

# DRAFT

## GRAND JUNCTION PLANNING COMMISSION

FEBRUARY 8, 2000 MINUTES

7:05 p.m. to 10:35 p.m.

The regularly scheduled Planning Commission hearing was called to order at 7:05 p.m. by Chairman John Elmer. The public hearing was held at Two Rivers Convention Center.

In attendance, representing the Planning Commission, were John Elmer (Chairman), Joe Grout, Terri Binder, Dr. Paul Dibble, Nick Prinster, Mark Fenn and Jerry Ainsworth (alternate). James Nall was absent.

In attendance, representing the Community Development Department, were Kathy Portner (Planning Manager), Joe Carter (Assoc. Planner), Tricia Parish (Assoc. Planner), Lori Bowers (Assoc. Planner), Kristen Ashbeck (Sr. Planner), Bill Nebeker (Sr. Planner), and Pat Cecil (Development Services Supervisor).

Also present were Dave Varley (Acting Community Development Director), John Shaver (Asst. City Attorney), and Kent Marsh (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 23 interested citizens present during the course of the hearing.

### I. APPROVAL OF MINUTES

Available for consideration were the minutes from the January 11 and January 18, 2000 public hearings.

**MOTION: (Commissioner Grout) “Mr. Chairman, I move that we approve the minutes for January 11.”**

Commissioner Binder seconded the motion. A vote was called and the motion passed by a vote of 6-0, with Commissioner Ainsworth abstaining.

**MOTION: (Commissioner Grout) “Mr. Chairman, I move that we approve the minutes for January 18 as submitted.”**

Commissioner Binder seconded the motion. A vote was called and the motion passed by a vote of 5-0, with Commissioners Ainsworth and Fenn abstaining.

### II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Chairman Elmer welcomed new planning commissioner alternates Jerry Ainsworth and Vicki Boutilier.

### III. CONSENT AGENDA

Offered for placement on the Consent Agenda were items FPA-2000-014, CUP-2000-011, and FP-2000-008. No public opposition was expressed for any of the aforementioned items.

**MOTION: (Commissioner Grout) “Mr. Chairman, I move that we approve the Consent Agenda.”**

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

#### **IV. PUBLIC HEARING ITEMS ON ITEMS FOR FINAL DECISION UNLESS APPEALED**

##### **CUP-2000-012 CONDITIONAL USE PERMIT—MONUMENT VIEW GRAVEL PIT**

**A request for a Conditional Use Permit to allow gravel pit operations in an I-1 (Light Industrial) zone district on an approximately 37.6 acre parcel.**

**Petitioner: Martin Azcarraga, M.A. Concrete**  
**Location: Southeast corner of 23 and G Roads**  
**Representative: Mark Austin**

##### **PETITIONER’S PRESENTATION**

Mark Austin, representing the petitioner, presented an overhead transparency of the project’s Site Plan. The southern portion of the project currently had a Conditional Use Permit (CUP) approved for on-site storage of sand and other similar materials. The Corps of Engineers (COE) had investigated the site and determined that no wetlands issues existed. (A letter of confirmation from the COE to City staff was forthcoming). Division of Wildlife (DOW) staff had also investigated the site and determined that no wildlife issues existed. The property had a high salinity content which severely restricted landscaping options. Completion of the two-phase project was expected in 10 years, with each phase taking approximately 5 years. Reclamation of the site would occur in 12 years. Mr. Austin noted the location of a proposed retention pond in the western portion of the property and said that the site’s natural grade sloped to the southwest. Surrounding uses were noted and included the Mobile City RV Home Park and Western Slope Iron Supply.

Mr. Austin noted the locations of both a 30-foot right-of-way perimeter buffer and a 14-foot multi-purpose easement. Locations of a 20-foot drainage/utility easement along the eastern and southern portions of the property were also noted. A 125-foot excavation setback and 250-foot crusher setback would be provided per *Code* requirements. Mining would be completed in 5-acre blocks. Expected trips per day ranged from 25 to 150, with the site averaging 12 truck trips per hour based on scheduled hours of operation. Access under the current CUP was provided from the southwest portion of the property to 23 Road and would remain under the new CUP request. Asphalt testing on 23 Road concluded that the northbound lane of 23 Road would require a 1.25-inch asphalt overlay from the site’s access point to Highway 6 & 50, a portion of the work to be cost-shared by the City of Grand Junction. Mr. Austin requested that haul trucks be allowed to travel north along 23 Road and possibly G Road should further asphalt testing conclude that the roads were able to handle additional loads without pavement degradation. The number of allowed vehicles would be determined by staff as established by asphalt testing results.

Mr. Austin pointed out the site’s current I-1 zoning and its impending rezoning to I-2. The petitioner wanted to reclaim the site to its former natural state, filling in the pit and grading the property so that it could be redeveloped with industrial uses. Wheatgrass would be planted over graded and filled areas. A State 112 Permit would be required prior to reclamation, and bonding would guarantee installation of improvements. Both an air pollution emissions notice and a stormwater/dewatering permit were required. He felt that any noise impact generated by the crusher could be mitigated through establishment

of a 250-foot crusher buffer. Proposed hours of operation complied with *Code* criteria, and dust would be controlled through chemical and water sprinkling. No generation of odors was expected, and no exterior lighting was planned. The petitioner agreed to comply with traffic requirements, and access would be restricted to the site's gated entrance. An existing fence enclosed approximately half of the project; the entire site would be both fenced and screened with a screening fabric. Landscaping materials would be installed along 23 and G Roads. Additional screening would be provided along the chain link fence separating the site from adjacent residential uses. Safety provisions would be governed by MSHA.

### **QUESTIONS**

Commissioner Binder asked for clarification on ownership of the property, which was given.

Commissioner Prinster asked if any asphaltting operation was planned for the site. Mr. Austin replied that while none was planned for the immediate future, one may be placed on site at a later date. He understood that a separate permit for that use would be required.

Chairman Elmer suggested that if the use were expected it should be included with the current request; however, mitigation of odor concerns would be a major issue. Mr. Austin said that asphalt plants were subject to state regulation and permitting, with odor concerns addressed through that permitting process.

Commissioner Ainsworth wondered if an acceleration lane from the site's entrance had been required, to which Mr. Austin replied negatively. He added that 23 Road was currently underutilized. Commissioner Ainsworth wondered whether an acceleration lane could be required if traffic on 23 Road increased substantially. Mr. Austin reminded planning commissioners that the petitioner was obligated to pay a \$7,500 TCP. Chairman Elmer said that the City's standards had triggering mechanisms in place.

Commissioner Binder wondered why reclamation wouldn't convert the pit into a lake. Mr. Austin reiterated the petitioner's desire to return the site to its original state so that it could be redeveloped with industrial uses. He also noted that since the pit was located so far from the river, there was no water source to keep the lake replenished. Low water levels would only serve as a breeding ground for mosquitoes and algae.

Commissioner Binder asked if the fence currently installed on the site would be retained, to which Mr. Austin responded affirmatively.

Chairman Elmer asked how concerns over noise would be mitigated. Mr. Austin said that all industrial uses generated some level of noise. Chairman Elmer said that CUP criteria required the successful mitigation of concerns regarding noise, odors, etc. Noise from the crusher, he said, was a definite concern.

When asked to clarify the project's hours of operation, Mr. Austin said that typical hours of operation at another of the petitioner's gravel pit sites were 7 a.m. to 4 p.m. For the current proposal, however, longer hours and the flexibility to work Saturdays were requested. Pit operations were expected to run only 3-4 months each year during the summer.

Commissioner Dibble noted the two existing temporary structures currently existing on the site. Were additional structures proposed as part of the current request? Mr. Austin replied negatively. No more than 5-6 people were expected on site at any one time. The crusher, he added, basically operated on its own. When asked if the scale area would be enclosed, Mr. Austin replied that the scale would be open and concrete-mounted.

Chairman Elmer asked whether ditch capacity had been demonstrated, to which Mr. Austin responded affirmatively. A letter had been received from the Grand Junction Drainage District authorizing discharge from the site into its ditches. Flows were estimated at approximately 1,500 gal/minute.

Commissioner Dibble asked for edification on dust control measures. Mr. Austin explained that material removed from the pit would typically be moist. Dust control measures included sprinkling with water or chemicals (magnesium chloride). When asked where sprinkled water would come from, Mr. Austin said that water from the pit itself would be used.

Chairman Elmer asked how overburden from the pit would be handled. Mr. Austin said that overburden would be set aside and retained for later reclamation.

Commissioner Dibble asked if the petitioner expected any security problems in conjunction with the project, to which Mr. Austin responded negatively.

### **STAFF'S PRESENTATION**

Joe Carter said that the petitioner had met or could meet CUP conditions as outlined in the *Development Code*. He referenced a letter of opposition from Mobile City and an attached petition from residents of the RV home park. Having found that the project met criteria, staff recommended approval subject to the following conditions:

1. All applicable state and other jurisdictional permits shall be obtained prior to the start of gravel mining operations. These permits will include:
  - a. EPA's NPDES Permit and an SWMP Permit.
  - b. Construction Materials Regular 112 Operation Reclamation Permit.
  - c. Air Pollution Emission Notice (APEN).
  - d. Construction Permit (Air Emission Permit).
  - e. Colorado Discharge Permit for Sand and Gravel Production Operations.
  - f. Proof of all other permits and licenses applicable to accessory uses.
2. A copy of the Construction Materials Regular 112 Operation Reclamation Permit indicating a bond was provided to the State of Colorado guaranteeing the placement of 670,000 cubic yards of fill, per the final contours shown on the Reclamation Plan.
3. A recorded copy of the easement dedicating an additional 4 feet along the 23 Road frontage to provide 30 feet of right-of-way and a 14-foot multi-purpose easement.
4. Approval letter from the Army Corps of Engineers.
5. Approval letter from the Division of Wildlife stating that no significant wildlife impacts will occur due to this development.
6. A recorded copy of the easement granting a 14-foot multi-purpose easement along G Road.
7. A TCP payment of \$7,500.
8. The number of trucks allowed accessing G Road and 23 Road north of the site pending the outcome of a revised geotechnical investigation.

9. Overlayment of the paved surface from the intersection of Highway 6 & 50 north to the project entrance prior to the start of gravel mining.

### **QUESTIONS**

Chairman Elmer asked Mr. Shaver for an opinion on whether the project met *Code* criteria regarding noise/odor mitigation. Citing *Code* chapters 4 and 5, and specifically sections 4-8-1, 5-15-2 and 5-15-3-C, Mr. Shaver said that the mitigation of odor complaints was subjective and generally fell under the control of the City's nuisance ordinance. The 250-foot crusher setback was the minimum setback established by *Code* criteria and could be increased at Planning Commission discretion.

Commissioner Dibble asked if, other than the TCP payment, other bonding or insurance was required. Mr. Marsh responded that bonding for approximately 670,000 cubic yards of sand/gravel had been included as a staff condition of approval.

Commissioner Binder said that if traffic in the area increased substantially, would monies from the TCP be used to provide an acceleration lane at the site's entrance. Mr. Marsh said that inclusion and timing of an improvement were reflected on the City's CIP budget. If traffic became a problem in the subject area, either or both factors could be re-reviewed. Mr. Shaver added that if later development occurred to warrant re-review of the area's traffic situation, impacts from subsequent development would fall under closer scrutiny since the pit operation would have been there first.

Commissioner Prinster asked if H.O. zoning was typical for an RV home park. Chairman Elmer remarked that the park had been annexed as a non-conforming use. Commissioner Prinster asked for an outline of differences between the I-1 and I-2 zone districts, which was provided.

Commissioner Binder asked if any blowing dust complaints had been lodged against the petitioner with the City, to which Mr. Shaver responded negatively.

Mr. Carter reiterated that the project complied with *Code* criteria as set forth; planning commissioners could determine whether minimum standards were acceptable in the current instance.

A brief discussion ensued over whether noise could be mitigated by establishing a decibel level criterion. Mr. Shaver cautioned against doing so, saying that enforcement would be difficult; a distance criterion would be easier to enforce. When asked, Mr. Shaver briefly explained how the City reacted to noise complaints.

Chairman Elmer asked if road capacities would be addressed with the requirement for additional studies of 23 and G Roads, to which Mr. Marsh replied affirmatively.

Commissioner Binder asked if gravel trucks were required to cover their loads, to which Mr. Shaver responded affirmatively. He added that the State's statute had been modified within the last two years to mandate load coverage.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the proposal.

**AGAINST:**

Norman Grady (2322 Highway 6 & 50, Grand Junction), owner of Mobile City, passed out copies of the letter and petition submitted to staff. Mr. Grady said that the area's water table lay only 7 feet below the surface, not 14 feet as purported by the petitioner. The petitioner, he felt, had failed to comply with previously imposed CUP conditions since the site was unkempt. Required landscaping had not been installed along G Road. Runoff had been allowed to pond and become a breeding ground for mosquitoes. Rodents proliferated the site. A track hoe had been brought onto the site and vibrations from it could be felt by park residents. He did not feel that the 250-foot crusher and 125-foot excavation distances were sufficient. He expected that park residents would be impacted greatly by noise and the site's truck traffic. Proposed fencing, he said, would be ineffective; a stem wall or fencing of a greater height would be more effective. He asked that consideration be given to moving the crushing operation to the center of the site or someplace further away from the RV home park. Would the proposed spraying of magnesium chloride be an effective dust control mechanism?

Andrew Gollicky (727 – 23 Road, Grand Junction), Vice-President of Operations, Specialized Motor Systems, said that his primary concern involved safety of his employees as they traveled through the 23/G Road intersection. A number of accidents had already occurred at the intersection. Slow-moving gravel trucks would create an additional hazard. He expressed concerns over dust mitigation, deterioration of 23 and G Roads, and negative impacts to property values. Mr. Gollicky questioned the feasibility of the operation and its compatibility with surrounding uses.

**PETITIONER'S REBUTTAL**

Mr. Austin said that the petitioner had originally been unaware that a CUP was required to store materials on site. He noted the petitioner's willingness to comply with established *Code* criteria and noted the lack of formal complaints lodged with the City. To further mitigate noise concerns, he agreed to construct a 10-foot berm near mobile home park residents and vegetate it so that it would deflect noise. He also offered to double crusher setback distance from adjacent residential uses to 500 feet. He reminded planning commissioners and staff that the zones of I-1 and I-2 allowed heavy uses. The property had been purchased because of its mineral deposits. Water table figures had come from a report submitted to staff. The average 3 to 5 round-trips per hour expected from the site were minimal and would not significantly impact G and 23 Roads. He again noted that pit operations would only be undertaken for a few months out of the year. If agreeable, hours of operation could be limited to between 7 a.m. and 6 p.m.

**QUESTIONS**

Commissioner Grout asked if the site had been inspected for hazardous materials. Mr. Austin replied affirmatively, adding that none had been found. A brief discussion ensued over what type of business, if any, had been previously located on the site.

Commissioner Dibble wondered if the site's present access could be moved to the middle of the western portion of the property. Mr. Austin said that while the option had been explored, the site's current access point was close to that of Western Slope Iron Supply, which seemed to work well. Gate and fencing structures were already installed to accommodate the access, and the retention pond's placement was preferred north of the access road to best address drainage concerns. Chairman Elmer observed that the access road would never be adjacent to residential uses. A fairly substantial buffer lay between the road

and the RV home park. Mr. Austin added that relocating the access would require periodic scale relocation as mining progressed southward, which would be both difficult and cumbersome.

Commissioner Ainsworth asked Mr. Austin to point out the crusher's proposed location using a 500-foot setback, which was noted. Mr. Austin added that the crusher would be located in the same general vicinity, regardless of where mining on the site might occur, to minimize haul distance and dust generation.

Commissioner Binder asked if consideration had been given to paving the road internally as a means of controlling dust. Mr. Austin said that to do so would only leave a large quantity of asphalt behind after mining was completed; there would then be removal and disposal issues. He felt that magnesium chloride and water sprinkling would provide an effective solution. Haul loads, he added, would be covered prior to their leaving the site.

A brief discussion ensued over possible berm locations and whether/how it should be vegetated. Mr. Austin said that the soil's high salinity content limited the type of vegetation that would survive.

When asked about compliance with previous CUP landscaping requirements along 23 and G Roads, Mr. Austin said that Juniper trees had been planted along 23 Road. There had been no landscaping required along G Road.

### **DISCUSSION**

Commissioner Dibble asked if traffic calming measures could be utilized at the 23/G Road intersection. Mr. Marsh said that a stop sign for westbound traffic existed there now. He agreed that G Road was narrow and in bad condition. This could result in increased safety hazards when haul trucks began using the road. He was unsure what type of mitigation was possible short of widening the road. Chairman Elmer noted that satisfactory mitigation of haul route concerns was part of the *Code's* CUP criteria and included deciding whether or not the intersection wide enough to provide proper turning radii. Mr. Marsh suggested that any motion for approval be contingent upon pending road investigation data and subsequent staff approval.

Chairman Elmer felt it important that the project be compatible with the surrounding area. At a minimum, a berm should be required to buffer residential uses, and a noise level criterion should be established. He noted that pit operators often placed crushers within the pit itself to help curb noise.

Commissioner Grout expected that crusher noise would approach 125 decibels. Placing it within the pit and/or increasing its distance from residential uses would help, but the sound would still be heard by residents. He concurred with mandating the berming requirement and limiting hours of operation. Commissioner Grout asked if approval of a 10-foot-high berm would be in violation of the *Code*, to which Mr. Shaver responded negatively.

Commissioner Fenn expressed support for proposed mitigation measures—berming, limiting hours of operation, and increasing the crusher setback. Gravel extraction was necessary, he said, and the *Code* established the use as being compatible with the surrounding area.

Commissioner Binder also supported proposed mitigation measures but wanted the berm landscaped as a means of dust control. Chairman Elmer suggested the berm be graveled and contain a weed barrier. Commissioner Binder stressed the importance of aesthetic appeal; otherwise, it would look to residents as just a big dirt pile.

Chairman Elmer thought it best to exclude consideration of the asphalt plant pending the petitioner's demonstration that odor concerns could be effectively mitigated.

Commissioner Ainsworth expressed concern over mud control on access roads as haul trucks left the site. Mr. Shaver suggested using the same verbiage contained in the Persigo Gravel Pit motion, essentially requiring the petitioner to be "responsible for maintenance above and beyond that which would be normal or customary" in mitigation of dirt clods tracked offsite by haul trucks.

Discussion ensued over hours of operation. It was determined that crusher hours should be limited to the hours of 7 a.m. to 5 p.m., Monday through Friday, with general excavation/operation hours to be 7 a.m. to 6 p.m., Monday through Saturday.

Commissioner Dibble wondered if the number of allowed trips/day should be limited. Mr. Marsh said that peak trip numbers would not be significant (10-15 round-trips/hour). Commissioner Dibble suggested that the maximum number of trips/day be limited to 150.

Mr. Shaver suggested changing the verbiage in staff condition 8 to read: "The number of trucks allowed accessing G Road and 23 Road north of the site, pending review of a geotechnical investigation and traffic analysis acceptable to the staff."

**MOTION: (Commissioner Grout) "Mr. Chairman, on item CUP-2000-012, I move that we approve the Conditional Use Permit for Monument View Gravel Pit subject to staff conditions with the following additions: 1) #8, the wording would be revised to read, 'The number of trucks allowed accessing G Road and 23 Road north of the site, pending review of a geotechnical investigation and traffic analysis acceptable to the staff. If the geotechnical investigation requires additional pavement overlay, that will be part of the requirement if the petitioner wants to utilize the haul road to the north.' 2) #10, the hours of operation for the crusher would be Monday through Friday, 7 a.m. to 5 p.m., with all other allowed operations ceasing at 6 p.m.; also the haul would be allowed from 7 a.m. to 6 p.m., Monday through Saturday; 3) #11, the crusher setback shall be 500 feet from the Mobile City RV Home Park, and a berm adjacent to the park will be constructed along the property line in the 125-foot residential buffer area, to be 10 feet high with 2:1 side slopes and a 5-foot width, and at a minimum we expect weed barrier and a gravel surface, and that it be kept weed-free, and that a noise study be conducted that addresses additional mitigation measures such as placing the crusher in the excavation, and that that noise study has to be acceptable to the staff, that if there are reasonable measures such as those mentioned, that those are included, and that the study delineate the best possible location for the berm within that 125-foot barrier for mitigation of noise concerns; 4) #12 the maximum amount of truck round-trips per day will be limited to 150; 5) #13, at this time we will exclude asphalt plant operations from the site as an allowed use; 6) #14, the petitioner's responsible for maintaining 23 Road, keeping it free of gravel and dirt debris that would be tracked onto the road from their operation."**

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

A brief recess was called at 9:28 p.m. The hearing reconvened at 9:38 p.m.



**FP-1999-276 FINAL PLAT—SUMMIT VIEW RANCH II**

**Summit View Ranch II consisting of 48 single family detached lots on approximately 10.5 acres in an RSF-5 (Residential Single Family with a density not to exceed 5 units to the acre) zone district.**

**Petitioner: Mansel Zeck, Casa Tiara Development, Inc.**

**Location: 30 and E Roads**

**Representative: Mike Joyce**

**PETITIONER’S PRESENTATION**

Mike Joyce, representing the petitioner, introduced the petitioner and other involved parties and noted the site’s location using an overhead transparency. While in general agreement with staff conditions, he asked that condition 1 be modified to reflect completion of the title report within 30 days, rather than 10 days. He briefly explained the rationale behind his request.

Mansel Zeck, petitioner, explained the difficulty with designating a front yard setback for corner lots (noted on the Site Plan). Predesignation of front yard setbacks would limit the selection of available home designs. He offered to provide staff with two possible addresses as a means of mitigation.

**QUESTIONS**

Chairman Elmer asked for locational clarification on the 15-foot dedicated drainage easement required in condition 3. Mr. Joyce said that the easement was included on the recorded plat for the Timm Minor Subdivision (location noted). He explained how the easement from the Timm Minor Subdivision and the drainage ditch located in the Summit View Ranch Subdivision interacted to mitigate drainage concerns.

**STAFF’S PRESENTATION**

Pat Cecil overviewed the request as outlined in the January 14, 2000 Staff Report. He’d received a call from the president of Ditch Lateral 110 earlier in the day, who requested that the irrigation ditch that traveled along the easterly side of the property be piped across the Timm property to the north all the way to E Road. Mr. Cecil recognized that the request should have been addressed during the Preliminary Plan phase of the project; however, it had only now been brought to staff’s attention. Having found that the request met *Code* criteria, staff recommended approval subject to the following conditions:

1. At the time of Final Plat recordation, a title report no older than 10 days must be submitted to verify that all parties with recorded interest in the project have signed the plat cover sheet.
2. The Final Plat shall designate only one front and rear yard setback area for each corner lot.
3. At the time of submittal of the Final Plat for recordation, a copy of the recorded easement on the Timm property for drainage shall be submitted.
4. A note shall be placed on the Final Plat advising future property owners to review information in the project file located at the Community Development Department regarding soil and ground water conditions.
5. At the time of recording the Final Plat, a homeowners association shall be formed to assume ownership and maintenance responsibility of the detention basin identified as Tract “A” on the Final Plat.

Mr. Cecil said that staff was amenable to changing condition 1 to reflect 30 days as requested by Mr. Joyce.

**QUESTIONS**

Chairman Elmer asked for staff's position on the non-predesignation of front yards on the plat as requested by the petitioner. Mr. Cecil said that general City policy required designation of front yards on corner lots. Not doing so would create a variety of problems including fence placement and uniformity issues. This, in turn, could create dissention among property owners. Mr. Shaver added that having two possible addresses for corner lots would also create difficulties, and he briefly cited examples.

Commissioner Binder asked if drainage and sewer concerns had been addressed, to which Mr. Cecil replied affirmatively.

Commissioner Binder wondered if verbiage for condition 4 was adequate. Shouldn't there be a statement requiring engineered foundations, given that the groundwater table was so high? Mr. Cecil said that lot buyers would be encouraged to read the file; foundation construction requirements would then be on a lot-by-lot basis. Mr. Shaver said that the difficulty in requiring all foundations to be engineered was that not all lots would require such remedy. Further, it suggested that the City would be responsible for reviewing and approving the engineer's independent work, creating a false expectation. Commissioner Binder asked if the developer would be the sole builder for the site. Mr. Cecil responded that the developer had the flexibility to allow other builders to construct on platted lots. Mr. Joyce said that comments received from the State Geologist stated that he would have no problems with the development provided that his recommendations were followed. Thus, anyone constructing homes on any of the lots would be bound by the State Geologist's recommendations.

Commissioner Dibble asked if issues with front yard setback designation had arisen before, to which Mr. Shaver responded affirmatively. However, past occurrences had not been consistently addressed. Commissioner Dibble asked the petitioner to outline during rebuttal testimony any other compelling reasons for front yard designation deviation.

Commissioner Binder thought that substantial issues regarding fencing could arise if such flexibility were given. She cited various examples to illustrate the point. Ms. Portner concurred that this was a valid concern.

### **PUBLIC COMMENTS**

#### **FOR:**

Larry Borne (3114 D Road, Grand Junction), president of Ditch Lateral 110, reiterated his request for piping the ditch along the eastern property boundary all the way to E Road to mitigate safety concerns. He'd never received notification regarding the property's development, so was unaware that Preliminary Plan comments had been solicited. Children, he said, were routinely drawn to the large open ditch. Debris and trash were also thrown into the ditch, creating aesthetic and flow problems.

#### **AGAINST:**

There were no comments against the request.

### **PETITIONER'S REBUTTAL**

Mr. Joyce felt that front yard fencing issues for corner lots could be addressed during the fence permitting process, and that retention of flexibility in home design was important. While not responsible for providing the additional length of piping to E Road, he and the petitioner would be willing to engage in discussions with Mr. Borne to mitigate safety concerns. This *may* include installation of additional piping up to E Road.

**QUESTIONS**

Chairman Elmer noted the level of detail contained within the Colorado Geologic Survey’s report. Was the petitioner agreeing to comply with the explicit conditions of that report? Mr. Joyce said that an independent engineer had been contracted to review the site. His findings were consistent with those from Survey staff.

**DISCUSSION**

Chairman Elmer suggested that condition 4 be amended to include at the end of the paragraph “...and that the developer shall meet the minimum requirements forth by the Colorado Geologic Survey or demonstrate that they have otherwise satisfied the requirements.”

Commissioner Binder said that maps included with the project submittal did not show where proposed accesses went. This was detrimental in that impacts to surrounding neighborhoods could not be adequately ascertained. She asked staff to require this information of developers with future submittals so that traffic mitigation measures, if warranted, could be addressed.

Chairman Elmer expressed support for changing condition 1 to reflect a 30-day time period.

Commissioner Fenn felt that front yards should be predesignated on the plat prior to recordation. As a realtor, he recalled past instances where non-designation had created problems for lot buyers.

**MOTION: (Commissioner Grout) “Mr. Chairman, on item FPP-1999-276, Final Plan for the Summit View Ranch II Subdivision, a 48-lot subdivision, I move that we approve the Final Plan subject to conditions as recommended by staff with the additional language on #4, that the developer shall meet the minimum requirements of the Colorado Geologic Survey report contained or demonstrate to the satisfaction of staff that they have otherwise satisfied the requirements, and amending #1 to 30 days instead of 10.”**

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

**FPP-1999-280 FINAL PLAT/PLAN—FAIRCLOUD FILINGS #2 AND #3**

**Request for approval of the Final Plat/Plan of Faircloud Filings #2 and #3 consisting of 36 single family lots on approximately 7.63 acres in a PR-3.4 (Planned Residential with a density not to exceed 3.4 units per acre) zone district.**

**Petitioner: NEGJLand Investors  
Location: Northeast corner of F ½ and 30 Roads  
Representative: Bret Seligman**

**PETITIONER’S PRESENTATION**

Vince Poppish, representing the petitioner, concurred with staff requirements and availed himself for questions.

**QUESTIONS**

Commissioner Grout asked if the developer would be willing to erect fencing and construct the landscaping strip prior to lot sale. Stan Seligman, co-petitioner, said that the fencing requirement would create an economic hardship. A notation would be placed on sales maps requiring lot buyers to install 6-foot privacy fencing within 6 months of the growing season following the lot’s sale. The landscape strip will be installed by the developer, with maintenance to be provided by the HOA.

**STAFF'S PRESENTATION**

Bill Nebeker confirmed that the petitioner was in agreement with staff conditions of approval. With no outstanding issues, staff recommended approval subject to the following conditions:

1. A note shall be placed on the plat and the CC&Rs stating the following: "Each house foundation excavation within Filings 2 and 3 of Faircloud Subdivision, shall be observed by a licensed professional geotechnical engineer prior to forming the footings. If fill of an unknown nature, or soft virgin soils are present below the proposed footings, a geotechnical engineer must provide a recommendation for property preparing the subgrade." Evidence of such observation and recommendation will be required before a planning clearance is issued for homes in the subdivision.
2. All fences constructed along F ½ Road on lot 6, block 2, and lot 1, block 3 (at the northwest and northeast corners of Starlight Drive and F ½ Road), shall be set back at least 5 feet from the property line in accordance with adopted street standards multi-purpose easement details, to provide a minimum 5-foot sight clearance zone. A note to this effect shall be placed on the subdivision plat. The remaining 5-foot strip shall be landscaped and maintained by the property owner.
3. Evidence shall be submitted showing vacation of the Grand Valley Drainage District easement transversing the property prior to the recordation of each filing containing that easement.
4. Prior to plat recordation, the owner shall dedicate by separate instrument the continuation of the multi-purpose easement around the Starlight Drive cul-de-sac in Tract B. Filing 1.

**QUESTIONS**

Chairman Elmer asked for additional clarification on the number of lots designated by condition 2. Mr. Nebeker provided a brief explanation.

Commissioner Dibble asked if the issue of fill for the Palisade ditch had been addressed. Mr. Nebeker said that the applicant agreed to the condition that a geotechnical engineer would certify that individual home foundations would be appropriate for the soil type present. A note to that effect would be included on the recorded plat. Geotechnical requirements for construction on each lot must be outlined prior to planning clearance issuance.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**PETITIONER'S REBUTTAL**

No rebuttal testimony was offered.

**DISCUSSION**

Chairman Elmer suggested leaving condition 2 as it was written. Commissioner Grout cautioned that he would not look favorably upon any modification of the plan in the future as a result of retaining condition 2 as written. Mr. Shaver said that as a setback issue, there should be no surprises.

**MOTION: (Commissioner Grout) "Mr. Chairman, on item FPP-1999-280, I move that we approve Faircloud Subdivision Filings 2 and 3, subject to the conditions of staff."**

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

**V. GENERAL DISCUSSION**

Chairman Elmer announced that tonight would be Commissioner Fenn's last meeting, and that he was retiring from the Planning Commission. Commissioner Fenn said that he'd enjoyed time spent with the board and staff.

With no further business, the hearing was adjourned at 10:35 p.m.