

7/22/2022 1:28 PM



**PLANNING & ZONING COMMISSION
SPECIAL MEETING**

Tuesday, July 26, 2022, 5 p.m.

Attend in person:

Cedaredge Civic Center, Grand Mesa Room 140 NW 2nd St.

Attend virtually:

On Your Computer: <https://bit.ly/3cF7pUE> | Password 708139

On Your Phone: 253-215-8782 | Webinar ID: 892 2005 8480 | Password: 708139

AGENDA

[A] denotes an action item; [D] denotes discussion item

1. Title 16 Land Use Code Update [D]

PLANNING STAFF MEMORANDUM

TO: CEDAREGE TRUSTEES AND PLANNING COMMISSION MEMBERS
FROM: DAVIS FARRAR - PLANNER
SUBJECT: PUBLIC COMMENTS AND ANALYSIS ON THE LAND USE CODE
DATE: 7/22/2022
CC: KAMI COLLINS - TOWN ADMINISTRATOR

This memo is intended to offer background on the LUC update, the process and comments on the comments on the document received as of the July 15 deadline. This process was initiated in May 2021 and has steadily progressed since that time through multiple reviews by the Land Use Code Steering Committee (LUCSC), the Planning Commission and the Trustees. This update was initiated because of a need to revise, clarify, streamline and to make the regulations more usable. A budget of \$25,000 was allocated with the intent that this was not a complete Land Use Code (LUC) re-write but to achieve the objectives noted above.

The members of the LUCSC include the following folks and during the approximately 14-month long effort there were changes in the committee composition. It should be noted that there were several joint meetings with the Planning Commission and Board of Trustees as well.

Trustee Jim Atkinson	Commissioner Dick Cartin
Trustee Heidi Weissner	Commissioner Gene Welch
Commissioner Doug Hoggatt	Janice Jones:
Skip Bethurum	Will Snowdon

The following is the list of the dates of the 12 public meetings held by the LUCSC, Trustees and Planning Commission and the two additional meetings to be held by the planning commission on July 26 with the continued Trustee public hearing on August 4, 2022. All of these meetings have been publicly posted, open to the public and the working draft of the LUC was available to the public. The process has been open and transparent to the community. The Board of Trustees continued the July 6, 2022 public hearing to August 4, 2022 to allow additional comments that were due by July 15, 2022. Comments from the public were received and input at the July 6 public hearing were noted. This memorandum includes the public input and staff responses for Planning Commission and Trustee Consideration.

Land-Use Code Update Table of Meetings.	
5/6/2021	
7/27/2021	
9/1/2021	
9/13/2021	
9/27/2021	
11/17/2021	
1/12/2022	
1/19/2022	
3/22/2022	
4/19/2022	
6/17/2022	
7/6/2022	
7/26/2022	Future Planning Commission Meeting
8/4/2022	Continued Trustee Hearing & Code Adoption

The LUCSC has spent many hours carefully reviewing and discussing the Title 16 changes. There have been thoughtful discussions and debates about amendments and this draft LUC reflects that input.

Staff Comments:

- Carol Viner - Town Attorney: Sexually Oriented Businesses – Cedaredge currently has a moratorium on sexually oriented businesses and that section of Title 16 will be developed and considered in the future.
- Bruce Stanley - Cedaredge Building Official:

16.01.120 Certificate of Occupancy

D. → Record, filing and fee. The certificate of occupancy shall state that the building or land complies with all the building and health laws and ordinances and with the provisions of the Cedaredge Municipal Code. A record of all certificates shall be kept on file ~~in the office of the Building Inspector at Town Hall~~ and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building affected. No fee shall be charged for an original certificate applied for coincident with the application of the building permit. For all certificates or copies of the original certificate, there shall be a fee as set by the Board of Trustees. ¶

Planner Comment - The proposed modification to Section 16.01.120 is shown above.

Home occupation is listed twice in table 16-1.

Table 16-1

Legend

P=Permitted Accessory Use

■=Prohibited Accessory Use

Accessory Use	R-1	R-2	R-3	MU-R	B-1	MUC-D2	MUC-D1	I
Drive-In/Drive-Through (directly related to a Principal Commercial or Industrial Use)	■	■	■	P	P	P	P	■
Garage, Carport, or Similar Vehicle Storage Building	P	P	P	P	P	P	P	P
Fences, Hedges, or Freestanding Walls	P	P	P	P	P	P	P	P
Home Occupation	P	P	P	P	P	P	P	P
Keeping of Animals for Noncommercial Purposes	P	P	P	P	P	P	P	P
Outdoor Retail Display	■	■	■	P	P	P	P	P
Parking Area or Structure (directly related to a Principal Use)	P	P	P	P	P	P	P	P
Short-Term Vacation Rental	P	P	P	P	P	P	P	■
Renewable Energy System -- On-site use	P	P	P	P	P	P	P	P
Shed	P	P	P	P	P	P	P	P
Home Occupation	P	P	P	P	P	P	P	■

Planner Comment - The proposed modification to Table 16-1 is shown above.

16.04.130 Dimensional Standards

Note: Setback from streams and rivers is measured from the centerline of the stream or river.

Setback From Streams and Rivers -- Measured from centerline of stream or river	25'	25'	25'	25'	25'	25'	25'	25'
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Planner Comment - The proposed modification to table 16-1 is shown above.

16.04.180 Accessory dwellings.

F. Square footage of ADUs shall be allowed as follows:

1. Primary dwelling units that are 1,500 square feet or less shall have a minimum unit size of 300 square feet and a maximum unit size of 500 square feet.
2. Primary dwelling units that are larger than 1,500 square feet minimum unit size shall have a minimum unit size of 300 square feet and a maximum unit size of 33 percent of the total floor area of the primary dwelling unit, up to a maximum unit size of 850 square feet.

This would allow a tiny home to be used as an ADU, which is currently not allowed by the Town. Also, this conflicts with G. 5 of this section.

G. 5 conflicts with F. 2

Planner Comment - The proposed modifications to this section are shown below.

- F. → Square footage of ADUs shall be allowed as follows: ¶
1. → Primary dwelling units that are ~~1,500~~600 square feet ~~or less shall have a minimum unit size of 300 square feet to 1,500 square feet shall have~~ and a maximum ADU unit size of ~~500~~495 square feet. ¶
 2. → Primary dwelling units that are larger than 1,500 square feet minimum unit size shall have ~~a minimum unit size of 300 square feet and~~ a maximum ADU unit size of 33 percent of the total floor area of the primary dwelling unit, up to a maximum unit size of 850 square feet. ¶
- G. → Standards. An accessory dwelling unit (ADU) or apartment shall comply with the following standards: ¶
1. → Only 1 ADU per property is allowed. ¶

~50~¶

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2. → Only allowed as an accessory use and structure to a single-family detached dwelling. ¶
 3. → Can be fully attached to, or within, the principal dwelling unit. ¶
 4. → A detached ADU may be located to the side or rear of the principal dwelling unit. ¶
 5. → Shall be between ~~400~~495 and ~~800~~850 square feet in size. ¶

16.04.190 Cottage Industry.

A. 2 technically limits a person's service industry (e.g. real estate) hours of operation even for phone calls. This should be re-worded to reflect "open to the public for on-site services." Even as such, if a person needs to sign a contract beyond these hours, a deadline could be missed, and a deal could fall through.

Planner Comment - The proposed modifications to this section are shown below.

16.04.190 Cottage Industry.

- A. → The following cottage industry standards are intended to permit residents to engage in cottage industries that conform to residential land uses and to ensure that cottage industries do not adversely affect the integrity of residential areas. A cottage industry shall be considered an accessory use, subject to the following standards:
 - 1. → The cottage industry may be located within a single-family residential dwelling unit, not to exceed forty (40) percent of the dwelling; or, in a separate structure not to exceed thirty-three (33) percent of the total square footage of the principal structure.
 - 2. → The hours ~~of operation~~ when the business is open to the public for on-site services shall be limited to between 8:00 AM and 8:00 PM.

16.05.090 Fences, Walls and Berms

Needs definition of "adjacent grade." E.g. if a fence is surveyed along the property line that is on the crest of a hill, is the adjacent grade uphill or downhill? There could be an awkward situation where a resident at the base of a (say) six foot slope could find a six foot fence being built at the top of the slope, thus creating a 12 foot high structure blocking all view. This needs work.

Planner Comment - The proposed modifications to this section are shown below.

16.05.090 Fences, Walls and Berms.

- A. → All fences and walls shall conform to the following standards:
 - 1. → No fence or wall erected within a required front yard shall exceed four (4) feet in height above the average adjacent original undisturbed grade measured five (5) feet from the base of the supporting post location in residential zone districts.

Chapter 12
MANUFACTURED HOMES

This entire section confuses the reader by interchanging the concepts of “manufactured” and “mobile” homes. The section specifically defines “mobile” homes, then proceeds to regulate manufactured homes as mobile homes. A manufactured home (as defined in this section) could be a modular home, which is governed by state licensure, by IRC standards and by building permit regulations rather than ANSI, NFPA or HUD standards.

Regardless of State definitions, this section conflicts with common understanding of differences between mobile home parks, mobile home installation, and/or modular home placement. Engineered foundations are NOT required for the installation of these items, since the IRC is prescriptive in the case of common foundation requirements, and it is up to the building official to specify whether an engineered foundation is required per site specific conditions.

Planner Comment – The LUCSC spent considerable time discussing the new definitions of mobile homes now considered manufactured homes that are constructed in a factory on a frame and may be placed upon piers or supports instead of a permanent foundation. The consensus was to describe these as manufactured homes instead of mobile homes to fit the new definition. On the other hand, modular homes are constructed in a factory and are placed upon permanent foundations. It is recognized that this is a little confusing to folks that for many years have used the term “mobile home”. It probably makes the most sense to stick with the new terminology, but if the Trustees feel this creates confusion, staff could do a search and replace and use the term “mobile home” again. In the long run that too may create confusion.

Chapter 13
MANUFACTURED HOME PARK REGULATIONS

According this section as written.....

“Provided, however, a residential manufactured home park approved for and occupied by manufactured homes on separately platted spaces shall not be deemed a manufactured home park for purposes of this chapter. “

So, a manufactured home park.....shall not be deemed a manufactured home park....

This needs to be re-written. Mobile home park restricted?

Planner Comment - The proposed modifications to this section are shown below.

Manufactured home park means a single site, parcel or lot operated and used for the location of two or more manufactured homes intended for use as residences. Provided, however, a residential manufactured home park approved for and occupied by manufactured homes on separately platted spaces shall ~~not~~ be deemed a manufactured home subdivision and not manufactured home park for purposes of this chapter.¶

Comments made at the July 6, 2022 Trustee public hearing:

Trustee Tim Hawbaker

- ✓ Concern was expressed about prohibition of “Keeping of Livestock-Horse, Mule, Burro, Sheep, Goat, Swine, Cow, Steer and like Animals” in all zone districts. It was noted that elimination of those uses on large lots in the R-1 Zone District was not appropriate. Other members of the community have offered similar input on this topic.

16.04.140 Zoning **Table of Uses**

Legend

P=Permitted Use

C=Conditional Use

■=Prohibited Use

Use Category	Use Type	R-1	R-2	R-3	MU-R	B-1	MUC-D2	MUC-D1	I
Agricultural	Keeping of Honeybees & Domestic Fowl - Non-commercial	C	C	■	■	■	■	■	P
Agricultural	Keeping of Livestock-Horse, Mule, Burro, Sheep, Goat, Swine, Cow, Steer & like animals	■	■	■	■	■	■	■	■

Planner Comment - This matter was debated by the LUCSC and Section 16.04.140 Zoning Table of Uses reflects their recommendation. Presently, Cedaredge allows large livestock through a permitting process. The Trustees should discuss this issue in more detail and if there is a desire to continue to allow this use in the R-1 Zone District, staff will make the appropriate modifications to the regulations. It may be a good idea to tie the keeping of livestock to the acreage of the subject property. So, for example, it might be appropriate to require ¼ to ½ acre of land for each horse, mule, burro or cow. A similar formula allowing more animals per square foot could be used for smaller livestock such as goats, sheep or other smaller animals. Perhaps the planning commission at their July 26, 2022 meeting could discuss this topic in advance of the continued Trustee public hearing and offer recommendations. In the meantime, staff could research ratios of animals to acreage and offer information for the Trustees to consider at their continued public hearing.

- Tate Locke - Comments were submitted in writing and are addressed below.
- Hardy Hutto
 - ✓ Little intense
 - ✓ Will run the cost of housing up.?? Increase cost of developing and building.
 - ✓ More public comment time.

✓ Not a lot of development going on; why?

➤ Kathy: VRBOs

Planner Comment - Cedaredge does not currently regulate short-term rentals. This topic was discussed by the LUCSC and because it would be an entirely new section of the regulations; not an update to the current title 16 and because the topic can be quite involved in terms of community input/participation, the consensus was to address the subject in the future.

Written Comments Received from Tate Locke.

SPECIFIC COMMENTS OFFERED FOR REVISION

(3)16.01.060 Fees.

A. Each application shall be submitted with the fees set forth in this Section for that application. The fees set forth by the Board of Trustees shall be considered a minimum for each type of application. To the extent these application fees do not provide sufficient funds to pay for outside professional services for the review of the application, the applicant will be charged the actual review costs including but not limited to, the costs of outside Town consultants and Town legal fees. All fees shall be due and payable upon submission, and all additional fees will be due and payable at such time as a statement is presented to the applicant.

COMMENT: HAVENT FOUND THE "FEES SET FORTH" OTHER THAN SYSTEM IMPACT FEES:

FURTHER:

I THINK IT IS IN THE TOWNS INTEREST OT ENCOURAGE DEVELOPMENT AND ONE SMALL DETAIL WOULD BE TO OFFER PREDICTABILITY IN THE APPLICATION AND PROCESSING COSTS BY FOING TO A FIXED FEEPRE... MODEL. FIXED FEE PER ACRE OR UNIT OR LOT OR... BASED ON THE TYPE OF LAND USE

Planner Comment - This is a good suggestion. As we discussed at the public hearing, fees should be established by Trustee resolution based on periodic review to keep them current. The resolution establishing fees is made available to the public online, at town hall other easily accessible locations. The following modification is recommended to section 16.01.060.

16.01.060 Fees.

- A. → Each application shall be submitted with the fees ~~set forth in this Section as established by the Cedaredge Board of Trustees~~ for that application. The fees set forth by the Board of Trustees shall be considered a minimum for each type of application. To the extent these application fees do not provide sufficient funds to pay for outside professional services for the review of the application, the applicant will be charged the actual review costs including but not limited to, the costs of outside Town consultants and Town legal fees. All fees shall be due and payable upon submission, and all additional fees will be due and payable at such time as a statement is presented to the applicant.

(6)16.01.100 Street and circulation system impact fees.

(6)16.01.101 Time of impact fee obligation and payment.

A. On and after the effective date of this chapter, no building permit, conditional use permit or other construction permit shall be approved for any traffic impact-generating new construction until a street and circulation system impact fee has been assessed pursuant to the terms of this chapter.

B. The impact fee shall be calculated and paid at the time a building permit, conditional use permit or zoning map/district amendment or other construction permit application is approved.

A: **COMMENT:** IF APPLICATIONS ARE ALREADY IN PROCESS AND HAVE REQUESTED BUT NOT YET RECEIVED A CONDITIONAL USE PERMIT, THEN THEY WOULD GET HUNG UP IN THIS LAUNGUAGE. SHOULD SAY SOMETHING: For applications received on and after the effective date of this chapter, no building permit, conditional use permit or other construction permit

Planner Comment - Street and circulation impact fees were established through a process that included a very specific and detailed impact analysis as is necessary under the law to make them valid. The Land Use Code Steering Committee, Trustees and Planning Commission did not change any of the language in this section because of the legal and technical nature of establishing impact fees. This requirement is already part of the regulations of the town and have been in place for a number of years. Applications affected by these regulations would not be in the review process, so an applicant would not get “hung up” by the language because the requirement has already been established.

B: **COMMENT:** FEE SHOULD BE PAID AT TIME OF USE. EXAMPLE CUP PERMIT REQUESTED AND RECEIVED FOR MULTI-FAMILY IN R-1... FEE SHOULD BE PAID AS UNITS ARE BUILD RATHER THAN UP FRONT. THIS WOULD HELP CONTROL THE IMPACT TO DEVELOPER UP FRONT AND MOVE FEE PAYING CLOSER TO THE TIME PERIOD THAT DEVELOPER CAN RECOUP THE COST WITH SALES.

Planner Comment - Street and Circulation Impact Fees for newly constructed units could be collected at certificate of occupancy (CO) instead of the time of building permit. There must be some trigger mechanism for collecting these fees and a method to ensure they are paid such as building permit or certificate of occupancy. In the case of a Conditional Use or zoning map amendment, the trigger mechanism would be the date of approval by the town. Once that approval has been granted, there is no practical/effective protection for the town to collect the impact fee, therefore collection of the fee in conjunction with the approval process is the best way to ensure it is paid.

(8)16.01.103 Impact fee determination.

Residential	Development	Circulation
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System Impact Fees

1. Single Family Units (includes Duplexes, Manufactured, Modular and Mobile Homes-either in mobile/manufactured home parks or on separate lots)

\$1,475

2. Multi-Family-per unit (More than 2 units)

\$1,025

COMMENT: WHY IS DUPLEX INCLUDED WITH SINGLE FAMILY? SHOULD BE INCL. WITH MULTIFAMILY TO HELP KEEP COST OF MULTIFAMILY DOWN

Planner Comment - As noted above, Street and Circulation Impact Fees were established through a specific and detailed analysis. The dollar amount established for single-family and multifamily units was part of that process. Arbitrarily moving duplex units from the single-family category to multifamily category would undermine and potentially invalidate the amounts assessed. If the town were to modify this provision, it is recommended that the methodology for determining these amounts be re-visited. It is possible through that process that the fees charged may increase based upon inflation and other factors associated with calculating these impact fees. It is not recommended that this change be made without reevaluating and calculating the impact fee calculation process.

(41)16.04.130 Dimensional Standards Zoning Requirements R-1 R-2 R-3 MU-R B-1 MUC-D2 MUC-D1 I

Minimum Lot Size (Sq. Ft.)

9,000

7,000

5,000-S.F

4,000/DU Triplex

3,500/DU Townhouse, Apartment, Manufactured Home

5,000-S.F

4,000/DU Triplex

3,500/DU Townhouse, Apartment, Manufactured Home

COMMENT: NO MIN. LOT SIZE FOR R-1 MULTI FAMILY?

Planner Comment - This was a good catch. The LUCSC spent considerable time discussing the uses in Section 16.04.140 Zoning Table of Uses and when they were reviewing the types of residential units, the intent was to retain duplex structures in the R1 district but not to permit multifamily dwellings larger than duplexes in that district. It was an oversight not to update the table in Section 16.04.130 Dimensional Standards. The following changes are recommended to 16.04.130 Dimensional Standards and 16.04.140 Zoning Table of Uses.

16.04.130 Dimensional Standards

Zoning Requirements	R-1	R-2	R-3	MU-R	B-1	MUC-D2	MUC-D1	I
Minimum Lot Size (Sq. Ft.)	9,000-S.F 6,000/DU Duplex	7,000-S.F 4,500/DU Duplex	5,000-S.F 4,000/DU Triplex 3,500/DU Townhouse, Apartment, Manufactured Home	5,000-S.F 4,000/DU Triplex 3,500/DU Townhouse, Apartment, Manufactured Home	0	0	0	0

16.04.140 Zoning Table of Uses

Legend

P=Permitted Use

C=Conditional Use

■=Prohibited Use

Use Category	Use Type	R-1	R-2	R-3	MU-R	B-1	MUC-D2	MUC-D1	I
Residential	Multi-Family Dwellings-2-2-Family Units (Duplex) or More	C	P	P	P	C	P	P	■
Residential	Multi-Family Dwellings-More Than-2-Units	■	P	P	P	C	P	P	■

Chapter 5

SITE DEVELOPMENT STANDARDS

(58)16.05.010 Applicability.

This section shall apply to all new change to all business, commercial and industrial development, and residential subdivisions within the town.

(58) 16.05.020 Time of Application.

On and after the effective date of this chapter, no building permit, conditional use permit or zoning map/district amendment or other construction permit application shall be approved until all the applicable standards of this Chapter 5, Site Development Standards, are met.

COMMENT: SIMILAR RETROACTIVE LANGUAGE USED FOR 16.01.101

Planner Comment – The language in Section 16.05.010 defines the scope of the regulations and what they apply to. This language is the same as the existing Title 16. Section 16.05.020 Time of Application establishes the date the regulations apply which is the date that the Board of Trustees adopt the revised Title 16. This is standard language for all revised or newly adopted regulations. This language does not mean that the regulations are retroactive to existing uses. Uses in existence prior to the adoption of these regulations are grandfathered to the extent that the new regulations would require different standards. All new applications “on or after the effective date” would be required to comply with the new regulations.

16.05.090 Fences, Walls and Berms.

All berms within the Town shall be designed and constructed in accordance with the following design standards:

COMMENT: THERE SEEMS TOO MUCH CONTROL ON CONSTRUCTING BERMS.

Planner Comment – The existing Title 16 includes standards for “Fences and Walls”. The addition of berms in this section of the regulations merely provides standards that exist for fences and walls to the construction of berms. Without standards, berms could be built without groundcover to prevent windblown dust or placed in inappropriate locations or in such a way that becomes problematic for a neighborhood. The LUCSC reviewed and recommended this addition.

(66)16.05.100 Landscaping and Screening.

B. General Requirements

1. Site plan. Any proposed building or use shall be shown on a site plan indicating the location of existing and proposed buildings, parking areas, street improvements, utility

easements, locations and types of landscaped areas, walls, screening devices, lighting plan, and proposed site drainage.

COMMENT: CONTRADICTS BUILDING PERMIT PROCESS. FOR RESIDENTIAL CONSTRUCTION, THE HIGHLIGHTED ITEMS ARE NOT REQUIRED NOW. ADDS COST AND COMPLEXITY TO THE PERMIT PROCESS.

Planner Comment – This language remains unchanged from the existing Title 16. The existing language in Section 16.04.090 is shown below.

16.04.090. LANDSCAPING AND SCREENING

- A. **PURPOSE.** This section is designed to provide standards for the installation and maintenance of landscaping, walls and screening devices so as to promote the general welfare of the community. This is accomplished by encouraging the creation of a professionally designed appearance consistent with the surrounding area and architecture, and by screening from view those uses that may be unattractive to the public eye. Landscaping materials, including ground covers, shrubs, and trees further facilitate the control of erosion and the reduction of glare and dust, as well as the visual softening of building masses. Low-water use plant materials require less water than do non-native plants and therefore are preferred for required landscaping. Walls and screening devices allow for the separation of incongruous uses and for the buffering of intensive activities. Landscaping, walls and screening devices together, help to effectuate privacy, logical development, and enhancement of property values.
- B. **GENERAL REQUIREMENTS**
 - 1. **Site plan.** Any proposed building or use shall be shown on a site plan indicating the location of existing and proposed buildings, parking areas, street improvements, utility easements, locations and types of landscaped areas, walls, screening devices, lighting plan, and proposed site drainage.

16.05.030 Access and Parking.

G. Parking Space Dimension and Design

1. Off street parking serving commercial and multi-family uses shall be setback at least 15 feet from the property boundary of the adjoining rights-of-way.

COMMENT: This pushes cars 15 beyond the ROW and essentially pushes the building 15 feet further into the lot when driveways front load. INCREASING COSTS FOR DRIVE AND UTILITYS AROUND \$4,500 PER UNIT

Planner Comment – This language remains unchanged from the existing Title 16.

2. Each off-street parking space shall be laid out in conformance with the following off-street parking design standards. Each off-street parking space shall open directly onto an aisle or driveway that is not a public street or a public alley. Aisles or driveways shall not be used for parking vehicles.

3. Off-street parking areas serving multi-family dwellings shall be landscaped and screened in accordance with the “Landscaping and Screening” Section 16.05.100 of this chapter.

COMMENT: This SEEMS UNNESACARY AND unrealistic, screening parking spaces.

Planner Comment – This language remains unchanged from the existing Title 16.

H. Prohibited use of Parking Areas. No automobile trailers, boats, detached campers, junk vehicle or any other object that will render a parking space required for non-residential uses unusable according to the purpose of this section, shall be parked or stored in such off-street parking areas. Junk vehicles shall be defined as those that lack a current license or are wrecked and/or dismantled.

COMMENT: Many people have recreational items they park in their driveways and that should be allowed. JUNK VEHICLES ARE A DIFFERENT STORY

Planner Comment – This language remains unchanged from the existing Title 16.

(66)16.05.100 Landscaping and Screening.

6. **Guarantee of Installation. Required landscape improvements shall be installed prior to issuance of a Certificate of Occupancy for all structures.** If weather conditions prevent installation, the developer shall post a financial guarantee for the improvements. This guarantee shall be released upon completion of the installation of the landscaping.

COMMENT: SEEMS PUNATIVE. AGAIN, NOT REQUIRED NOW AND PEOPLE WANT TO MOVE INTO THEIR HOUSE WHEN COMPLETE, NOT WAIT FOR LANDSCAPE.

Planner Comment – This language allows flexibility for installation of landscape improvements when they are delayed as a result of weather including the onset of winter for example. Without some type of financial security to ensure completion, the town has no effective mechanism to enforce installation of the improvements. The “Guarantee of Installation” allows an owner to receive a Certificate of Occupancy inhabit a structure prior to installation of the landscaping improvements.

(70)16.05.110 Operational Performance Standards.

L. Prohibited actions. No person who owns, controls or is in possession of a construction site or building under construction shall:

1. Dump, deposit, track, leave or cause or permit the depositing or tracking of sand, mud, dirt, or waste on any street or highway adjacent from construction or development activities.

2. Place on any street, road, highway or right-of-way any form of construction materials.

COMMENT: DEPARTURE FROM CURRENT REGS

Planner Comment – Incorrect. This language remains unchanged from the existing Title 16.

(117)16.08.230 Duration of application approval.

6. Conditional use. Conditional use permit approval shall be valid for one (1) year from the date of the decision of the Planning Commission, or within a longer period determined by the Planning Commission for uses that involve phasing, but in no event longer than five (5) years from the date of approval. The conditional use approval may contain conditions as deemed appropriate by the Planning Commission in approving the permit. Within the one-year period, or other period approved by the Planning Commission, the applicant must either begin construction or establish the land use authorized by the conditional use permit, including any conditions attached to the conditional use approval. The actual start of construction, repair, reconstruction, placement, or other improvement must commence within said one-year or other applicable time period, regardless of the date of issuance of the building permit. For purposes of this Section, “establish the land use” shall mean the actual commencement of the use authorized by the conditional use permit. Failure to start construction or establish such use within the one-year or other applicable time period shall result in automatic expiration of the conditional use permit. Once a conditional use is established, any discontinuance of the use for a period of one (1) year, for any reason, shall result in automatic expiration of the conditional use permit, unless otherwise provided in the permit approval.

COMMENT: LONGER PHASED PROJECTS? SHOULDNT NEED A TIMFRAME FOR PROJECTS THAT ARE PHASED AND ORE ONGOING.

Planner Comment – This language remains unchanged from the existing Title 16. The language above states that “for purposes of this section, “the establishment of the land use” shall mean the actual commencement of the use authorized by the conditional use permit.” Therefore, a recipient of a conditional use permit only needs to establish the land use by commencing the activity within one year, and as noted may have up to five years from the date of approval for “uses that involve phasing”.

FINAL COMMENT:

IN GENERAL, IF THE TOWN IS PROPOSING A CHANGE IN POLICY, i.e. THIS PASSAGE BELOW:

16.05.030 Access and Parking.

G. Parking Space Dimension and Design

1. Off street parking serving commercial and multi-family uses shall be setback at least 15 feet from the property boundary of the adjoining rights-of-way.

Planner Comment – This language remains unchanged from the existing Title 16 and there has been no change in policy in this language.

THE TOWN SHOULD BE FORTHCOMING WITH EVERY DISTINCT POLICY CHANGE. IT SHOULD NOT BE LEFT FOR THE GENERAL POPULATION TO DECIPHER TWO SEPARATE LAND USE DOCUMENTS TO REALIZE HOW THEY WOULD BE AFFECTED.

THE TOWN SHOULD BE TRANSPARENT IN THIS PROCESS SO THE PEOPLE THAT LIVE HERE SEE BENEFITS FROM THE NEW LUC, NOT NEW RESTRICTIONS THEY DID NOT EXPECT.

Planner Comment – The public process of reviewing and updating Title 16 has been open and transparent. The Town of Cedaredge Title 16 update began in May 2021 approximately 14 months ago. 12 noticed meetings open to the public were conducted. Community members had multiple opportunities over the last 14 months to participate in the meetings, review draft documents, offer input or to be involved. Members of the Land Use Code Steering Committee, Board of Trustees, Planning Commission and staff were available to the public for questions, comments or to otherwise provide information about the process. The Board of Trustees held their first public hearing on the Title 16 update on July 6, 2022 to get public input on the document. That hearing was continued until August 4, 2022 to allow additional public involvement. The Cedaredge community has been given ample opportunity to find out about and to engage in this effort. The work of the folks involved in the Title 16 process is very much appreciated and will result in a land use code that is an overall benefit to the Town of Cedaredge.