

**GRAND JUNCTION PLANNING COMMISSION**  
**JULY 20, 1999 MINUTES**  
**7:04 p.m. to 8:50 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:04 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, Mark Fenn and Nick Prinster. Jeff Driscoll and Paul Coleman were absent.

In attendance, representing the Community Development Department, were: Kathy Portner (Planning Manager), Lori Bowers (Associate Planner), Trisha Parish (Associate Planner) and Kristen Ashbeck (Senior Planner).

Also present were John Shaver (Asst. City Attorney) and Rick Dorris (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 12 interested citizens present during the course of the hearing.

**I. APPROVAL OF MINUTES**

No minutes were available for consideration.

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

There were no announcements, presentations and/or visitors.

**III. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL**

**VE-1999-151 EASEMENT VACATION—UTILITY EASEMENT**

**A request to vacate a portion of a utility easement along the south property line.**

**Petitioner: David Wens**

**Location: 634 E. Pagosa Drive**

**PETITIONER'S PRESENTATION**

David Wens, petitioner, said that due to an error on the site plan he had constructed the foundation of his home approximately 2 ½ feet into an existing utility easement. However, no encroachment into the setback had been made. The petitioner had contacted affected utility providers and had agreed to move existing utility lines to a point 2 feet from his property line. No objection to the relocation had been raised by any of the utility providers.

**QUESTIONS**

Commissioner Prinster asked if the home had already been constructed on the foundation. Mr. Wens answered that only the footers and stemwall were in place.

**STAFF'S PRESENTATION**

Tricia Parish reviewed the July 20, 1999 Project Review and noted the site's location using an overhead transparency. Since no encroachment of the setback had occurred, and since utility providers were in agreement with the petitioner's willingness to move affected lines at his expense, staff recommended

approval of the request with the condition that the utilities be moved prior to the vacation becoming effective.

**QUESTIONS**

Commissioner Binder wondered what would have been the course of action had the utility providers not supported the line relocation. John Shaver, Assistant City Attorney, answered that the petitioner would have been required to remove the foundation. One letter of objection had been received from a neighbor, which Ms. Parish submitted to the Planning Commission for review and placed in the file.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**DISCUSSION**

Chairman Elmer remarked that the request appeared to meet Code criteria. He noted that the one letter of objection contained in the file came from a neighbor who thought that the request had been for a setback variance.

Commissioners Fenn and Prinster expressed their support as well.

**MOTION: (Commissioner Grout) “Mr. Chairman, on item VE-1999-151, I move that we recommend approval to the City Council on this easement vacation subject to staff’s recommendation.”**

Commissioner Fenn seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**VE-1999-137 EASEMENT VACATION—UTILITY EASEMENT**

**A request to vacate a portion of a utility easement along the south property line.**

**Petitioner: Robert Levering**

**Location: 559 Court Road**

**PETITIONER’S PRESENTATION**

Robert Levering, petitioner, said that 3 additional feet was needed for construction of his garage extension.

**QUESTIONS**

Commissioner Prinster asked if there were any utility lines present within the easement. Mr. Levering said that only a non-functioning sewer line was present but he’d received support for his vacation request from the Fruitvale Sanitation District.

**STAFF’S PRESENTATION**

Lori Bowers confirmed that support for the vacation had been received from the Fruitvale Sanitation Department. Since the request met vacation criteria, staff recommended approval with no conditions.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**DISCUSSION**

Commissioner Grout noted that the request met Code criteria, and no opposition had been raised. Chairman Elmer agreed.

**MOTION: (Commissioner Grout) “Mr. Chairman, on item VE-1999-137, I move that we recommend approval to City Council on this easement vacation.”**

Commissioner Fenn seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**VR-1999-150 VACATION OF RIGHT-OF-WAY**

**A request for approval to vacate a portion of the South Redlands Road right-of-way adjacent to property.**

**Petitioner: Brian Cole**

**Location: 377 S. Redlands Road**

**PETITIONER’S PRESENTATION**

Brian Cole, petitioner, noted his property’s location using an overhead transparency. He said that an error had been made in the planning clearance, which had not been caught until after construction on his home had commenced. The vacation seemed a logical solution. He noted the unusual configuration of the property and the right-of-way alignment along South Redlands Road. A utility easement would be retained.

**STAFF’S PRESENTATION**

Lori Bowers confirmed that the property had an unusually-shaped property line. Staff took no issue with the request and since it met vacation criteria, approval was recommended with no conditions.

**QUESTIONS**

Chairman Elmer noted the lack of engineering review agency comments. He wondered whether the vacation would pose any future concerns if South Redlands Road were widened? Rick Dorris said that there no engineering concerns. Chairman Elmer concurred that the right-of-way alignment was indeed unusual in its configuration.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**DISCUSSION**

Commissioner Grout noted that the request met Code criteria and reiterated that the right-of-way layout was unusual.

Chairman Elmer added that the vacation would help straighten out the lot’s configuration.

**MOTION: (Commissioner Grout) “Mr. Grout, on item VR-1999-150, I move that we forward this to City Council with a recommendation of approval.”**

Commissioner Binder seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

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

**CUP-1999-132 CONDITIONAL USE PERMIT—OVERHEIGHT FENCE**

**A request for approval to construct a 7-foot fence on the property line in an RMF-32 (Residential Multi-Family not to exceed a density of 32 units per acre) zone district.**

**Petitioner: David Prince**

**Location: 1059 Ouray Avenue**

**PETITIONER'S PRESENTATION**

David Prince, petitioner, said that he'd constructed his fence thinking that the 2-foot lattice top would not be factored into the fence's total overall height. He said that the additional height had been effective in providing his family with extra security, screened in his RV, and prevented people from depositing their trash in his yard. Before the fence was erected, he'd been the victim of theft and vandalism.

**QUESTIONS**

Commissioner Fenn asked if a building permit had been obtained for the fence. Mr. Prince said that none was needed for a fence of standard height. He said that at the time he'd applied for a fence permit, he'd been told that a decorative top would not be factored in to the fence's overall height. He'd constructed the fence to 5 feet, with a 2-foot lattice top.

Commissioner Binder asked if the lattice top could be removed or cut down to meet the standard fence height. Mr. Prinster agreed that such a reduction could be achieved but reiterated that the additional height had been effective in keeping out unwanted trash.

Commissioner Prinster wondered what side of the property the fence was location on, to which Mr. Prinster responded that it was located on the eastern property line. Photos of the fence were passed out to planning commissioners.

**STAFF'S PRESENTATION**

Kristen Ashbeck distributed copies of a letter received in support of the fence. The fence permit, she said, clearly indicated that a 6-foot fence was being constructed; thus, no building permit had been issued. The Code limited fence heights to 6 feet without a building permit and took into consideration corner lot configurations. With no unique circumstances inherent with the lot, and since the request failed to meet Code criteria, staff recommended denial.

**QUESTIONS**

Commissioner Binder asked if the Code addressed decorative fence toppers. Ms. Ashbeck said that the only variation to the 6-foot height restriction would be with relation to finials or vegetation that crept above the fenceline.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**PETITIONER'S REBUTTAL**

Mr. Prince said that he was scheduled to leave town on a 20-day vacation within the next several days. If his request was denied, he asked that additional time be allowed for remedy.

**QUESTIONS**

Commissioner Grout asked the petitioner how much time he needed for remedy. Mr. Prinster said that he would return by August 18 and could achieve compliance by the following week.

**DISCUSSION**

Chairman Elmer said that aesthetically the fence looked good. However, approving the request would set a precedent for similar requests. He said that other fences in the area were much shorter, and he agreed that no unique circumstances were inherent to the property.

Commissioners Grout and Binder agreed citing the same concerns for setting an unwanted precedent.

A brief discussion ensued over possible extension dates for compliance. Planning commissioners agreed on a September 30, 1999 date.

**MOTION: (Commissioner Grout) “Mr. Chairman, on item CUP-1999-132, I move that we deny the Conditional Use Permit for a 7-foot-tall fence at 1059 Ouray Avenue with the condition that the applicant has the fence brought up to the Code by September 30, 1999.”**

Commissioner Fenn seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**MS-1999-133 MINOR SUBDIVISION—ORCHARD AVENUE MINOR SUBDIVISION**

**A request for approval to subdivide two lots into three lots in an RMF-32 (Residential Multi-Family, not to exceed 32 units per acre) zone district.**

**Petitioner: Ed Hokanson**

**Location: 725/749 Orchard Avenue**

**PETITIONER’S PRESENTATION**

Ed Hokanson, petitioner, said that three structures were currently built on the two subject lots. The subdivision request would give each structure its own lot.

**QUESTIONS**

Chairman Elmer noted the centerline of an easement on lot 1 and asked if the existing home encroached into that easement. Mr. Hokanson responded negatively, noting utility line placement for the three structures.

Chairman Elmer asked if the property had been surveyed, to which Mr. Hokanson replied affirmatively.

Commissioner Binder asked for clarification on access into Lot 3. Mr. Hokanson said that the alley off Orchard Avenue had always served as the primary access point for Lot 3. He added that no minimum frontage was required for parcels in RMF-32 zones.

**STAFF’S PRESENTATION**

Lori Bowers confirmed the petitioner’s statements regarding access into Lot 3 and the lack of minimum frontage required for parcels in RMF-32 zones. She noted the configuration of the property’s sewer line and said that only one tap served both Lots 1 and 3. Greg Trainor, the City’s Utility Manager, recommended that the plat not be recorded until the City’s utility and legal staff reviewed a statement prepared by the petitioner which read, “In the event that either Lot 1 or Lot 3, or both, are transferred to separate owners, the water and sewer service must be separated by acquiring and installing one additional water and sewer tap to serve the other Lot.” That agreement must also be recorded prior to the recordation of the plat.

Staff recommended approval of the request subject to the following conditions:

1. Utility and legal staff have reviewed a petitioner-prepared statement outlining that, “In the event that either lot 1 or lot 3, or both, are transferred to separate owners, the water and sewer service must be separated by acquiring and installing one additional water and sewer tap to serve the other lot.”
2. Provide the City with a recorded copy prior to recordation of the plat.

**QUESTIONS**

Commissioner Binder thought it would be “cleaner” to require installation of the water and sewer tap prior to recordation of the plat. Ms. Bowers agreed that while more practical to require it now, the City’s Utility Manager had opted to support the petitioner’s alternative.

Chairman Elmer wondered how enforcement could be insured once the plat was recorded. Mr. Shaver said that similar situations had occurred infrequently on other properties; the legal remedy for the City is cessation of service to one of the properties.

Mr. Shaver mentioned that if a traditional title search was not undertaken, the next property owner could be unaware of the agreement.

Chairman Elmer asked if all three structures met setback requirements, to which Ms. Bowers responded affirmatively. She noted one area where only a 5-foot setback existed but said that it represented an existing condition for an older home.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**QUESTIONS**

Chairman Elmer asked the petitioner why installation of the additional taps could not be undertaken now. Mr. Hokanson said that the cost of installation was prohibitive. He reiterated that Mr. Trainor had agreed to accept the agreement for future installation at such time that Lot 1 or 3 sold. He reminded planning commissioners that he could have left the present situation as it was, but it had made sense to create a separate lot for the third structure. Mr. Shaver said that he would like to include the “transfer” of either lot as part of the agreement. Mr. Hokanson said that he would amend the agreement accordingly.

**DISCUSSION**

Commissioner Fenn acknowledged Mr. Hokanson as a realtor. He didn’t feel that the petitioner would jeopardize his real estate license by not following through with the agreement.

Chairman Elmer concurred although he expressed continued concern over not requiring the installation as a condition of approval. While unusual, it sounded as though sufficient protections could be placed to ensure future compliance.

Commissioner Prinster agreed, adding that any agreement drafted must meet with the approval of both the City’s utility and legal staff. Mr. Shaver said that the best protection would be just to require the taps as a condition of approval.

When asked by Commissioner Binder if approval of the request would set any legal precedent, Mr. Shaver responded negatively. Ms. Bowers agreed that the City’s support of the petitioner’s deferral option was unusual.

Commissioner Binder wondered what type of cost would be involved with the taps and their installation. Chairman Elmer asked if any cost estimates had been received. Mr. Hokanson said that the installation cost would be considerably more than the cost of the taps themselves. Without the sale of the property to pay for the expense, he could not afford it.

Chairman Elmer asked if any public good would be derived from the subdivision. Ms. Bowers said that since the property was currently non-conforming, the subdivision would bring it into closer conformance with Code criteria.

Commissioner Grout suggested that the agreement also be included on the plat as a notation. If not included as a notation, it should at least be added to the plat as an attachment. Mr. Shaver felt that either option would be a good idea.

Commissioner Fenn said that if the utility and legal staff concurred with the language of the agreement, he would support the request.

Chairman Elmer noted that unlike typical subdivision proposals, the structures and utilities were already there. He expressed support for the request based on that fact and on there being a public benefit derived. He asked that staff re-review the request and formulate a policy decision to help guide future Planning Commission decisions in similar matters.

**MOTION: (Commissioner Grout) “Mr. Chairman, on item MS-1999-133, a request for a Minor Subdivision, I move that we recommend approval for the request subject to the conditions in the staff report with the addition of a number 3 stating that a note be added to the plat prior to recordation in regard to the water and sewer line being installed before the sale.”**

Commissioner Fenn seconded the motion.

Chairman Elmer suggested amending the verbiage to condition 3 to delete the remainder of the sentence after the word “recordation” and insert the following amended verbiage, “...that water and sewer service be provided to all three lots individually before the sale or transfer of the property to a different owner.” Commissioners Grout and Fenn agreed to amend and second the motion as suggested. The amended motion is as follows:

**MOTION: (Commissioner Grout) “Mr. Chairman, on item MS-1999-133, a request for a Minor Subdivision, I move that we recommend approval for the request subject to the conditions in the staff report with the addition of a number 3 stating that a note be added to the plat prior to recordation [to read] that water and sewer service be provided to all three lots individually before the sale or transfer of the property to a different owner.”**

A vote was called and the motion passed unanimously by a vote of 5-0.

**FPP-1999-135 FINAL PLAT/PLAN—DIAMOND RIDGE FILING #2**

**A request for approval of the Final Plat/Plan for Diamond Ridge Filing #2 consisting of 16 single family detached lots and 10 single family attached lots on approximately 5.29 acres in a PR4.2 (Planned Residential with a density not to exceed 4.2 units per acre) zone district.**

**Petitioner:** Castle, Inc.  
**Location:** East of 25 Road, north of F ½ Road  
**Representative:** DSC, Inc., Jana Bingham-Gerow

**PETITIONER'S PRESENTATION**

Jana Bingham-Gerow, representing the petitioner, noted the site's location and layout using overhead transparencies. She briefly recounted the history of the project and indicated that staff had required a temporary turnaround easement at the north end of Miranda Street. Alternatives for the turnaround had been submitted and staff seemed satisfied with them. The turnaround would be vacated with the road's extension into the proposed Country Crossing Subdivision. The proposed filing would complete the subdivision, although construction would probably be deferred until later in the year 2000.

**STAFF'S PRESENTATION**

Kristen Ashbeck said that the request was straightforward and consistent with the Preliminary Plan. The proposed turnaround alternatives seemed acceptable and were awaiting final review and acceptance by the Engineering and Fire Departments. Staff recommended approval subject to the resolution of the temporary turnaround easement requirement at the north end of Miranda Street prior to approval of the Final Plans and/or recording the Final Plat.

**QUESTIONS**

Commissioner Binder wondered if the drainage issues had been resolved. Mr. Dorris referenced comments made by John Ballagh of the Grand Valley Drainage District. As long as stormwater was released at historic rates, the request met Code criteria.

Ms. Bingham-Gerow said the downstream facilities were currently undersized. While concern had been raised over the potential for increased flows resulting from additional pavement, she reiterated that the subdivision was required to release only at historic rates.

Commissioner Binder asked if surrounding properties were slated for development. Chairman Elmer said that improvements didn't change the historic runoff patterns.

Mr. Dorris provided a brief explanation of drainage patterns in the area and agreed that lines in the area were undersized. The proposed development would not impact the current situation as long as it released at historic rates.

Chairman Elmer remarked that the proposal met the technical requirements for drainage.

Ms. Bingham-Gerow said that the infrastructure deficiencies were present prior to submittal of the development proposal. Commissioner Binder wondered if the Planning Commission should keep approving development requests in areas where infrastructure was either absent or deficient.

Chairman Elmer said that impact fees paid for a portion of needed improvements; however, he acknowledged that fees rarely covered the actual costs of those improvements. Mr. Shaver mentioned and briefly discussed moratoria.

Commissioner Fenn said that even with flows discharged at historic rates, the situation would be worsened by the added runoff. Mr. Shaver said that discharging at historic rates meant that the standards



of the Stormwater Management Manual had been met; he suggested the Commission solicit testimony from Mr. Dorris or Mr. Sharpe, the applicant’s engineer.

Commissioner Fenn wondered if the Planning Commission could make a recommendation to City Council with regard to budget appropriations for infrastructure upgrades. He conjectured that the City was just electing not to direct monies to that end.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**DISCUSSION**

Commissioner Grout said that he supported the request because it met technical requirements and was consistent with the Preliminary Plan.

Chairman Elmer could not recall where there had been strong opposition to the petitioner’s submitted drainage plan during Preliminary review. He also supported the request.

Commissioner Prinster expressed support and said that the proposal would not degrade the system any more than it already was.

**MOTION: (Commissioner Grout) “Mr. Chairman, on item FPP-1999-135, I move that we approve the Final Plat/Plan for Diamond Ridge Filing #2 subject to staff recommendations.”**

Commissioner Fenn seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**FP-1999-136 FINAL PLAT—TWELFTH COURT SUBDIVISION**

**A request for approval of the Final Plat for Twelfth Court consisting of 9 single-family lots on approximately 2.57 acres in an RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) zone district.**

**Petitioner: GNT Development  
Location: Northwest corner of 12<sup>th</sup> Street and G Road  
Representative: Dan Garrison**

**PETITIONER’S PRESENTATION**

Dan Garrison, petitioner, presented an overhead transparency of the Final Plat. The location of the property and a brief history was given. Some of the issues raised during Preliminary review--fencing and landscaping—had been addressed with the Final. Staff had required retaining walls along the property’s western boundary due to its steep topography. He expressed no objection to any of staff’s conditions.

**QUESTIONS**

Chairman Elmer referenced a Preliminary approval condition requiring a gap under the fence on the north side of the property to facilitate drainage. He wondered how that gap had been addressed in the Final Plan. How would it be maintained? Mr. Garrison said no fence was planned for that side of the property, and a plat restriction had been imposed. In the event that a fence was erected, specifications required that a 6-inch above-ground clearance be provided to allow for normal conveyance of drainage. Mr. Garrison referenced a letter of objection received from neighbor, Doug Cleary, who expressed concern that drainage from the irrigation of sunflowers on his property would damage proposed homes. Mr. Cleary had contacted both Mr. Garrison and Mr. Proctor of the Grand Valley Water Users Association (GVWUA) concerning potential liability. Mr. Garrison offered to construct a 2’ x 2’ drainage area immediately north of the property line on Mr. Cleary’s property. At the point labeled A

(noted on the plat), drainage water would reenter Mr. Garrison's property and be conveyed towards 12<sup>th</sup> Street, where it would then be piped along 12<sup>th</sup> Street to G Road and then cross. Mr. Cleary's intentions, he said, were to enlist the aid of an attorney to review the proposal and ensure that liability issues would be satisfied. Mr. Garrison said that both he and Mr. Proctor felt that digging the drainage area would address Mr. Cleary's concerns. Mr. Garrison reiterated that in no way would natural drainage be hindered by construction of a fence along that northern border.

Chairman Elmer asked if the total fence height for the northern fence would then be 6'6", to which Mr. Shaver responded affirmatively. Mr. Shaver said that a plat note would reflect the unusual fence height allowance; the subdivision's HOA would be responsible for enforcement.

### **STAFF'S PRESENTATION**

Kristen Ashbeck concurred that the Final Plat was consistent with the Preliminary Plan and all conditions of the Preliminary approval had been met. The only additional requirements were technical in nature and are outlined below. She clarified that if a fence were constructed along the northern border, the plans noted that it would be similar to the southern fence. Staff recommends approval of the Final Plat for the Twelfth Court subdivision subject to the following recommendations being addressed prior to final plan approval and/or recording the final plat:

1. The retaining walls along the western side of the property are to be constructed by the developer as part of the approved drainage plan. Cost for the walls is to be added as a separate line item in the Development Improvements Agreement (DIA).
2. Include a separate line item in the DIA for the perimeter stucco walls. In addition, break out the costs for materials to finish the detention pond as opposed to other landscaping.
3. The subdivision signage shown on the Landscape Plan needs to be relocated so it is not within the public right-of-way for either Twelfth Court or 27 Road. Provide a construction detail on the plans. Signage must meet section 5-7-7 A. of the Zoning and Development Code. The cost for signage must be in the DIA as well.
4. There may be further comments on proposed covenants from the City Attorney's office which will need to be addressed prior to recording.
5. The existing 27 Road is constructed as a typical rural road with borrow ditches and the road surface above the adjacent ground. When/if the street is reconstructed in the future, it will be done as an urban street where the drainage is to the street. From the contours on the plans, it appears the grade of the street could be lowered in the range of one foot. As staff does more detailed analysis, the applicant may be requested to revise plans to have a lower elevation for the 24" storm drain to provide more flexibility for future design of the roadway.

### **DISCUSSION**

Mr. Shaver briefly questioned Mr. Garrison and clarified that a fence would not be constructed along the northern border if the excavation solution was agreed upon.

### **PUBLIC COMMENTS**

#### **FOR:**

There were no comments for the proposal.

**AGAINST:**

Doug Cleary (2691 Kimberly Lane, Grand Junction) reiterated his wish to plant and grow sunflowers on his property for commercial use. He was concerned that irrigating his property would cause drainage problems for the proposed subdivision and increase his liability. He understood from the GVVUA that conveyance of drainage water from his property to 12<sup>th</sup> Street and G Road was his responsibility. As such, it was important that there be no impediment to that conveyance, which meant that the easement must remain open and accessible for maintenance. He believed that a solution could be reached but reiterated that fencing the easement didn't make much sense.

**PETITIONER'S REBUTTAL**

Mr. Garrison agreed that a solution could be reached to mitigate Mr. Cleary's drainage concerns and said that the excavation proposal had been supported by the GVVUA. Mr. Garrison agreed to continue working with the City, Mr. Cleary and the GVVUA to ensure satisfactory resolution.

**DISCUSSION**

Commissioner Fenn noted that the Final Plat was consistent with the Preliminary Plan. If Mr. Garrison could secure GVVUA approval for a solution to the drainage dilemma, he would have no reservations in supporting the request.

Commissioner Grout felt that the request met Code criteria and technical requirements. As such, he also expressed his support for the request.

**MOTION: (Commissioner Grout) "Mr. Chairman, on item FPP-1999-136, I move that we approve the Final Plat for the Twelfth Court Subdivision subject to staff recommendations."**

Commissioner Fenn seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**V. GENERAL DISCUSSION**

Commissioner Fenn asked how far along the City was in implementation of a Consent Agenda for items lacking controversy. He expressed frustration with the frequency and length of recent Planning Commission meetings and said that there should be some proactive efforts by the City to reduce the number of meetings.

Mr. Shaver said that he was unsure exactly where the Community Development was to that end, but that he felt sure that the issue would be addressed with adoption of the new Code.

Commissioner Fenn said that if the City did not implement something soon, he thought that the Planning Commission had the authority to and should amend its Bylaws to implement its own policy. Mr. Shaver and Mr. Fenn discussed the options. Mr. Shaver offered to provide drafts and his correspondence on the issue to the Commission.

Kathy Portner said that she would check on the status of the issue as well.

Dan Garrison expressed concern over continued problems developers are having with infill projects. Because public objection was usually more vocal, developers were often forced to build to densities well below zoning or Growth Plan allowances, dramatically increasing development costs and forcing development to "the end of the road." Chairman Elmer agreed that it was important to carefully weigh development benefits against neighborhood objections.

With no further business, the hearing was adjourned at 8:50 p.m.