

## Commissioners reconsidering proposals

# Rezoning requests epitomize planning problem

By Michael Moss  
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The Mesa County Board of Commissioners is reconsidering a pair of rezonings for industrial use tentatively approved three weeks ago.

The case is not momentous. It involves 202 acres of greasewood, alkali flatland along Interstate 70, just east of its junction with U.S. 6&50.

At first glance it seems fertile ground for new industry.

But the question of whether to allow such development has forced one commissioner to abstain for fear of a conflict of interest. Another says she's perplexed.

Two local land developers are talking to their attorneys. And the City-County Planning Department's staffers are shaking their heads, saying, "So what else is new?"

The complex case is a microcosm of the land use issues troubling Mesa County. It epitomizes the situation a private consultant for the county has termed "chaos."

Everyone involved agrees that until there are major changes in the way land use decisions are made, the situation will only get worse.

At issue is the development of twin commercial parks.

Energy Park Plaza, a joint project of Paul Cavanagh and Dan Ryan, who want to subdivide 131

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**Developers who have proposed two industrial parks for land along Interstate 70 want hookups to the new Persigo Wash sewage plant. But the land is outside the area to be served by the sewage system. Additionally, they need the land rezoned before they can proceed with their projects. The resulting complications, some say, typify problems in county planning procedures. Monday's *Sentinel* will profile the developers.**

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acres of idle farmland along the freeway into lots of two or more acres, to be eventually purchased or rented for new office or warehouse space.

The Bookcliffs Business Park is proposed by Denver-based Marcus Palkowitsh, who wants to subdivide 71 acres into lots up to 12 acres each. To do so, they need the land rezoned for industrial use.

The projects lie side by side, just west of Road 23 and a farming area known as Appleton, northwest of Grand Junction.

In the area along I-70 are several other commercial and industrial developments. It's poor agricultural land, although irrigation water is available.

However, the projects have raised a number of problems for all concerned.

The rezonings were tentatively approved Feb. 24 by Commissioners George White and Maxine Albers. Commissioner Rick Enstrom was absent.

Today, a final decision is still pending.

Commissioner White said he finds himself in a possible conflict of interest.

Item: White owns Arrow West Commercial Park.

Item: He is a board member of the Grand Junction West Water and Sanitation District, which lies just across I-70 from the proposed developments. That district comprises his park and others, which collectively would compete with the proposed complexes for occupants.

The sanitation district's director, Jerry Fossener, is protesting the new developments. Fossener's district has been required to build expensive sewer and water hookups to the new Persigo Wash Sewage Treatment Plant. Last summer, the district issued \$1.5 million in 20-year bonds to pay for construction.

See REZONINGS, page 11

# REZONINGS

on Page One

White is being taxed to pay for sewer bonds. The tax rate, added yearly, is tied to the number of occupants in the district. The more occupants to share the bill, the lower the tax levy.

Fosser said he has up to 300 acres of land in the district that could be developed. Allowing Cavanagh, Ryan and Palkowitsh to develop just to the north would be fair, he argues, because those developers could steal some of his potential customers. Disallowing the new developments might help Fosser attract new businesses.

And therein lies White's dilemma: If he votes against the rezoning, he could be accused of voting to lower sewer taxes in his own district and on his own behalf. If he again votes for it, he could be accused of going against the people he represents on the sanitation district board.

"I'm caught in a peculiar situation," he said in a telephone interview Friday morning. "I don't think there's a conflict, but, yes, it might be looked at that way."

"From now on," he said, "I'll have to excuse myself. I won't make any more decisions on this."

Commissioner Albers has another problem with the proposed rezoning.

The site is outside a magic boundary. The line was established in August 1975 to define the limits of the Grand Valley's new sewage treatment system. The boundary runs along I-70 from Fruita to Clifton, then south to Orchard Mesa. It encompasses the Redlands and Grand Junction.

Everything within the area—called "201" after the appropriate section of the federal Water Pollution Control Act—will be served

including the twin parks. Other officials strongly disagree.

"We shouldn't fool with the boundaries," said City Public Works Director Jim Patterson.

Patterson helped make the original estimates for population growth within the 201 area. Those estimates were used to determine the new treatment plant's capacity of 25 million gallons daily. Add new users from outside the original area and the calculations will change, he warns.

But that's not the only problem. Should the 201 boundary be expanded and new users allowed in, he said, the county would be in trouble if the plant reaches its limit. Customers within the original boundary could either sue the county or complain to the federal Environmental Protection Agency, which is funding 75 percent of the new sewer plant. The EPA then might recall its grant, said Patterson.

That scenario worries Commissioner Albers. After the rezoning was tentatively approved, she asked Patterson for a clarification of the 201 policy, a policy the commissioners adopted last summer when they created the 201 area.

Cavanagh and the other developers said they're willing to consider individual septic tanks or separate private treatment plant. But such measures, too, are discouraged by existing land use policies in Mesa County.

The resolution that defined the 201 area also stipulated that residential and commercial growth should be steered into the 201 area. "It is the board's concern that sewer extensions outside the 201 boundary may promote (undesirable) residential development," the resolution says.

Health Department agreed that developments outside the 201 area should be discouraged. "We don't want any more of these little individual treatment plants strung out across the valley," he said.

Commissioner Albers, too, is concerned.

"We're going to have to take another look at this," she said recently.

"If we start annexing areas" to 201, she said, it could "encourage the kind of growth we don't want."

Asked why the rezoning was originally approved, Albers said it was done only with reservations about how the sewer question would be resolved.

"We've got so many of these (development proposals) to deal with that, yes, we really don't have the time now to set policy," she said. "We shouldn't be setting policies on a case by case basis, anyway."

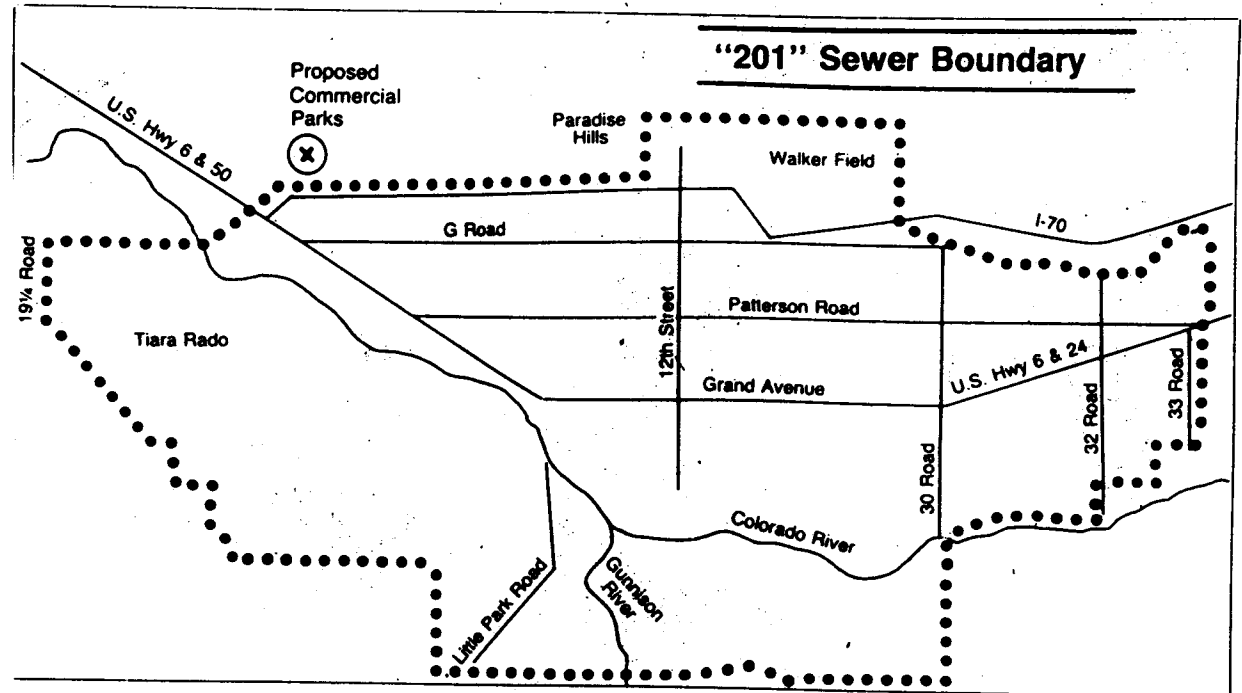
On Tuesday, the commissioners will consider 26 development proposals and rezonings, many of them as complex as the Cavanagh-Ryan and Palkowitsh developments.

Things can only get better, said Albers. She and other officials are optimistic that a countywide master plan now being drafted by Pueblo-based consultant Eric Kelly will help settle this and similar land use issues.

"What we need is to put everything together in one package," said Commissioner Enstrom.

Meanwhile, Shrum has recommended against the Cavanagh-Ryan and Palkowitsh rezonings. His reasons, based on the 201 growth issue, were detailed in a March 10 memorandum to City-County Attorney Gerald Ashby, who is drafting resolutions to deny the rezonings.

With White abstaining, the final



Sentinel map by Mike Erskine

**Developers of land outside the '201' boundary want hookups to new sewage system ...would save the cost of septic tanks or a private treatment system**