to authorize spending at a fund level based on the line item budget. Supplemental appropriations are also adopted by ordinance and are required when the adopted budget is increased to reappropriate funds for capital projects that began in one year and need to be carried forward to the current year to complete. Supplemental appropriations are also required to approve new projects or expenditures.

This supplemental appropriation is predominantly for the carryforward of capital projects. New spending authorization is required in order to spend additional revenues not anticipated in the original 2022 budget, the potential distribution of ARPA funds to reimburse lodging tax revenue loss, as well as for the increased costs on the Fire Station #8 project.

BACKGROUND OR DETAILED INFORMATION:

A detail listing of supplemental appropriation by fund is provided in the agenda documentation. The following provides additional information for the supplemental requests. The 2022 Supplemental Appropriation includes spending authorization in the

following funds:

General Fund 100

The General Fund requires a total supplemental appropriation of \$201,088. A supplemental appropriation of \$147,088 is required to authorize spending of direct distribution of ARP Federal Grant Funds to the Fire Department to be used for personal protection equipment and supplies related to COVID protocol and responses. A supplemental appropriation of \$54,000 is required to perform Spring Clean Up in the Clifton area which will be fully reimbursed by Mesa County. City Council authorized the intergovernmental agreement on February 16, 2022. Because the expenditures have offsetting revenue, this action does not reduce the General Fund reserve balance.

Lodgers Tax Increase Fund 106

The Lodgers Tax Increase Fund requires a total supplemental appropriation of \$557,494 in order to distribute the lodging tax revenues to Visit Grand Junction (Visit GJ), the Air Alliance, and the Sports Commission for revenues above budget in 2021 (\$147,950), expected increase in budgeted revenues in 2022 (202,838), and a contingency in 2022 for revenues exceeding budget (10% of budget or \$206,706). Because appropriation authority is required to disburse the revenues coming into this fund, if revenues are higher than budgeted, the budget needs to be increased to disburse all the funds. Moving forward, a contingency for revenues exceeding budget is proposed in order to provide the spending authority to disburse actual revenues that are generated in a timely manner to the partners. The increased amount by partner is as follows: Visit GJ \$232,295, Air Alliance, \$185,825, and Sports Commission \$139,374.

First Responder Tax Fund 107

The First Responder Tax Fund requires a supplemental appropriation of \$699,550 for increased costs for the construction of Fire Station #8, which is a transfer to the Sales Tax CIP Fund (\$558,590), and the carryforward of the purchase of vehicles that were additions in 2021 but, due to supply chain delays, did not arrive in 2021 (\$140,960). The First Responder Fund has sufficient reserves to fund the increase in Fire Station #8. Because the vehicles were previously appropriated in the 2021 budget, that spending does not reduce the First Responder Fund balance.

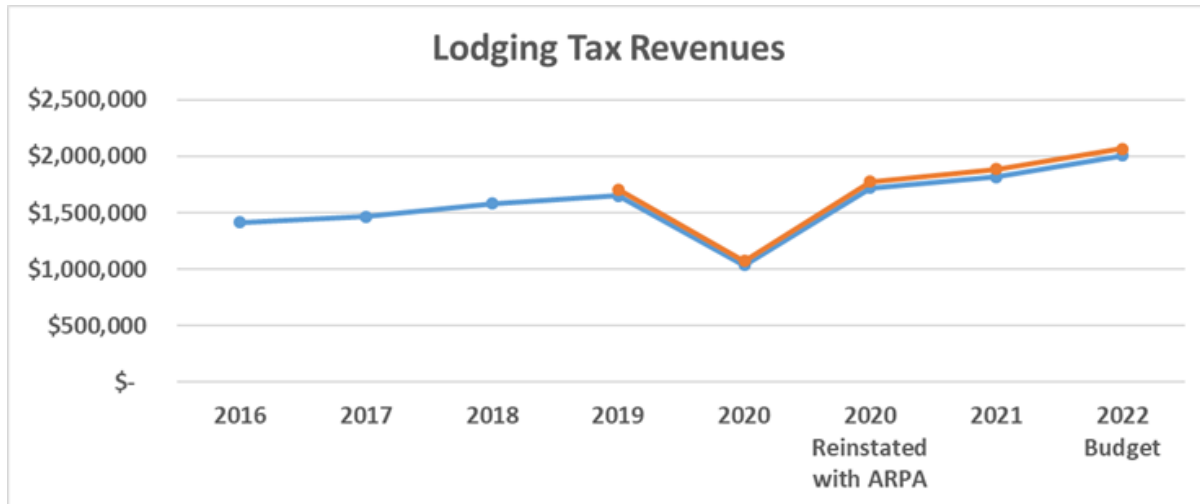
American Rescue Plan Fund 114

The American Rescue Plan Fund accounts for the direct distribution of ARPA federal funds to the City of Grand Junction. The distribution in 2021 was \$5.2 million and another \$5.2 million is expected this year for a total \$10.4 million. As described in the memo to Council on February 1, 2022 on "ARPA Revenue Loss Calculation Update", the first year's (2020) calculation of revenue loss is \$3,967,323. Of that amount, \$1,387,130 was attributable to loss in total lodging tax revenue, and \$703,701 was the portion from the additional 3% lodging tax (effective in 2019) that is shared between Visit GJ, Air Alliance, and Sports Commission. The recommendation was to distribute the lodging revenue loss. There was further discussion and some support by Council, and therefore, staff has brought this item forward for Council's consideration. Should

Council choose to distribute, a supplemental appropriation of \$1,387,130 is required and would be allocated to the partners as follows: Visit GJ \$976,661, Air Alliance, \$234,544, and Sports Commission \$175,925.

Additional Information:

Prior to COVID, lodging tax revenues were trending at a 4.6% increase for 2020 compared to 2019. However, because of COVID, they experienced a 37% loss of revenue. By distributing the calculated ARPA revenue loss, it reinstates revenues back to a pre-COVID level and keeps them on trend as demonstrated in the chart below.



Visit GJ will utilize the distribution of ARPA funds to subsidize a cooperative program with Destination Travel Network (DTN). VGJ and DTN have partnered to create an affordable solution for Grand Junction tourism businesses (retail, restaurants, lodging, activities, and events) that are interested in expanding their marketing efforts to attract new customers and drive revenues. This partnership was designed to help provide local tourism businesses access to affordable and fully customizable marketing strategies, solutions, and implementation, and align with Visit GJ's data-based strategies. This partnership intends to overcome the challenges of COVID, along with the ongoing issues of hiring, inflation, supply chain issues and overall operational demands. DTN has just started this program (Visit GJ is the first DMO they are working with in this space) and has already confirmed several contracts in just the last month. Visit GJ would consider paying a minimum of one-half of the cost of the program for businesses joining the program. This effort will expand this opportunity to businesses who may otherwise not be able to afford a customized program and allow others to add on additional marketing services through DTN and VGJ's other marketing technologies and platforms.

Sales Tax CIP Fund 201

The Sales Tax CIP Fund is where all the City's capital projects are budgeted, with the exception of transportation capacity, utility, and internal service funds' projects. With the exception of the increase to Fire Station #8 construction costs, the remainder of the supplemental appropriation in the Sales Tax CIP fund is for the carryforward of capital

projects to 2022 that began but were not completed in 2021. Detail is provided in the agenda documentation listing each of the nine projects in the carryforward request. The larger projects include the completion of the Lincoln Park Stadium project, including the lighting conversion, Fire Station #8, and Fire Station #3. The total required supplemental appropriation for the Sales Tax CIP Fund is \$20,810,913 and because the projects were previously appropriated in the 2021 budget, and Fire Station #8 is funded by First Responder Funds, this spending does not reduce the Sales Tax CIP Fund balance.

Transportation Capacity Fund 207

The Transportation Capacity Fund requires supplemental appropriation of \$4,391,534 for the carryforward of two projects in 2022 that began but were not completed in 2021. The two projects are the 24 and G Road Expansion, including the Leach Creek Bridge (\$3,781,990) and the F 1/2 Road Parkway right-of-way work (\$609,544). Because the projects were previously appropriated in the 2021 budget, this spending does not reduce the Transportation Capacity Fund balance.

Water Fund 301

The Water Fund requires a total supplemental appropriation of \$1,995,540 for the carryforward of projects started in 2021 that will be completed in 2022. These projects include the Carson Lake Dam rehabilitation, water line and meter replacements, flowline projects and reservoir improvements. Because the projects were previously appropriated in the 2021 budget, this spending does not reduce the Water Fund balance.

Information Technology Fund 401

The Information Technology Fund requires a supplemental appropriation of \$156,190 for the carryforward of a core switch upgrade.

Communication Center Fund 405

The Communication Center Fund requires a supplemental appropriation of \$80,248 for the carryforward of microwave replacements at radio sites.

Sewer Fund 900

The Sewer Fund requires a total supplemental appropriation of \$3,638,224 for the carryforward of projects started in 2021 that will be completed in 2022. These projects include wastewater plant improvements, sewer line rehabilitation and replacements, and lift station elimination projects. Because the projects were previously appropriated in the 2021 budget, this spending does not reduce the Sewer Fund balance.

FISCAL IMPACT:

The supplemental appropriation ordinance is presented in order to ensure sufficient appropriation by fund to defray the necessary expenses of the City of Grand Junction. The appropriation ordinance is consistent with, and as proposed for adoption, reflective of lawful and proper governmental accounting practices and are supported by the supplementary documents incorporated by reference above.

SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No. 5066, 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.

Attachments

1. 2022 Supplemental Appropriation March 2,2022
2. March 2nd Supplemental Detail Listing

ORDINANCE NO. ____

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.

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

That the following sums of money be appropriated from unappropriated fund balance and additional revenues to the funds indicated for the year ending December 31, 2022 to be expended from such funds as follows:

Fund Name	Fund #	Appropriation
General Fund	100	\$ 201,888
Lodgers Tax Increase Fund	106	\$ 557,494
First Responder Tax Fund	107	\$ 699,550
American Rescue Plan Fund	114	\$ 1,387,130
Sales Tax CIP Fund	201	\$ 20,810,913
Transportation Capacity Payment Fund	207	\$ 4,391,534
Water Fund	301	\$ 1,995,540
Information Technology Fund	401	\$ 156,190
Communication Center Fund	405	\$ 80,248
Sewer Fund	900	\$ 3,638,224

INTRODUCED AND ORDERED PUBLISHED IN PAMPHLET FORM this ____ day of _____, 2022.

TO BE PASSED AND ADOPTED AND ORDERED PUBLISHED IN PAMPHLET FORM this ____ day of _____, 2022.

President of the Council

Attest:

City Clerk

Supplemental Appropriation Detail By Fund
March 2nd, 2022

Fund	Description	Amount
General Fund 100		
New	Direct Distribution of ARP Federal Funds to Fire Department PPE for COVID Protocol	\$ 147,088
New	Cooperative Agreement for Spring Clean Up in Clifton Area of Mesa County (fully reimbursed)	54,000
	Total General Fund Supplemental Appropriation	\$ 201,088
Lodgers Tax Increase Fund 106		
New	Disburse 2021 Lodging Revenues Above Budget	\$ 147,950
New	Disburse 2022 Amended Revenues	202,838
New	Budget Contingency for Disbursement of Revenues Above Budget	206,706
	Total Lodging Tax Increase Fund Supplemental Appropriation	\$ 557,494
First Responder Fund 107		
New	Fire Station #8 Construction Cost Increase-Transfer to Capital Fund	\$ 558,590
Carryforward	First Responder Vehicles	140,960
	Total First Responder Fund Supplemental Appropriation	\$ 699,550
American Rescue Plan Fund 114		
New	ARPA Revenue Loss Calculation Visit Grand Junction-Transfer To Visit Grand Junction Fund	\$ 976,661
New	ARPA Revenue Loss Calculation Air Alliance	234,544
New	ARPA Revenue Loss Calculation Sports Commission	175,925
	Total American Rescue Plan Fund Supplemental Appropriation	\$ 1,387,130
Sales Tax Capital Improvement Fund 201		
New	Fire Station #8 Construction Cost Increase	\$ 558,590
Carryforward	Stadium Project Including Lighting	\$ 8,880,883
Carryforward	Fire Station #8	5,406,691
Carryforward	Fire Station #3	3,804,471
Carryforward	Riverfront at Dos Rios	902,086
Carryforward	The Eddy Riverbank Rehabilitation Project	675,937
Carryforward	Development Code Rewrite with Housing Study Component	200,000
Carryforward	Las Colonias Outdoor Amenities	162,805
Carryforward	Safe Routes to Schools CDBG Funded	119,450
Carryforward	Avalon Theatre Improvements	100,000
	Total Carryforward	20,252,323
	Total Sales Tax Capital Improvement Plan Fund Supplemental Appropriation	\$ 20,810,913

Transportation Capacity Payment Fund 207		
Carryforward	24 Road and G Road Expansion (including Leach Creek Bridge)	\$ 3,781,990
Carryforward	F 1/2 Road Parkway	609,544
Total Transportation Capacity Payment Fund Supplemental Appropriation		\$ 4,391,534
Water Fund 301		
Carryforward	Carson Lake Dam Rehabilitation	\$ 967,575
Carryforward	Water Line and Meter Replacements	307,443
Carryforward	Flowline Projects	504,760
Carryforward	Reservoir Improvements	215,762
Total Water Fund Supplemental Appropriation		\$ 1,995,540
Information Technology Fund 401		
Carryforward	Core Switch Upgrade	\$ 156,190
Total Information Technology Fund Supplemental Appropriation		\$ 156,190
Communication Center Fund 405		
Carryforward	Microwave Replacements	\$ 80,248
Total Communication Center Fund Supplemental Appropriation		\$ 80,248
Sewer Fund 900		
Carryforward	Wastewater Treatment Plant Improvements	\$ 2,615,730
Carryforward	Sewer Line Rehabilitation and Replacements	408,185
Carryforward	Lift Station Elimination	378,224
Carryforward	CNG Gas Storage/Enhance Fueling Stations	102,174
Carryforward	Odor Control, Tiara Rado Force Main, Financial Analysis	133,911
Total Sewer Fund Supplemental Appropriation		\$ 3,638,224



Grand Junction City Council

Regular Session

Item #8.a.

Meeting Date: April 6, 2022

Presented By: John Shaver, City Attorney, Greg Caton, City Manager

Department: City Attorney

Submitted By: John Shaver

Information

SUBJECT:

A Resolution Establishing City Council Policy Regarding American Rescue Plan Act (ARPA) Funds

RECOMMENDATION:

City Council consideration and approval of the Resolution.

EXECUTIVE SUMMARY:

The City of Grand Junction was awarded \$10.4 million dollars of Coronavirus State and Local Fiscal Recovery Funds (SLFRF) under the American Rescue Plan Act to provide resources to respond to the pandemic and its economic effects and to build a stronger, more equitable economy during the recovery.

The City Council created a community advisory board to make recommendations to the Council on how to appropriate and expend funds to aid local recovery. With this Resolution, the City establishes policies relative to the Board's consideration of recommendation(s) to the City Council for the appropriation and expenditure of ARPA/SLFR funds.

BACKGROUND OR DETAILED INFORMATION:

On May 17, 2021, the U.S. Department of the Treasury issued the final rule which implements the American Rescue Plan Act (ARPA) statutory provisions and defines and describes eligible and ineligible uses of Coronavirus State and Local Fiscal Recovery Funds (SLFRF) (Recovery Funds). Those funds are intended to provide state, local and tribal governments with the resources to respond to the pandemic and its economic effects and to build a stronger, more equitable economy during the recovery. The City Council created a community advisory committee to make

recommendations to the Council on how to appropriate and expend the SLFR funds to aid local recovery. While the Committee has yet to finalize its recommendation(s), the City Council, as stated in the Resolution, desires to establish policies relative to the Committee's consideration of recommendation(s) to the City Council for the appropriation and expenditure of the Recovery Funds.

FISCAL IMPACT:

There is no direct fiscal impact as a result of this action.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution 32-22, a resolution establishing City Council Policy regarding American Rescue Plan Act/ State and Local Fiscal Recovery Funds and advisory board recommendations.

Attachments

1. RES-ARPA Policy 032822

1 RESOLUTION NO. _____

2
3 A RESOLUTION ESTABLISHING CITY COUNCIL POLICY REGARDING
4 AMERICAN RESCUE PLAN ACT (ARPA) FUNDS
5

6 RECITALS:

7 On March 11, 2021 President Biden signed Public Law 117-2, the American Rescue Plan Act of
8 2021, which established the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to
9 provide state, local and tribal governments with the resources needed to respond to the
10 pandemic and its economic effects and to build a stronger, more equitable economy during the
11 recovery.

12 The City of Grand Junction was awarded \$10.4 million dollars of SLFRF. On May 17, 2021, the
13 U.S. Department of the Treasury issued the final rule ("Final Rule") which implements the ARPA
14 statutory provisions and defines and describes eligible and ineligible uses of SLFRF.

15 Grounded in the Final Rule, the City Council created a community advisory board ("Board") to
16 make recommendations to the Council on how to appropriate and expend funds to aid local
17 recovery. While the Board has yet to finalize its recommendation(s), the City Council, with this
18 Resolution, does establish the following policies relative to the Board's consideration of
19 recommendation(s) to the City Council for the appropriation and expenditure of ARPA/SLFR
20 funds ("Recovery Funds").

21 NOW, THEREFORE, BE IT RESOLVED BY THE GRAND JUNCTION CITY COUNCIL THAT
22 the City Council will:

- 23 1) Consider the recommendation(s) of the Board as it, or as a majority of it may
24 determine, on how best to appropriate and expend the Recovery Funds and report
25 the recommendation(s) in writing to the Council.

26 The Recommendation(s) of the Board shall, as reasonably as possible, pertain to
27 projects and/or programs that will sustain and strengthen economic recovery,
28 maintain vital public services and make investments that support long-term growth,
29 opportunity and equity within the City. Examples of such include, affordable housing,
30 childcare facilities, broadband access affordability and reliability and water and sewer
31 infrastructure, particularly for the benefit of those impacted or disproportionately
32 impacted by the pandemic, and.

- 33 2) After receiving the Board's recommendation(s) regarding the appropriation and
34 expenditure of the Recovery Funds confirm with the City Council, or as a majority of
35 it may determine, by ordinance, that the funds will be appropriated and spent for
36 ARPA/SLFR purposes.
37

FURTHERMORE, be it resolved that the City Council does authorize William Wade, as Chair of the Board and Ben Herman a Vice Chair of the Board, with the assistance of City staff, to develop the Board's recommendation(s), as defined and described herein. While meetings of the Board are open to the public and shall be noticed in the same manner as other meetings of City boards and commissions, the City Council does not require the Board to keep minutes or other records of its deliberations; however, the Board shall issue to the City Council a written report at the conclusion of its work, which report shall provide the Board's recommendation(s) regarding the appropriation and expenditure of the Recovery Funds.

GRAND JUNCTION CITY COUNCIL

C.B. McDaniel
President of the City Council

ATTEST:

Laura Bauer
Interim City Clerk