

Board of Trustees and Planning and Zoning Commission
Public Hearing and Special Meeting
Record of Proceedings
Continued from July 06, 2022
August 4, 2022

The Town Board of Trustees met for a Public Hearing and Special Meeting on August 4, 2022, at the Cedaredge Civic Center, 140 NW 2nd 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 5:03 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. Town Planner Davis Farrar, Town Administrator Kami Collins, and Town Clerk Jess Shelton were also present.

Agenda Approval: Trustee Cartin 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.

The Public Hearing was opened by Mayor Udd at 5:05 pm.

Public Hearing: Title 16 Land Use Development Code Update:

a. Staff Presentation

Planner Davis Farrar stated that his 7/22/2022 Memo was based on the July 6, 2022, Public Hearing, and the Planning and Zoning Commission meeting on July 26, 2022. Mr. Farrar stated that Attorney Carol Viner noted the Town has a moratorium on sexually oriented businesses which will be discussed at a future date when the Commission and Board also consider where an industrial zone should be located. The Commission agreed with this recommendation. Building Inspector Bruce Stanley: Mr. Stanley requested that the official place where building records are kept be changed to “Town Hall” instead of “in the office of the Building Inspector;” the Commission agreed with this recommendation. Mr. Stanley noted that “Home Occupation” was listed twice in Table 16-1; the Commission agreed to remove the first instance in the table. Mr. Stanley requested the setback on rivers and streams include the language “measured from the centerline of the stream or river;” the Commission agreed with this recommendation. Mr. Stanley asked for clarification in section 16.04.180 Accessory Dwellings. Mr. Stanley noted the Town currently had

regulations that a primary residence could not be less than 600 square feet and the current draft language allowed for an accessory dwelling unit larger than that. Mr. Farrar suggested that primary dwelling units that were 600-1500 square feet should have a maximum ADU of 495 square feet, and primary dwelling units larger than 1500 square feet have an ADU that is no larger than 33 percent of the total floor area but not larger than 850 square feet. Any ADU would be between 495 and 850 square feet. The Commission agreed with this recommendation. Mr. Stanley noted in 16.04.190 Cottage Industry, that the language implied that someone could not work at their home business before 8 am or after 8 pm. Mr. Farrar proposed the change be that the business open to the public for on-site services be limited between 8 am and 8 pm; the Commission agreed with this recommendation. Mr. Stanley noted there was no definition of “adjacent grade” in 16.05.090 Fences, Walls, and Berms. Mr. Farrar proposed language that the adjacent “original undisturbed grade measured five feet from the base of the supporting post location.” The Commission agreed with this recommendation. Mr. Stanley noted it was confusing for the public to change terminology from “mobile home” to “manufactured home” and requested language be changed back to mobile home. Mr. Farrar noted the change came at the state level, and the language was also a challenge for the Title 16 Steering Committee. He explained the regulations themselves weren’t changed, only the word “mobile” changed to “manufactured.” The Commission agreed to keep the word mobile throughout the code instead of manufactured to be consistent with state regulations. Mr. Stanley noted in manufactured park regulations there was conflicting language between a manufactured home park and a manufactured home subdivision. Mr. Farrar proposed to add language to say “manufactured home subdivision and not manufacture home park;” the Commission agreed with this recommendation.

Mr. Farrar stated that Trustee Hawbaker submitted a public comment that the elimination of domestic fowl, honeybees, and livestock on larger lots was not appropriate. Katie Greenwood, the FFA Advisor and Agriculture teacher at Cedaredge High School submitted a letter that outlined similar concerns. Mr. Farrar noted that the Steering Committee debated this issue for some time. The Commission debated the recommendation and made the following recommended changes for the Board’s consideration.

- Take the language related to fowl and livestock from Title 6 and move it into Title 16 in the zoning section.
- For domestic fowl and honeybees, the recommendation is:
 - o Zones R1, R2, and R3: Permitted use
 - o Zone MU-R: Conditional Use
 - o Zones B1, MUC-D-2, and MUC-D-1: Prohibited use
 - o Zone I: Permitted
- For livestock, the recommendation is:
 - o Zones R1 and R2: Permitted Use
 - o Zones R3 and MU-R: Conditional Use
 - o Zones B1, MUC-D-2, and MUC-D-1: Prohibited use
 - o Zone I: Permitted

The Commission additionally recommended that additional language be added to this section that further explains that those properties currently with fowl or livestock are grandfathered in and they can replace stock but cannot add to stock.

Trustee Hawbaker asked Mr. Farrar for clarification on non-conforming animal zones.

Mayor Udd stated that there needed to be more conformity between Title 16 and Title 6. Town Administrator Collins stated that there are several topics in Title 6, that she would need to bring back to the Board after the adoption of Title 16 is complete.

Mr. Farrar read the comments made by Tate Locke from the July 6, 2022, meeting. Mr. Farrar stated that there could be a fee schedule and that may be a better way to handle fees. The language is on page 9, of Mr. Farrar's report.

Mr. Farrar stated that the impact fees and the time duration of those fees, as brought up by Mr. Locke in the July 6, 2022, meeting, must be proportional to the methodology originally set forth. Mr. Farrar stated that if the Board were to change anything, they needed to go back to the methodology that started the fee schedule. Mr. Farrar recommended leaving the fee schedule alone.

Mr. Farrar stated that on page 10 of his report regarding the moving of duplexes to multi-family dwellings. Mr. Farrar stated that his recommendation and the Planning Commission's recommendation were to leave it alone.

Mr. Farrar stated that the dimensional standards for R-1 would include single-family and duplexes and that multi-family units be moved out of the R-1 district. Mr. Farrar stated that section 16-04-130 was not adjusted for that, however, the math still works out.

Mayor Udd asked if R-2 should show multi-family and duplexes at 4,500 square foot lot per dwelling unit. Mayor Pro Tem Atkinson stated that if it were a single-family lot, there would be open area, but with a duplex or multi-family unit, there would not be as much open area. More discussion was had regarding the amount of square footage per lot pertaining to duplexes and multi-family units and how many duplexes would be allowed in an R-1 area. Mr. Farrar stated that a duplex is a conditional use dwelling in the R-1 district and the lot size recommendation was 6,000 square feet.

Mr. Farrar reviewed page 12 of his written report, pertaining to site development standards. Mr. Farrar stated that the language from the old Title 16 and new Title 16. 16.05.010 defines the scope of regulations and what they apply to, and section 16.05.101 stated the same.

Mr. Farrar reviewed comments from the July 6, 2022, meeting and how they were addressed by the Planning and Zoning Commission. Per Mr. Farrar, many of the comments addressed items that were the same in the old Title 16 as they are in the new Title 16. Mr. Farrar stated that this pertains to parking areas, driveways, and junk vehicles, and the Planning Commission was okay leaving the language.

Mr. Farrar stated that in Section 16.05.100 regarding landscaping, that the code stated the language in the old code and the new code were the same in regard to weather. Mr. Farrar stated that the homeowner would have to show a financial guarantee that the landscaping will be completed in a timely manner, to guarantee that the landscaping will be done.

Mr. Farrar stated that the language in the code has not changed in the new version of Title 16 from what it was in the old version duration of application approval. This would be for any project that would be a generational project.

Mr. Farrar reviewed that there were 12 noted meetings that the public was invited to attend to get public input on the topic and to get additional information on the topic. Mr. Farrar stated that the new land use code was an overall benefit to the Town of Cedaredge.

b. Questions from the governing body to the staff:

There were not any questions from the governing body to the staff.

c. Public Comment:

Mr. Locke addressed the Board regarding the topic being available to the Public. Mr. Locke requested that the new document highlight the changes from the old document to the new document, to advertise the policy changes.

Mr. Locke asked Town Administrator Collins if there had been any bonds posted for landscaping. Mr. Locke stated that he has not had a customer post a bond or complete landscaping. Mr. Locke stated that the landscapers put rock on the road all the time to stage for landscaping and so that policy is arbitrary and unnecessary.

Mr. Locke stated that there is a density change in the new Title 16 and it got into re-zoning and that the duplexes not being in an R-1 district would affect affordability for residents. Mr. Locke stated that the lot size should stay at 4,500 square foot lot size and not increase to the 6,000 square foot lot for duplexes or multi-family homes.

Janice Jones stated regarding Mr. Locke's statement that there needed to be enforcement of code or not have it in Title 16 at all because it had not been that way for the last 20 years. Ms. Jones stated that it had to start somewhere, and just because it has not happened in the past does not mean it should not happen in the future.

d. Questions from the Governing Body to Staff:

Mayor Udd stated that the Board should refer to the Planning and Zoning Commission regarding landscaping and density. Mayor Pro Tem Atkinson stated that this was in the Site Development area of the code. Mr. Atkinson stated that taking out the work residential from the opening paragraph from the site development would eliminate the issues addressed, because it was intended to be directed towards

commercial use, in section 16.05.020. Mayor Udd requested that these be changed in the draft for the August 18, 2022, meeting.

Janice Jones stated that regarding Mr. Locke's statement that there needed to be enforcement of code or not have it in Title 16 at all because it had not been that way for the last 20 years. Ms. Jones stated that it had to start somewhere, and just because it has not happened in the past does not mean it should not happen in the future.

Governing Body Deliberations:

Mayor Udd stated that the lot size in R-1 for a single-use family was 9,000 square feet and that a multi-family and duplex lot size would be determined at the conditional use meeting.

Mayor Pro Tem Atkinson stated that lot size for duplexes should be built into a bigger plan and not just a set lot size requirement set at 4,500 square feet or 6,000 square feet.

There was discussion regarding density and the current setting at 4,500 square feet minimum lot size for duplexes and the dimensional standards in Title 16. Trustee Cartin stated that the reasoning behind the duplex lot size was to have them come in and plead their case at the conditional use meeting. Trustee Cartin stated that the issue of putting stuff in the street was addressed to make sure there are no items left in the street when a builder or landscaper moves on or walks off. Mayor Udd stated that the 4,500 square foot lot size would be sufficient for duplexes.

Trustee Hirschboeck stated that the density of duplexes that they were going for would make the land look crowded over by Stonebridge. Town Administrator Collins stated that the Title 16 Code was for the whole town and not a single area. The majority of the Board agreed 5-2 to the 4,500 square foot minimum lot size.

Mayor Udd asked that Title 16 match the current code for R-2 multi-family and duplex lot size.

Mr. Farrar stated he would put language in regarding landscaping would be entered to guarantee that landscaping is completed.

Mayor Pro Tem Atkinson addressed the storage of materials in the roadway; Mayor Pro Tem Atkinson stated that there could be used for building to use the roadway. Mr. Farrar stated that the Town could issue licenses to use the right of way to store materials during the construction process.

Mayor Udd stated that the animals and livestock issue allows for people to be able to change the type of stock, but not the quantity of the stock. Mayor Udd stated that the acreage in Title 6 is not sufficient, and the livestock issue needs to be broader to accommodate livestock.

Mr. Farrar stated that the school is an educational institution, and the livestock would be an acceptable use at that location.

Mayor Udd stated that he would like to strike the comment “cannot add to stock” pertaining to conforming lots and leave the terminology for non-conforming lots in the recommendation from the Planning and Zoning Commission.

Mr. Farrar stated that he will look through Title 6 and craft language that will work for Title 16 and the square footage requirements for the livestock issue. The Board consented to have Mr. Farrar move language from Title 6 to Title 16 for consistency between the two Titles, with the understanding that Title 6 will be addressed by the Planning and Zoning Commission.

Trustee Gist moved, and Trustee Cartin seconded to close the Public Hearing. The Public Hearing was closed at 7:02 pm.

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 to close the Public Hearing.

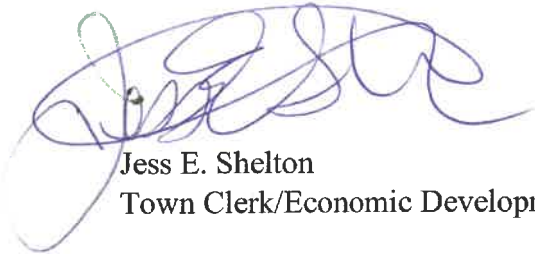
Public Works vehicles: Town Administrator Collins stated that there were 2 pickups set to be ordered for Public Works, however, due to supply issues if staff waits to order them then they may not be in supply.

Trustee Murray moved and Trustee Cartin seconded to approve staff ordering two public works vehicles now due to supply issues.

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 to allow staff to order two Public Works vehicles.

Mayor Udd adjourned the meeting at 7:05 pm.

Respectfully Submitted By:



Jess E. Shelton
Town Clerk/Economic Development Coordinator