

**GRAND JUNCTION PLANNING COMMISSION
JUNE 25, 2013 MINUTES
6:00 p.m. to 7:10 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Reece. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Christian Reece (Chairman), Ebe Eslami (Vice-Chairman), Reginald Wall, Loren Couch, Jon Buschhorn, Steve Tolle and William Wade.

In attendance, representing the City's Public Works, Utilities and Planning Department – Planning Division, were Lisa Cox (Planning Manager) and Brian Rusche (Senior Planner). Greg Moberg was present from the Economic and Sustainability Division.

Also present was John Shaver (City Attorney).

Lynn Singer was present to record the minutes.

There were no interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Lisa Cox, Planning Manager, introduced John Shaver, City Attorney, who would be substituting for Jamie Beard during the meeting. Ms. Cox then announced that there would be no workshop held on Thursday, July 3, 2013 or Planning Commission meeting held on Tuesday, July 9, 2013.

Ms. Cox also announced that the City and Mesa County Planning Commission joint planning workshop on the Orchard Mesa Neighborhood Plan would be held on Thursday, July 11, 2013 at noon in the City Hall Breakroom.

Consent Agenda

1. Minutes of Previous Meetings

Approve the minutes of the May 14, 2013 regular meeting.

Chairman Reece briefly explained the Consent Agenda and invited the public, Planning Commissioners and staff to speak if they wanted any item pulled for additional discussion or a full hearing. With no amendments to the Consent Agenda, Chairman Reece called for a motion.

MOTION: (Commissioner Wall) “I move that we approve the Consent Agenda as read.”

Commissioner Eslami seconded the motion. A vote was called and the motion passed unanimously by a vote of 7 - 0.

Public Hearing Items

2. Community Solar Project CUP – Conditional Use Permit

Consideration of a request for a Conditional Use Permit for a solar power generation facility (basic utility) on 14.34 acres in an R-8 (Residential 8 du/ac) and CSR (Community Services and Recreation) zone district.

FILE #: CUP-2013-202
PETITIONER: Ecoplexus
LOCATION: 2930 and 2940 D ¼ Road
STAFF: Brian Rusche

Applicant’s Presentation

Mr. Gary Eberhart, Ecoplexus Senior Project Manager, began by introducing himself and sending apologies on behalf of Bill Brick, Ecoplexus Project Developer, who was unable to attend the meeting.

The City of Grand Junction and School District #51 own the property and will be subscribers to the solar garden, according to Mr. Eberhart. Ecoplexus is a solar developer, serving the commercial, municipal, educational, and utility markets with distributed generation projects between 500 kW and 5 mW in size.

The proposed project is a 2 mW community solar garden on 10.56 acres. The project is for 20 years. Colorado has state policies with a goal of 30% renewable energy by the year 2020. The Community Solar Garden Act, passed by the Legislature in 2012, requires the PUC to offer a structure for public utilities to develop centrally located community solar gardens with renewable credits sold to subscribers. Rules limit the size to 2 mW, with at least 10 subscribers in the County, reserving 5% of the energy for income qualified residents.

Mr. Eberhart showed the site plan and described Phase I, including the adjacent land uses and general layout of the solar arrays and access road. He then showed a typical array elevation with a maximum height of 8 foot, 6 inches.

The proposed landscaping is structured to provide benefit to those residences closest to the property in the southeast corner of the property, including a ranch style fence. The remainder of the property will have a chain-link fence with a visual barrier on the east side.

Mr. Eberhart explained the construction of the project, including underground trenching, with the solar arrays on steel posts that are “vibrated” into the ground, without pouring concrete. This part will take approximately 3 weeks. The remainder of the installation Mr.

Eberhart compared to assembling an Erect-a-set. Goal for operation is December 20, 2013.

Mr. Eberhart then showed photos of solar projects that had been completed elsewhere.

Mr. Eberhart outlined the benefits of the project, including a \$3 million electric cost savings for the City and School District, which will free up general fund dollars. An estimated annual reduction of 3000 metric tons of CO₂, which is equivalent to 592 passenger vehicles or 6600 barrels of oil. The project is a wise use of public land that would otherwise be a liability, turning it into a productive asset. Mr. Eberhart praised the bold leadership by City and School District.

After the 20 year life of project, the community will have opportunity to own the asset, or it can be removed and the site returned to its original state. The solar panels have 25 year life, but they degrade one half of one percent each year, resulting in about 90% production in 20 years, according to Mr. Eberhart.

Mr. Eberhart addressed the compatibility of the project. It will produce zero emissions, the proposed landscaping and buffers will mitigate visual impact, the panels do not glare and have been installed at airports, the panels are made of non-hazardous recyclable materials. The proposed fence provides security.

Mr. Eberhart continued, stating the solar technology is safe, as evidenced by its installation at homes and schools. The panels are only 8'6" and will not block views. Between 2 and 4 times a year a crew will clean and maintain facility, which will otherwise be monitored from Ecoplexus' offices. Development of the facility does not increase traffic or need for services and will "lock up" the property with a non-invasive use. While there will be no pavement, there will also be no dust, which is incompatible with solar panels. Mr. Eberhart indicated that steps will be taken that are necessary to reduce dust. No lighting is proposed except a night-light near the invertors. No heat island effect will occur, since PV (photovoltaic) panels absorb and store heat, but at a lower rate than the Earth. Mr. Eberhart indicated that the project will comply with planning and fire standards.

Questions for the Applicant

Commissioner Wade asked whether the landscaping buffer would be completed now or later.

Mr. Eberhart replied that his job is to get facility up and running, with the landscaping subsequent. Economically, thought, it makes since to get it done right away. Mr. Eberhart noted that he has discussed with staff the way to get the most positive impact with the landscaping dollars.

Commissioner Wall asked about Lot 2 and whether there is the possibility of an expansion; if so would it be similar to Lot 1.

Mr. Eberhart replied that his company wants to do an expansion, but must submit for another project to Xcel for approval via a lottery. If successful, it would be similar.

Commissioner Wall asked whether the landscaping would change with an expansion.

Mr. Eberhart replied that it was likely a composite wood fence, which lasts 30 years, would be used instead of chain link right at the edge of the neighborhood.

Commissioner Wall asked whether a wood fence was enough to protect the facility.

Mr. Eberhart indicated that very little theft occurs at solar facilities internationally; however they would propose barb wire on top of a composite fence, but if opposed by the neighborhood, other options that are aesthetically pleasing would be used.

Commissioner Couch asked about the vegetation under the panels.

Mr. Eberhart replied that the project will disturb the ground as little as possible and dust control would be used during project.

Commissioner Buschhorn asked if the 2nd parcel is developed, will it need to come back for a CUP.

Lisa Cox, Planning Manager, replied that the staff report says it will come back as an amendment to the CUP, since the CUP already includes both properties that function as one. The amendment would include specific details for that phase.

Commissioner Buschhorn asked if the panels will be facing the sun, will they rotate.

Mr. Eberhart replied that it is a fixed tilt system. The original design was a horizontal tracker on a single axis, but the site does not have enough room so they will be fixed at the most optimum location, resulting in a loss of about 8% efficiency.

Commissioner Buschhorn reiterated that the panels will be facing at sun all the time.

Mr. Eberhart stated that policies are changing relative to solar, with state legislatures finding ways to attract solar development. His company is hoping that policies will evolve so they can do a Phase II.

Commissioner Buschhorn asked if the panels are non-glare, as the 2nd closest house is two stories.

Mr. Eberhart replied that they may have a glossy look, but will not bounce light into a house.

With no further questions, staff was asked to make a presentation.

Staff's Presentation

Brian Rusche, Senior Planner with the Public Works, Utilities and Planning Department, introduced the Conditional Use request, noting there are two addresses for the project.

Mr. Rusche explained that the terms "farm" "garden" "project" or "facility" can be used interchangeably. The site plan shown has the School District property as 10.56 acres with the proposed solar arrays. The majority of the properties to the north, west, and south are not in the City, according to Mr. Rusche. The City owned property is for access and landscaping, with Phase II to be considered as an amendment to the CUP.

Mr. Rusche explained that the property was originally acquired by the City in anticipation of an elementary school. It was divided between the City and School District after annexation. In 2012, the District's piece was rezoned R-8 as part of a consistency update with the Comprehensive Plan. This rezone was completed prior to consideration of this site for a solar utility. A CUP is triggered by this change to the R-8 zone as a basic utility is not normally allowed in a residential zone, but is allowed in the CSR zone.

The Comprehensive Plan designates this portion of Pear Park as Residential Medium. Mr. Rusche cited Goal 11 of the Comprehensive Plan, which states that public facilities and services are a priority and that this project is a partnership with the City, School District and a private firm (Ecoplexus) putting up construction capital.

Mr. Rusche then showed the Commission an aerial photo, highlighting the GVIC canal to the north, an unimproved D ¼ Road right-of-way to the south, an unimproved 29 ¼ Road right-of-way on the west, and to the east the 29 ½ Road canal crossing which connects D to D ½ Road. The largest neighbor is agricultural, with the nearest subdivision residence 300 feet away. A ditch exists along the 29 ¼ Road right-of-way on the west, which is where a power feed will go south through the Lurvey property to D Road. The Siena View subdivision is on the north, along with the unfinished Wexford subdivision and acreages with structures at least 200 feet away, all separated by the canal.

Mr. Rusche next discussed the site plan, noting that the project is just less than 2 mW. A 6' opaque chain link with barb wire and an access road on the inside perimeter, along with a 20' access between panels provides security, privacy, and full use of the land. Access to the site is at Chert and D ¼ with no other improvements proposed, as there is no traffic except maintenance.

The landscaping buffer is for the benefit of adjacent residences without undue maintenance, according to Mr. Rusche. Different developments have different landscaping requirements, but these don't fit with solar panels that gather the sun. As such, Mr. Rusche recommended that the Commission approve the proposed plan, which he noted was similar to a subdivision entrance. The City has irrigation rights to maintain the landscaping and the plan would be reevaluated if a 2nd phase is proposed. Further, the proposed panel height of 8'6" was shown in comparison to average person; the panels would be surrounded by 6' fencing that includes warning signs and these were incorporated into the applicant's request.

Mr. Rusche, as project manager, recommended that the Commission approve the request, finding that it meets the criteria for a CUP and that the site design, fencing, and landscaping proposal create compatibility.

Mr. Rusche further recommended conditions that include items to be completed and to be remembered, including the access and operation of the site as one unit on both parcels for the 20 year duration of the project. Mr. Rusche noted that a CUP, if approved, runs with land, as do the conditions, once fulfilled, including operation as one project.

Planning Commission Questions for Staff

Commissioner Wall asked if Lot 1 and 2 function as one site for the duration of the use, then if more panels are proposed on Lot 2, why would it need another review.

Mr. Rusche responded that the access point to the District property is on City property, which ties them together for duration of project. Therefore, a review must be done in the same manner as the original request, which is through, the CUP process.

Commissioner Wade asked why two years was chosen as the deadline to complete the landscaping.

Mr. Rusche responded that it would give one additional growing season, with a total of two seasons, to complete the landscaping so it will grow.

Commissioner Buschhorn asked if the tie in line on the Lurvey property was being pushed on them.

Mr. Rusche responded that negotiations with the Lurveys were mutual and between them and Ecoplexus, along with Xcel, who will use the line. These negotiations are done outside the CUP process, but the condition was included so that it gets done. Mr. Rusche emphasized that no condemnation of property was being used.

Public Comment

There was no public comment.

Planning Commission Discussion

Commission Wall stated that the request makes sense and is compatible. He asked that staff work with the applicant in making sure the fencing does not need to be changed if they expand.

Commissioner Wade asked if a commissioner wants to change a condition, can the commission approve it with that change.

Ms. Cox asked Commissioner Wade to include the change in the motion.

Chairman Reece asked if there were any other questions or comments. As there was no further comment, she asked for a motion.

MOTION: (Commissioner Wade) “Madam Chairman, on the request for a Conditional Use Permit for a solar power generation facility (basic utility) on 14.34 acres in an R-8 (Residential 8 du/ac) and CSR (Community Services and Recreation) zone district, CUP-2013-202, I move that the Planning Commission forward a recommendation of approval to the City Council with the facts and conclusions listed in the staff report, with the condition that the landscaping be completed in 18 months rather than 24 months.”

Commissioner Tolle seconded the motion. A vote was called and the motion passed by a vote of 6 – 1 with Commissioner Wall voting against the motion.

3. Form Districts Code Amendment – Zoning Code Amendment AT 50:00

Forward a recommendation to City Council to amend the Grand Junction Municipal Code, Section 21.03.090, Form Districts.

FILE #: ZCA-2013-229
PETITIONER: City of Grand Junction
LOCATION: Citywide
STAFF: Greg Moberg

Staff’s Presentation

Greg Moberg, Planning Supervisor with the Division of Economic Development and Sustainability, introduced the proposal to amend Section 21.03.090, Form Districts, of the Grand Junction Municipal Code.

Mr. Moberg explained that the proposal was to address the language concerning the Mixed Use Corridors. Mr. Moberg went on to clarified the differences between traditional and form based zoning. Traditional zones require that the building be setback from the street whereas form based zones bring buildings forward placing the pedestrian in direct contact with the storefront and first floor uses. Traditional zones are use based and form based zones are more about building form and function. The emphasis of traditional zones is on the property whereas the form based zones emphasize the building’s relationship with sidewalks and roads. Finally, traditional zones segregate uses whereas form based zones bring different types of uses together.

Mr. Moberg than explained the reasons for the proposal, explaining how the mixed use form districts and the specific building types are regulated in the Mixed Use Corridors.

There are three mixed use districts specified in the Code; Mixed Use Residential, Mixed Use General, and Mixed Use Shopfront. There are five building types allowed within the mixed use districts; Shopfront, General, Apartment, Townhouse and Civic. The Shopfront

building type is only allowed in the Mixed Use Shopfront district, the General building type is only allowed in the Mixed Use General district. This limits where retail sales and service can be located as retail sales and service are only allowed in the Shopfront building type and not in the General building type. Consequently, a problem is created as the Shop Front district is only allowed at the intersections of major roads. Therefore the Code doesn't allow a complete mixture of uses within the Mixed Use Corridors.

Mr. Moberg than summarized the proposed changes to the Code. These changes included striking the wording that restricting Mixed Use Shopfront districts to be located at the intersections of major roads, added wording concerning awnings and landscaping and cleaned up the wording concerning uses allowed within each building type.

Planning Commission Questions for Staff

Commissioner Tolle asked if designated bike lanes were taken into consideration with the Form based districts.

Mr. Moberg explained that that bike lanes were outside the scope of the Form districts. Currently, the Transportation Plan addresses bike lanes as the Form districts are more focused on where people live and work and the creation of pedestrian oriented development.

Commissioner Tolle made a recommendation that staff find some way to meld the two together that would create a bicycle and pedestrian friendly development. He went on to say that the proposed changes are well done and that he thought we needed to do this.

Ms. Cox stated that Kathy Portner of Neighborhood Services and Jody Kliska, Traffic Engineer, are working on developing something concerning complete streets.

Commissioner Wall asked for clarification that Shopfront building types are only allowed in the Mixed Use Shopfront district.

Mr. Moberg explained that that was correct and this would not change. What is being proposed is to remove the restriction that Mixed Use Shopfront districts can only be located at the intersections of major roadways thus allowing Mixed Use Shopfront districts throughout the Mixed Use Corridors. Mr. Moberg than explained how the General and Shopfront building type differ from each other.

Public Comment

No public comment.

Planning Commission Discussion

Commissioner Wall stated that he thought the changes were more development friendly which is a positive thing for the City.

Chairman Reese agreed.

Chairman Reece asked if there were any other questions or comments. As there was no further comment, she asked for a motion.

MOTION: (Commissioner Wade) “Madam Chairman, on the request to forward a recommendation to City Council to amend the Grand Junction Municipal Code, Section 21.03.090, Form Districts, I move that the Planning Commission forward a recommendation of approval to the City Council with the facts and conclusions listed in the staff report.”

Commissioner Wall seconded the motion. A vote was called and the motion passed unanimously by a vote of 7 – 0.

General Discussion/Other Business

None.

Nonscheduled Citizens and/or Visitors

None.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 7:10 p.m.