

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING**

July 16, 2008

The City Council of the City of Grand Junction convened into regular session on the 16th day of July 2008 at 7:06 in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Linda Romer Todd, and Council President Gregg Palmer. Absent was Councilmember Doug Thomason. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Palmer called the meeting to order. Councilmember Doody led in the Pledge of Allegiance.

Proclamation

Proclaiming July 26, 2008 as “Americans with Disabilities Act Day” day in the City of Grand Junction

Appointments

Councilmember Beckstein moved to appoint Steve Thoms for a one year term expiring June, 2009, Greer Taylor for a two year term expiring June, 2010, Kathy Jordan as the Avalon Foundation Representative and Patti Hoff as the Downtown Development Authority Representative for three year terms expiring June 2011 all to the Avalon Theatre Advisory Committee. Councilmember Hill seconded the motion. Motion carried.

Citizen Comments

Milton “Tony” Long, 237 White Avenue Apt. B, (St. Benedicts) thanked the City Council for St. Benedicts. There are still people that don’t have shelter but he expressed appreciation for his accommodations.

CONSENT CALENDAR

Councilmember Beckstein read the Consent Calendar and then moved to approve the Consent Calendar which only had one item. Councilmember Hill seconded. Motion carried.

1. **Setting a Hearing on Zoning the FedEx-Swanson Annexation, Located at 788 22 Road and 2223 H Road** [File # ANX-2008-091]

Request to zone the 13.2 acre FedEx-Swanson Annexation, located at 788 22 Road and 2223 H Road, to I-1 (Light Industrial).

Proposed Ordinance Zoning the FedEx-Swanson Annexation to I-1 (Light Industrial), Located at 788 22 Road and 2223 H Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 6, 2008

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Policy Regarding Invocations at City Council Meetings

Staff has been working with several groups on this concern. Legal has developed a policy to be considered that may well meet the concerns of the groups and comply with case law.

Laurie Kadrach, City Manager, reviewed this item. She said the presentation has been put together by City Attorney John Shaver and herself. It is her intent to open a dialogue between the City Council, the City Manager, and the City Attorney. She explained why this is being discussed now. A letter was received May 5, 2008 from the Western Colorado Atheist Association. She and the City Attorney met with these representatives and learned that the Atheists' group did not feel the current practice of invocations during City Council meetings was in compliance with the law. Their suggestion was to end the practice completely. Another option offered was to have a moment of silence instead. A third option offered by the City was to continue the practice but update the current practice to meet the legal parameters. It is unclear if the Association as a group has an opinion on that option.

The City Manager and the City Attorney have met with a lot of interested parties for the last couple of months. They looked at what others are doing and what the court cases have recommended. She identified three principal Supreme Court cases (Marsh, Allegheny County and Lemon) as the ones they focused on. Subsequently, that information was shared with the various groups. The volume of information on this issue is large. There is not a written policy for the City's current practice. A question arose as to why the invocation is only occurring at one meeting. City Manager Kadrach explained how that came to be and that the change to Monday provided an invocation for the week.

Concerns with the current practice are that recent invocations have been dominated by sectarian invocations; although it has been unintentional. That is what the establishment clause means. The court says no one religion can be represented. The other thing is that there is not an established invitation process. Lastly, there is no clear purpose. Elected Officials can ask to have an invocation that is legal.

There are other boards and commissions whose members are selected by the City Council and there is no clear direction for these boards in this area.

City Manager Kadrich and the City Attorney believe there are three questions. Is legislative prayer legal? Research shows that yes, it is and the City has had a historical precedence of having an invocation. If the elected officials feel an invocation is of use, then they can have it. So the second question, what is the selection process for clergy or speakers. The third question is the constitutionality of particular prayers. Some folks have objected to the content so the courts have upheld that a prayer can be to a heavenly body (God) but not to a particular person or religion. The courts are not clear if the contents can never contain those references or if they can, the frequency. The courts have provided some particular wording that would be constitutional. When it was suggested to some of the folks that the sectarian content be removed, the individuals were not sure if they would be agreeable to that.

Therefore, the options are to leave it as is, end it, or modify it. The reason to leave it as is would be that it does have historical precedence; however, it may not be legal. If the Council modifies the practice, the why would be, that the community is likely to prefer modifying the practice rather than ending it. However, it could still be subject to challenge. The last option to end the invocation would eliminate any questions as to the legality but then it may not meet the community's and Council's desires.

If the Council chooses to modify, then Staff could bring forward a resolution that would be in the record and could be used by others and it would be clear what the policy and practice is. Another possibility is to have a Chaplain. A Chaplain would ensure all groups are represented and would invite participants and review the content of proposed invocations.

Another option is to reorder the agenda so that the invocation is not part of the official part of the meeting.

If the invocation is retained, a new invitation process could be established and then those that want to participate could be selected from that group at random. The method of invitation would include newspapers, the web, and other methods.

Other options to consider are to regulate the content, litigate the current practice, monitor the selection in the community, and document it, (that would be complicated to keep balance).

Councilmember Hill asked for elaboration on the establishment clause, is that part of the first amendment. City Manager Kadrich replied affirmatively.

City Attorney Shaver said the 14th Amendment did make the Bill of Rights applicable to States. Councilmember Hill asked if that would then be analogous that the City shall make no law to establish a religion. City Attorney Shaver agreed.

Councilmember Hill asked, regarding balance, what is the invocation balancing to? City Manager Kadrich responded that having the majority of the invocators praying to Jesus Christ, even though that may be the predominate religion in the community, may be interpreted as the attempt to establish religion.

Councilmember Beckstein noted the current practice is using a group of religious institutions that includes a rabbi and a new age religious leader. City Manager Kadrich said that is not what has happened. There are a couple of folks that are called. Councilmember Beckstein responded with the question of how can they be regarded as condoning a certain religion when they do not even know who is coming forward. City Attorney Shaver stated the argument is that it is not just the City Council, it is the City; it appears that Christianity is perceived as the preferred religion by the number of speakers that are from that faith.

Councilmember Doody asked why the various denominations in Christianity are all bundled together regardless of the different teachings between the different denominations. City Attorney Shaver said the courts have not dissected the various Christian faiths. He went on to say that the Marsh case revolved around the hiring practice for chaplains and spoke to non-denominational; the Lemon case deals with the funding of parochial schools; and the Allegheny County case is about religious displays at the holidays. None of these court cases address this particular situation.

Councilmember Todd asked if the individual Councilmembers could perform the invocation. City Attorney Shaver said that presents more issues as that does become a perception of the Council establishing a religion and it being a formal action.

Councilmember Todd asked how having the invocation prior to the meeting would help. City Attorney Shaver said that helps on the establishment part of the analysis but not necessarily the content part.

Councilmember Coons noted that the Marsh case relied heavily on historical tradition. However, the dissenting opinion is that tradition is not a valid reason for legislation.

City Attorney Shaver said that only the Marsh case made for that exception for tradition to be a valid reason.

Councilmember Hill asked if a Chaplain would take the responsibility currently handled by the City Clerk. City Manager Kadrach said yes, but the City Clerk is not asked to screen the content.

Councilmember Todd voiced concern that screening the content infringes upon free speech.

City Manager Kadrach said there is still more information out there but Staff wanted to bring some information forward for the sake of the community.

City Attorney Shaver noted there is a divide as to the frequency of references allowed and there is no additional case law out there, one case says routine references are unconstitutional and another case says that occasional references are constitutional. So there aren't hard numbers to reference.

Councilmember Todd said she would like to digest and research the issue but does not want the issue to drag on. She suggested a thirty day time frame to bring something forward.

Councilmember Hill agreed that there is currently not a written policy but he does feel there is a policy, a process, and a purpose. He noted that many things being used are taken out of context. He questioned if by having an invocation, is it an attempt to establish a religion? He doesn't believe so. The practice was inherited and kept. He does not believe that those that started the practice had the intent of establishing a religion. He is glad it is being reviewed. He doesn't agree with moving it to prior to the meeting. He believes there should be a policy, a process, and a purpose without establishing a law for religion. Part of the purpose is a reflection of the community.

City Attorney Shaver said that Lemon says that an action, statute, or a policy all fall under that establishment of law for religion.

Councilmember Beckstein agreed that if there is not a pool of invocators then the City needs to reach out more. She thinks that a written resolution may be needed for clarity. She would like the content to be protected as free speech.

Councilmember Coons agreed that a policy needs to be developed to say to the community as to what and why they are doing what they are doing. She became accustomed to the practice after being involved with Native American community meetings that always start and end meetings with prayer, a tradition for that community. She favored moving ahead with the discussion.

Councilmember Doody felt by not having the invocation on Wednesday has met the need to one group. He agreed with the other Councilmembers, take some time to think about it, discuss it, and come back in a month to set some policy for the invocation.

Council President Palmer said religion is personal and emotional. He asked what they can do to keep the invocation and be legal. It is not a religious service, it is a moment of reflection that is historical and traditional. He agreed the City needs to be a broad based and as inclusive as possible. Those that participate should be free to express their thoughts. Regarding location on the agenda, he would like it to see it stay as is. He agreed that a resolution or policy needs to be put in place.

City Manager Kadrich asked if documentation should be brought to a regular meeting or brought to a workshop. Council President Palmer said it should be a public setting; regardless.

Councilmember Beckstein felt that a resolution could be formulated at a workshop and then brought forward to a formal meeting. Councilmembers Todd and Coons agreed. That concluded the discussion.

Council President Palmer called a recess at 8:27 p.m.

The meeting reconvened at 8:39 p.m.

Contract to Purchase Vacant Land Adjacent to the Jarvis Property

Owners of vacant land located south of the Riverside neighborhood and adjacent to the Jarvis property have approached City Staff and offered the vacant land for sale to the City. Negotiations have been successful and a purchase contract for \$175,000.00 has been signed by both parties.

John Shaver, City Attorney, reviewed this item. He explained how this property is coming forward and the reason Staff thinks it appropriate to purchase. A significant portion of the property would be needed in the future to build the levees anticipated to be constructed in the future.

Councilmember Coons asked what would happen if the City did not purchase the property. City Attorney Shaver advised the worst case scenario would be for the City to engage in a condemnation action to acquire the needed property. The City would of course attempt good faith negotiations first.

Councilmember Todd asked if there is an existing levee.

Engineer Manager Trent Prall said the current levee was constructed rapidly in 1983 or 1984 but is not a certified levee recognized by FEMA or the U.S. Army Corps of Engineers.

Councilmember Todd asked if there is a levee on the Jarvis Property. City Attorney Shaver said that he is not aware of a levee, however the United States Fish and Wildlife Service has been involved with the backwater habitat in some of the area closer to the river and there may be some flood mitigation or protection by that particular facility.

Councilmember Doody asked if the property would be a good staging area for the levee construction. Mr. Prall said yes; having other structures there would make it more difficult.

Resolution No. 103-08—A Resolution Ratifying the Contract to Purchase Vacant Land Located South of the Riverside Neighborhood and Adjacent to the Jarvis Property, Grand Junction

Councilmember Todd moved to adopt Resolution No. 103-08. Councilmember Doody seconded the motion.

Councilmember Hill noted the current zoning does not match the Future Land Use map. It is contiguous and the zoning needs to be adjusted. He felt it is proper that the City purchase this property at this time.

Motion carried by roll call vote with Council President Palmer voting NO.

Council President Palmer explained why this item was placed on the individual consideration portion of the agenda. He wrestled with the necessity of the purchase.

Public Hearing—Growth Plan Amendment for the Park Mesa Subdivision, Located at the Northwest Corner of Rosevale Road and Little Park Road [File # GPA-2008-065]

Request adoption of a Resolution to amend the Growth Plan Future Land Use Map from Estate (2 – 5 Ac./DU) to Residential Low (1/2 – 2 Ac./DU) for property located at the northwest corner of Rosevale Road and Little Park Road in the Redlands.

The public hearing was opened at 8:49 p.m.

Scott D. Peterson, Senior Planner, reviewed this item. He described the location and the request. The Planning Commission did recommend approval of the Growth Plan Amendment. Mr. Peterson described the site which is about 13 acres; it is within the 201 Sewer Service boundary. He noted the policy regarding properties within the 201 be

developed at an urban density. Therefore, this property has come forward as an annexation and now a Growth Plan Amendment in anticipation of future residential development. The property surrounding the site is designated as estate. Mr. Peterson advised the designation is in error as it does not comply with the requirements of the Persigo Agreement. Surrounding properties, although designated as estate, are actually less than 2 acres in size. A sewer variance was granted in 2005 so they do not have to hook onto the Persigo Plant at this time but must install dry lines for connection in the future. There are some site issues regarding rock fall and flooding so engineering standards will be required.

In conclusion, the proposed amendment is consistent with the purpose and intent of the Growth Plan and Redlands Area Plan and the review criteria in Section 2.5- C of the Zoning and Development Code have all been met.

Ken Scissors, the applicant, said he did not have much to add but he highlighted that the request for the zoning came from City Staff. Originally, the application was a less dense zone. The Planning Department kicked it back. He does want sewer for the development but it would cost \$350,000 to extend the sewer so that was not an option at this time. He asked neighbors about their interest in participating in sewer extension and couldn't garner the interest. It may sound like 20 home sites could go there but due to the nature of the land, it would mean 8 lots. His plan is to split two lots.

Councilmember Todd asked if a perc test has been done. Dr. Scissors said the test came back that septic systems will not be problem as the perc test came back good. Councilmember Todd said she lived near there and there were problems with septic systems. Dr. Scissors said his test on each lot came back good.

Mac Cunningham, who lives in South Rim, wanted to speak to both Growth Plan Amendments on the agenda so he can leave. He noted that all the items on Monday night were rezones to 8 and 12 units per acre. That should happen in all areas of town. Residential medium low and low are not dense. He noted that all these parcels were zoned R-4 in the County.

Steve Voytilla, 2099 Desert Hills Road, is troubled that it appears that the City Planning Department is encouraging developers to rise to higher densities. He thinks that is wrong; it is not what the majority of Redlands residents want. He questioned why a higher density because it is in the sewer boundary when it is not close enough to get sewer.

Paul Brown, 2067 E ½ Road, neighbor to Dr. Scissors, said that when he was told by Dr. Scissors that the Planning Staff told him to go to a higher density it raised concerns that if Dr. Scissors is comfortable with the lower density, then the Planning Staff should let him go forward with that.

Mike Anton, 2111 Desert Hills Road, wasn't going to speak against this issue but when he heard that the Planning Staff is encouraging higher density he decided he better speak. There is no sewer out there yet and doesn't like changing the density because of the sewer plant. Planning Staff should not be setting the direction. He questions whether it should be legally moral and ethically correct that the Planning Staff directs an applicant to go for a density he didn't even request.

Tery Dixon, 423 Wildwood Drive, said that the County zoning in a lot of the area is R-4. This was done by the County unilaterally deciding with no rhyme or reason. She objects to compelling people to develop at greater densities to accommodate the perceived incoming growth.

Lee Moser, 2110 Wildwood Court, stated that she had spoken to Public Works and Planning Director Tim Moore about the Planners persuading developers to increase the density and she was told that the Staff should not be persuading the applicants to change their minds.

There were no other public comments.

The public hearing was closed at 9:16 p.m.

Dr. Scissors stated that those that spoke in opposition mischaracterized his statements and what actually happened. He clarified that his original intention was for eight lots and when he went to work with the Staff, the current zoning restricted him to six lots. His original intention was for eight lots, which fit beautifully on that piece of property. He worked with Mr. Peterson and did not ask him for more than what was allowed; they in no way influenced or persuaded him. They worked together and got to a zoning and a site plan that makes perfect sense for the property and for the community. It is totally mischaracterized to make it sound like Staff is being heavy handed. This is a perfect example of how it should work. They came up with a good solution.

Councilmember Beckstein said she would like to hear Staff's perspective.

Scott Peterson, Senior Planner, concurred with the statement made by Dr. Scissors. The property is within the Urban Growth Boundary.

Councilmember Beckstein summarized that Dr. Scissors brought a plan forward and Staff worked to come up with a way for him to accomplish his project and within the constraints of the Code and policies.

Councilmember Hill asked if there was a change to the 201 boundary in this area. Mr. Peterson said that the boundary has been this way since 1996.

Councilmember Doody asked if the requirement for sewer is when it is within 500 feet. City Attorney Shaver replied that it is actually 400 feet, however in this case, because of the dry lines, there would be a utility extension agreement that will identify that this parcel will connect when the sewer is extended.

Councilmember Hill stated that the subdivision is not being considered, it is a Growth Plan Amendment. Mr. Peterson said that is correct. Councilmember Hill asked, because of the topography issues, is there a risk that the property could develop at a higher density. Mr. Peterson identified areas on the property that are undevelopable.

Councilmember Coons commented on the Staff interaction with the developers. It is her understanding that properties should be encouraged to develop at an urban densities as driven by the Persigo Agreement and the Urban Growth Plan designation so it makes sense to consider a higher density and it makes sense to use the urban infrastructures. Councilmember Beckstein agreed and she is sure that Staff will ensure the development complies with the City Code and policies.

Councilmember Hill addressed the premise that the Growth Plan was in error but he thinks the other criteria are met also. The Council has not directed Staff to push high density but this is not high density. If the Council was truly trying to maximum the density, a much higher density would be brought forward. He is supportive of this amendment based on the criteria.

Resolution No. 104-08—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 13.58 +/- Acres Located at the Northwest Corner of Rosevale Road and Little Park Road to be Known as the Park Mesa Subdivision from Estate (2 – 5 Ac./DU) to Residential Low (1/2 – 2 Ac./DU)

Councilmember Todd moved to adopt Resolution No. 104-08. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing—Growth Plan Amendment for the Lusk Property, Located at 2105 South Broadway [File # GPA-2007-368]

A Growth Plan Amendment (GPA) to Residential Low (Residential, .5 to 2 acres per lot) for the Lusk property located at 2105 South Broadway from a Residential Rural (Residential, 5 to 35 acres per lot) land use district.

The public hearing was opened at 9:31 p.m.

David Thornton, Principal Planner, reviewed this item. He described the site, the location and the request. He described how he assessed whether the Growth Plan Amendment

should be made. He looked at the Redlands Neighborhood Plan and the Persigo Agreement which defines urban development as two acres or less lots sizes. He described the broad view he took and his involvement in the development of the Redlands Neighborhood Plan. He explained how the study area was determined. His evaluation included comparing the number of acres that are developed at a rural density, the number of acres developed at an estate level, and the number of acres developed at residential low. Redesignating the entire study area to residential low would bring all the properties into conformance.

Regarding the Growth Plan Amendment criteria, the entire study area is in error as 46% are not in conformance and so the entire study area should be redesignated to residential low.

Other findings include that the Persigo Agreement supports the redesignation. Councilmember Todd asked if the traffic study was based on the existing County zonings. Mr. Thornton said it was based on the existing Land Use Map plus some changes to what was anticipated (lower development and no commercial as anticipated).

Tom Volkmann, attorney representing the applicant, noted Mr. Thornton's report was extensive and complete but it is more than what is being requested. They are only concerned with the Lusk property. It is approximately 8.5 acres with significant South Broadway frontage. The applicant is asking for existing rural designation to be changed to residential low. There are some constraints in developing the property most notably an existing house. Mr. Volkmann said there are currently a number of lots designated rural that are at a higher density and they are smaller than five acres which is the minimum lot size in a rural designation. They feel the criteria of the Code have been met, not only the error but the remainder of the criteria too. He asked for favorable consideration.

Council President Palmer called a recess at 10:03 p.m.

The meeting reconvened at 10:12 p.m.

Council President Palmer asked that five in favor and then five against speak and continue to alternate until all have had the opportunity to speak.

Those in favor:

Gina O'Dell, 2084 South Broadway, said she has eleven acres and her neighbor to the west has seven acres, and her neighbor is in agreement to what Ms. O'Dell believes. She respects all of the neighbor's opinions as they have a great community there. The properties are unique. They are in favor of the amendment. Between her neighbors to the west and to the east, they represent 32 acres. Those opposed sit back from South Broadway. Her property is not as private and is more suited to a higher density. She

thinks ½ to 2 acres is appropriate. She feels the Seasons is a nice development but she thinks the traffic situation needs some attention.

Linda Emilia Arnos, lives across the street from the request and is in favor of the change.

Those against:

Alice Smith, 467 Wildwood Drive, was at the meeting for the Wylie Miller annexation which was turned down. The Mac Cunningham property Growth Plan Amendment was also rejected. Nothing has changed except more development at the Seasons. She said the community needs more affordable homes. More and more houses are being built but nothing has been done about the road. There needs to be some consistency.

David Patz, 452 ½ Whitetail Lane, stated that there is a sharp and treacherous curve in the road at the requested location. Bike riders are in danger on that corner. He disagreed that there are many lots that are less than two acres. This change will initiate change throughout and the neighborhood will deteriorate.

Steve Voytilla, 2099 Desert Hills Road, said he disagreed with statements in the Staff Report. He also pointed out other misstatements and that the Planner encouraged Ms. Lusk to go with a higher zoning. He does not have a problem with Estate zoning and that would be consistent with what has been done recently. He referred to the Cunningham Growth Plan amendment denial and agreed with that decision of not mixing different zonings.

Bill Milius, 445 Wildwood Drive, stated that the Redlands area is a small area as compared to the rest of the community. He said the study area was purposefully misconstrued. The traffic is a dangerous situation and the curves are not a traffic calming situation.

Patty Chamberlain, 2073 South Broadway, agrees that the study area did not include the entire area. The road is a bad situation. She said that all of the neighbors there would not have a problem with a change to estate.

Paul Brown, 2067 E ½ Road, spoke on behalf of himself and his parents who live at 552 20 ½ Road. He quoted Mr. Volkmann's testimony against the Wylie Miller annexation which stated there was no error at the Planning Commission meeting. No one had a problem with the change from rural to estate. They do have a problem with the residential low density. At the neighborhood meeting they were told it was going from rural to estate so the process needs to start over with the proposal being changed.

Those in favor:

There were no more in favor.

Those against:

Yvonne Deslongchamp, 2099 South Broadway, to the west, asked that the Council consider estate. The road is dangerous. She has lost animals and fears for her son's safety on that road. The residents chose that area due to the lesser density. The section between the two curves is a danger as well as the increased traffic. She reiterated that bicyclists are in danger.

Mike Anton, 2111 Desert Hills Road, apologized for mischaracterizing the previous statements by Ken Scissors. The original application for this property was for Estate which is consistent with the Growth Plan and the area. These discussions took place at a neighborhood meeting. Then the request changed. The process should start over. The Planning Commission should have denied the request. John Elmer, former Planning Commission Chairman, was a participant in the development of the Growth Plan. He testified there was no error and they took all of these properties into consideration.

Those in favor:

Sierra Lusk, the applicant, said that she originally applied in January, 2007 and things have change in the community. Desert Hills and Peregine Estates are both low density so she feels this is a reasonable request. The Planning Commission voted in favor 6 to 1.

Those against:

Tery Dixon, 423 Wildwood Drive, said she hopes that the entire area be considered. She is against considering individual parcels in order to meet some perceived growth.

Lee Moser, 2110 Wildwood Court, said she has participated in the latest Comprehensive Plan process and one of the goals is to keep the rural character of the Redlands area.

That concluded the public comment.

The public hearing was closed at 10:51 p.m.

Tom Volkmann, representing the applicant, talked about his role with the Miller property explained his position. The Cunningham application was much larger. He has not made any assurance that the existing house will not be raised. There is no plan for this property nor is it appropriate to discuss it at this point. That topic did come up at the neighborhood meetings. If plans change, that doesn't necessarily dictate that they be denied. The next request will be for zoning. Their request is for one particular piece of property that they agree is appropriate for residential low and asks for approval.

Councilmember Beckstein asked about the road situation. If it is the developer's responsibility from the property to the main road, what happens with the main road with the increase in traffic. Mr. Thornton replied that the developer would have to pay into the Transportation Capacity Payment and that money, along with the County's help, would go towards improving the road based on traffic conditions. Councilmember Beckstein asked if it would cover the full costs. Mr. Thornton said no but they aren't the only ones using that road, there are many developments and residents using the road. Even maximum density of 16 lots would not trigger the road improvements itself.

Councilmember Beckstein asked about the allegation that the study area was not complete. Mr. Thornton said that originally they did look at the Wildwood area and there were also properties with less than two acres. The largest parcel is the BLM land and it is a trail head now. It didn't seem to make sense to include the Wildwood area, and he doesn't think it would change his opinion. There would be more lots that would be non-conforming and would have added to the numbers of non-conforming lots. They are also further away from the sewer line.

Councilmember Coons asked about the process when the application came in at one level and then changed. She asked if the applicant is required to hold additional neighborhood meetings with the change. Mr. Thornton said that there is nothing in the Code that would require an additional neighborhood meeting and it is not that much different. The due process still allows the public to speak to the application. The notices were published as residential low.

Councilmember Todd asked about developing under urban standards, is that across the board to bring applicants to the urban standards. Mr. Thornton replied that, as a Planner, he would want to help people understand that development in the 201 is at an urban level. There are pockets of lower density. In reading the Persigo Agreement, the intent is less than two acre lots. Especially in this area, where there are no topography issues.

Councilmember Hill said that Growth Plan Amendments are never easy and at first there were only certain times Growth Plan Amendments could come forward. That policy was changed recently as things are happening more rapidly. He is having a difficult time believing that there was an error originally but would have a difficult time keeping it rural in the 201 Boundary. However, there is a policy about character and communities. If there is no error, then he has to look at the other criteria. He doesn't see that and he does not buy into the study area. It reestablished some consistency for that type of zoning. This change could start to change the character of this area. A line can always be drawn and get nonconforming use and he doesn't think the goal is to take out areas that are nonconforming so he cannot support the amendment.

Councilmember Todd said she disagrees with Councilmember Hill. There is development that has happened, and good data that was brought forward by Staff. Property goes

down to less than one acre in the area. The Persigo Agreement requires that Council look at urban density, therefore she is in favor of the amendment.

Councilmember Beckstein stated that the area is unique in its lifestyle and development and she is struggling with Goal 11 which promotes stable communities, but the Future Land Use Map shows all Rural. She cannot support the locale being designated as urban. As much as they need to promote urban growth she doesn't see the designation applying to the proposed area.

Councilmember Coons said that she is having great difficulty with the property being an urban designation. She could support Estate, but Residential Low is too drastic. She cannot support the request.

Councilmember Doody stated that he is concerned with the road situation, there are road improvements that would need to be made to support the changes that will come forward. He won't support the request.

Council President Palmer said that he is having a hard time considering that an urban density is Rural. He takes these issues very seriously, but he has a different philosophy. The roads are a concern, but he will support this request.

Resolution No. 105-08—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate 8.53 Acres, Located at 2105 South Broadway, Known as the Lusk Growth Plan Amendment, from "Residential Rural" to "Residential Low"
Councilmember Hill moved to adopt Resolution No. 105-08. Councilmember Todd seconded the motion. Motion failed by roll call vote with Councilmembers Beckstein, Coons, Doody, and Hill voting NO.

Council President Palmer asked about the next step. City Attorney Shaver said that the applicant can come back with a zoning that complies with the current designation or they could waive the 90 day zoning requirement and bring back another plan.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 11:19 p.m.

Stephanie Tuin, MMC
City Clerk