

**CITY OF GRAND JUNCTION CITY COUNCIL
and
BOARD OF COUNTY COMMISSIONERS FOR MESA COUNTY**

**JOINT PERSIGO MEETING MINUTES
APRIL 30, 2008**

Call to Order

The Grand Junction City Council and the Mesa County Commissioners Joint Persigo meeting was called to order by President of the Council Jim Doody at 5:38 p.m. on April 30, 2008 in the City Auditorium. Councilmember Hill led in the pledge of allegiance.

City Councilmembers present were Teresa Coons, Bruce Hill, Gregg Palmer, Linda Romer Todd, Doug Thomason, and City Council President Jim Doody. Absent was Councilmember Bonnie Beckstein.

From Mesa County, County Commissioner Chair Janet Rowland and Commissioners Craig Meis and Steve Acquafresca were present.

Also present were City Staffers Deputy City Manager Rich Englehart, City Attorney John Shaver, Public Works and Planning Director Tim Moore, Utilities and Street Systems Director Greg Trainor, Utilities Engineer Bret Guillory, Communications Coordinator Sam Rainquet, Principal Planner David Thornton, GIS Analyst Steve Smith, and City Clerk Stephanie Tuin.

County Staffers present were County Administrator Jon Peacock, Assistant County Planning and Development Director Kurt Larsen, County Attorney Lyle Dechant, Public Works Director Pete Baier, Assistant County Attorney David Frankel, County Attorney Staff Brenda Stratton, and Clerk to the Board Bert Raley.

County Commission Chair Janet Rowland reviewed the planning of this meeting and then asked County Administrator Peacock to review the history of this process including what has happened since the February 13, 2008 meeting.

Mr. Peacock detailed what took place in the interim including the use of the consultants who are conducting research for the Comprehensive Plan. The consultants developed some recommendations for the areas being considered at this meeting. He noted that only certain areas were advertised for consideration for inclusion into the boundary. Any inclusion of those areas does not approve the land use designations being recommended. Final land use and zoning decisions are made at a later time by the Planning Commissions and City Council.

Public Works and Planning Director Tim Moore then described the series of public meetings that were held and how the information was gathered. The meetings were

well attended (approximately 250 total). A sub area concept was developed with four scenarios. He explained each of those scenarios: business as usual; low density; high density; and village center scenarios. The participants were polled on their preference. The polling indicated how the different concepts should be laid out in the two areas. He reiterated that the scenarios are conceptual.

Mr. Moore concluded by saying that they are still working on the Comprehensive Plan which will cover a much greater area.

County Administrator Peacock recapped that the consideration tonight is only in the two areas that were advertised and whether they should be included in the Persigo boundary. Any approvals tonight will not be land use decisions.

He outlined the options for the joint board: add all, add none, or add a portion of the areas advertised. Additional areas can be considered at another time. He suggested the whole body discuss the matter and come to a consensus for one motion.

Commissioner Meis asked for clarification on the northwest study area that runs up to J Road. Mr. Peacock said the areas advertised were based on the number of properties that wanted to be included (properties designated in green). Commissioner Meis then asked how the zoning is then changed. Public Works and Planning Director Moore explained that the City will be looking at the Comprehensive Plan for guidance. To clarify, the underlying zoning remains the same until the owner requests the change.

Councilmember Todd inquired if the options are that the developer can use the existing County zoning or the new Future Land Use Designation. City Attorney Shaver explained that it is a recommendation that it is zoned consistent with the Future Land Use Designation but the City Council makes the final decision.

Councilmember Todd provided an example to which City Attorney Shaver reiterated it is the Council's determination. He noted that once the property is in the 201 boundary, it should be developed to City standards. Generally, it is zoned consistent with the Growth Plan.

Councilmember Coons added that there is the option but it is not the applicant's option, it is for the City Council to decide. City Attorney Shaver concurred.

Councilmember Hill noted that it is the joint planning area, that is, both Planning Commissions will plan these new areas if taken into the boundary. The designation can be changed but it is difficult to change because it went through a public process. That is why it is so important to stick to the Plan.

Commissioner Chair Rowland then outlined the proceedings and how they will take public comment. The board will take five in favor and five opposed.

Public Hearing – Concerning 201 Sewer Service Area boundary adjustments in the northwest area and southeast area

The public hearing was opened at 6:10 p.m.

Comments in favor:

Dale Beede, 2059 Baseline Road, represented two owners that are in the northwest area and are in favor of the expansion of the boundary.

Dave Zollner, 2545 Canaan Way, is in favor of expanding the sewer boundary. However, his concern is that the Persigo Agreement handcuffs the ability to maintain some rural densities in those areas. His understanding is the once the property is in the boundary, it is in the hands of the City. There is no ability for a family to divide an acre off to sell to a child. He suggested that the Persigo Agreement be changed to allow, but not require, the higher densities.

Bond Jacobs, 888 21 Road, owns 40 acres on the south side of I Road and the east side of 21 Road. He is in favor of the boundary change.

Jeffrey Fleming, 2419 Hidden Valley Drive, representing owners of properties owned by Peach Hill, LLC, located between 24 ½ and 25 Road, north of I-70, asked for consideration of additional areas. In 2006, they had submitted an application for expansion with Mesa County but when these meetings were scheduled they halted their process. The property meets all the guidelines of all the plans. They request the 45.5 acres be considered as additional area in the 201 boundary.

Steve Kesler, 494 Tiara Drive, said many are very passionate about this but there are many people not here. He has the same concerns about expanding the boundary, i.e. traffic and open space, etc. Affordable housing is also very important. Few people can afford a lot these days. There are very few people making a living as a farmer these days. There has to be considerations for sewer to have the densities so houses can be built that are affordable.

Comments opposed:

Jim Schnell, 3285 C ½ Road, in Orchard Mesa, asked that if any of the board had ex parte communication on the issue that they recuse themselves from voting. Much of the land in both regions has been designated as unique agricultural lands, lands that cannot be duplicated elsewhere. Agricultural interest represents a significant part of the economy of the valley, and needs to be an accommodation of expansion need and preservation of irrigated farmlands. Regarding the Orchard Mesa agricultural land, the property owners there would prefer the high density areas be maintained west of 30 Road, and keep east of 30 Road as agricultural.

Darrel Sartin, 989 Priscilla's Way, off of J Road and 22 Road, was pleased to note Jeff Winston's proposal brought the boundaries into the northwest area. He is surprised to see the "top hat" going up to J Road. He is basically in favor of the expansion but not quite as far north as proposed. His concern was continuity to the existing homes and that the Comprehensive Plan is not complete. He would be more comfortable if that were in place.

Pam McLaughlin, 2275 Homestead Drive, agreed with Mr. Sartin; she would like to see the northwest area zone 1 kept at a higher density, keeping services close in, and leave areas 2 and 3 low density and open.

Trevor Allen, 3077 A ½ Road, spoke against the expansion. He would rather see density closer to town. He grew up in that area and is raising his kids to ride horses and raise cattle, and wants to be able to give his kids that heritage. He and his neighbors moved there to have a rural lifestyle.

Kerry Cook, 3097 A ½ Road, said he has a small orchard; it is not his prime source of income but a nice way to live. His property faces north of A ½ Road and is concerned about the area changing to high density and is against the expansion.

Comments in favor:

Jana Gerow, 1334 21 Road, in the north area, is very pleased with the larger growth areas previously being considered; many of the people in the north area are not concerned with the growth, but should be looking at something for the greater growth area, so all the growth isn't being crunched into a small area. She favors this but encouraged a greater vision as this won't satisfy the needs for ten years.

Ann Hayes, 624 30 Road, chairman of a local realtor association, supports what Steve Kesler said. There is a need for affordable housing as they cannot find housing for many clients. She asked the board to make the decisions that are right for the future of the community.

Darin Carei, 2571 I ½ Road, said he could be in opposition because he is in a position to benefit by virtue of having an interest in having over 200 lots in the current boundaries, but many neighbors cannot afford to live in a house they own. When he began his business, he use to be able to deliver a product into the community for less than \$80,000, and now it is at \$170,000, some due to commodity increases, and the continued growth in the cost of land. The value is based on the availability of acquiring sewer and the cost of land that has increased tenfold. Children won't be able to afford to live here and will leave the area.

Buck Connaway, 276 31 Road, has a small lot, 6 acres, asked if the east side of 31 Road is included in the boundary. The board stated that it is not in the proposed boundary change.

Don Pettygrove, 8 Moselle Court, stated that this has been a long time coming and is only a starting point as Jana Gerow had stated. The Board needs to keep looking at expanding because there is a high demand and a lack of supply driving prices up. More areas need to be opened up, and needs to be addressed sooner than later. As leaders, they have to understand that is what it takes.

Mac Cunningham, resides in South Rim, has interests in Orchard Mesa, and has attended many meetings. Important points have already been raised. A conflict exists between the requirement to come under the City and the ability to secure sewer. The same issue came up when Persigo and the Growth Plan were put into place and at that time was pushed aside. He thinks the boundaries ought to be expanded significantly, but adopting this without a Comprehensive Plan is a real conflict. Affordability is an issue. The least expensive price for a piece of undeveloped ground is \$30,000, with roads, it takes it up to \$38,000. Ute Water wants \$5,800 for a tap fee. It costs \$40,000 per home just for the land cost without streets. It costs \$160,000 to \$200,000 for a least expensive housing unit. Apartments used to cost around \$45 per square foot ten years ago, now it is \$90 per square foot to build. Densities within these boundary areas and within other existing areas need to be included.

Comments opposed:

Gretchen Sigafos, 131 31 Road, 2/10 of a mile below the southern boundary of the advertised area, is puzzled why higher densities are not being put into the study area. She is opposed to the expansion because it will bring new traffic and new families into this area. She asked when the board will be looking at the next area where the high densities are. County Commission Chair Rowland clarified how that came to be.

Bill Elmlad, 307 31 $\frac{3}{4}$ Road, east of the Orchard Mesa area, is opposed to the expansion at this time. On Feb 13th it was decided to postpone this because the area had not been planned and it still hasn't. He said it makes no sense to approve expanding the boundary into the area before the Growth Plan has been adopted. He and the area neighbors value the rural and semi rural area they live in and it is important to them to have that characteristic.

Ann Schnell, 3285 C $\frac{1}{2}$ Road, passed out map of unique and prime farmlands, and stated that a lot of the area on Orchard Mesa is prime and unique. People can grow a lot on five acres, there is a food shortage, and it is important to have locally grown food. She thinks the board should consider dryland development for Persigo expansion and a creative solution for high density housing. It would take the pressure off irrigated farm land. She is concerned about affordable housing, not just here, but in many other areas.

Comments in favor:

Cathy Horen, 1982 J Road, was involved in Osprey development, and it obvious there is a problem with affordable housing. There is a high demand for sewer and supply is

limited by the boundaries, and she thinks it is wise to expand the boundaries. With a smart Code and Growth Plan that provides smart development with open space and pathways, multifamily, transportation centers, etc. it would give bonus criteria for those that want to keep a rural spot within the developed area. Boundaries are being held too tight and will keep housing unaffordable.

Dave Glassmeyer, 821 Mease Road, said he knew the area around them would develop and he is in support of the expansion.

Cleo Rooks, resides within the Orchard Mesa study area, stated her family has owned property since 1911, and has farmed ground until the last three years due to health reasons. Their children know that economically, it is a nice place to live, but they cannot make a living. They would like to give some of their land to their kids. She asked that they learn from what happened at Valle Vista. She stated that their property rights are valuable to them and asked that the Board consider that.

Patrick Green, 2045 S. Broadway, stated he is in support of this first phase and pointed out that this is just a starting point. An overall study of the sewer system for future service needs to be looked and it would give good direction.

There were no other public comments.

The public hearing was closed at 7:05 p.m.

Board discussion:

Councilmember Todd thanked those that came forward. They are here to make decisions for the future, 40 or 50 years out. If they keep binding themselves, it could be a catastrophic situation. A lot depends on the Comprehensive Plan, and she doesn't believe the cart is before the horse. The Plan will be developed for both sides of the line. It was confusing having the two maps, with the consultant using their map and Staff using the other map. In regards to densities moving out to the dryland, it causes other problems, traffic and service to those areas, most of it is BLM land and that complicates issues. In reference to affordable housing, they also want amenities. She was wanting to expand it all the way north and look at a longer vision, but thinks they have done a good job identifying the areas that are ready to move forward, and would support those areas as identified.

Commissioner Acquafresca said he benefitted from the input, as it added to his understanding. He attended 7 of the community meetings, they were very comprehensive, and about 250 people participated in those meetings with great diversity. The neighborhoods were well represented. He has an idea of what is mostly accepted to those most affected. The most widely accepted planning theory is to expand urban boundaries in a manner resembling concentric rings moving outward over time. It is a good time to take a small step in both areas as advertised. He intends to elaborate further when they are ready to vote.

Councilmember Hill said George Crawford had it easy when planning the original town. Today, it is dealing with people's property, and there is a lot to consider, a plan, a vision and where is it all going. The board respects and takes in all comments and concerns. An artificial boundary plays into economics, and commercial and industrial expansion hasn't even been discussed. There are many things driving supply and demand; the desire for open space is a high priority for the community. There is a lot of open space owned by the State and Federal governments. There is a buffer area between the City and Palisade and Fruita. There is a quality of life issue and an affordability issue; it is about infrastructure, and the need to maximize that. A step to move to the next step is planning. He'd like to take that next step ten years from now that they started planning today. He supports the expansion, and believes the community together can do good planning.

Councilmember Coons agreed with Councilmember Hill to some extent. She is intrigued with the idea of property rights, and how to resolve the question one's right to develop and one's right not to be affected by neighbor's development. She appreciates the willingness for people to become engaged and is encouraged by the number of people who attended the meetings. The ongoing process won't end tonight nor in the next year or so. The key is trying to find some public consensus, and they can't make everyone happy but hopefully they can come to an agreement that meets the needs of more people than not. She agrees with doing higher densities within the City's core. They need to look at a longer term vision on how to expand boundaries in a smart way. She believes in the need to preserve agricultural lands and open space. They need to continue to work with Mesa Land Trust and organizations like that to preserve certain pieces of property. She is interested in what Commissioner Acquafresca's plan is for what makes sense. She is in support of the expansion.

Councilmember Palmer stated that he has been to a number of different meetings. There was a lot of deliberation, a lot of changes have been seen already, and they are looking out 10-15-30 years, with a series of meetings over a number of years. Everyone knows the area is growing. He favors moving incrementally where support currently exists. The number of "green" areas indicates people are awaiting change and they need to be proactive in moving forward. He is in support of some expansion in the designated areas and is also interested in what Commissioner Acquafresca has to say.

Councilmember Thomason lauded the participation and feedback; there were great comments on both sides. It goes back to that both of these study areas were largely "green". He supports inclusion of both study areas as advertised but cautioned that these areas may not be conducive to a high density situation.

Commissioner Meis said this is a much more realistic and incremental approach to the sewer expansion than at the last meeting. The development of the concept plan has helped identify these areas. He still has some concerns that as these areas are jointly planned, if there are areas that aren't going to be sewerred, they need to reconsider the boundary at that time or down the road look at disconnecting that piece from sewer. To the City's benefit too, densities should not be forced by expanding sewer. He

suggested they take a look at the densities and come back with what the community wants to see and then see if the boundary is appropriate.

Councilmember Hill thinks that's something that could be changed in the City Code, it's not development, but maybe a simple land split. And when developed, it needs to go onto sewer. The Code needs to allow breaking off 10 acres from 100 acres and not requiring it go to sewer until development.

Councilmember Beckstein believes this is a good compromise and alleviates concerns that the board was going too far, it is a good medium and there are those in the areas that want to be included. She will support both the north and the Orchard Mesa areas being included.

Council President Doody said there has been good discussion. He has seen examples of many communities that cannot expand so they are going up. It takes time to plan and it's good to have these meetings to provide the opportunity for everyone to be heard. He is support of the expansion.

Commissioner Chair Rowland stated that, to her, it is about affordable housing, but she also has feelings for the agricultural owners. She would like to hear a commitment from the Council to address the special need of the agricultural community and then she would be willing to move forward. She would like to see two things: 1) the flexibility for the special needs of the agricultural community and 2) willingness to make amendments to the City Code and the Persigo Agreement to allow for that flexibility.

Councilmember Todd said she agrees with the need to accommodate for that and allow for those splits, but that need should not hinder the expansion of the boundaries.

Councilmember Palmer said that they have all had those discussions and if an area is not developed then a different standard should be made and he is willing to have that discussion to see what they can do.

Councilmember Beckstein believes those that have been here for generations deserve respect for their needs and looked at on a case by case situation to allow them to continue to thrive.

Commissioner Acquafresca moved to expand the Persigo boundaries in the northwest area as advertised with the exception of the north boundary being I Road.

Councilmember Todd disagreed with pulling that line down. In looking at the landowners that are ready and willing, she thinks they should stay with advertised area.

Councilmember Coons said that in looking at the planning area concept plan, the boundary proposed in the motion is more in line.

Councilmember Palmer stated that they are trying to recognize those that are waiting for this and have already expressed agreement to be included; they should not be excluded now.

Councilmember Beckstein feels they should stick with the original advertised boundary.

Commissioner Chair Rowland agrees with the original boundary advertised as a lot of owners wanted it and she would support that.

Councilmember Hill supports the boundary that was advertised. The consultants were trying to not have County on one side and City on the other side of the road.

Council President Doody said he agrees with Councilmember Hill.

Councilmember Thomason also agrees because the reality is that it would be unfair to exclude that more northern area.

There was no second to Commissioner Aquafresca's motion so the motion died.

Councilmember Hill moved in the northwest area to expand the boundary of the 201 sewer district to match that boundary as advertised. Councilmember Palmer seconded to motion. Motion carried by roll call vote.

Commissioner Meis moved to approve as advertised the expansion of the Persigo boundary for the north study area. Commissioner Chair Rowland seconded the motion. Motion carried 3 to 0.

Orchard Mesa Study Area

Commissioner Acquafrasca moved to expand the boundary for the Orchard Mesa area as advertised with the exception of the boundaries on two sides, the south side and the east side: draw the proposed extended boundary at A.75 Road on the South from 30 Road on the west side over to the proposed boundary and from 30 Road on the west to 30.5 Road on the east and extend it south to north as proposed but staying consistent with a 30.5 boundary on the east.

Councilmember Todd stated that she is opposed because it splits property.

Councilmember Thomason is also opposed, it may be agricultural land but there are a lot of properties that want in, and he would prefer the expansion as advertised.

Councilmember Beckstein agrees with Councilmember Thomason. She supports the original area as advertised.

Councilmember Coons asked Commissioner Acquafrasca if he would clarify some of the different public comments that he heard at the meetings. Commissioner Acquafrasca

stated that the map is not quite accurate as shown on the screens for the proposed area.

Commissioner Chair Rowland asked if there is anyone else that supports the change.

Commissioner Meis commented that by limiting the boundaries as Commissioner Aquafresca proposed, the farmers are forced to farm instead having the opportunity to farm or grow houses. He would rather give them the choice and therefore, he will not support it.

Councilmember Todd moved to accept the advertised area in Orchard Mesa for the Persigo Boundary expansion. Councilmember Thomason seconded to motion. Motion carried by roll call vote.

There was no second to Commissioner Aquafresca's motion so the motion died.

Commissioner Meis moved to approve the Orchard Mesa boundary adjustment as advertised. Commission Chair Rowland seconded the motion. Motion carried 2 to 1 with Commissioner Aquafresca voting NO.

Council President called for a recess at 7:55 p.m.

The meeting reconvened at 8:05 p.m.

Public Hearing – Concerning a Request for Exclusion for Property Located at 774 23 Road

Public Works and Planning Director Moore reviewed the history of this request for exclusion. On October 26, 1999, a decision was made to exclude this property from discussion of expansion. The decision not to include the property in the 201 boundary was confirmed in 2001. The owner went forward with planning of the site as an RV Park. In 2003 she received a Conditional Use Permit for the RV park. In 2006, there was a change in the boundary to the north that included several properties including this property in question. At the last Persigo meeting the property owner asked to be removed from the boundary. Two options were discussed, either remove the property at that time or table it until other options can be considered.

Councilmember Todd asked for confirmation that the applicant had already started the process to be excluded prior to the line being moved up to H Road. Mr. Moore confirmed that is correct, that in 2001, the property owner received a letter from the City that advised that the property would not be included and she should develop under the County. The property owner has continued to make progress on her development.

Councilmember Palmer asked if the property owner will be enclaved in the future and will it create a similar problem? Mr. Moore said it is probably not a problem under the current use.

County Administrator Peacock stated that if the property is enclaved and eventually annexed, it doesn't necessarily mean they would have to hook onto sewer right away until such time as further development occurs.

Councilmember Hill commented that it would allow the property owner to finish the project under the County process.

Mr. Moore stated that as the area develops and annexation occurs, the property owner may decide there is a better use or opportunity for the property.

Councilmember Hill stated that the applicant, once the development is complete, could still request to be annexed into the City and wouldn't necessarily have to hook up to sewer at that time.

Marie Ramstetter, 774 23 Road, the applicant, summarized the history and the back and forth from County to City she has had. The County Planning Department suggested that she develop an RV Park. It required a variance which was received and the plans were approved in 2004. She was moving forward with the project, and then had an unfortunate situation in the family. She built a house suitable for handicapped, took time with her folks, and missed the Persigo meeting where the whole area was brought into the boundary. To get sewer, it would take a great distance for the line and right-of-way would be needed. She decided to wait until the sewer is in 23 Road, but it may take too long, so right now, she just wants to finish the project and be out of the boundary.

The public hearing was opened at 8:19 p.m.

There were no public comments.

The public hearing was closed at 8:20 p.m.

Commissioner Meis moved to approve the request for exclusion of the property located at 774 23 Road. Commissioner Acquafresca seconded the motion. Motion carried 3 to 0.

Councilmember Hill moved to support the request for exclusion of property located at 774 23 Road. Councilmember Beckstein seconded to motion. Motion carried by roll call vote.

Public Hearing – Amendments to the Persigo Agreement to be consistent with any boundary changes approved

Commissioner Chair Rowland asked that this item be tabled as it is too premature to make amendments at this time.

Councilmember Hill recommended the Council have conversations with the Planning Department and the Legal Department and look at the City's Code. Council needs a chance to review and identify triggers for the sewer piece that are less harsh, and then come back to the Commissioners.

Commissioner Chair Rowland asked if anyone disagrees with tabling this item. All Commissioners and the City Council were in agreement to tabling this item.

Other business

Councilmember Todd commented on the great comments from the public and how far the Council and Commissioners have come to allow public input, and many people have commented as such.

Adjournment

There being no further business, City Council President Doody adjourned the meeting at 8:22 p.m.

Stephanie Tuin, MMC
City Clerk