



Governmental Affairs Report for December, 2009

By: Duncan L. McArthur, Governmental Affairs Director

Brady Trucking Zoning Appeal Case

Last month, it was reported that Brady Trucking prevailed in the lawsuit challenging the City Clerk's ruling invalidating the petition that had been submitted challenging the zoning change on Brady's riverfront property. Subsequent to the report, the original plaintiff's announced that they would be filing an appeal to the court's ruling but, as of this printing, I have been able to determine that appeal was actually filed in District Court so the issue will continue.

Grand Junction Comprehensive Plan

The joint meeting the planning commissioners for both the city and the county is scheduled for January 12th with the intent that the planning commissioners made a recommendation for approval of the Comp Plan. The schedule for second reading and adoption of the Comp Plan by city council is still scheduled for February 17th.

Mesa County Code Revisions

[Background - The Mesa County Planning Department continues to work with the Mesa County Land Development Code Focus Group that was formed with the objective of streamlining the development process. The Focus Group consists of approximately twenty-two members representing developers, builders, consultants and other members of the real estate industry in Mesa County.]

The text changes drafted by County Staff and discussed in the Mesa County Land Development Code Focus Group were presented to the county planning commission on December 3rd and the county commissioners on December 14th. The BOCC adopted the text amendments by a unanimous vote. The focus group is scheduled to meet on further changes to the code on January 27th.

Fruita Parks, Open Space and Trails Master Plan

The Fruita City Council adopted the Parks Master Plan at its meeting on Tue, December 15, 2009. Council had made a number of adjustments to the Mater Plan removing many of the design requirements and reducing the proposed park fee from over \$5,000 to approximately \$2,300 per unit.

Clifton/Fruitvale Governance Plan



The County Commissioners continue to proceed with securing signatures on the petitions requesting annexation of the first phase in the Clifton/Fruitvale area. The County has until mid-March, 2010 to secure the necessary signatures to submit the petition to the Grand Junction City Clerk's office for certification prior to the request going to the city council for consideration. As previously reported, it will be necessary for more than 50% of the owners to sign the petitions plus more than 50% of the acreage be included and more than 50% of the parcels to be included

2010 Legislative Session

The Government Affairs Directors from around Colorado participated in a teleconference with CAR staff to discuss the upcoming legislative session. The general consensus is that the issues with the budget will dominate the session. As far as real estate related legislation, CAR is attempting to the Foreclosure Protection Act repealed. If that does not appear to be obtainable, there will be an attempt to at least amend the act. An amendment has been drafted and Rep. Don Massey in the House has agreed to sponsor the bill. CAR is looking for a sponsor in the Senate.

Locally, Rep. Laura Bradford will be sponsoring a bill that would cap the amount of assessment a property can increase in any one year. This is in response to the situation in Delta County whereby the County Assessor took a broad interpretation of the law and reassessed vacation campsite property as a resort causing an increase in the tax assessment of over 3,000%. The proposed bill includes a provision where the County will be liable for costs in the event a land owner is successful in appealing such a reassessment.

Sen. Penry is addressing the budget shortfall issue by introducing a bill proposing reformation of the state government by combining departments that have duplicate tasks and increase the duties of the Lt. Governor to include oversight of a number of departments cutting the need for a number of directors.

Representative Steve King will be introducing a bill addressing critical incidents at higher education facilities. The bill would require programs be established at the institutions whereby the student body and staff would be educated on life saving techniques, reverse evacuation programs, etc. Rep. King commented that the state that experienced a Columbine incident should have a critical incident program in place for our higher education institutions.

5-2-1 DRAINAGE AUTHORITY

The 5-2-1 Drainage Authority's Board of Director's has laid off the staff members and contracted with the City of Grand Junction to operate the functions of the Authority. This has been done as a cost savings effort and in an attempt to streamline the process.