

**Board of Trustees and Planning and Zoning Commission**  
**Public Hearing and Special Meeting**  
**Record of Proceedings**  
**July 7, 2022**

The Town Board of Trustees met for a Public Hearing and Special Meeting July 7, 2022, at the Cedaredge Civic Center, in the Dining Hall, 140 NW 2<sup>nd</sup> Street, Cedaredge, Colorado, with a virtual meeting option available via Zoom webinar. The meeting notice was posted in the designated area at Cedaredge Town Hall at least 24 hours prior to the meeting in accordance with the Sunshine Law. All documents included in these minutes by reference are available for review at Cedaredge Town Hall.

**Call to Order:** Mayor Richard L. Udd called the meeting to order at 3:02 p.m. and led the Pledge of Allegiance.

**Roll Call:** Present in person were Mayor Udd; Mayor Pro Tem Jim Atkinson, Trustees Dick Cartin, Tracy Gist, Tim Hawbaker, Kathy Hirschboeck and Mick Murray; Planning and Zoning Commission Chair Skip Bethurum, Commissioners Ardon Barnes, Terry Jarbo and Marcy Peterson; Town Planner Davis Farrar, Town Administrator Kami Collins, and Town Clerk Jess Shelton were also present. Bob Michael was absent and excused from the meeting.

**Agenda Approval:** Mayor Pro Tem Atkinson moved, and Trustee Murray seconded to approve the agenda as presented.

**Vote:** Voting ‘aye’ were Mayor Udd and Mayor Pro Tem Atkinson, and Trustees Cartin, Gist, Hawbaker, Hirschboeck and Murray; no Trustees voted ‘nay.’ Motion passed unanimously and the agenda was approved.

Mayor Udd gave disclosure and stated that he has no financial interest in Tate and Julie Locke’s enterprises and therefore has no conflict of interest.

Mayor Udd addressed Trustees and Commissioners regarding disclosure of ex parte communications; no disclosures were made regarding ex parte communications.

Mayor Richard Udd Opened the Public Hearing at 3:10 pm.

Mayor Pro Tem Atkinson stated the purpose of the updated code and explained that Title 16 was last update in 2010.

Public Hearing: Title 16 Land Use Development Code Update:

- a. **Staff Presentation:** Davis Farrar explained the reasons for changing Title 16 and highlighted the main changes in the document. Mr. Farrar stated that Mobile Home and Manufactured Housing definitions changed to match the State definitions. Annexations were pulled into the regulations so the applicant can look in one place for the information. Parking requirements; were put into text and available in picture form. Zone Districts were defined in the new document. The new document included

a table of dimensional standards, setbacks, and lot coverage under the new code. Mr. Farrar explained usage by right, permitted use and conditional use as defined by the zone type table for clarity and simplification of the code. Mr. Farrar stated that if someone had geese, ducks, or bees on their property prior to this update, they would be grandfathered in and could be kept. Mr. Farrar stated that Home Occupations were added to the code, as were residential dwellings and Cottage Industries. Mr. Farrar also explained the change to “non-conforming” for lots, and structures, and how the non-conforming area could not be increased but would be grandfathered in. Mr. Farrar also stated that there would be a waiver available for items like parking, loading areas or other issues that would not pertain. Mr. Farrar stated that fences, berms, screening, and xeriscaping were defined clearer in the updated code. Mr. Farrar stated that the Noise Level Standards mirror the State level statutes and those were put into a table in the revised code. Mr. Farrar stated that Planned Unit Development was better described and clarified and as well as how a Planned Unit Development could be amended. Mr. Farrar stated that review procedures were clarified with code section references, including a flow chart for the process of an application. Mr. Farrar stated the Board of Adjustment and the appeals process, and that the major components remained the same as the prior version. Mr. Farrar stated that the application submittal process and the sign codes were clarified and included digital sign standards as well.

b. Questions from the governing body to the staff:

- i. There were not any questions.

c. Public Comment:

- i. Tate Locke 1110 SE Fairway Dr. Cedaredge, Colorado addressed the Board and stated that he would hope that the Town would request more time for the public to absorb this document. Mr. Locke questioned the simplicity of the document and stated that there were eight to ten statements on how to build a berm (referenced page 71), and Montrose only has four sentences. Mr. Locke stated that he would encourage less direction and oversight on the matter. Mr. Locke also questioned the fees set forth, stating that fees were referenced in section 16.01.060, but he did not see what the fees were. Mr. Locke also stated that the fees required for conditional use permits for multiple use, may have housing developed years after the initial conditional use in section 16.01.101. Mr. Locke stated that duplexes are included in single family home conditional use costs and should be under multiple family use costs. Mr. Locke stated that the minimum lot size was not defined under multiple family use areas and should be. Mr. Locke stated that section 16.05.010, regarding site development standards, is retroactive. Mr. Locke also stated landscaping and screening 16.05.100 was over regulated and that it contradicts the current building code requirements. Mr. Locke stated that requiring the landscaping prior to the issuance of the Certificate of Occupancy (C of O) would delay the process. Mr. Locke then stated that section

16.08.230, explaining the conditional use permit approval under the new code would be limited one year but not more than five years and stated that it would limit multiple phase/multiple year projects which could go longer than a five-year time frame and stated it should be for the life of the project.

- ii. Hardy Hutto 17986 Hanson Road, Cedaredge, Colorado addressed the Board regarding the changes to Title 16. Mr. Hutto agreed with Mr. Tate that this document may be too intense for the public to digest and stated that how the changes made, would lead to more expensive houses and the cost of building and developing would increase to the point that residents would not be able to afford to live in Cedaredge. Mr. Hutto asked that the Public be given more time to understand the changes. Mr. Hutto also asked if the Building Inspector could be more active in the changes. Mr. Hutto clarified that the impact fees would increase costs of building. Ms. Collins stated that the fees have not been increased, just outlined, and clarified better in the new document. Mr. Hutto asked Mr. Farrar about non-conforming structures, uses and lots. Mr. Farrar stated that these non-conforming issues were not addressed in the old Title 16. Mr. Hutto asked Mr. Farrar why things are not moving in Cedaredge. Mr. Farrar stated that there could be multiple issues, more lots available, and higher interest rates. Mr. Hutto stated that there are vacant lots sitting and have not moved in years and wanted to make sure that Cedaredge is able to grow.

Mr. Locke asked if moving the driveway fifteen feet from the set back a new code or was this in the old code and if the public could have time to absorb the new document? Mr. Tate also stated that the new document was larger than the original Title 16.

Ms. Collins and Mr. Farrar stated that the document is larger due to sections of Title 15 coming into Title 16 and that there are bulkier tables and graphics in the new document.

d. Questions from the Governing Body to Staff:

Planning and Zoning Chair Skip Bethurum asked if there was a way to ask for an extended length of time to extend the use and there is not a cut off time of five years. Mr. Farrar stated that the five-year time limit was extended from the old code. Mayor Pro Tem Atkinson stated that the limit on time was to get projects started and not just sitting for five years without moving, however an active project could be planned out over 20 years and is allowable.

Trustee Cartin stated that he did not hear any requests for major changes that needed to be made prior to accepting the new document. Mr. Cartin stated that he understood the request for more time to look at the new document, however it is not double in size.

Mr. Locke stated that there are new regulations, like a landscaping plan and asked who that would affect, residential or commercial builds? Mr. Locke was

asked to submit his questions and comments so that they can be reviewed by the Board.

Ms. Collins stated that Building Inspector Stanley did review Title 16 prior to this meeting and that he did not flag any major changes that needed to be made.

Mr. Hutto stated that he is afraid that the building would occur in the county and not in the Town of Cedaredge.

#### Governing Body Deliberations:

Commissioner Jarbo stated that the new document is better than the old one and addressed that Mr. Locke and Mr. Hutto will turn in specifics to the Board and then the changes can be made. Mr. Jarbo stated that Title 16 would not be set in concrete and could be changed, so do as many of the changes as can be done right now to get rid of the archaic one and address that the new one will be archaic in another five years.

Mr. Farrar stated that the document is ready to move forward and if there are problems, then they can be addressed and fixed. Mr. Farrar also stated that the opportunity for the public to participate was there and was not utilized.

Trustee Hawbaker asked if the new Title 16 went against Title 6. Ms. Collins stated that it did, and Title 6 will have to be revamped. Ms. Collins stated that the current owners of livestock would be grandfathered in and not pushed out.

Mayor Pro Tem Atkinson stated that the idea was to prevent future livestock use in Town and not intended to change those that were grandfathered in.

Mayor Pro Tem Atkinson stated that a possible new zone could be established for estate properties that are large enough to have a horse.

Commissioner Barnes asked if the Planning and Zoning could meet to discuss this document further. Ms. Collins stated that this had occurred and Planning and Zoning had weighed in on Title 16 in the past.

Trustee Hirschboeck stated that she did not see anything regarding nightly rentals. She asked if they could be dealt with in the new Title 16 and add more regulations to those type of businesses. Ms. Collins stated that lodging taxes are being paid by these agencies. Mr. Farrar stated that the Town did not want to regulate short term rentals when they were discussed during the process.

Trustee Hawbaker asked if there were any regulations on tiny homes. Ms. Collins stated that there cannot be a home less than six hundred square feet in Cedaredge.

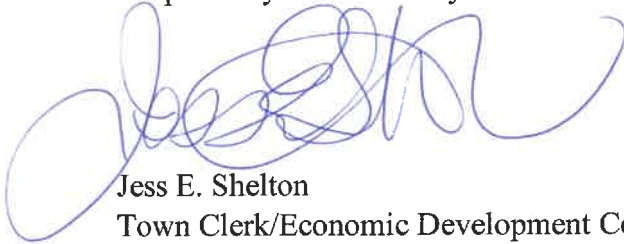
Mr. Farrar stated that comments could be turned in by July 15, 2022, then the comments and discussions could be mulled over and then the Public Hearing would be continued until Thursday August 4<sup>th</sup> and then placed on the regular meeting agenda on August 18, 2022.

Ms. Collins and Mr. Farrar would plan a special Planning & Zoning meeting to discuss requested changes.

Mayor Pro Tem Atkinson moved, and Trustee Cartin seconded to continue the public hearing until August 4, and outlined the progression going forward, based on the comments made.

**Vote:** Voting 'aye' were Mayor Udd and Mayor Pro Tem Atkinson, and Trustees Cartin, Gist, Hawbaker, Hirschboeck and Murray; no Trustees voted 'nay.' Motion passed unanimously and the Board of Trustees and Planning and Zoning Commission Public Hearing and Special Meeting was continued until August 4, 2022.

Respectfully Submitted By:



Jess E. Shelton  
Town Clerk/Economic Development Coordinator