

**GRAND JUNCTION CITY COUNCIL
WORKSHOP SUMMARY
July 17, 2006**

The City Council of the City of Grand Junction, Colorado met on Monday, July 17, 2006 at 7:01 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmember Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason, and Council President Pro Tem Bonnie Beckstein. Those absent were Councilmember Jim Spehar and Council President Jim Doody.

Summaries and action on the following topics:

1. **DISCUSSION OF RIDGES OPEN SPACE:** A developer in the Ridges to address City Council regarding fees in lieu of and dedication of open space in the Ridges in relation to his future development. Council President Pro Tem Beckstein recused herself from this discussion due to a conflict of interest. She turned the meeting over to Acting President of the Council Bruce Hill. The requestors were allowed to present their argument first.

Mike Stubbs, President of the Dynamic Investments and the property owner, and Rich Krohn, attorney, 744 Horizon Court, representing Dynamic Investments, addressed the City Council. A brief history of the property was given by Mr. Krohn. The paperwork drafted during the annexation in 1992 represented that the 28% of open space which was dedicated was the full obligation for the full build out of the Ridges. The bulk of the open space was dedicated to the Ridges Metro District which is now the City of Grand Junction. They did not agree additional open space or fees in lieu should be exacted for current developments. Large parcels were sold for development into smaller parcels. The school parcel of 6.8 acres is now owned by the City and has been rezoned residential and could be developed into twenty-five lots. Mark Fenn, a realtor, purported those undeveloped lots (raw land) could sell for \$35,000 each. Mr. Krohn concluded that by law the additional request should not be made nor should it be made under the rules of fairness.

Mike Stubbs, 205 Little Park Road, President of Dynamic Investments, said they agree with the premise of the Zoning and Development Code regarding open space. However, there are unique situations. Open Space has already been dedicated on behalf of these lots. The thought was to dedicate a quantity of land rather than have little parcels of open space within each development. There exists 28% open space in Ridges 1 through 6 plus another 30% is the golf course which is effectively open space. If 10% of open space dedication is the requirement, it has been met. These last pieces to be developed are infill pieces. He asked that Council recognize what has been done. It was his contention that when amendments are made to a Planned Development, they should not be required to comply with all new dedications.

Mr. Fenn who represents two development groups developing in the Ridges, said he was formerly on the Planning Commission, and was involved in the development of the Code. It was his recollection that the intent was that there is no additional fee or open space expected from these additional developments.

City Attorney John Shaver advised that this discussion has gone on for a number of years and he commended Mr. Krohn and Mr. Stubbs for their cooperation and professionalism. He reviewed the history of the discussion from the City's perspective. The City Council approved an amended plan for the Ridges in 1994, which made all developments coming forward to be subject to the new Zoning and Development Code. For many years, parcels were sold with deeded densities. The 1994 plan gave some control over the final build out and made the development realistic. Many of the densities assigned were wholly unrealistic. Much of open space acreage dedicated was private and only came to the City through the Ridges Metropolitan District (RMD) in order to dissolve the debt. The previous debt was stifling (44 mills). The City restructured the debt and has been paying off the debt through a much lower mill levy to the Ridges property owners. The acquisition of the school site was a land exchange with the School District and was not open space dedication to the City.

Kathy Portner, Assistant Community Development Director, stated that under Mesa County's PUD, a minimum of 20% open space was required. For the City to approve a Planned Development, the development must go beyond the minimum standards in order to provide a community benefit; the minimum open space dedication for the City is 10%.

Acting Council President Hill pointed out that the dedications were well above the County's minimum of 20% and the City's 10% requirement. Ms. Portner noted that a large portion of the property being counted by the developer is undevelopable land which would not suffice for neighborhood park purposes. City Attorney Shaver added that the Code specifically exempts undesirable property from being counted in open space calculations.

Ms. Portner advised the 10% came into effect in 2000 for the sole purpose of neighborhood park development. A minimum of 3 acres in any subdivision or else a fee in lieu of is required.

Councilmember Coons asked about trail systems and if they count against the open space requirement. Ms. Portner replied that it can be considered as a public benefit but cannot be accepted in order to meet the 10% open space requirement.

Councilmember Palmer asked for additional clarification. Ms. Portner stated that if the development was not previously platted and includes more than ten units, a 10% land dedication or 10% of appraised land value is required. The City is asking for fees in lieu of because the current developments aren't big enough for

land dedication. Councilmember Palmer asked if there were discussions at the time that the previous dedications would be counted. City Attorney Shaver advised they did a search and found nothing that reflected such discussions. The understanding when they amended the plan in 1994 is that they would comply with the new rules.

Councilmember Hill asked if fees in lieu of are collected from this developer, where would the City provide a neighborhood park. Ms. Portner stated that a park would not have to be constructed in that subdivision. The process is such that when the Parks Department reviews a subdivision proposal, they comment on whether they want land dedication if the parcel is in an area where a neighborhood park is needed and if it is a usable size or fees in lieu of a dedication.

Acting Council President Hill and Councilmember Palmer questioned why, if the Planned Development had already gone through the County review process, it was considered a new development. Mr. Shaver noted that is part of the argument - is the new development the Amended Planned Development or each newly platted subdivision.

Acting Council President Hill agreed that staff has demonstrated the basis of their response to the developer as contained within the Code. However, he felt that the Ridges are unique. He questioned if the interpretation in 1994 was an accurate one, that is, to apply the Code in this specific case when there was a different interpretation as to what is open space.

Councilmember Palmer added that the County requirement was not specific in what type of land could be considered open space. He did disagree that the golf course should be counted.

In response to Councilmember Palmer's inquiry, Mr. Stubbs said in 1994 they were in land bank period; they could have sold it off but held out. He said their land dedication wasn't all unusable open space. He referred to a letter between the County and the original developer which stated that all the requirements were met. Mr. Stubbs acquired property in 1987. When he was told he would have to comply with current standards in 1994, he thought that meant they had to develop to City standards not dedicate additional open space. He contended that he was told by the then City Attorney Dan Wilson that all land dedication requirements were met. He feels the intent of the Code has been met.

Councilmember Palmer asked staff if the decision will affect other parcels. City Attorney Shaver responded that there are no others like this. He displayed the 1994 Planned Development plan that was adopted that specifically addressed that new development would have the new regulations applied. He advised he has done Planning and Zoning for the City since prior to 1994 and he is not aware of the discussion with Mr. Wilson that Mr. Stubbs is referring to.

Councilmember Coons noted there is clearly a lot of open space in the Ridges; she is concerned that there is no need and no place for a park in that area so the request is for a fee for open space to go in another area. She is struggling with the uniqueness of this area and questioned the sense of adhering to the letter of the law in this situation.

Councilmember Palmer said he feels they have met the open space requirements in good faith and they have not questioned the other requirements.

Councilmember Thomason said he would support amending or correcting an unfair situation.

Councilmember Coons said the intention has been satisfied so adhering to the letter of the law does not gain any benefit. She supports amending the 1994 agreement.

Acting Council President Hill stated that the direction has been given to staff to find exception and bring back an amendment to Council, although he agrees that the City stepped up and helped them with their debt.

City Attorney Shaver said he will bring back the direction given in the form of a resolution so that it is the adoption of a policy.

Tom Volkmann, an attorney representing Harvest Holdings, a current developer in the Ridges, questioned how Shadow Run will be affected as it is in final plat stage. City Attorney Shaver advised that can be worked out through the Development Improvements Agreement.

Action summary: Staff was directed to bring back a resolution, which will include a statement from the City Council that the Ridges has met open space requirements, for final consideration by the City Council. City Attorney Shaver was directed to work with Harvest Holdings to resolve their situation so they can move through the final plat process.

Acting Council President Hill called a recess at 8:45 p.m.

The meeting reconvened at 8:58 p.m. with Council President Pro Tem Bonnie Beckstein presiding over the rest of meeting.

2. **STRATEGIC PLAN:** An update and direction to proceed on the two year update. Interim City Manager David Varley reviewed the direction previously given, the development of the Strategic Plan, its relationship to the Vision 20/20 and the history of the various updates. A number of firms were approached for their assistance with the update and the original company, Kezziah Watkins, was the firm he was recommending. Mr. Varley discussed their proposal and how they

would incorporate some of the ideas from the Vision 20/20 into the two year update.

Councilmembers Hill and Palmer were in favor of reconstituting the original Vision 20/20 group to refresh the Vision 20/20 plan. Interim City Manager Varley suggested bringing that group together once or twice for input. The additional community input would come from the focus groups. That will allow a more in-depth cross section opinion. Focus groups are more effective than telephone surveys although the telephone survey certainly still has value. Councilmember Hill agreed that the survey gives a baseline that he wants to maintain. He asked how the focus group members would be selected. Mr. Varley said a firm was hired when the City conducted the communications study to identify focus groups and they ensured a balanced demographic was designated.

Councilmember Palmer agreed with a blend of focus groups and the survey. He suggested that some additional questions be added to the survey. Mr. Varley said they could but the firm feels their questionnaire is close to reaching the number of maximum questions. The results from the Jerry Moorman service delivery survey conducted last year could be incorporated into the update since it was only last year. Another element would be the neighborhood meetings that have been conducted in previous updates.

Councilmember Hill said he likes the plan; it will dig deeper, bringing in the 20/20 group which can make some adjustments will be a benefit. He commended the consultants in their previous work with the Strategic Plan and was pleased with the specific direction they will be giving them.

Councilmember Coons asked if the economic surveys being done can somehow be incorporated. Mr. Varley responded that there is a connection and there may be a way to merge the two once both processes are complete.

Councilmember Hill noted the Council can use both documents when doing the next two-year budget.

Action summary: Staff was directed to go forward with the update plan as presented. Mr. Varley said he will start getting things scheduled. He anticipated it would be about a month to get it organized.

ADJOURN

The meeting adjourned at 9:30 p.m.