

AUGUST 10, 2005

CALL TO ORDER

Mayor Bruce Hill, Grand Junction City Council, called to order a **Joint Persigo Annual Meeting** at 11:30 a.m., between the Mesa County Board of County Commissioners and the City of Grand Junction City Council in the Grand Mesa Room, at the Holiday Inn, 755 Horizon Drive, Grand Junction, CO. Those present from the County were Chairman Tilman Bishop and Commissioner Janet Rowland; Jon Peacock, County Administrator; Pete Baier and Connie Hahn, Public Works Department; Kurt Larsen, Linda Dannenberger, and Keith Fife, Planning Department; Lyle Dechant, Valerie Robison, and Brenda Foote, County Attorney's Office; and Roberta Raley, Clerk to the Board. Commissioner Meis was absent due to a family emergency. Attending from the City of Grand Junction were Council members: Jim Spehar, Doug Thomason, Bonnie Beckstein, Gregg Palmer, Teresa Coons, Jim Doody, and Bruce Hill; Kelly Arnold, City Manager; Greg Trainer, Utility Manager; Mark Relph, Public Works and Utilities Director; Bob Blanchard, Community Development Director; John Shaver, City Attorney; and Stephanie Tuin, City Clerk. (Minutes transcribed by Roberta Raley, Clerk to the Board.)

DISCUSSION ITEM

Mayor Bruce Hill requested to move the first item, discussion on the Persigo Agreement, to the end of the agenda. The Board and the Council agreed to move this item to the end of the agenda.

PERSIGO AGREEMENT.

Items to be reviewed on the Persigo Agreement were the history and background that created the different elements within the Agreement. Planning Boundaries: Review the significance of the Urban Growth Boundary, "the Line", the 201 Boundary and how they apply within the Agreement. The significant dates of the Agreement. Enclaves: How are enclaves to be, or not to be, managed or improved during the three-year period before the City annexes? Lastly a discussion of the future of the Persigo Agreement beyond 2007.

PUBLIC HEARING

INCLUSION REQUESTS TO THE 201 SEWER SERVICE AREA BOUNDARY.

Greg Trainer, Utility Manager City of Grand Junction, stated the identified properties and those within 500 feet were notified in writing of the requests of inclusion or exclusion, also the hearing was noticed in the newspaper, as per statute.

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Greg related that since 1999 there had been 26 additions and/or deletions in the Persigo 201 Boundary. In the past there has been considerable discussion of the area along Interstate 70, H and H ½ Roads. Currently the boundary is along the Interstate.

FOX PROPERTY PARCEL NUMBERS 2701-233-00-562 ADDRESS 901 26 ½ ROAD.

Greg Trainer related the parcel was 45 acres, currently designated Estate in the City's Growth Plan and the County's Land Use Plan, and also is in the North Central Valley Plan and the map depicts Estate Zoning. To develop this property with sewer there would have to be a lift station at the southwest corner of the property, connecting with the sewer line at 26 and I Roads for an estimated cost of \$126,000, in addition an estimated \$250,000 of plant investment fees to maintain the pump station. With the initial request was a letter requesting to develop the property at three units to the acre. There are currently two homes on the property. The Airport Critical Zone affects the property. Bob Blanchard stated the City had adopted in the Development Code the Airport Regulations regarding the Critical Zone. Staff recommended against the inclusion of the property.

The petitioner stated there was only an area of approximately five acres that was in the Airport Critical Zone. She also reported that the property around her was developed and she felt there was a community need for additional lots.

Commissioner Rowland requested if the petitioner was willing to cover the costs of the pumping station. The petitioner related that would be a cost of development.

Bruce Hill remarked that the zoning in the area was Estate, 2 to 5 acres per parcel.

Gregg Palmer questioned if the property could be developed with septic.

Teresa Coons stated that she had concerns of developing with septic systems, as down the road there were problems with them. Greg Trainer noted the entire area was under irrigation and had a high ground water table.

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There was one letter in objection from John Trotter, 887 26 ½ Road, for the inclusion in the 201 Boundary.

Chairman Bishop stated he was not so sure piecemealing the inclusions were the answer. He felt there was a need for an ad-hoc committee, to look at the area as a whole and the growth potential for the area; rather than deal with individual requests. He felt there were too many things happening and not so sure this was good master planning.

Gregg Palmer stated he had a concern with the hopscotching around, this puts many others parcels in-line so that they could develop. Questions come to mind, is this how the decision making bodies want to see it develop, what land use measures are in place, is the infrastructure in place, and budgets for other areas. He stated that the City tries to work with their strategic plan and encourage infill development, and this would create sprawl.

Commissioner Rowland stated she felt 2-acre lots also created sprawl; there is a large demand for urban development. By creating boundaries it increases the cost of housing. She would agree to the ad-hoc committee if it was done in a very short time frame, but felt the Boards needed to continue to look at expanding the boundaries.

Jim Spehar stated these should not be parcel specific and should be the surrounding area, but they should be looking at the Master Plan for the City and County, which were done in the 90's. He did not feel this request should be granted, as the staff report indicated there was significant development in the area, and should honor the earlier planning processes. If there are changes to be made they should go through a similar process and not piecemeal the rest of the area.

Chairman Bishop stated he understood the property owners wanted answers in a timely manner. He did not want development to go north on septic systems, at some point in time they would fail and have to come in to the system.

Teresa Coons felt there was a need to establish an ad-hoc committee to take a good look at this matter. She did not want to encourage sprawl development.

Jim Doody questioned the annexation issue of moving the line. John Shaver stated that annexation effects the City services. The property would be developed under the City process, and would place a demand on all city services, fire, police, etc.

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Bruce Hill felt it was good to look at each property individually. The bigger question for him was what the Future Land Use and the Growth Plan outlined, as neither Plan has changed. Putting one before the other is inviting sewer into an area that is zoned Estate. He realizes the petitioner wanted to maximize the potential for the use of the property. He did not feel it should be included at this time.

JIM SPEHAR MOVED TO DENY THE FOX AMENDMENT REQUEST FOR PARCEL NUMBER 2701-233-00-562, SECONDED BY MAYOR PRO-TEM PALMER, AND UNANIMOUSLY CARRIED BY THE CITY COUNCIL. (7-0)

JANET ROWLAND MOVED, TILMAN M. BISHOP SECONDED, AND MOTION CARRIED TO DENY THE REQUEST FOR THE FOX AMENDMENT REQUEST FOR PARCEL NUMBER 2701-233-00-562. (Motion carried 2-0, Commissioner Meis absent)

Chairman Bishop stated he would like to form an ad-hoc committee consisting of an elected official from the County and the City, the legal counsel from each entity, both Administrators, and members of the planning staffs. Jim Spehar said that he would volunteer to be on the committee.

MERKEL AMENDMENT REQUEST, PARCEL 2701-332-00-133 AND 2701-322-00-023, VICINITY OF 24 TO 24 ½ ROAD NORTH OF I-70.

Greg Trainer stated this was the Merkel property, the current Growth Plan shows 2 to 5 acres per dwelling unit, the 201 Boundary is along I-70 and is along the west side of this property. Dr. Merkel also has property to the west of this parcel, which is inside the 201 Boundary. The estimated cost to sewer this property would be \$108,000, as there is an eight inch gravity line south of I-70 at Canyon View Park. Staff recommended against the inclusion of the property.

Larry Beckner, representing Dr. Merkel, stated that 24 Road was one of the primary roads into Grand Junction, and the pressure is there. This area has been subject to a number of applications for inclusion into the 201 for the past several years. There is a significant amount of commercial property in the area. There is a great potential for development with the sewer there. He felt something needed to happen in the area besides residential estate, as the commercial buffers those residents from the interstate noise. There is an eight-inch line at the northern end of Canyon View Park; it was installed to go somewhere. He felt there were significant differences between the properties along the interstate and those located in the northern area. He agreed there was a need to have some sort of study, but the pressure is now for development.

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Chairman Bishop stated he agreed with the need to have a short timeframe for the ad-hoc committee to review the area. The Commissioners know the pressure and see it every time they have a land use hearing. He knows they cannot wait five years, but there is a need to put into place something for manageable land use decisions.

Jim Spehar stated he appreciated the desire to develop, although, he remembered that the North Central Valley Plan was the most contentious plan in the Master Plan and in good faith they have to involve the folks in the area.

Sam Suplizio stated from a market standpoint, whether residential or commercial, restriction on development drives prices up; with commercial the stakes are higher. There is not enough commercial/industrial vacant land for the gas and oil industry to locate here, and the area is losing jobs to other areas. These companies provide very good wages to their employees.

Doug Baute, Bookcliff Ranches, stated he agreed with the Council, that a study needed to be done, when the sewer is brought in it is a catch 22. He would like to know how the zoning was going to be effected, and how it will affect their property. He did not want to see the hopscotching. Jenny Thrailkill, who lives next to the subject property, wanted to know how this would affect her and the surrounding properties.

Jim Spehar stated that would be one of the advantages of taking a broader look at the area north of I-70. They would be considering more than Dr. Merkel's property. He felt this would be an advantage to the residents.

Dale Beede stated the market is here now; the valley is out of industrial and commercial land. He sat on the Growth Plan Steering Committee, the plan worked then, but it needs to roll with the needs of the community and it does not address the needs of today.

Bonnie Beckstein stated there was a need to revisit the Growth Plan for discussion for the future. She agreed with the community that the needs had to be addressed now. She felt the community should evolve, but with positive development.

Teresa Coons stated the comments indicate to her that they really do need to take an immediate and broader look. Granting this request today would not address the need for commercial land.

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Commissioner Rowland stated there was urgency, and the study should not take a year, she would be in favor of postponing the decision for three to six months.

Chairman Bishop stated he felt they were further ahead than the Boards were giving themselves credit. The Master Plan is in the process of being updated, as we speak. He did not feel they should approve these requests without the logistics and public input.

Jim Doody stated a three to six month study involving the property owners would be fair and equitable to all.

Bruce Hill stated this one he would support to change the boundary now, if the study could be controlled to the three to six month time frame he would accept that. By opening this to the public and the citizens and looking at the bigger picture may find some things that the Council and Commissioners did not realize.

JIM SPEHAR MOVED FOR DENIAL OF THE MERKEL AMENDMENT REQUEST PARCEL NUMBERS 2701-332-00-133 AND 2701-332-00-023, TERESA COONS SECONDED, AND MOTION CARRIED. (Passed 5-2, Beckstein and Palmer No.)

JANET ROWLAND MOVED, TILMAN M. BISHOP SECONDED, AND MOTION CARRIED, IN ORDER TO MAINTAIN CONSISTENCY, DENY THE REQUEST FOR THE MERKEL PROPERTY, PARCEL NUMBERS 2701-332-00-133 AND 2701-322-00-023. (Motion carried 2-0, Commissioner Meis absent)

ADDRESS 789 23 ROAD, ALEX MIRROW AMENDMENT REQUEST, PARCEL NUMBER 2701-311-00-518.

Greg Trainer reviewed the request by Karen Marquette and Alex Mirrow. The property is shown in the City's Growth Plan as Estate and the County's Land Use Plan, and the County zoning is AFT. The North Central Valley Plan map shows the property as Estate. The property adjacent to the west is the 23 Road Park Plaza, which has one-acre lots with dry lines for sewer installed; south is commercial/industrial. There were several options to sewer the property. By including this property this would eventually make the sewer available to the entire drainage basin. Staff recommended against the inclusion of the property.

Doug Baute, Bookcliff Ranches, discussed the zoning of their subdivision and the surrounding area.

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Alex Mirrow and Doug Gilliland, Triwest Group Inc., stated they were looking at the area as a regional market between Denver and Salt Lake. There is growth pressure here, moving too slowing causes prices to move upward, there is a fine line of getting ahead of growth to prevent sprawl. This property was selected for several reasons: 1) in the early 80's the property was zoned industrial, and the southern portion was developed first, setting the line for the sewer, cutting the property in half. There is sewer on the southern portion. The uses would be similar for the northern portion and could be developed with septic, but here is an opportunity to develop with sewer. The Commercial activity should be placed close the highways for access. Commercial activity generates economic development, and would help relieve the growth problem. Alex Mirror stated the expansion of the 201 affects all of us, whether it is in the economy or in the jobs, without the sewer there is no growth. The gas industry wants to locate here, as this is where the largest workforce is located. He related that the group was to meet with the neighborhood to try to address their concerns. He questioned if it was necessary to put all the parcels in the study area. Dan Wilson, representing Karen Marquette, stated the key point was the zoning was already in place and the first phase was platted. The North Central Valley Plan created a map error for this parcel, and shows this property as AFT. The property owner has a vested right and the County has not rezoned the property. The Persigo agreement states, if possible, commercial and industrial properties should be developed with sewer.

Diane Atchison stated she lives next door, she does not want to be forced to be on sewer, but her major concern was what will be brought in as industrial or commercial. She would prefer the development be residential, as she does not want anything negative to come into the established residential area.

Jim Spehar requested clarification from the County staff as to the zoning issues. Linda Dannenberger stated through a research project on zoning resolutions, the research showed that the northern portion of the property was zoned Planned Industrial, and the research did not disclose any reversion back to the original zoning. There were stub roads required. She stated that there is a procedure to change the error; it has to be initiated by the owner/applicant.

Chairman Bishop stated even if there was to be a meeting with the neighborhood, he felt the inclusion of the parcel was premature. He stated the value and purpose would still be there even after six-months.

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Jim Spehar stated he agreed with Tillie, the zoning issues needed to be clarified with a study.

Teresa Coons stated she was in agreement with Tillie and Jim Spehar.

Doug Thomason stated the two bodies had agreed to look at the other two parcels with the ad-hoc committee and this one was no different. He felt there was a need to involve all parties that were interested.

Gregg Palmer stated it was clear all were in agreement with the ad-hoc committee. He felt this parcel was split by the 201 and should not be delayed the zoning was in place. This development would meet and help solve some of the deficiencies in commercial/industrial property. He was in support of including it in the 201.

Bonnie Beckstein stated it should be incorporated in the 201, as part was already in. She felt it should all be in or all be out.

Bruce Hill stated he could approve this one today if the Growth Plan showed this as commercial/industrial. The Growth Plan shows this as Estate. He wanted to see the map corrected first.

JIM SPEHAR MOVED TO DENY THE REQUEST FOR THE MIRROW AMENDMENT PARCEL 2701-311-00-518, JIM DOODY SECONDED, AND MOTION CARRIED, 5-2. (Beckstein and Palmer No.)

JANET ROWLAND MOVED, TILMAN M. BISHOP SECONDED, AND MOTION CARRIED TO DENY THE MIRROW AMENDMENT REQUEST FOR PARCEL 2701-311-0-519, TO REMAIN CONSISTENT AND REQUEST A QUICK STUDY OF THE AREA. (Motion carried 2-0, Commissioner Meis absent)

VICINITY EAST SIDE OF 22 ROAD, NORTH OF I-70 WT HALL AMENDMENT REQUEST, PARCEL NO. 2701-312-00-520.

Greg Trainer discussed the WT Hall amendment request, the City's Growth Plan and the County's Land Use Plan both have this parcel as Estate zoning. The North Central Valley Plan map shows the portion of the property on the southeast of the Persigo Wash as Estate, and the northwest portion is out of the North Central Valley Plan. The sewer would be available at 22 Road and Highway 6&50. By sewerage this property, staff felt could potentially add 1,000 single-family equivalent units to the system. The estimated cost to sewer this parcel was \$193,200. Staff recommended against the inclusion of the property.

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Tom Volkmann, representing the petitioner, stated the petitioner owns two parcels, the one on the west side of 22 Road is in the 201, and the larger parcel to the east is out of the 201. There is 10-inch stub to the sewer just below the property on the south side of the Highway. This is a unique property as the parcel is bound by a canal on the north, so by extending the sewer to this property it would not bring any other parcels into play. He requested the bodies approve and do so with conditions. There were other processes that will have to take place such as a Growth Plan Amendment and rezone the property. He stated they were not interested in any of this if they cannot develop the property.

Jim Spehar stated given the comments from the petitioner and this could be done conditionally, though he wanted to be respectful the North Central Valley Plan, he was willing to support this. The split nature of the property and the physical constraints make this property different than the others.

Bonnie Beckstein stated she would support this amendment.

Teresa Coons stated she would agree placing conditions on the approval and could support the amendment.

Commissioner Rowland questioned why the other properties could not have been approved with conditions, if the group was considering one here; consistency was an issue with her.

Jim Doody stated he agreed with the logic of the property; but in doing the ad-hoc committee they would be getting the big picture of the area and will be able to make a well-informed decision.

Chairman Bishop stated this could be a slam-dunk if the zoning was the same. He felt the property would develop, he just would prefer it to be done after the ad-hoc committee review and stay consistent with the other decisions.

Jim Spehar agreed with Chairman Bishop and Commissioner Rowland that consistency was important.

JIM SPEHAR MOVED IN THE MATTER OF THE HALL PROPERTY AMENDMENT REQUEST PARCEL NUMBER 2701-312-00-520, TO REMAIN CONSISTENT, DENY THE REQUEST, JIM DOODY SECONDED, AND MAYOR HILL CALLED FOR A ROLL CALL VOTE: BONNIE BECKSTEIN NO, JIM DOODY YES, GREGG PALMER NO, TERESA COONS YES, JIM SPEHAR YES, DOUG THOMASON YES, BRUCE HILL YES; CARRIED ON A 5-2 VOTE.

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JANET ROWLAND MOVED, TILMAN M. BISHOP SECONDED, AND MOTION CARRIED TO DENY THE HALL PROPERTY AMENDMENT REQUEST FOR PARCEL NUMBER 2701-312-00-520 MAINTAINING CONSISTENCY. (Motion carried 2-0, Commissioner Meis absent)

EXCLUSION REQUEST

VICINITY WEST SIDE OF ROSEVALE ROAD, NORTHWEST OF LITTLE PARK ROAD, KEN SCISSORS AMENDMENT REQUEST.

Greg Trainer stated this was in the area of Rosevale and Little Park Roads, was owned by Dr. Scissors, and was on the border of the 201. He was requesting to develop with septic, as the site has a number of constraints to get sewer, such as topography and would have to install as much as a half-mile of sewer line. Staff recommended keeping the parcel in the 201, allowing the development on septic with Power of Attorney Agreements (POA). The agreements would come into play if the upper Rosevale area were ever to develop and create a sanitation district.

Teresa Coons asked if the original request was to delete, why now requesting to remain and develop with septic.

Greg Trainer related that the City regulations, for property in the city limits, require the property to be developed with sewer, but by bringing it to both bodies, they may approve it with septic. He also noted that without the rest of the surrounding lots it would be cost prohibitive to provide sewer.

Dr. Ken Scissors stated the issue came about in order to develop in the 201 and on sewer he would be required to install over a half-mile sewer line. The preference was to never go on septic, but was requesting to develop with septic and install dry lines in the development. They were looking at meetings with the neighborhood to see if a district could be formed. He stated he would engineer the systems so that they could be hooked to the sewer very easily.

Connie Schmalz, neighbor, stated they had heard the exclusion request was for the area west of Little Park Road and not just the Scissor property. She stated that she was not interested in being taken out of the 201, as eventually this area would need the sewer.

Bruce Hill stated this was not an exclusion anymore. Greg Trainer affirmed that it was now a request to grant a waiver for septic, which has to be approved by both bodies.

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JIM SPEHAR MOVED ON THE SCISSORS AMENDMENT REQUEST PARCEL NUMBER 2945-223-00-227, TO GRANT THE WAIVER REQUIREMENT TO IMMEDIATELY HOOK UP TO SEWER SERVICE, ALLOW DEVELOPMENT ON SEPTIC WITH THE UNDERSTANDING THAT DRY LINES ARE TO BE CONSTRUCTED, HOOKUP REQUIRED AT THE TIME THE SEWER SERVICES WERE AVAILABLE, AND POWERS OF ATTORNEY TO BE EXECUTED, JIM DOODY SECONDED, AND MOTION UNANIMOUSLY CARRIED, 7-0.

JANET ROWLAND MOVED, TILMAN M. BISHOP SECONDED, AND MOTION CARRIED IN THE MATTER OF THE SCISSORS AMENDMENT REQUEST, PARCEL NUMBER 2945-223-00-227, TO WAIVE THE REQUIREMENTS FOR SEWER, ALLOW THE DEVELOPMENT WITH SEPTIC, AND REQUIRE THE POWERS OF ATTORNEY BE EXECUTED. (Motion carried 2-0, Commissioner Meis absent)

LATE FILINGS

Greg Trainer discussed the three late filings that were received. They were in the area from 21.5 to 23 Road and the Interstate to H Road.

Bruce Hill stated the late filings should be included in the study area with the ad-hoc committee.

Chairman Bishop stated for consistency they should be included, as the area was from I-70 to the north and between 21.5 and 26 ½ Roads. Commissioner Rowland stated that she would like the study to be completed within six months.

Jim Spehar stated this was more than a sewer line boundary study.

Kelly Arnold stated the first agenda item for the committee would be to define the process and the impacts.

Bruce Hill stated he wanted this on a fast tract, to move through the process, set goal for six-months, or as soon as possible.

TILMAN M. BISHOP MOVED THAT THE BODIES APPOINT AN AD-HOC COMMITTEE: CONSISTING OF ONE COUNTY OFFICIAL, TWO CITY OFFICIALS, THE ATTORNEY OFFICES, BOTH ADMINISTRATORS, AND THE PLANNING STAFFS; HE WANTED THE AFFECTED PROPERTY OWNERS NOTIFIED AND DISCUSSION FROM THEM; DOUG THOMASON SECONDED, AND MOTION UNANIMOUSLY CARRIED.

Jon Peacock stated he would setup the first meeting. Commissioner Rowland agreed to be the County representative on the committee. Bonnie Beckstein and Jim Spehar were the City elected officials, a tentative date for February was set to report back to the bodies as a whole, or sooner if possible.

Gregg Palmer stated he would like the two bodies to get back together and review some other issues in the next couple of months.

ADJOURNMENT

With no further business to come before the Board and the Grand Junction City Council, Chairman Bishop adjourned the meeting at 2:45 p.m.

Janice Ward,
Mesa County Clerk and Recorder

Roberta Raley,
Clerk to the Board

Tilman M. Bishop,
Chairman

(Verbatim digital files of the Commissioners' Proceedings of August 10, 2005, are on file in the Mesa County Clerk's Office.)