



**PLANNING & ZONING COMMISSION
WORK SESSION**

Monday, May 1, 2023, 5 p.m.

Attend in person:

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

Attend virtually:

On Your Computer: <https://bit.ly/3HSn0gB> | Password: 090925

On Your Phone: 253-215-8782 | Webinar ID: 860 6960 7864 | Password: 090925

AGENDA

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

1. Call to Order & Pledge of Allegiance
2. Roll Call
3. Reading of the Mission Statement: *To retain the community character with its natural mesa openness and create positive economic and living opportunities for current and future residents.*
4. Training: Attorney Bo Nerlin and Town Planner Mark Chain
5. Adjourn

Commission Members & Terms

Chairman Skip Bethurum (April 2025)

Vice Chairman Terry Jarbo (June 2023)

Trustee Jim Atkinson (Ex-Officio)

Trustee Tracy Gist (Ex-Officio)

Marcy Peterson (May 2025)

Ardon Barnes (May 2025)

Jason Weed (April 2026)

MEMORANDUM

TO: Kami Collins, Town Administrator
Members of the Cedaredge Planning and Zoning Commission

FROM: Mark Chain, Contract Planner *MC*

DATE: April 27, 2023

RE: Planning Commission Training Work session

I look forward to meeting you at Monday's Planning and Zoning Commission Training Session. First, let me tell you little bit about my background. I received a master's degree in Planning from Cornell University in December 1977. I've been a practicing planner in Colorado since 1978. From 1978 through 1983 I worked for 2 small land Use consulting firms based in Boulder. I moved to the Roaring Fork Valley in Western Colorado in September 1983 where I was the Planning Director for the Town of Carbondale until January 2005. From 1985 through 1988 I also served as the Town Planner for the Town of Basalt, acting as a Circuit Rider type of Planner. I have had my own land-use practice since 2005. I also have a side business where I protest property valuations.

Public Hearing Process

During any training for elected officials or appointed Boards there is always extensive discussion on the public hearing process. I'm sure some of you have some experience as Commission Members and may have been through training before. Most jurisdictions have defined steps and I understand this is the case with the Town of Cedaredge. While the Town Attorney and Town Administrator may have a slightly different description, the public hearing process generally follows the below format:

- Introduction by Mayor/Chairperson
- Presentation By staff
- Questions to staff by Board/Commission members directed to Staff
- Presentation by Applicant
- Questions to applicant by Board/Commission
- Discussion by Board
- Motion/action

Action by the Planning Commission can take many forms. Often times, the required action is to make a recommendation to the Board of Trustees/Commission who is the formal, decision-making body. Sometimes the Planning Commission is the deciding body. Action usually occurs in the form of a motion which can be to approve an application or matter as proposed, approve with conditions, deny an application, or

Mark Chain Consulting, LLC

continue the public hearing or discussion to a date certain. We can discuss these items more thoroughly I on Monday evening.

Ex-Parte Communication

One thing that is often difficult to get a handle on in small communities is the issue of ex-parte contact between Board/Commission members and an applicant. And the issue extends actually to any member of the public. While I am not a lawyer, Commission members should not be discussing with an applicant or citizen the details of an application or specific opinions on such matters outside of the public hearing forum. In my experience, the best approach is to thank someone for their concern or comments but stop the conversation very quickly. Thank them for their thoughts and ask them to come to the meeting and make public comment or write a letter or email they can be extended to the Board at the public hearing for consideration. Commission members are supposed to base their votes on matters subject to a public hearing from the application materials, staff and review agency comments, comments and proposals from the applicant or from testimony received by the public as part of a public hearing. Following these procedures can provide a high level of transparency and support for Board/commission decisions.

Visiting a Site subject to a land-use application

This planner thinks it is very important for all/commission members to visit a site prior to a public hearing. No matter how good site plan is presented or enhanced graphically, things often times look different when you are looking at the subject property with your own eyes.

These are just some of my thoughts regarding your job and duties as a Planning and Zoning Commissioner and what to expect while sitting through the public hearing process for specific land-use applications, for looking at long-term planning or neighborhood concepts and related matters. I'll be happy to discuss any of these items at Monday's meeting. Kami and the Town Attorney will also have information to share with you.