



**AGENDA**  
for the Board of Trustees  
of the Town of Palisade, Colorado  
341 W 7<sup>th</sup> Street (Palisade Civic Center)

**January 14, 2025**

**6:00 pm – 6:30 pm WORK SESSION**

**6:40 pm Regular Meeting**

A live stream of the meeting may be viewed at:

<https://us06web.zoom.us/j/3320075780>

**I. WORK SESSION TO BEGIN AT 6:00 pm – 6:30 pm**

**A. Water Rate Study Discussion**

**II. REGULAR MEETING CALLED TO ORDER AT 6:40 pm**

**III. PLEDGE OF ALLEGIANCE**

**IV. ROLL CALL**

**V. AGENDA ADOPTION**

**VI. ANNOUNCEMENTS**

**A. PUBLIC COMMENT REMINDER:** All emails sent to the Town Clerk for public comment on a specific agenda item prior to the day packets are published will be included in the staff report. Emails received after the packets are posted will be forwarded to the Board of Trustees. Any member of the public who wishes to have a statement or email read into the Minutes is required to appear in person and make said statements to the Board directly.

**B. GET INVOLVED WITH OUR COMMUNITY! UPCOMING PUBLIC MEETINGS (Palisade Civic Center 341 W 7<sup>th</sup> Street):**

1. **Tourism Advisory Board** – Wednesday, January 15, 2025, at 9:00 am
2. **Planning Commission** – Tuesday, January 21, 2025, at 6:00 pm
3. **Board of Trustees** – Tuesday, January 28, 2025, at 6:00 pm

**C. TOWN HALL WILL BE CLOSED on Monday, January 20, 2025, in observance of Martin Luther King Jr. Day.**

**VII. TOWN MANAGER REPORT**

- A. Parks, Facilities, and Events Presentation**
- B. Capital Projects**

## VIII. CONSENT AGENDA

*The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or any Board Member may ask that an item be removed from the Consent Agenda for individual consideration.*

### A. Expenditures

- Approval of Bills from Various Town Funds – November 28, 2024 – December 31, 2024

### B. Minutes

- Minutes from December 10, 2024, Regular Board of Trustees Meeting

### C. Direct the Town Manager to purchase the following vehicles as budgeted in the 2025 Town of Palisade Budget.

- 2 Police Department Vehicles for an amount not to exceed \$149,674.00
- 2 Trucks for Public Works for an amount not to exceed \$70,000.00

## I. NEW BUSINESS

### A. Change in Scope of Work to TRS Property Acquisition Contract

The Board of Trustees will consider directing the Town Manager to enter a change of scope of work and contract amount with TRS Property through JUB Engineering.

1. Staff Presentation
2. Board Discussion
3. Decision - Motion, Second, and Rollcall Vote to:

*Approve, deny, or postpone (until January 28, 2025) directing the Town Manager enter a change of scope of work and contract amount with TRS Property through JUB Engineering for an amount not to exceed an additional \$122,600.00 to the contract **as presented / as amended.***

### B. Reimbursement Agreement with Grand Valley Irrigation Canal Sewer Project

The Board of Trustees will consider directing the Mayor to sign an Intergovernmental Agreement (IGA) with Grand Valley Irrigation Company (GVIC) for reimbursement of review and administrative costs for the Sewer Transfer Project.

1. Staff Presentation
2. Board Discussion
3. Decision - Motion, Second, and Rollcall Vote to:

*Approve, deny, or postpone (until January 28, 2025) directing the Mayor to sign an Intergovernmental Agreement (IGA) with Grand Valley Irrigation Company (GVIC) for reimbursement of review and administrative costs for the Sewer Transfer Project for an amount not to exceed \$30,000.00 **as presented / as amended.***

### C. RESOLUTION 2025-01 – Amending the Property Tax Levy for the 2025 Budget for the Town of Palisade

The Board of Trustees will consider amending the Property Tax Levy for the 2025 Budget for the Town of Palisade to reflect the 2024 valuation assessment for the Town of Palisade as certified by the Mesa County Assessor.

1. Staff Presentation
2. Public Comment
3. Board Discussion
4. Decision - Motion, Second, and Rollcall Vote to:

Approve, deny, or postpone (until January 28, 2025) Resolution 2025-01 Amending the Property Tax Levy for the 2025 Budget for the Town of Palisade **as presented / as amended.**

## II. PUBLIC HEARING I

### A. Conditional Use Permit Modification – The Happy Camper Cannabis Company

The Board of Trustees will consider a request for an amendment to the Conditional Use Permit for The Happy Camper Cannabis Company sign restrictions.

1. Staff Presentation
2. Applicant Presentation
3. Public Comment
4. Board Discussion
5. Applicant Closing Remarks
6. Decision - Motion, Second, and Rollcall Vote to:

Approve, deny, or postpone (until January 28, 2025), the modification to the sign restrictions in the Conditional Use Permit for the Happy Camper Cannabis Company **as presented / as amended.**

## III. PUBLIC HEARING II

### A. Variance Request – The Happy Camper Cannabis Company

If the modification to the sign restrictions in the Conditional Use Permit for the Happy Camper Cannabis Company has been passed, the Board of Trustees will consider a request for a variance of the height restrictions in the Land Development Code regarding sign regulations.

1. Staff Presentation
2. Applicant Presentation
3. Public Comment
4. Board Discussion
5. Applicant Closing Remarks
6. Decision - Motion, Second, and Rollcall Vote to:

Approve, deny, or postpone (until January 28, 2025) the variance request to the sign restrictions in the Palisade Land Development Code, as requested by the Happy Camper Cannabis Company **as presented / as amended.**

## IV. PUBLIC COMMENT

All those who wish to speak during public comment must sign up on the sheet provided outside the boardroom doors. **Please keep comments to 3 MINUTES OR LESS and state your name and address.** Neither the Board of Trustees nor staff will respond to comments at this time. The Board may direct staff to look into specific comments to bring back as an Agenda item at a future meeting; however, the Board reserves the right to clarify information from comments that are factually incorrect.

## V. COMMITTEE REPORTS

## VI. ADJOURNMENT



**PALISADE BOARD OF TRUSTEES**  
**January 14, 2025**  
**TABLE OF CONTENTS**

<b><u>TOWN MANAGER REPORT</u></b>	<b><u>P. 01</u></b>
<u>POLICE STAFF REPORT</u>	<u>P. 06</u>

<b><u>CONSENT AGENDA STATEMENT</u></b>	<b><u>P. 08</u></b>
<i>The Consent Agenda has been attached as a separate document for ease of reading.</i>	

**AGENDA ITEM SUMMARIES**

<u>Change in Scope of Work to TRS Property Acquisition Contract</u>	<u>P. 09</u>
<u>Reimbursement Agreement with GVIC Sewer Project</u>	<u>P. 10</u>
<u>RESOLUTION 2025-01 – Amending 2025 Budget</u>	<u>P. 11</u>
<u>Conditional Use Modification – Happy Camper</u>	<u>P. 12</u>
<u>Variance Request – Happy Camper</u>	<u>P. 13</u>

**NEW BUSINESS**

<u>CHANGE IN SCOPE OF WORK TO TRS PROPERTY CONTRACT</u>	<u>P. 09</u>
<i>A change of scope of work and contract amount with TRS Property through JUB Engineering.</i>	

<u>REIMBURSEMENT AGREEMENT WITH GVIC SEWER PROJECT</u>	<u>P. 14</u>
<i>An IGA with Grand Valley Irrigation Company for reimbursement of review and administrative costs for the Sewer Transfer Project.</i>	

<u>RESOLUTION 2025-01 BUDGET AMENDMENT</u>	<u>P. 17</u>
<i>Amending the Property Tax Levy for the 2025 Budget for the Town of Palisade</i>	

**PUBLIC HEARING I**

<u>CONDITIONAL USE MODIFICATION – HAPPY CAMPER</u>	<u>P. 18</u>
<i>A request to amend an existing Conditional Use Permit to allow for the installation of a pole sign at the applicant’s retail location.</i>	

**PUBLIC HEARING II**

<u>VARIANCE REQUEST – HAPPY CAMPER</u>	<u>P. 28</u>
<i>(IF Public Hearing I is approved) A request to construct a pole sign with a total height of 40 feet. If Public Hearing I is denied, the Board of Trustees will not consider this item.</i>	

The Town is currently working on engineering and design for multiple projects listed below. Projects are currently scheduled for construction to begin in the Fall 2025. Construction projects to start in the fall include Elberta roundabout, multi-modal path on Elberta, sewer pipe construction, and Mesa County has scheduled to construct multi-modal path on 38 road. Lots of great investment and safety construction coming to small town Palisade!

The Town has received recognition through an article titled: ‘coolest desert town..’ Available through google.

Road work is occurring with crack seal and sidewalk grinding throughout town.

Connecting Communities sidewalk project 90% complete. Remaining 10% is asphalt repair and landscape in the spring.

Riverbend Park continuous with tamarisk and russian olive removal. Tree planting is scheduled for the spring to assist with growth as the maturing cottonwoods in the park die out, there are new ones growing.

The Water Department has been hard at work with State Certifications. We have 2 new additional employees who have passed the first round of tests. There are 4 levels in water & wastewater certification. Great work!

January 28 Work Session: the Board of Trustees will receive requested information for various Capital Projects. This is the beginning of the discussion of future infrastructure improvements.

---

Waste-Water Consolidation to Clifton \$24 million

- Project has officially started with kick-off meeting August 30, 2024
- Working with local bank on construction loan documents for \$24million
- Meetings with businesses affected by rate increase – October 2024
- Board of Trustees Resolution for rate change October 2024
- Engineering Design estimate 1.5 years – 9.2023 – 3.2025
- Easement acquisitions estimate 1.5 years - 9-2023 – 3.2025
- Winter Construction (canal drained) – Fall 2025 – Fall 2026
- Abandonment of existing lagoons – 1 year – Summer 2026 – 2027

DOLA Grant – Engineering Waste-Water Consolidation \$1 million

- Received grant to match Town \$1 million for the required contribution to the Engineering Design of the Waste-water project

Roundabout Highway 6 – CDOT CDOT

- The engineer design work is completed and CDOT finalizing
- CDOT estimated construction start is late fall of 2025
- This is a CDOT project – the Town is participating with bike delineators, landscaping, and street lighting.

TAP Grant Sidewalks – 80% Grant – 20% Town \$1 million

- Project changed with roundabout and multi-use paths with this project
- TAP grant sidewalks now from Cresthaven to High School
- 100% designed & CDOT approved
- Land acquisition complete – 3 property purchases –
- Land acquisition estimated cost: \$81,550 CDOT grant covers, any cost over this amount Town covers, possible 20%
- Request for bids was advertised and town accepted bid from United. Construction to be completed this winter.

Multi-Modal Sidewalk Grant Award for Elberta – 1<sup>st</sup> Street to Wine Cty Rd. \$1.8 million

- Town awarded \$1.8 million in grant funds from CDOT for multi-modal path
- Town match 20% at \$200,000
- Includes 2 bridges over canal
- RFQ for Design Engineering submitted to CDOT for approval
- JUB Design/Engineering Complete and in review with CDOT.

Land Use Code Update

- DOLA grant \$20,000 - Town \$20,000 total \$40,000
- This project is updating various land use codes to meet Town needs
- Project began Summer 2024 and continue to completion schedule Spring 2025

## **Department Projects and Maintenance**

### **Parks**

1. Riverbend Park:
  - Plant trees
  - Expand irrigation to the west
  - Continue tamarisk/russian olive removal
  - New trash cans & park benches
  - Remodel existing restroom
  - New restroom at playground
  - Construction of Harky's Boat Launch – Fall 2026 – waiting on Army Corp Permit
  - Purchased water rights for new irrigation expansion to west
2. Veterans Park
  - Tree fertilization
  - Plans on update to aged irrigation system
  - Tree planting plan to mitigate aging trees
3. Peach Bowl Park
  - Seek grant funding for new planning documents to upgrade the area
4. Independent Park
  - Regular maintenance
5. Plaza
  - Add perennial plants
  - Upgrade drip irrigation in areas
  - Concrete seal

### **Police**

1. Order 2 new police vehicles
2. Hired new officer
3. Expand connections & training with High School and CMU Tech

### **Fire & EMS**

1. Expand wildfire program
2. Expand connections & training with High School and CMU Tech

## **Community Development**

1. Complete Land Use Code Re-write
2. Grant submitted for EV Stations in Main Street Parking
3. Continue work on Town GIS mapping for infrastructure projects including irrigation water
4. Grant research on street construction
5. Grant research on sewer lagoon abatement – reconstruction to open space
6. Work with new development in town

## **Finance**

1. Report on Capital Projects Spending
2. Study of Fire Consolidation estimated cost per MIL
3. Grant reporting
4. Audit for 2024 – complete 2<sup>nd</sup> quarter

## **Clerical**

1. Training with computer programs
2. Advertising of on-going community classes and events
3. Advertising of gym schedule
4. Working on quarterly news flyer to community

## **Public Works**

1. Street Maintenance – chip seal, crack seal, sidewalk grinding, street painting – bike sharrows, electronic street signs
2. Water – training – 2 additional employees receive first level certification for water
3. Sewer – pre-treatment program being implemented for sewer connection in future
4. Replacing old water meters with new water meters – multi-year project
5. Replacing outdated fire hydrants on the system
6. Map of potholes complete – repairs in spring when plant opens



## **Board of Trustees Capital Projects to be Determined:**

The Board of Trustees will be presented with cost analysis of projects and planning scope to make decisions on capital improvement projects.

A small tax base does not allow for all capital improvement needs of the Town to be completed.

### **Which project does the Board Determine Highest Priority for Future Infrastructure Improvement:**

- ❖ New Swimming Pool
- ❖ New Splash Pad
- ❖ Veterans Memorial Center – Remodel or Tear Down
- ❖ Town Hall – Sell or Remodel
- ❖ Water & Sewer Line replacement and pave a street – Kluge, Peach, 5<sup>th</sup>, 7<sup>th</sup>, east 4<sup>th</sup>, east 5<sup>th</sup>???
- ❖ Fire District
- ❖ Peach Bowl Park Baseball Field
- ❖ Main Street Parking Lot



## PALISADE BOARD OF TRUSTEES Staff Report

**Meeting Date:** January 14<sup>th</sup>, 2025

**Department:** Police Department

**Department Director:** Jesse James Stanford, Chief of Police

---

### **Stats for December 2024:**

- The month of December had 192 Calls for service, about the same as last month. However, we have seen a significant increase in calls for service over the past years, and this has been noticed and has increased the workload for officers within the department. Our final numbers are 3,846 calls for service; this is 104 calls for service over the last day in 2023. We have accomplished this with multiple months being short two police officers, we have had officers out on leave, and light duty situations. 2024 was the busiest year for major cases as far back as we can recall.

### **Grand Junction Regional Communication Center (GJRCC):**

As we close out 2024, here are some notable stats from GJRCC for the month of December. In December of 2023, we ended the year with 423 calls for service for the month. In December of 2024, we ended the year with 192 calls for service for the month, a difference of roughly a 50% decrease. In December of 2023, we ended the year with a total of 3,679 calls for service. In December of 2024, we ended the year with total calls for service at 3,846, a difference of roughly 4% increase.

### **Reports and Summons:**

Case Reports 15  
Supplement Reports 23

Arrests:

2 arrests

### **Traffic:**

9 traffic citations were issued this month.

### **Training:**

- One officer attended Less Lethal instructor school.
- One officer attended Managing the FTO Program.

### **Investigations:**

- PPD Investigations has been working diligently on multiple cases, including the recent Arson/Homicide, the shooting incident, and ATM burglary.

### **Significant Events:**

- The agency also continues to grow and build a better foundation for operations with the talented staff we have. We are building policies and procedures to better handle and accommodate the needs of the town and agency.
  
- Palisade PD has been actively recruiting for the last few months with minimal results; to date, we have had two applicants since July 2024.

### **Palisade Code Compliance Statistics Report: December 2024**

Open issues before December: 6

December issues: 11

- PMC Sec. 7-3(21) Nuisance: 2
- PMC Sec. 7-115, 116 Barking/vicious dog: 2
- PMC Sec. 8-42, 44 Abandoned vehicle: 1
- PMC Sec. 8-44, 46 Junked vehicle: 2
- Code Compliance Referral No issue: 1
- LDC Sec. 10.05 Excessive lighting: 2
- Towed Vehicle: 1

Total November issues: 17

Closed issues in December: 5

Open issues at end of December: 12

Issues Year to Date: 150

### **Message from Chief Jesse James Stanford:**

As we close out 2024, the police staff have been working hard throughout the year to ensure our services are the best they can be and to ensure we identify opportunities to improve those services with new and innovative ideas. As the Chief of Police for the Town of Palisade, my goal for the community and staff is to recognize the things we have accomplished in 2024 and to continue to grow as a leader for the police department so I can serve the community and staff at the level they deserve. This staff has taken on many challenges in 2024 from major cases such as the arson homicide fire on Iowa Avenue, the attempted murder shooting incident in October, and the ATM robbery incident at Grand Valley Bank in Palisade. We have faced some retention challenges, being down two police officers in the second half of the year. Through it all, the staff stood tall and proud to serve. The staff's commitment to the public is even stronger, in my opinion, through temporary adversity. I am honored to lead this staff into the new year, and I look forward to serving the community with some new ideas and public safety programs for 2025. Happy New Year to all!



## PALISADE BOARD OF TRUSTEES

**Meeting Date:** January 14, 2025

**Re:** Consent Agenda

---

The Consent Agenda has been attached as a separate document for ease of reading.

Included in the consent agenda are:

**A. Expenditures**

- Approval of Bills from Various Town Funds – November 28, 2024 - December 31, 2024

**B. Minutes**

- Minutes from December 10, 2024, Regular Board of Trustees Meeting

**C. Direct the Town Manager to purchase the following vehicles as budgeted in the 2025 Town of Palisade Budget.**

- 2 Police Department Vehicles for an amount not to exceed \$149,674.00
- 2 Trucks for Public Works for an amount not to exceed \$70,000.00



**PALISADE BOARD OF TRUSTEES**  
**Agenda Item Cover Sheet**

**Meeting Date:**           **January 14, 2024**

**Presented By:**       **Bret Guillory/Matt Filla, JUB Engineers.**

**Department:**       **Administration**

**Re:**                   **Change in Scope of Work to TRS Property Acquisition Contract**

---

**SUBJECT:**

Per the work session with the Palisade Board of Trustees in November 2024 this is a change of scope for the Sewer Transfer Project:

The number and extent of easement acquisitions necessary to construct the Palisade Sewer Transfer Project have increased above the initial scope of services. The initial scope from TRS based on an assumed project alignment and location, and past TRS experience, assumed only one property acquisition needing appraisal. Based on formal design of the project and proposed location of the sewer transfer line, there are now estimated to be 14 properties that will require appraisal. TRS is following Federal Appraisal and Acquisition Guidelines for appraisals and review of appraisals, required due to the use of federal funding for the project. The estimated additional fee for this work is \$122,600. This is the upper dollar amount for this work based on the assumption that all 14 properties will fall under this category, some may not and if so, cost for the appraisal and review of the appraisal will not be invoiced. Appraisals are required when the value of the easement may exceed \$15,000.

**BOARD DIRECTION:**

Give Direction to Town Manager to enter change Scope of Work and Contract Amount with TRS Property through JUB Engineering.



**PALISADE BOARD OF TRUSTEES**  
**Agenda Item Cover Sheet**

**Meeting Date:**           **January 14, 2024**

**Presented By:**           **Peterson, Attorney - J Hawkinson, Manager**

**Department:**           **Administration**

**Re:**                   **Reimbursement Agreement with Grand Valley Irrigation Canal Sewer Project**

---

**SUBJECT:**

GVIC has requested to enter into a reimbursement agreement to be compensated for costs reviewing the alignment of the sewer line that is aligned along the irrigation canal. The agreement is that reimbursement will not exceed \$30,000.

**BOARD DIRECTION:**

Give Direction to the Mayor to Sign Agreement with GVIC.



**PALISADE BOARD OF TRUSTEES**  
**Agenda Item Cover Sheet**

**Meeting Date:**            **January 14, 2025**

**Presented By:**        **Janet Hawkinson, Town Manager and Gregg Mueller, Finance Director**

**Department:**        **Finance**

**Re:**                      **Resolution 2025-01**

---

**SUBJECT:**

A Resolution of the Board of Trustees for the Town of Palisade Amending the Property Tax Levy for the 2025 Budget for the Town of Palisade.

**SUMMARY:**

At the regular meeting of the Board of Trustees on November 12, 2024, when the 2025 Budget for the Town of Palisade was approved, it was noted that once the Mesa County Assessor's Office released the Certification of Valuation, the Board may be asked to amend the budget to reflect their assessment.

The Property Tax Levy of 17.5 mills remains the same.

This resolution is required in order to allow Mesa County to collect the tax on behalf of the Town of Palisade.

**BOARD DIRECTION:**

Approve Resolution 2025-01 Levying General Property Taxes for the Year 2024 to Help Defray the Costs of Government for the Town of Palisade, Colorado, for the 2025 Budget Year.



**PALISADE BOARD OF TRUSTEES**  
**Agenda Item Cover Sheet**

**Meeting Date:** January 14, 2025

**Presented By:** Devan Aziz, Community Development Director

**Department:** Community Development & Planning

**Re:** Amendment to Conditional Use Permit

---

**SUBJECT:**  
Happy Camper Pole Sign Request required for marijuana stores.

**SUMMARY:**  
The applicant is requesting an amendment to their existing Conditional Use Permit to allow for the installation of a pole sign at their retail location. This request follows the Town's recent adoption of Ordinance 2024-06 on September 24, 2024, which modified cannabis business signage restrictions.

**CUP CRITERIA STANDARDS:**  
The CUP meets the requirements per the application and recommended additions:

- Compliance with the Town of Palisade adopted sign code requirements
- Obtain required permits
- Town of Palisade sign permit
- Mesa County building permit for electrical work
- Sign removal requirement if the business ceases operation or moves locations.

**PLANNING COMMISSION RECOMMENDATION:**  
Planning Commission forwarded a unanimous recommendation of approval on January 7, 2025.

**BOARD DIRECTION:**  
Motion, Second, and Rollcall Vote to: Approve or deny an amendment to the Conditional Use Permit (CUP) for Happy Camper located at 420 Wine Valley Rd to allow a pole sign.





**PALISADE BOARD OF TRUSTEES**  
**Agenda Item Cover Sheet**

**Meeting Date:**            **January 14, 2025**

**Presented By:**        **Devan Aziz, Community Development Director**

**Department:**        **Community Development & Planning**

**Re:**                      **Variance Request**

---

**SUBJECT:**  
Allow for a 40ft pole sign at Happy Camper

**SUMMARY:**  
The applicant seeks a variance from Section 4.12 of the Land Development Code (LDC) regarding sign height restrictions. The request is to construct a pole sign with a total height of 40 feet, measured from grade to the top of the sign structure. The property's location adjacent to Interstate 70 presents unique circumstances that necessitate this variance request.

**FINDINGS OF FACT SUMMARY**  
Staff analysis indicates the request meets the six required findings for variance approval:

1. Exceptional conditions exist due to the property's unique relationship to I-70.
2. No special privileges would be conferred beyond those necessary for interstate visibility.
3. The literal interpretation would deprive the applicant of rights commonly enjoyed by other businesses in the area.
4. The request maintains harmony with LDC intent and neighborhood welfare.
5. Special circumstances arise from pre-existing conditions, not applicant actions.
6. The requested 40-foot height represents the minimum necessary variance.

**PLANNING COMMISSION RECOMMENDATION:**  
The Planning Commission forwarded a unanimous recommendation of approval on January 7, 2025 finding that the application does meet the criteria for variance approval under Section 4.12.F of the Land Development Code.

**DECISION:**  
Motion, Second, and Rollcall Vote to: To **approve or deny** a variance request by Happy Camper for a 40-foot pole sign at 420 Wine Valley Road, finding that the application **meets or does not meet** the criteria for variance approval under Section 4.12.F of the Land Development Code.

## REIMBURSEMENT AGREEMENT

THIS REIMBURSEMENT AGREEMENT (Agreement) is dated this \_\_\_\_ day of \_\_\_\_\_, 2024 and is between the Grand Valley Irrigation Company, a Colorado nonprofit mutual irrigation company, whose address is 688 26 Road, Grand Junction, CO 81506 (GVIC) and the Town of Palisade, a statutory town, whose address is 175 East 3<sup>rd</sup> Street, Palisade, CO 81526 (Town). GVIC and the Town may collectively be referred to as the “Parties” or separately as a “Party.”

### RECITALS:

- A. GVIC is the owner and operator of a system of irrigation canals situated in Mesa County, Colorado referred to herein as the “Canal System.”
- B. The Town seeks GVIC’s consent to alter a portion of the Canal System’s Grand Valley Mainline Canal in connection with the Town’s Sewer Transfer Project # N-23-029 (Project).
- C. Prior to giving its consent, GVIC requires the review and approval of the Town’s plans, designs, specifications, plats, and related engineering data, studies, drawings and technical reports (Plans) of the proposed Project on condition that the Town reimburses GVIC for reasonable costs or expenses (Costs) that GVIC incurs for such review and approval, including the internal administrative time of GVIC’s employees and the consulting fees GVIC pays or incurs to third party contractors to assist in the conduct of the review and to develop legal, engineering or other documents including, but not limited to, attorneys and engineers.

IN CONSIDERATION of the mutual promises below, the Parties agree as follows:

1. *Reimbursement Agreement.* The Town shall reimburse GVIC for any internal administrative costs of its employees and any consulting fees that GVIC pays or incurs to third parties for the purpose of reviewing the Plans and developing documents. Costs shall include, but are not limited to, fees charged to GVIC by attorneys, engineers, surveyors, land planners and other consultants engaged by GVIC according to their customary rates. The Town shall also reimburse GVIC for the internal administrative time of its directors and employees at the rate of \$75.00 for officers, board members, superintendent, and assistant superintendent, and \$55.00 for all other employees. At no point shall GVIC’s costs exceed \$30,000 without amendment to this Agreement. The Town shall pay GVIC’s invoices for Costs on or before thirty (30) calendar days following mailing of the invoice to the Town. All payments shall be made payable to “Grand Valley Irrigation Company” and be delivered to GVIC’s address as set forth above.
2. *Security Deposit.*
  - a. GVIC *does not* require a security deposit at this time. However, to secure GVIC in the reimbursement of its Costs, GVIC reserves the right to require the Town to pay on demand a security deposit in an amount determined to be reasonable in GVIC’s discretion. This Agreement shall terminate at the option of GVIC in the event the Town fails or refuses to pay a security deposit if required by GVIC.
  - b. If a security deposit is requested, then the security deposit shall be held by GVIC in

such account as GVIC determines appropriate without segregating such funds and without interest accruing thereon. GVIC reserves the right to increase the security deposit by an amount that GVIC deems reasonable and appropriate should circumstances indicate. The balance of the deposit shall be reflected on each invoice provided to the Town. If the security deposit is drawn down to zero, then GVIC reserves the right to require the security deposit to be replenished in an amounts GVIC deems reasonable and appropriate.

- c. GVIC may apply, without notice to the Town, all, or any portion of the security deposit to the payment of any invoice for Costs in the event that the Town fails to pay the invoice within thirty (30) days of delivery of the invoice.
  - d. The Town shall pay to GVIC any Costs incurred but unpaid and Costs that have not been invoiced to the Town at the time this Agreement is terminated. If there is a positive balance of the security deposit at the time of termination, then GVIC shall refund the unearned security deposit to Town on condition that all of GVIC's invoices for Costs have been paid; provided, however, GVIC may retain such amount as it deems reasonable to pay any Costs that have been incurred but for which GVIC has not been paid.
3. *No Consent.* The Parties acknowledge and agree that all verbal discussions, written communication between them and the review and comments on the Plans is for the purpose of determining whether the Project is acceptable to the GVIC. Nothing contained in this Agreement is intended and shall not be construed to be or constitute the consent or agreement of GVIC to any alteration of the Canal System prior to execution of a formal construction agreement providing for the construction, installation, maintenance, and repair of the Project.
  4. *No Warranty by GVIC.* Town acknowledges and agrees that any review and/or approval of the Plans by GVIC, including, but not limited to, the review of the same by any consultant engaged by GVIC for such purpose, is solely and only for the use and benefit of GVIC and is not intended and may not be construed as GVIC's or its consultant's warranty, certification, or representation that the Plans are accurate, free from material errors or defects, or are suitable for the Project. All errors, defects or omissions in the Plans are solely the responsibility of the Town. No verbal or written communication between the Parties shall be or constitute an admission against GVIC's or any consultant's interest, or a waiver by or estoppel of GVIC or its consultant(s) to assert any legal claims, defenses, or other rights.
  5. *No Alterations.* Unless or until the Parties execute a formal contract agreeing or consenting to an alteration of the Canal System incorporating construction terms and conditions and plans and specifications approved by GVIC, the Town shall not take or suffer any act or omission physically or legally altering the Canal System in any manner or cause an obstruction or hindrance of the operation, maintenance, and repair of the Canal System or the delivery of irrigation water to GVIC's shareholders.
  6. *Termination.* This Agreement shall remain in effect until (a) the execution of a formal construction agreement incorporating GVIC's consent to the alteration of the Canal System and the construction terms, conditions, plans and specifications approved by GVIC for the Project, or (b) either Party gives five (5) calendar days written notice of the termination of this Agreement to the other Party, or (c) the Town breaches the terms of this Agreement. The Town's obligation to reimburse GVIC for GVIC's Costs including Costs incurred to the date

of termination but not invoiced to the Town shall remain in effect notwithstanding termination. On termination, any original plans, drawings, or diagrams shall be returned to the Party causing the same to be prepared provided the returning Party may keep a copy thereof. On condition that GVIC's Costs are fully paid, and subject to application of any security deposit under paragraph 2 above, GVIC will refund the remaining balance of any security deposit.

7. *Delivery and Notice.* All deliveries shall be to a Party's address set forth in the first paragraph of this Agreement. Delivery is deemed to occur either three (3) calendar days following the date of mailing of any invoice, notice, or payment in the United States Mail, postage prepaid, or immediately upon personal delivery to a Party.
8. *Miscellaneous.* This Agreement shall be binding upon and inure to the benefit of the Parties and their legal successors and representatives. This Agreement is intended to be the complete and integrated expression of the Parties' agreements regarding the subject matter of this Agreement, there being no other verbal or written agreements regarding the subject matter hereof.

*Agreement Subject to Appropriations.* To the extent this Agreement constitutes a multiple fiscal year debt or financial obligation of the Town, it shall be subject to annual appropriation pursuant to the Town of Palisade Municipal Code and Article X, Section 20 of the Colorado Constitution. For each fiscal year in which this Agreement is in effect, the Town shall make adequate annual appropriations to meet its obligations under this Agreement.

Grand Valley Irrigation Company  
a Colorado nonprofit mutual irrigation company

By:   
Sean T. Norris, President

Town of Palisade, a statutory town

By: \_\_\_\_\_  
Greg Mikolai, Mayor

**TOWN OF PALISADE, COLORADO  
RESOLUTION NO 2025-01**

**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF PALISADE, COLORADO, LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2024 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE TOWN OF PALISADE, COLORADO, FOR THE 2025 BUDGET YEAR.**

**WHEREAS**, the Board of Trustees has adopted the annual budget in accordance with the Local Government Budget Law on November 12, 2024; and

**WHEREAS**, the amount of money necessary to balance the budget for general operating expenses and capital outlay is \$692,227; and

**WHEREAS**, the 2024 valuation for assessment for the Town of Palisade, as certified by the County Assessor, is \$39,555,820.

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE, COLORADO, AS FOLLOWS:**

SECTION 1. The Town of Palisade's gross mill levy is **17.5** mills.

SECTION 2. For the purpose of meeting all general operating expenses and capital outlay of the Town of Palisade during the 2025 budget year, there is hereby levied a mill levy of **17.5** mills upon each dollar of the total valuation for assessment of all taxable property within the Town for the year 2024.

SECTION 3. Town Finance Director Gregg Mueller is hereby authorized and directed to immediately certify to the County Commissioners of Mesa County, Colorado, the mill levies for the Town of Palisade as herein above determined and set.

**ADOPTED AND APPROVED THIS 14<sup>th</sup> DAY OF JANUARY 2025.**

**By Town of Palisade, Mesa County, State of Colorado**

---

**Greg Mikolai, Mayor**

**Attest:**

---

**Keli Frasier, CMC  
Town Clerk**



175 East Third Street  
P.O. Box 128  
Palisade, CO 81526

Phone: (970) 464-5602  
Fax: (970) 464-5609

[www.townofpalisade.org](http://www.townofpalisade.org)

## COMMUNITY DEVELOPMENT AMENDMENT TO CONDITIONAL USE PERMIT (CUP) – STAFF REPORT

---

HAPPY CAMPER POLE SIGN REQUEST

LOCATED AT 420 WINE VALLEY ROAD, PARCEL # 2937-043-44-001

AKA LOT 1 OF THC TWO SUBDIVISION

### LDC - SECTION 4.07 CONDITIONAL USE PERMIT:

A conditional use is a use that may or may not be appropriate depending on the location and the conditions imposed upon the approval of the use that are designed to reasonably mitigate any adverse impacts on surrounding properties. Conditional uses may be approved for the uses indicated in the use regulations of the zoning district of the property for which the conditional use is requested. Approval of a conditional use permit allows for flexibility and to help diversify uses within a zoning district.

### SECTION 4.07.E. FINDINGS OF FACT:

In order to approve a conditional use permit, the Planning Commission must make certain findings about the request (in the form of a recommendation to the Board of Trustees):

1. That the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved.

*A key consideration in evaluating public safety is how signage affects traffic patterns and customer behavior. The current business location may experience challenges with customer wayfinding, potentially leading to unsafe traffic maneuvers like sudden stops or improper turns when customers struggle to locate the business. A pole sign, being more visible from a greater distance, allows customers to identify the business location earlier and make safer, more deliberate driving decisions.*

*Businesses with clear, visible signage tend to integrate more successfully into the commercial fabric of an area. This integration often leads to better property maintenance and security measures, as successful businesses have both the resources and motivation to maintain their facilities to a high standard. The existing retail operation has demonstrated compliance with security protocols and safety regulations, indicating responsible management practices that would extend to maintaining the new sign structure.*

*It's worth noting that the business's current conditional use permit already acknowledges their ability to operate safely in this location. The proposed modification simply addresses the method of identifying the business rather than changing any operational aspects that might affect public health or safety. The pole sign would be subject to the same rigorous permit process as any commercial structure, ensuring its construction meets all applicable safety, operational, and dimensional standards.*

2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations.

*Sound land use planning emphasizes compatibility between neighboring uses while promoting economic vitality. In commercial areas, signage regulations focus on creating visual cohesion while allowing businesses sufficient visibility to operate successfully. The pole sign request not only aligns with these principles but also helps ensure fair market competition, as neighboring non-residential uses already enjoy pole signs as a use by right. The proposed pole sign would be consistent with existing pole signs along the corridor, maintaining visual cohesion while allowing equal business visibility.*

*Pole signs are evaluated against several technical criteria. These include height restrictions, setback requirements, sign face area limitations, and illumination standards. The proposal would need to demonstrate compliance with all dimensional requirements in the adopted sign code. This ensures the sign maintains appropriate scale relative to surrounding development and doesn't create visibility issues for neighboring properties or traffic.*

*Land use planning best practices also consider the hierarchical nature of commercial signage needs. Businesses located on major corridors like I-70 often require different visibility solutions than those in neighborhood commercial areas, as highway traffic moves at higher speeds and requires greater advance notice for safe exit and entrance decisions.*

*Economic development considerations also play into sound land use planning. Successful businesses contribute to area stability and generate tax revenue that supports community services. Appropriate signage helps businesses succeed by allowing them to effectively communicate their location to potential customers. The pole sign modification request recognizes this economic development aspect while working within established regulatory frameworks.*

*The conditional use permit process itself represents sound planning practice by allowing community input and detailed review of proposals that may need special consideration. This ensures that modifications like the requested pole sign receive appropriate scrutiny while still allowing for reasonable accommodation of business needs.*

3. That the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

*The property value data from the Mesa County Assessor reveals several important patterns that help evaluate potential impacts. The subject property at 420 Wine Valley Road has a total actual value of \$966,540, indicating a substantial commercial investment in the area. More tellingly, the surrounding properties show stable or increasing value over the past two years, despite the existing marijuana retail operation, suggesting the business has not negatively impacted nearby property values.*

*Looking at the neighboring properties specifically, we see a diverse mix of land uses and values. The two vacant lots at 490 and 400 Wine Valley Road, valued at \$319,790 and \$593,420 respectively, have maintained their values. This stability is particularly significant because vacant land values are often more sensitive to negative impacts from nearby uses. The fact that these parcels have not experienced a value decline indicates the existing business has not deterred future development potential.*

*The neighboring commercial properties present even stronger evidence of value stability. The property at 327 N Elberta Avenue, valued at nearly \$3 million, and 451 Wine Valley Road, valued at \$1.2 million, have both maintained their values. These higher-value commercial properties would typically be among the first to show impacts if a nearby use was truly detrimental to property values.*

*The Willow Tree Subdivision to the south is buffered by a canal with roads on both sides, creating a natural transition zone that helps minimize any potential impacts from commercial activities, including signage.*

*From a land use perspective, the addition of a pole sign represents a standard commercial improvement that is unlikely to create new impacts beyond the existing use. Pole signs are common features in commercial areas and, when properly regulated through height and size restrictions, do not typically influence neighboring property values. In fact, well-designed commercial signage often indicates a stable and maintained business district, which can positively influence property values.*

*The Mesa County Assessor data suggests that the existing business has successfully integrated into the commercial fabric of the area without negative impacts. The proposed pole sign modification represents a minor change to an already-accepted use, and there is no evidence in the property value trends to suggest it would create new adverse impacts on neighboring properties.*



4. That the application will not adversely affect the adopted plans and policies of the Town or violate the character of existing standards for development of the adjacent properties.

*The Planning Commission's consensus on September 3, 2024, to loosen cannabis signage restrictions represents a significant shift in the Town's approach to cannabis business identification. This decision acknowledges the evolving nature of cannabis businesses as legitimate commercial enterprises deserving of equivalent signage rights. The subsequent Board of Trustees' adoption of Ordinance 2024-06 on September 24, 2024, with a clear majority vote of 4-2, formally codified this policy direction. Notably, the lack of public comment during this process suggests community acceptance of this policy evolution.*

*The 2022 Comprehensive Plan provides particularly relevant guidance through its emphasis on balanced, intentional development. The plan explicitly recognizes that while development brings changes, it serves as a crucial driver of community prosperity. The pole sign request perfectly exemplifies this balance: it represents a business seeking to establish itself more firmly in the commercial landscape while working within established regulatory frameworks.*

*When the Comprehensive Plan speaks of "intentional, respectful development," we can see how this application meets that standard. The business is not seeking special treatment but rather requesting signage options that are standard for other commercial enterprises.*

*The Plan's emphasis on economic stability and development funding public services is particularly relevant. Successful businesses contribute to the tax base, and appropriate signage plays a crucial role in business success. By allowing this business the same signage opportunities as other commercial enterprises, the Town supports its own economic development goals as outlined in the Comprehensive Plan.*

*The character of existing standards for adjacent properties is maintained because pole signs are already an established feature of the commercial landscape along the I-70 corridor.*

## **Criteria for Approval**

### **Based on findings that the pole sign:**

1. Enhances public safety through improved wayfinding
2. Meets all regulatory specifications and sound planning principles
3. Shows no negative impact on property values, evidenced by stable neighboring property assessments
4. Aligns with updated Town policies, including Ordinance 2024-06 and the 2022 Comprehensive Plan

### **CONDITIONS:**

1. Compliance with Town of Palisade adopted sign code requirements
2. Sign permit required from Town of Palisade & Mesa County building permit required for any electrical work
3. Removal of proposed pole sign if business ceases operation or moves locations

**ATTACHMENTS:**  
**Letter of Intent**  
**Letter of Support**

**Happy Camper CUP Amendment  
General Project Report  
November 5, 2024  
Ty Johnson, Mesa Planning**

**Project Description**

Happy Camper was issued a Conditional Use Permit (CUP) in 2021 to operate a retail marijuana dispensary. At the time, the Town’s Land Development Code had significant restrictions on signage for marijuana dispensaries. As a result, the CUP was arranged to prevent a pole sign for the Happy Camper dispensary. The Town Board of Trustees recently amended the Land Development Code to lift restrictions on signage for marijuana dispensaries.

Due to this change, Happy Camper would like to amend their CUP to allow for a pole sign on their property. Happy Camper wishes to pursue a pole sign to advertise their business, in light of the new code changes to signage for marijuana dispensaries. If approved, Happy Camper will pursue a sign permit application for a pole sign. All Town regulations regarding signs will be adhered to.



Happy Camper knows where they would like to locate their pole sign, and the sign location area is shown on the figure above. There is a seventy foot (70’) irrigation easement that encumbers the northern portion of the subject property. If approved, a pole sign will be located outside this easement and on the eastern side of the property, as displayed above.

## **Approval Criteria**

Section 4.07(E) of the Land Development Code states that no conditional use permit shall be approved unless the following findings are made concerning the application:

(1) That the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved.

### **Response:**

The use of the subject property was approved through a conditional use permit in 2021. The proposed amendment only allows the subject property to have a pole sign and has no other effect on the land use of the property. Pole signs are permitted and regulated by the Land Development Code. If approved, the Land Development Code will regulate the size, location, etc. of a proposed sign for the subject property. The proposed amendment does not endanger the public health or safety given that pole signs are an allowable and regulated use within the Town of Palisade.

(2) That the application meets all required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations.

### **Response:**

Any proposed pole sign for this property will be required to go through the Town's sign permit application. The sign will be reviewed based on the Land Development Code and will only be issued if it complies with all applicable regulations.

(3) That the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

### **Response:**

The proposed amendment would allow Happy Camper to pursue application for a pole sign which is permitted and regulated by the Land Development Code. All commercial properties, including adjoining properties, enjoy this same right. A pole sign on the subject property would not be detrimental to the use or development properties and would rather be in character of neighboring properties with similar signs that advertise business.

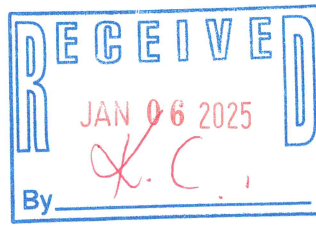
(4) That the application will not adversely affect the adopted plans and policies of the Town or violate the character of existing standards for development of the adjacent properties.

### **Response:**

Any pole sign on the subject property would be required to comply with adopted policies in the Land Development Code. Existing standards for development permit properties to

pursue application for pole signs. This amendment would make the subject property in character with existing standard for development of the adjacent properties.

1-6-25



To Whom it may concern:

The owners and managers of the Palisade Peach Shack are in full support of the happy camper putting up a sign. We are in full support of allowing businesses to do what is necessary to help improve sales and foot traffic for their location.

James Sanders (Owner)

Aaron Woolsey (GM)



175 East Third Street  
P.O. Box 128  
Palisade, CO 81526

Phone: (970) 464-5602  
Fax: (970) 464-5609

[www.townofpalisade.org](http://www.townofpalisade.org)

## COMMUNITY DEVELOPMENT

# VARIANCE: SIGN HEIGHT – STAFF REPORT

---

HAPPY CAMPER VARIANCE REQUEST

LOCATED AT 420 WINE VALLEY ROAD, PARCEL # 2937-043-44-001

AKA LOT 1 OF THC TWO SUBDIVISION

### LDC - SECTION 4.12 VARIANCE

#### SECTION 4.12.A. PURPOSE

The variance procedure provides a process to grant limited relief from the requirements of this LDC for property where strict application of the LDC would result in an exceptional practical difficulty or undue hardship.

#### APPLICATION SUMMARY

Happy Camper has submitted a variance request seeking relief from the Land Development Code's sign height restrictions. The applicant proposes to construct a pole sign with a total height of 40 feet, measured from grade to the top of the sign structure. The property's location adjacent to Interstate 70 presents unique circumstances that necessitate this variance request.

The purpose of the increased sign height is to provide adequate visibility to motorists traveling along I-70, allowing sufficient reaction time for safe exit maneuvers and business identification. While the requested height exceeds Palisade's sign regulations, the applicant will maintain compliance with all other sign requirements in the Land Development Code, including maximum square footage limitations.

This request represents a targeted approach to address specific site conditions, seeking only the minimum relief necessary to achieve reasonable business visibility from the interstate corridor. The variance, if granted, would allow Happy Camper to overcome challenges presented by the grade differential between their property and I-70, while maintaining consistency with typical interstate-oriented signage patterns.

The approval of this variance would not establish a broad precedent, as the justification is specifically tied to the property's unique relationship to I-70. Similar properties along the interstate corridor could seek comparable relief based on their specific circumstances, while properties not facing these unique conditions would continue to operate under standard sign height requirements.



## SECTION 4.12.F. FINDINGS OF FACT

1. There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size or topography that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of this LDC unrealistic.

*The subject property's location adjacent to Interstate 70 presents a unique condition not applicable to other properties in the same zoning district. The significant grade differential between the interstate elevation and the property, combined with the high-speed nature of interstate traffic, creates an exceptional circumstance where standard sign height regulations may not adequately serve their intended purpose. Properties not adjacent to I-70 do not face similar visibility challenges or the need to safely attract and direct high-speed traffic from an elevated highway corridor.*

*This exceptional condition is directly related to the property's location and topographical relationship to I-70, rather than a generally applicable circumstance that would affect all properties in the district. The standard sign height requirements in the Land Development Code were likely developed with local street frontage in mind, not the unique characteristics of interstate-adjacent properties.*

2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.

*The requested variance for a 40-foot pole sign would not confer special privileges upon Happy Camper, as it represents a reasonable accommodation based on the property's unique circumstances rather than a special benefit. Other similarly situated properties along the I-70 corridor would be eligible to request comparable sign height variances if they face similar visibility challenges. The variance, if granted, would simply allow the business to achieve the same practical ability to advertise that other businesses in the district enjoy, rather than creating an unfair advantage.*

*The request maintains compliance with all other sign regulations within the Land Development Code, including square footage requirements, and only seeks relief from the height restriction due to the specific site conditions. This demonstrates that the applicant is not seeking broad exemption from sign regulations, but rather targeted relief to address a legitimate visibility challenge.*

3. A literal interpretation of the provisions of this LDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

*A literal interpretation of the Land Development Code's sign height restrictions would deprive Happy Camper of the basic right to effective business visibility and identification - a right commonly enjoyed by other businesses in the district. Standard sign height limitations, while appropriate for properties along local streets, would significantly impair Happy Camper's ability to safely attract and direct potential customers from I-70, placing them at a distinct disadvantage compared to other businesses in the district that are visible from their primary traffic corridors.*

*The intent of commercial signage regulations is to allow businesses reasonable identification and advertising visibility while maintaining community aesthetics. Properties not adjacent to I-70 can achieve this balance within standard height restrictions due to their proximity to slower-speed local streets. Without variance relief, Happy Camper would be unable to achieve this same basic function of business identification to their primary customer base traveling along I-70.*

4. The requested variance will be in harmony with the purpose and intent of this LDC and will not be injurious to the neighborhood or to the general welfare.

*The requested variance for a 40-foot pole sign aligns with the Land Development Code's fundamental purpose of promoting economic vitality while maintaining community character. While the sign will be taller than standard requirements, it serves the LDC's intent of allowing reasonable business identification and remains consistent with typical interstate-oriented signage. The variance would not be injurious to the neighborhood or general welfare for several reasons:*

- *The sign's overall square footage will remain compliant with LDC standards, ensuring the variance is limited to height only.*
- *The location along I-70 means the increased height will primarily be visible from the interstate rather than impacting local streetscapes or residential areas.*
- *The sign will improve traffic safety by providing adequate advance notice to interstate travelers, reducing sudden lane changes and confusion.*
- *Interstate corridors typically feature taller signage elements, making this request consistent with driver expectations and the general character of highway-oriented development.*

5. The special circumstances are not the result of the actions of the applicant.

*The special circumstances necessitating this variance request are inherent to the property's location and relationship to Interstate 70, not the result of actions taken by Happy Camper. The elevation differential between the highway and the property, combined with the high-speed nature of interstate traffic, are pre-existing conditions that were established long before the current variance request. These circumstances are physical and locational in nature, created by the natural topography and the presence of I-70, rather than being the result of any action or decision made by the applicant.*

*The applicant is merely responding to existing site conditions in seeking this variance, rather than attempting to create circumstances that would justify exceptional treatment. The need for increased sign height is driven by objective factors outside of the applicant's control.*

6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

*The requested 40-foot sign height represents the minimum variance necessary to achieve effective visibility from Interstate 70. This height was determined based on several factors:*

- *The grade differential between the interstate and the property*
- *The distance from which motorists need to safely identify and react to signage while traveling at interstate speeds (75+ mph)*
- *The presence of any visual obstacles or sight line impediments between I-70 and the property*

*The applicant is not requesting additional height beyond what is necessary for reasonable interstate visibility. The proposed 40-foot height is consistent with typical interstate-oriented signage requirements and represents the minimum needed to achieve the legitimate purpose of business identification for interstate traffic. Any lesser height would fail to provide adequate visibility for safe traffic movements and business identification from I-70.*

## **RECOMMENDATION**

The subject property's location along Interstate 70 presents distinct circumstances that warrant thorough evaluation. The grade differential between the interstate and the property, combined with high-speed traffic conditions, creates unique challenges for business identification that may not be fully addressed by standard sign height regulations.

The variance request maintains compliance with all other sign requirements in the Land Development Code, focusing solely on the height component.

The Board should consider whether the presented evidence sufficiently demonstrates that:

- The property's circumstances are truly exceptional compared to other commercially-zoned properties
- The requested height is the minimum necessary to achieve the stated purpose
- The increased height would maintain harmony with the broader intent of the sign regulations

**ATTACHMENTS:**

**Site Plan**

**Letter of Intent**

**Letter of Support**



Sign Location Area

420

## Happy Camper Sign Variance

### General Project Report

December 20, 2024

Ty Johnson, Mesa Planning

### Project Description

Happy Camper is requested a variance to the sign code for height to allow a pole sign that will be a total of 40' tall from grade to the top of the sign. If approved, this would allow Happy Camper to have a pole sign that adequately advertises to and draws traffic into the Town from the I-70 corridor.

The overall size of the sign (square footage) will still be regulated by the LDC. This request is specifically to allow a pole sign of 40' tall, from grade to top of sign, on the subject property.

### Approval Criteria

Section 4.12(F) of the Land Development Code states that no variance shall be approved by the Board of Adjustment unless all of the following findings are made.:

1. There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size or topography that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of this LDC unrealistic.

**Response:** Exceptional conditions exist for the subject parcel as the property is adjacent to other businesses that rely on approved sign variances to attract nearby traffic on the I-70 corridor into the Town of Palisade. This corridor of businesses, and their taller signs, pull travelers off of I-70 into the Town which results in increased tourism and economic stimulus to the Town as a whole, as those visitors are more likely to explore more of the Town and its businesses once off the Interstate.

2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.

**Response:** Approval of this variance would not create any special privileges for the applicant. On the contrary, approval of this variance would allow the subject property to be on an equal playing field with the closest neighboring business which was approved for a height variance for a sign for the same height being requested in this application.

3. A literal interpretation of the provisions of this LDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

**Response:** The standard height allowed for a pole sign by this LDC is not adequate for businesses in this corridor along I-70. Additional sign height is needed for these businesses to advertise and draw traffic off of the I-70 corridor.

4. The requested variance will be in harmony with the purpose and intent of this LDC and will not be injurious to the neighborhood or to the general welfare.

**Response:** The requested variance, if approved, will be in harmony with the surrounding commercial area. The height request is for the same height as the already approved and installed Golden Gate sign.

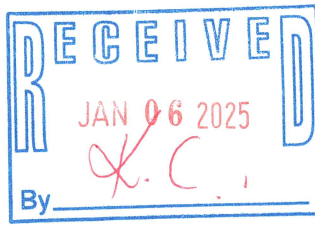
5. The special circumstances are not the result of the actions of the applicant.

**Response:** Special circumstances exist for the site due to its proximity to I-70 and to neighboring businesses with taller signs that have been previously approved by the Town. Neither of these conditions are the result of actions by the applicant.

6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

**Response:** The height request is the minimum variance needed to adequately advertise and draw traffic off I-70. The height request is the same as the height for the existing Golden Gate sign.

1-6-25



To Whom it may concern:

The owners and managers of the Palisade Peach Shack are in full support of the happy camper putting up a sign. We are in full support of allowing businesses to do what is necessary to help improve sales and foot traffic for their location.

James Sanders (Owner)

Aaron Woolsey (GM)