



**PLANNING AND ZONING
COMMISSION MEETING
JUNE 6, 2023
6:30 P.M.**

1. CALL TO ORDER - PLEDGE OF ALLEGIANCE
2. APPROVAL OF THE REGULAR MEETING MINUTES OF MAY 2, 2023.
 - a. Minutes from May 2, 2023 P&Z meeting
3. PUBLIC PARTICIPATION
4. PUBLIC HEARINGS
Presenter:
 - a. Resolution No. 9, Series 2023
Planning and Zoning Commission will approve Resolution No. 9, Series 2023, Stone CUP, 210 E. 1st St.
Presenter: Nancy Dossdall, Contract City Planner
 - b. Resolution No. 7, Series 2023
Planning and Zoning Commission will approve Resolution No. 7, Series 2023, re-zoning 1050 Lebanon Rd, from Commercial Highway (C) to Industrial (I).
Presenter: Nancy Dossdall, Contract City Planner
 - c. Resolution No. 10, Series 2023
Planning and Zoning Commission will approve Resolution No. 10, Series 2023, Independent Log Conditional Use Permit for 1050 Lebanon Rd.
Presenter: Nancy Dossdall, Contract City Planner
 - d. Resolution No. 8, Series 2023
Planning and Zoning Commission will approve Resolution No. 8, Series 2023, Independent Log request for re-zoning from Commercial Highway (C) to Industrial (I) at 10206 Hwy 491.
Presenter: Nancy Dossdall, Contract City Planner
 - e. Resolution No. 11, Series 2023
Planning and Zoning Commission will approve Resolution No. 11, Series 2023, Independent Log Conditional Use Permit for 10206 Hwy 491.
Presenter: Nancy Dossdall, Contract City Planner
5. UNFINISHED BUSINESS - none

6. NEW BUSINESS

- a. Consultants Jennifer Gardner and MacKayla Dunfey from Logan Simpson will present a Land Use Code/ Housing Policy Update including a project overview and listening session update, housing plan update, and general discussion.

7. OTHER ITEMS OF BUSINESS

- a. Briefing on upcoming Land Use Code and Housing policy meeting dates by Rachael Marchbanks, Director of Community and Economic Development.
- b. May 2023 Permits Issued

8. ADJOURNMENT



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

June 06, 2023

Agenda Item: 2. a.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: Minutes from May 2, 2023 P&Z meeting

Attachments

minutes

PLANNING & ZONING COMMISSION

REGULAR MEETING

TUESDAY, May 2, 2023

1. The meeting was called to order in the City Council Chambers at 6:34 p.m., and was opened with the Pledge of Allegiance. Commission members present were: Chairman Robert Rime, Rebecca Levy, Vice-Chairperson Lance McDaniel, Jim Skvorc, and Katrina Weiss. City staff present included Contract City Planner Nancy Dosdall, Director of Community and Economic Development Rachael Marchbanks, City Attorney Patrick Coleman and Deputy City Clerk Cheryl Lindquist. There were two people present in the audience.
2. Approval of the Regular Meeting Minutes of April 4, 2023
Commissioner Weiss moved that the minutes be approved. Commissioner McDaniel seconded the motion and the vote was as follows:

Levy	McDaniel	Skvorc	Weiss	Rime
Yes	Yes	Yes	Yes	Yes

3. PUBLIC PARTICIPATION: none
4. PUBLIC HEARINGS:

a. Resolution No. 6, Series 2023

Contract City Planner Dосdall presented an application from Quick N Clean CO-03, LLC, proposing to vacate an existing, undeveloped alley located in Block 2 of the Veach Subdivision and combine 28 existing lots into one parcel for development. If approved, the new lot will total 2.185 acres. The property is located at 1511 E. Main, Cortez, Colorado (the “Property”). The Property is currently vacant and is zoned Commercial Highway (C). She stated the alley has never been constructed and it appears that a portion of the alley may have been vacated when the Walgreens building was constructed. The Walgreens building would prevent the alley from accessing Sligo Street to the east and other construction appears to partially block construction of the alley to the west. The unconstructed alley does not appear necessary to provide access to any other parcels of land, and vacating it will not otherwise result in any adverse impacts. The alley does not appear in any adopted City plans. It is noted, while having secondary access to properties is good transportation planning, there is also unconstructed right-of-way to the south of the Property that could serve as an extension of 1st Street and provide access as required for future development. Planner Dосdall explained there are three proposals for this project. First, tonight’s meeting is for a 16 ft. alley right-of-way vacation. If approved, the project would move forward to City Council to combine all the existing lots into one lot and re-dedicate the utility easement for public use. Planning and Zoning Commission will then review the site plan for the one parcel. Planner Dосdall pointed out the criteria in the code for the Commission’s recommendation to City Council on the alley vacation.

- (1). Must not conflict with adopted policies or plans;
- (2). Shall not create a landlocked parcel of land;
- (3). Shall not restrict the access of any parcel so that access is unreasonable or economically prohibitive; and
- (4). Shall not result in adverse impacts on the health, safety, and/or general welfare of the general community, and reduce the quality of public facilities or services provided to any parcel of land, i.e., fire/police protection, accesses, and/or utility services.

The alley has never been constructed and does not continue to the west of the property. There are other right-of-ways to the east and south of the property. All utility companies responded to the requests for comments.

Chairman Rime opened the Public Hearing for comments. Nick Barber from 3K1, the representative for Quick N Clean stated they are open to suggestions or questions.

No questions were asked and the Public Hearing was closed.

Commissioner Weiss made the motion that Council approve the alley right-of-way vacation through P&Z Resolution No. 6, Series 2023, with the following three conditions:

- (1). All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.
- (2). The plat shall be recorded at the Montezuma County Clerk and Records Office within six (6) months of Council approval, in accordance with Land Use Code Section 6.05 (d)(2)a.
- (3). The proposed 16' utility easement shall be increased to total 19' in width.

Commissioner Skvorc seconded the motion and the vote was as follows:

Levy	McDaniel	Skvorc	Weiss	Rime
Yes	Yes	Yes	Yes	Yes

a. Resolution No. 5, Series 2023

Planner Dosedall presented an application from Quick N Clean CO-03, LLC, (the "Applicant") that are proposing a site plan to construct a new 5,380 sq. ft. express car wash with associated vacuum and pay station canopies to be located on the newly combined property. The applicants have applied to combine all lots into one. If approved, the new lot will total 2.185 acres. The property is located at 1511 E. Main (the "Property"). The Property is currently vacant. The Property is zoned Commercial Highway (C). All neighboring properties are zoned Commercial Highway (C).

Chairman Rime opened the Public Hearing for comments. Nick Barber from 3K1, the representative for Quick N Clean was available for questions. Commissioner Skvorc wanted them to be aware that there are archeological sites on the property.

The Public Hearing was closed.

Commissioner Weiss made the motion that Council approve the site development plan for a new car wash on property located at 1511 E. Main, in the Commercial Highway (C) zone, as submitted by Quick N Clean CO-003, LLC through P&Z Resolutions No. 5, Series 2023, with the following conditions:

- (1) If requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents. Specifically, all public improvements shall comply with the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications.
- (2) The appropriate construction drawings and reports for the project, signed and stamped by a Colorado licensed architect or engineer, must be approved by the Building Official and City Engineer, and a building permit obtained prior to any construction on the Property.
- (3) The landscaping improvements shall be installed prior to issuances of a Certificate of Occupancy. Irrigation and maintenance must be provided. In the event that construction of the building and all other requirements are met prior to the installation of the landscaping, and the Applicant desires a Certificate of Occupancy, the Applicant may choose to provide a financial surety and obtain a CO in advance of completing the landscaping improvements. In this event, the Applicant shall provide an assurance bond, letter of credit, or other financial security agreed to by both parties, providing a guarantee of installation of the landscaping within a time frame approved by the City of Cortez.
- (4) The ROW vacation and plat amendment shall be approved and recorded prior to issuance of a building permit for the property.

Commissioner Skvorc seconded the motion and the vote was as follows:

Levy	McDaniel	Skvorc	Weiss	Rime
Yes	Yes	Yes	Yes	Yes

5. UNFINISHED BUSINESS: none

6. NEW BUSINESS: none

7. OTHER ITEMS OF BUSINESS:

- a. April 2023 Building Permits issued.

Director Marchbanks gave a brief overview of the Land Use Code revision and Housing Needs Assessment (HNA). She stated the “Community Listening Sessions” have been very well attended by a variety of business folks as well as city and county concerned citizens. These sessions are continuing virtually through May. Logan Simpson will now review the existing code with the knowledge gained through the sessions. Director Marchbanks also presented a

slideshow on these projects. She will be presenting at the City Council workshop as well as the regular meeting on May 9, 2023. Commissioners asked that information on the HNA be sent to them via email.

8. ADJOURNMENT: Chairman Rime called for a motion to adjourn with Commissioner Skvorc making the motion and Commissioner Levy seconding and the vote was as follows:

Levy	McDaniel	Skvorc	Weiss	Rime
Yes	Yes	Yes	Yes	Yes

PLANNING & ZONING COMMISSION

Robert Rime, Chairperson

ATTEST:

Cheryl Lindquist, Deputy City Clerk



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

June 06, 2023

Agenda Item: 4.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: PUBLIC HEARINGS

BACKGROUND

RECOMMENDATION



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

June 06, 2023

Agenda Item: 4. a.

MEMO TO: Planning and Zoning Commission

FROM:

SUBJECT: Resolution No. 9, Series 2023

BACKGROUND

The applicant is proposing a conditional use permit to establish Rocky Mountain Spray Liners in the existing location of Jimmy's Transmission located at 210 East 1st Street. The building also has frontage at 24 S Ash Street, which is proposed for a hair salon. Hair salons are permitted uses in the CBD, however the spray liner business is determined to be a conditional use in the CBD.

ISSUES

See attached.

RECOMMENDATION

The Commission recommends that City Council approve the conditional use permit for Rocky Mountain Spray Liners on property located at 210 E. 1st St., in the Central Business District (CBD) zone, as submitted by Kathy Stone through P&Z Resolutions No. 9, Series 2023, with conditions.

Attachments

Staff Report

Resolution No. 9, Series 2023

Stone app, narrative



*City of Cortez
Community &
Economic Development
123 Roger Smith Avenue
Cortez, CO 81321*

Meeting Date: June 6, 2023
Project No. LU23-000006

STAFF REPORT

TO: Members of the Cortez Planning and Zoning Commission

FROM: Nancy Dosedall, Contract City Planner

SUBJECT: Public Hearing on an Application for a Site plan/Conditional Use Permit for Rocky Mountain Spray Liners to be located at 210 East 1st Street zoned CBD, Central Business District.

APPLICANT: Kathy Stone

OWNER: Jimmy and Marion Rodd

ATTACHMENTS: P&Z Resolution No. 9, Series 2023
Project Narrative
Site Plan

BACKGROUND

Kathy Stone is proposing a conditional use permit to establish Rocky Mountain Spray Liners in the existing location of Jimmy's Transmission located at 210 East 1st Street. The building also has frontage at 24 S Ash Street, which is proposed for a hair salon. Hair salons are permitted uses in the CBD, however the spray liner business is determined to be a conditional use in the CBD.

The site is bounded on the south, west and east by residential properties, zoned CBD and NB. To the north is commercial properties zoned CBD.

DEVELOPMENT STANDARDS

The property is already built out, the proposal is to replace the existing use with a similar use. Auto repair garages and similar uses are conditional uses in the CBD.

ISSUES

A conditional use is a use that may be permitted subject to conditions imposed upon the approval of the use that are designed to reasonably mitigate any adverse impacts upon surrounding properties. Both

the planning commission and the city council shall use the following criteria in reviewing conditional use permit requests. It is specifically understood that certain criteria listed below may not apply to a particular application. The applicant shall adequately demonstrate that the applicable criteria have been met:

- (1) The proposed conditional use is compatible with adjacent existing uses and other allowed uses in the zoning district. Such compatibility shall be expressed in terms of appearance, architectural scale and features, site design and scope, landscaping, as well as the control of adverse impacts including noise, vibration, smoke, fumes, gas dust, odor, lighting, glare, traffic circulation, parking, or other undesirable or hazardous conditions.
- (2) The proposed conditional use has incorporated design features sufficient to protect adjacent uses including but not limited to: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing and site building placement.
- (3) All proposed accessory uses must demonstrate that they are necessary and desirable. All proposed accessory uses shall comply with the requirements of subsections(f)(1) and (2) of this section. Undesirable impacts created by these uses shall be controlled or eliminated.
- (4) Adequate public services (such as: streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) must be available without the reduction of services to other existing uses.
- (5) Provisions for proper maintenance of the building, parking and loading areas, drives, lighting, signs, landscaping, etc. shall be provided.
- (6) The proposed conditional use shall conform to adopted plans, hours of operation, polices and requirements for parking and loading, signs, highway access, and all other applicable regulations of this code and other applicable regulations.

In addition, the following are requirements for Auto Repair Garages: Auto Repair Garage or Place. All motor vehicles on the premises must carry a current registration and a work order with a completion date not to exceed 30 days. Motor vehicles without valid registration and or a work order shall be classified as salvage and junk, and may not be kept, stored or worked on in an auto repair shop.

DISCUSSION

The proposal is to replace Jimmy's Transmission with Rocky Mountain Spray Liners. Although the businesses have similar impacts, the existing use was grandfathered, with no evidence of ever receiving a Conditional Use Permit as required under current Cortez Land Use Code.

The use is located in the CBD, and adjacent to numerous residences so it is important that the use be carefully conducted and regulated to keep nearby residents and businesses from being adversely impacted. The application states that hours of operation will be limited to Monday – Friday 7:00am – 5:30pm. Rarely the business may operate on a Saturday. The applicant states that the new use will not create loud noise. No vehicles will be parked in front of the business or on the streets over-night.

Of particular concern with this use is the storage of any inoperable vehicles and vehicle parts in the CBD and adjacent to residences. The applicants have agreed that all vehicles will have valid registration and no vehicle will remain on site for more than 30 days.

AGENCY REVIEW

No agencies expressed any concerns with the proposed use.

ALTERNATIVES

1. The Commission can recommend that the Council approve the conditional use permit for property located at 210 East 1st Street, in the CBD zone, as submitted by Kathy Stone;
2. The Commission can recommend denial of the application for the conditional use permit and state its reasons;
3. The Commission can ask for more information and table the application or continue it to a date certain; or
4. The Commission can recommend that Council approve the conditional use permit and state any conditions it determines are necessary to ensure compliance with the Cortez Land Use Code.

RECOMMENDATION

Staff recommends Alternative “4” above, approval of the conditional use permit through P&Z Resolution No. 9, Series 2023, with three conditions.

If the Planning and Zoning Commission so chooses to follow the recommendation of Staff, the Commission can the following motion: **I make a motion that the Planning Commission recommend that City Council approve the conditional use permit for Rocky Mountain Spray Liners on property located at 210 E. 1st St., in the Central Business District (CBD) zone, as submitted by Kathy Stone through P&Z Resolutions No. 9, Series 2023, with the following conditions:**

1. All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents. Specifically, all public improvements shall comply with the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications.
2. Operation of the business shall not exceed CRS 25-12-103, maximum permissible noise levels. Specifically, from 7:00am to 7:00pm noise levels shall not exceed 55 db(A) at the property line. From 7:00pm to 7:00am noise levels shall not exceed 50 db(A) at the property line.
3. The applicants shall operate the business in conformance with all provision of the submitted narrative.

**CITY OF CORTEZ
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 9, SERIES 2023**

**A Resolution Recommending Approval of a Conditional Use Permit for a parcel located at
210 East 1st Street, Cortez, Colorado, zoned CBD, Central Business District**

WHEREAS, the owner/applicant Kathy Stone (the “Owner/applicant”) has applied for review of a Conditional Use Permit for Rocky Mountain Spray Liners located at 210 East 1st Street, Cortez, Colorado and more particularly described as (the “Property”):

City of Cortez, Lot: 16-18 Block: 33 S 20FT OF LOT 16; LOTS 17-18

WHEREAS, the Owner/applicant presented a request and necessary submittal items for review of the application by the City Planning and Zoning Commission at a regular meeting held on June 6, 2023; and

WHEREAS, the Cortez Land Use Code Section 6.10, Conditional Use Permits, indicates that the owner or developer of a property may request a conditional use permit for development of said property; and

WHEREAS, the Planning and Zoning Commission reviewed the request for a Conditional Use Permit and is recommending approval of the request on the Property, as evidenced in the adoption of this P&Z Resolution No. 9, Series 2023; and

WHEREAS, based on the evidence and testimony presented at said meeting, the Planning and Zoning Commission is recommending approval of the requested Conditional Use Permit; and

WHEREAS, it appears that all requirements of Chapters 5.00 and 6.00 of the City’s Land Use Code for development of this site have been met.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CORTEZ PLANNING AND ZONING COMMISSION:

THAT, P&Z Resolution No. 9, Series 2023, establishes the conditions of approval for a Conditional Use Permit on the Property; and

THAT, the Conditional Use Permit for the Property is hereby recommended to Council for approval, subject to the following conditions to ensure compliance with the standards in the Cortez Land Use Code for a conditional use permit:

CITY OF CORTEZ
PLANNING & ZONING COMMISSION
RESOLUTION NO. , SERIES 2023

- a. All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents. Specifically, all public improvements shall comply with the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications and all requirements of CDOT for required highway improvements.
- b. Operation of the business shall not exceed CRS 25-12-103, maximum permissible noise levels. Specifically, from 7:00am to 7:00pm noise levels shall not exceed 55 db(A) at the property line. From 7:00pm to 7:00am noise levels shall not exceed 50 db(A) at the property line.
- c. The Owner/applicant shall operate the business in conformance with all provision of the submitted narrative.

MOVED, SECONDED, AND ADOPTED THIS 6th DAY OF JUNE, 2023

PLANNING AND ZONING COMMISSION

Robert Rime, Chairman

ATTEST:

Cheryl Lindquist, Deputy City Clerk

Conditional Use Permit Application Checklist

5/5/23

Date

APPLICANT: Kathy Stone
ADDRESS: 24596 Rd P Dolores, Co
PHONE/FAX: 970-749-5823
FOR: _____

Submittal Requirements:

X Letter of petition requesting conditional use permit
Title certificate from licensed title company or attorney listing:
The name of the property owner(s)
All liens
All easements and judgments of record affecting the subject property

The Petition Shall Show or be Accompanied By:

X Street address and legal description of the property
X Any and all plans, information, operating data and expert evaluation necessary to clearly explain the location, function & characteristics of any building or proposed use. Such as floor plans, site plan, or operating information. Provide a detailed narrative addressing the applicable criteria for a CUP, LUC section 6.10(f).
X Filing fee (\$300) to cover the costs of review in accordance with the current adopted fee schedule

Notification Requirements

_____ Public hearing notice to paper 15 days prior to **P&Z** Meeting (20 days for paper to print on the 15 day schedule)
_____ Notice to landowners 15 days prior to P&Z meeting
_____ Public Hearing notice to paper 15 days prior to **Council** Meeting (20 days for paper to print on the 15 day schedule)

05/05/23

Letter of Petition for a conditional use pennit for property located at 210 East 1st Street & 24 South Ash Street. Town of Cortez Lot: 13-18 in Block #33. Currently this property is owned by Jimmy & Marion Rodd, we are under contract to purchase.

We are purchasing this property for two reasons. At 24 South Ash we would be opening a Hair salon with 2 employees.

At 210 East 1st Street our son would like to move his existing business "Rocky Mountain Spray liners" from South Broadway to this location.

At Rocky Mountain Spray Liners there are 2 employees, they do spray in bed liners in pickups, small auto repair jobs, buys and sells after market parts & accessories, rims, tires, bumpers, shocks, welds frames for side by sides. He also has a plasma table and makes signs for businesses around town.

We do not expect any loud noise or other impacts to the property or neighbors. We have always operated clean and friendly businesses with our neighbors. We do not expect a lot of traffic and will not have vehicles parked outside side and on the streets over night.

We plan on painting the building and cleaning up around it. We want to improve the landscape. We want to make a parking lot in the back of it for employees.

Hours of operation would be Monday- Friday 7:00-5:30. There might be times that Rocky Mountain Spray liners would need to work on a Saturday and the Salon might need to work a Saturday.

There would not be much traffic and parking would be in the **parking** in front of the shop and behind the shop by the alley.

Thank You,


Kathy Stone



Abundant Life
Envy Salon and Boutique
Katrina Weiss
State Farm Insurance

201
E Main St

221
E Main St

Wendy's

S Ash St

Storage

Parking

- # 11
- # 10
- # 9
- # 8
- # 7
- # 6

24
S Ash St

Jimmy's Outback 4x4

Temporary
Parking

Employee
Parking

Jimmy's Transmission Specialists

210
E 1st St

Storage

S Ash St

Temporary
Parking

E 1st St

80'

207
E 1st St

219
E 1st St

TDS Broadband

107
S Washington St





CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

June 06, 2023

Agenda Item: 4. b.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: Resolution No. 7, Series 2023

BACKGROUND

Independent Log Company operates as a Fire Mitigation and Response Company with several components (see narrative). They operate and maintain equipment which is used for wildfire response including trucks, trailers, water trucks, earth moving equipment, and chain saws. For the most part, this equipment is off site at wildfire events during the wildfire season and returns for storage during the winter months. The season and amount of events can vary wildly, but has recently been longer and fires are more frequent than in past years. In addition to wildfire response, the company conducts wildfire mitigation services which primarily include tree cutting and thinning services. The cut trees are then brought to their properties, prepared and used in several ways, depending on the quality and size of the product, including log home construction, wood furniture construction, fence materials and firewood. These uses would most likely be considered "manufacturing" in that there are no retail sales of products from the site.

ISSUES

See attached

RECOMMENDATION

Planning and Zoning Commission recommends that Council approve the requested rezone from Commercial Highway to Industrial for property located at 1050 Lebanon Rd, Cortez, Co. A tract of land in the SW¼ of Section 23, Township 36 North, Range 16 West, N.M.P.M., County of Montezuma, State of Colorado, as submitted by Anthony Moore and Mary Lancaster through P&Z Resolution No. 7, Series 2023.

Attachments

Staff Report
Resolution No. 7, Series 2023
1050 re-zone app
Narrative
legals



Meeting Date: June 6, 2023
Project No. ZA23-000001

MEMO

TO: Members of the Cortez Planning and Zoning Commission

FROM: Nancy Dossdall, Contract City Planner

SUBJECT: Public Hearing on an Application for a rezoning of a 10-acre parcel located at 1050 Lebanon Rd, Cortez, Colorado, from C, Commercial Highway to I, Industrial, and request for a Conditional Use Permit for the property.

OWNERS/APPLICANTS: Anthony Moore and Mary Lancaster

ATTACHMENTS: P&Z Resolution No. 7, Series 2023
Application Packet



Vicinity Map

BACKGROUND/CODE DISCUSSION

The 10-acre parcel located at 1050 Lebanon Road is currently zoned C, Commercial Highway. The property was previously the site of a drive-in theatre and has been vacant for a number of years. The Owners also own the parcel located at 1107 Lebanon directly west of the subject property, and are already using the property for equipment and material storage for their business, Independent Log Company. They have been cited for code violations for operating without permits. This request, if approved, would bring the property into conformance with the City of Cortez Land Use Code (“LUC”).

Independent Log Company operates as a Fire Mitigation and Response Company with several components (see narrative). They operate and maintain equipment, which is used for wildfire response including trucks, trailers, water trucks, earth moving equipment, and chain saws. For the most part, this equipment is off site at wildfire events during the wildfire season and returns for storage during the winter months. The season and number of events can vary wildly from year to year, but the season has recently been longer and fires are more frequent than in past years. In addition to wildfire response, the Independent Log Company conducts wildfire mitigation services, which primarily include tree cutting and thinning services. The cut trees are then brought to their properties, prepared and used in several ways, depending on the quality and size of the product, including log home construction, wood furniture construction, fence materials and firewood. These uses would most likely be considered “manufacturing” in that there are no retail sales of products from the site.

The proposed uses of the subject property do not fit neatly into a single category in the LUC. Contractor storage or equipment yards and manufacturing wood products are similar uses that are listed as Conditional Uses in the “C, Commercial” zone and permitted uses in the “I, Industrial” zone. Applicable definitions are below: The proposed uses related to wood products do appear to fit in the definition of “manufacturing, wood products” and “manufacturing, heavy,” which the code lists as a Conditional use in the Commercial Highway zone and a permitted use in the Industrial zone. However Sec 5.07(j) of the LUC states that “No open storage of materials or commodities shall be permitted in any district except as an accessory use to a main use located in a building in an I or PUD industrial district. No open storage operation shall be located in front of a main building.” Staff has determined that when Section 5.07(j) of the LUC is applied to the proposed uses, the uses should more properly occur in the I, Industrial zone, since open storage is a key component of the operation.

The relevant definitions and sections of the LUC are as follows:

Manufacturing, General. "General manufacturing" means an establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, excluding uses classified as "manufacturing, hazardous or objectionable."

Manufacturing, Hazardous or Objectionable. "Hazardous or objectionable manufacturing" means a use engaged in storage of, or manufacturing processes utilizing, flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Typical uses include chemical manufacturing and warehousing, dry ice manufacturing, fat rendering plants, fertilizer manufacturing, fireworks and explosives manufacturing and warehousing, petroleum refineries, pulp processing and paper products manufacturing, radioactive materials manufacture or use, steel works, slaughterhouses and tanneries.

Manufacturing, Light. "Light manufacturing" means an establishment or use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding activities classified in another land use category. Typical uses include apparel and garment factories, appliance and computer products assembly, bakeries engaged in large-scale production and wholesale distribution, boat building and repair, electrical and electronic equipment, furniture and fixtures, jewelry manufacturing, leather products, meat cutting and wholesale storage, monument and grave marker manufacturing, motion picture production lots, musical instrument manufacturing, pharmaceutical and toiletries manufacturing, printing and publishing, rubber and plastics products, sports equipment manufacturing, and toy manufacturing.

Manufacturing, Wood Products. "Wood products manufacturing" means an establishment engaged in the basic processing and manufacturing of materials or products predominately from raw wood materials. These uses may be further subdivided into "light manufacturing" which includes small-scale production of cabinets, lath, grade stakes, furniture, wood art, moulding; and "heavy manufacturing" which includes such uses as prefabricated wall components, lumber mills, and log home manufacturing.

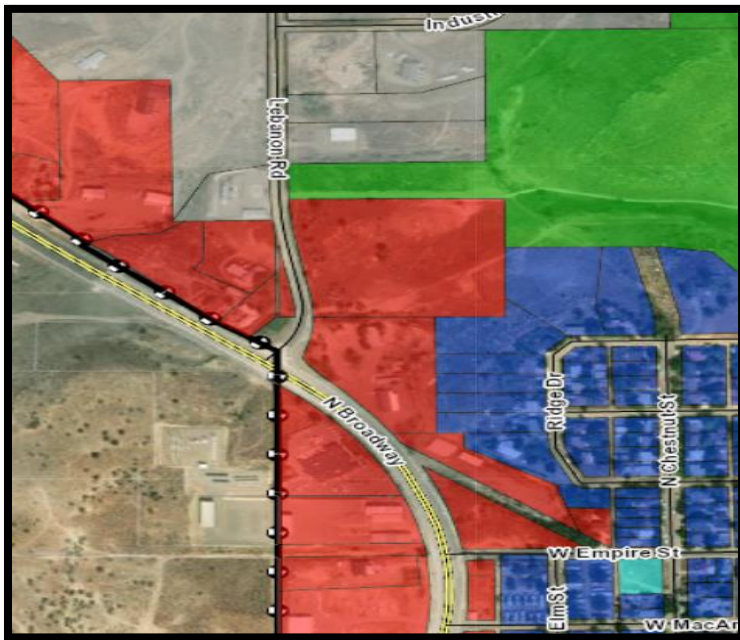
Land Use Code:

Use Type	RE	R-1	R-2	MH	O	CBD	C	NB	I
Manufacturing, general									P
Manufacturing, hazardous/objectional									C
Manufacturing, light						C	C		P
Manufacturing, wood products							C		P

5.07 (j) Open Storage. No open storage of materials or commodities shall be permitted in any district except as an accessory use to a main use located in a building in an I or PUD industrial district. No open storage operation shall be located in front of a main building. No wrecking, junk, or salvage yard shall be permitted as a storage use in any district.

The current request is to rezone the property from C to I, which is the most permissive zone in regards to outdoor storage and uses in general and then grant a Conditional Use Permit to allow the proposed outdoor storage uses, for which the code is unclear as to where/how they are permitted. No buildings are proposed on the site at this time. This is somewhat of an unusual approach to deal with unclear and contradictory code provisions. There are two other options to approach this use; 1) Keep the existing zoning in place, grant or deny a Conditional Use Permit for the use or 2) Rezone to Industrial and review the use as a Site Plan only, since Manufacturing, wood products would be considered a Permitted Use. The interpretation of 5.07(j) is unclear in either case.

Location/Surrounding Land Uses



Surrounding Zoning

The site is bounded on the north by City owned open space, on the west by both Industrial and Commercial zoned land, south is both Commercial and R-1, Residential, east is both R-1 Residential and City open space. Access to the property is directly off Lebanon Rd. The adjacent residential properties are somewhat naturally buffered from direct impacts of the use by topography. The adjacent commercial uses are either vacant, or owned and operated by the applicants.

ISSUES

Sec. 6.02 of the Land Use Code establishes the following criteria for a zoning amendment:

1. Items for Consideration in Zoning Amendments. The planning commission shall in its action on the rezoning request, consider the following:
 - a. Was the existing zone for the property adopted in error?
 - b. Has there been a change of character in the area (e.g. installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.)?

- c. Is there a need for the proposed rezoning within the area or community?
- d. Are the proposed uses compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be mitigated?
- e. Will there be benefits derived by the community or area by granting the proposed rezoning?
- f. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended?
- g. Is the proposal in conformance with the policies, intents and requirements of the Cortez comprehensive plan?
- h. Does the proposed change constitute "spot zoning?"

And the following criteria for a Conditional Use Permit:

(f) Conditions of Approval. Both the planning commission and the city council shall use the following criteria in reviewing conditional use permit requests. It is specifically understood that certain criteria listed below may not apply to a particular application. The applicant shall adequately demonstrate that the applicable criteria have been met:

(1) The proposed conditional use is compatible with adjacent existing uses and other allowed uses in the zoning district. Such compatibility shall be expressed in terms of appearance, architectural scale and features, site design and scope, landscaping, as well as the control of adverse impacts including noise, vibration, smoke, fumes, gas dust, odor, lighting, glare, traffic circulation, parking, or other undesirable or hazardous conditions.

(2) The proposed conditional use has incorporated design features sufficient to protect adjacent uses including but not limited to: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing and site building placement.

(3) All proposed accessory uses must demonstrate that they are necessary and desirable. All proposed accessory uses shall comply with the requirements of subsections(f)(1) and (2) of this section. Undesirable impacts created by these uses shall be controlled or eliminated.

(4) Adequate public services (such as: streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) must be available without the reduction of services to other existing uses.

(5) Provisions for proper maintenance of the building, parking and loading areas, drives, lighting, signs, landscaping, etc. shall be provided.

(6) The proposed conditional use shall conform to adopted plans, hours of operation, polices and requirements for parking and loading, signs, highway access, and all other applicable regulations of this code and other applicable regulations.

DISCUSSION

This property is located in a very mixed area that includes industrial and heavy commercial land uses, and, also City open space/natural area and single-family homes. Staff determined that when Section 5.07(j) of the LUC is applied, the uses should be located in the I, Industrial zone.

The request is to rezone the property from C to I, which is the most permissive zone in regards to outdoor storage and uses in general. Staff recommends that Conditional Use Permits may be required, depending on whether or not the rezone is granted and how Section 5.07(j) of the LUC is applied.

Criteria Discussion:

Rezone:

- a. It does not appear that this property was zoned in error, the area is a mix of industrial and heavy commercial uses. The property is directly adjacent to Industrial, Commercial, Open and Residential zones.
- b. The most recent new uses in the area are the Herbal Alternative, a marijuana dispensary and grow operation and Target Rental. The Herbal Alternative is located on C zoned property while Target Rental is located on I zoned property. Many of the uses in the area incorporate outdoor storage of a variety of materials and equipment.
- c. The rezoning is being requested to allow for a heavy manufacturing use in an area of the city where these types of uses are somewhat common. There are many vacant C zoned properties in the City, while only a few vacant I zoned properties exist. This lack of zoned and available land for Industrial type uses could be considered a need for the rezoning.
- d. The area is a mix of land uses, including single family homes and City owned/operated open space on the northern and eastern boundaries. Further north, west and south are heavy commercial uses, most of which include an outdoor storage component. It does not appear that any of the nearby uses comply with 5.07(j). The City Parks and Recreation Department, several users of the open space/trailhead and nearby residents have expressed concern with the use, although no written letters of opposition have been received at the time of preparation of this report. The initial concerns were related to unpermitted uses, and concern of potentially hazardous materials. The concerns with hazardous materials were unfounded. By including a requirement/request for a Conditional Use Permit, it appears that many of the concerns of nearby property owners and open space users could be addressed.
- e. The use is a necessary use in this area where wildfire is a constant and concerning threat. The business provides both firefighting and fire mitigation services, and also makes use of all of the by-products, adding value to what can be a difficult waste product to dispose of.
- f. Adequate facilities for the business are available, including water, sewer, access and all other utilities, although at this phase, no services are necessary for the use.
- g. The Cortez Comprehensive plan includes numerous goals that support the requested rezone. Goals and policies include the following:
 - a. Sustain a well- balanced and diverse local economy (Goal 11.1)
 - b. Encourage industries that employ City residents for the reclamation of resource extraction. (Policy 11.1.47)
 - c. Encourage manufacturing businesses and other skilled labor businesses to enhance employment opportunities at “living wage” income levels. (Policy 11.3.8)
- h. The property is adjacent to other industrial zoned property so it should not be considered “spot zoning.”

Conditional Use Permit:

With this proposed use, a conditional use permit can help to make the use compatible with surrounding land uses. The Owners/applicants’ narrative does a good job of establishing that the proposed uses will not be objectionable due to noise, lighting, smoke, fumes, hours of operation or hazardous materials, as long as all commitments in the narrative are adhered to at all times. The site plan is entirely lacking in terms of buffering, fencing and landscaping, which, if added, would go a long way to improving the appearance of the site. The Parks and Recreation Department has requested buffering for adjacent property and natural features, which the applicants have agreed to in an email.

AGENCY REVIEW

GIS Coordinator (Doug Roth)

- The application packet does not specify what zoning is being requested so I can't comment on that.
- All situs addresses for both properties are good. Due to hazardous nature of the operation make sure addresses are clearly marked for emergency response.
- A new (additional) address will be assigned to the proposed manufacturing building on PID 561122400044 once a building permit is pulled
- No other concerns

Cortez Sanitation District (Jim Webb)

The Sanitation District has some concerns about a couple of exposed manhole covers in this property. Could you please let the owners know that we have a 20' prescribed easement across this property 10' Each side of the pipe. We have to have access to these manholes and pipeline for normal maintenance. The covers being exposed like they are can not withstand big equipment hitting them and the buried manholes would not be able to handle a whole lot of abuse either. We would prefer that the easement stay clear of any permanent structures and any stored logs giving us access to the exposed manholes Any time of the day or night. This Sewer main is a major Trunk line for the entire North side of town.



Cortez City Engineer (Kevin Kissler)

Public works staff performed a site visit on 5/19 and a follow up visit on 5/23 of the properties in question. Attached are updated site plans showing field observations and comments for 1050 Lebanon and 10206 Highway 491, within are specific engineering concerns and suggestions. The applicant is encouraged to have a Colorado licensed professional engineer certify the adequacy of their installations and earthwork, the attached site plans are not providing or implying warranty or adequacy as to the performance of the installations and earthwork and only reflect a mutual understanding of the work the applicant intends to perform during grading operations.

With that said, it appears that the applicant has removed roughly 40,000 cubic yards of material from the hill on their property at 10206 Highway 491 and has used that material to create a filled pad. While

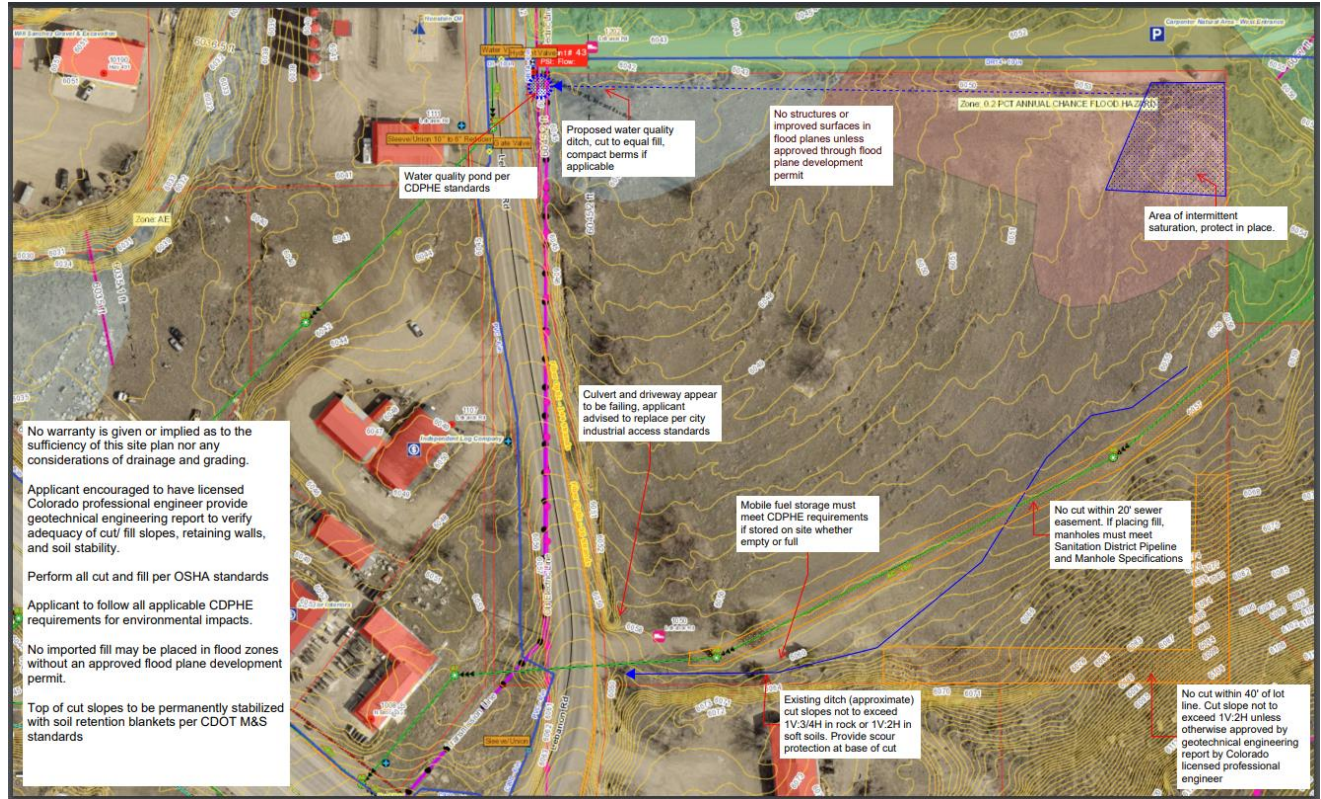
in my opinion this is beyond the scope of a typical grading permit, I am not seeing much support from within the land use code or construction design standards to differentiate this project from a grading permit, nor to my knowledge was this scope of work outlined in their original grading permit from last year. It appears a legal basis to keep their operations suspended is not clearly defined, therefore we will allow work to continue and monitor operations on the site.

I have not heard from CDOT, however the applicant intends to add a second access on their property. They assured me that they have already had communications with CDOT, the access is shown on their plat, and that access from highway 491 at that location is already approved within CDOT's access control plan for highway 491. I had concerns regarding sight distance for oncoming traffic if using that access, however it was noted that roll back curb had already been installed by CDOT at that location.

If they are to eventually propose a structure on any of the filled areas, the city would want to require a soils analysis for any permanent foundations as the placed fill may or may not be unstable. A formal soils and/ or engineering analysis may be a prudent demand the city could make as a condition of rezoning if supported and permissible by the land use code. It is my recommendation that the city update as soon as possible the LUC and/ or CDS such that any placed fill greater than 4' in depth should require a geotechnical engineering analysis and design certified by a Colorado licensed professional engineer. This update should also include verbiage that outlines a stop work procedure for clearly defined violations and a formal review and/ or remediation process to bring the work back into compliance.

Considering the current uses in the area include a concrete batch plant, auto body shop, granite cutter and retailer, fuel station, heavy equipment rental, and marijuana dispensary, it would appear that industrial is an appropriate zoning determination for both 1050 Lebanon and 10206 highway 491. As for specific engineering concerns, I would like to see the following:

1050 Lebanon- the culvert at the driveway appears to be in a state of poor repair and may need replacement.



Cortez Parks and Recreation (Creighton Wright)

As City’s primary representative for parks, open space, forestry, and recreation, I desire to be a good neighbor and respectfully ask that Mr. Moore’s business ventures don’t negatively impact the recreation pursuits of Cortez residents and visitors. While I do support the business development opportunities, especially the very cool log homes that Mr. Moore proposes to build, I respectfully request mitigation to support the serene Carpenter Natural Area directly adjacent to the property. The preserve’s primary parking lot is directly adjacent to the north of the proposed equipment storage area.

The Carpenter Natural Area is a unique ecological and geologic gem within the city that allows residents and visitors to enjoy the natural scenery and outstanding views without leaving the city. Residents and visitors routinely (some daily) use the space for trail walking, birding, light hiking, mountain biking, and generally, the opportunity to get outside and enjoy nature literally out their back doors. I request mitigation by the adjacent property owner to screen, protect and preserve the natural aesthetic value and uniquely serene environment found at the Carpenter Open Space Preserve.

Requested mitigation:

1. Secure and preserve the water quality of inflow into ponds and streams. Prevent harmful chemicals and toxins from washing into downstream waterways.
2. Restrict access to preserve drives and parking areas from the equipment, supplies, and deliveries to Mr. Moore’s business.
3. Prevent any waste, construction debris, or other by-products from blowing or coming onto the preserve or associated areas.
4. Provide buffer and naturally-oriented visual screening along Mr. Moore’s northern and eastern property boundary. The proposed naturally-oriented visual screen should be large (20’ tall) evergreen trees planted approximately 20’ on-center and staggered. The proposed buffer is 50’.

ALTERNATIVES

1. The Commission can recommend that the City Council approve the rezone request from C, Commercial to I, Industrial, and the Conditional Use Permit, for a 10-acre parcel located at 1050 Lebanon Rd as submitted by the Owners/applicants.
2. The Commission can recommend denial of the request for a rezoning and the Conditional Use Permit, and state its reasons;
3. The Commission can ask for more information and table the application or continue it to a date certain; or
4. The Commission can recommend that the City Council approve the rezoning request and the Conditional Use Permit.

RECOMMENDATION #1 - Rezone

Staff recommends Alternative “1” above, approval of the rezoning request through P&Z Resolution No. 7, Series 2023.

If the Planning and Zoning Commission so chooses to follow the recommendation of Staff, an appropriate motion would be as follows: **I make a motion that the Planning and Zoning Commission approve P&Z Resolution No. 7, a resolution that recommends that City Council approve the requested rezone from C, Commercial to I, Industrial for property located at 1050 Lebanon Rd, Cortez, Colorado, as more completely described in the Resolution, with the following findings:**

- a. The property is physically buffered from adjacent residential uses by topography, adjacent to existing Industrial uses. Other impacts can be mitigated with appropriate use conditions.
- b. The community will benefit from use of the property by the additional economic benefits of additional jobs, opportunities and taxes generated and the expansion of a much needed natural resource use.
- c. Adequate facilities are available to serve development for the type and scope suggested by the proposed zone.
- d. The proposal in conformance with the policies, intents and requirements of the Cortez comprehensive plan.

RECOMMENDATION #2 – Conditional Use

Staff recommends Alternative “1” above, approval of the Conditional Use Permit request through P&Z Resolution No. 7, Series 2023.

If the Planning and Zoning Commission so chooses to follow the recommendation of Staff, an appropriate motion would be as follows: **I make a motion that the Planning and Zoning Commission approve P&Z Resolution No. 7, a resolution that recommends that the City Council approve the requested Conditional Use Permit for property located at 1050 Lebanon Rd, Cortez, Colorado, as more specifically described in the Resolution, with the following conditions:**

- a. All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents. Specifically, all public improvements shall comply with the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications and all requirements of CDOT for required highway improvements.
- b. The applicant shall meet all requirements of the Cortez Sanitation District regarding protection of the manholes and existing sewer line.
- c. The address shall be clearly marked for emergency response.
- d. The applicant shall comply with the submitted project narrative at all times.
- e. Pursuant to Section 4.01 of the Cortez Land Use Code, a subdivision plat approved by the City Council shall be required prior to the issuance of a building permit on the Property.
- f. The following requirements of the Parks and Recreation Department shall be met:
 - (1) Secure and preserve the water quality of inflow into ponds and streams. Prevent harmful chemicals and toxins from washing into downstream waterways.
 - (2) Restrict access to preserve drives and parking areas from the equipment, supplies, and deliveries to Mr. Moore's business.
 - (3) Prevent any waste, construction debris, or other by-products from blowing or coming onto the preserve or associated areas.
 - (4) Provide buffer and naturally-oriented visual screening along Mr. Moore's northern and eastern property boundary. The proposed naturally-oriented visual screen should be large (20' tall) evergreen trees planted approximately 20' on-center and staggered. The proposed buffer is 50'.

**CITY OF CORTEZ
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 7, SERIES 2023**

A Resolution Recommending Approval of a Rezoning of a ten-acre parcel located at 1050 Lebanon Rd, Cortez, Colorado, in the SW¹/₄ of Section 23, Township 36 North, Range 16 West, N.M.P.M., County of Montezuma, State of Colorado, from C, Commercial Highway District to I, Industrial District

WHEREAS, Owners/applicants Anthony Moore and Mary Lancaster have applied for review of a rezoning from C, Commercial Highway to I, Industrial of a ten-acre parcel located at 1050 Lebanon Rd, Cortez, Colorado and more particularly described as (the “Property”):

A tract of land in the SW¹/₄ of Section 23, Township 36 North, Range 16 West, N.M.P.M., County of Montezuma, State of Colorado

WHEREAS, the Owners/applicants presented a request and necessary submittal items for review by the City Planning and Zoning Commission at its regular meeting held on June 6, 2023; and

WHEREAS, Land Use Code Section 6.02, Zoning Map and Land Use Code Amendments, indicates that the owner or developer of a property may request an amendment to the zoning classification of property; and

WHEREAS, the Planning and Zoning Commission reviewed the request for an amendment to the zoning classification from C, Highway Commercial to I, Industrial, and is recommending approval of the request on the Property, as evidenced in the adoption of this P&Z Resolution No. 7, Series 2023; and

WHEREAS, based on the evidence and testimony presented at said meeting, the Planning and Zoning Commission is recommending approval of the requested zoning classification amendment; and

WHEREAS, it appears that all requirements of Chapter 6.00 of the City’s Land Use Code for a zoning classification amendment have been met.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CORTEZ PLANNING AND ZONING COMMISSION:

THAT, this P&Z Resolution No. 7, Series 2023, establishes the finding for approval for the zoning reclassification of the Property; and

THAT, the zoning reclassification and full application for the Property is hereby recommended to the Cortez City Council for approval, subject to the following findings:

- a. The Property is physically buffered from adjacent residential uses by topography, adjacent to existing Industrial uses. Other impacts can be mitigated with appropriate use conditions.
- b. The community will benefit from use of the Property by the additional economic benefits of additional jobs, opportunities and taxes generated and the expansion of a much needed natural resource use.
- c. Adequate facilities are available to serve development for the type and scope suggested by the proposed zone.
- d. The proposal is in conformance with the policies, intents and requirements of the Cortez Comprehensive Plan.
- e. Pursuant to Section 4.01 of the Cortez Land Use Code, a subdivision plat approved by the City Council shall be required prior to the issuance of a building permit on the Property.

MOVED, SECONDED, AND ADOPTED THIS 6th DAY OF JUNE, 2023

PLANNING AND ZONING COMMISSION

Robert Rime, Chairman

ATTEST:

Cheryl Lindquist, Deputy City Clerk

APPLICATION FOR ZONING AMENDMENT

(Land Use Code Section 6.02)

Name: Anthony Moore Mary Lancaster Phone: 719-588-3450
Address: 1050 Lebanon Road Cooke Colorado 81321

- Statement of requested change and legal description of property
- Title certificate with list of owners and all liens, easements, etc. on property
- Statement from Treasurer showing status of current taxes due on property
- Survey of property which shows existing zoning, existing uses, and zoning within 300' of land to be rezoned
- List of surrounding property owners (and addresses) within 300' Cheryl
- Statement showing effect that new zoning would have on adjacent uses - ?
- Explanation for rezoning request
- Filing fee \$ 500

RECORD OF PROCEDURES

Review by Department Heads:	Date	Initials
Police Department	_____	_____
Public Works/Planning Department	_____	_____
Parks & Recreation Department	_____	_____
Fire Department	_____	_____

P&Z Public Hearing: _____ Advertised in Paper: _____

Action taken by P&Z: _____

Council Public Hearing: _____ Advertised in Paper: _____

Action taken by Council: _____

4/14/2023

Dear To Whom It May Concern:

City of Cortez: Planning and Zoning

Nancy,

Here is my official request to Rezone 1050 Lebanon Road Cortez Colorado 81321.

Parcel Number : 561123300003

Legal: Section: 23 Township: 36 Range: 16 TR IN W/2SW/4SW1/4

Acreage: 9.64


Currently zoned Commercial "C"

Requesting to Rezone Industrial "I"

Any question or concern please contact at 1-719-588-3450 or by email to justmemoryrtle7@yahoo.com

Thank you


Anthony Moore


Mary Lancaster



**City of Cortez Address Change:
MOORE, ANTHONY and LANCASTER, MARY
1107 and 1050 Lebanon Rd, Cortez, CO 81321
PID 561122400034 and 561123300003**

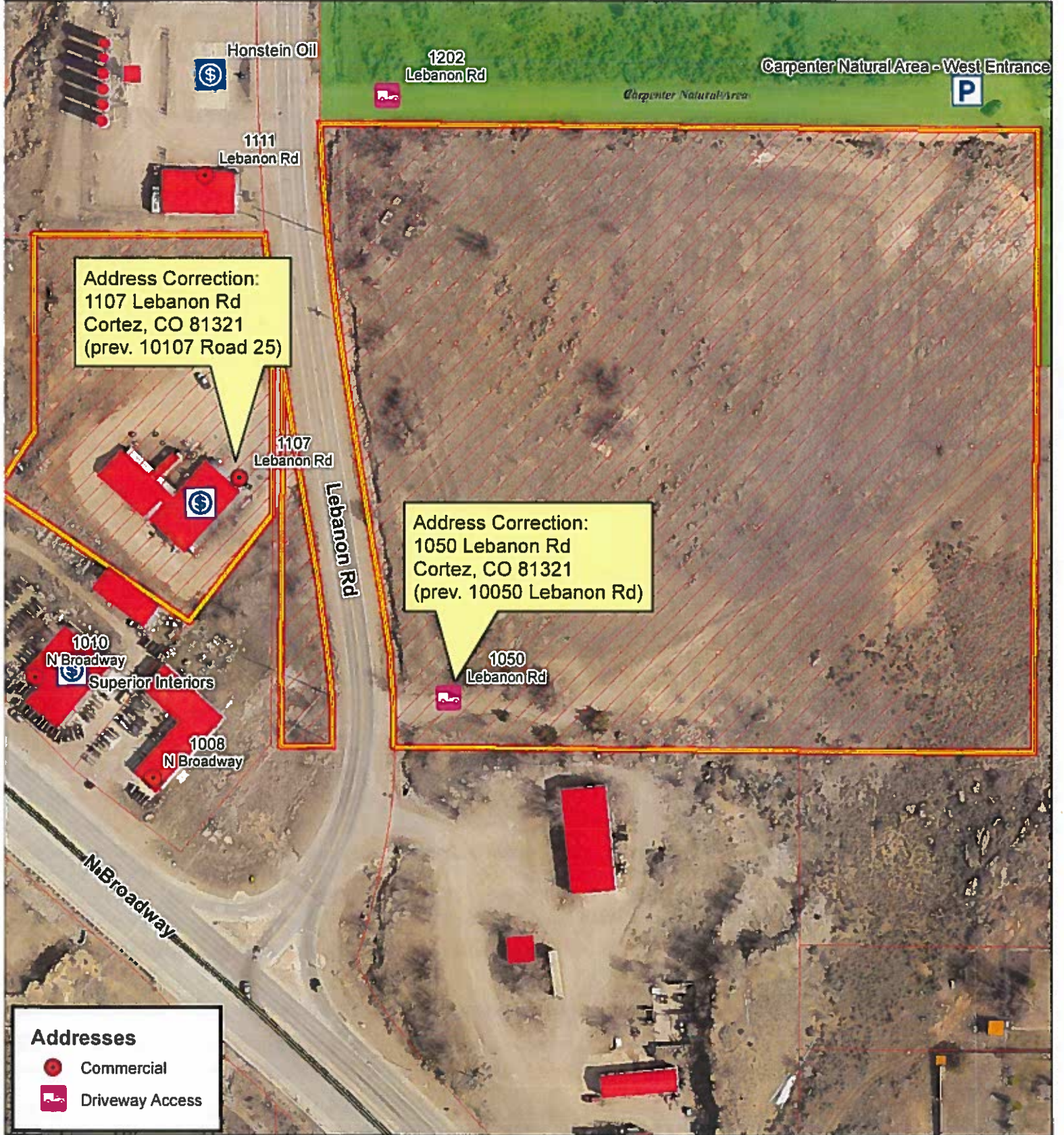


3/31/2022

Subdivision: Tracts in Section: 22 and 23 Township: 36 Range: 16

*(Previous address on record were:
10107 Road 25, 10107 Lebanon Rd and 10050 Lebanon Rd)*



1 inch = 125 feet



Address Correction:
1107 Lebanon Rd
Cortez, CO 81321
(prev. 10107 Road 25)

Address Correction:
1050 Lebanon Rd
Cortez, CO 81321
(prev. 10050 Lebanon Rd)

Addresses

-  Commercial
-  Driveway Access



1111 Lebanon Rd

1202 Lebanon Rd

1107 Lebanon Rd

1010 N Broadway

1008 N Broadway

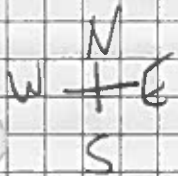
1050 Lebanon Rd

Revolution
Gear Carpenter
NA Trailhead
Carpenter
Natural Area
West Entrance



0 100 200ft

37.36024 -108.59107 Degrees



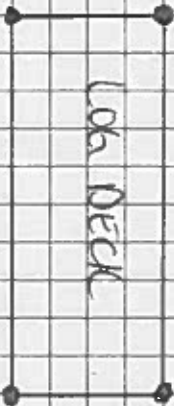
Carpenter natural area

P

689.1 feet

EQUIPMENT STORAGE

Lebanon ROAD
600.1 feet



YARD



603.1 feet

DRIVEWAY

614.3 feet

Lancaster/Moore
1050 Lebanon ROAD
CORNER COLORADO 81321

N. Broadway

Account: R007650

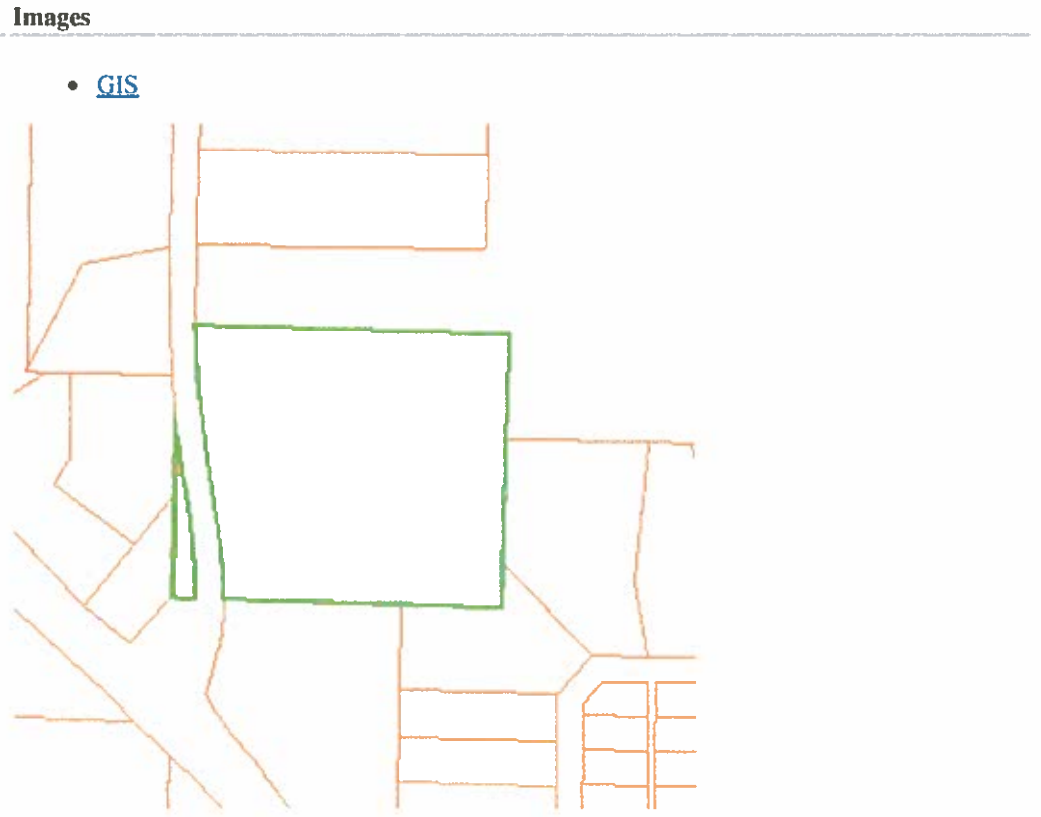
1 of 2 Results [Next->](#)

<u>Location</u>	<u>Owner Information</u>	<u>Assessment History</u>
Situs Address 1050 LEBANON RD Tax Area 11001 - DISTRICT 11001 Parcel Number 5611-233-00-003 Legal Summary Section: 23 Township: 36 Range: 16 TR IN W/2SW/4SW1/4; 9.64AC B226 P164 B406 P35 Account Number R007650 Account Type VACANT LAND Doc Description	Owner Name MOORE, ANTHONY & Owner Address PO BOX 1034 ALAMOSA, CO 81101	Actual (2023) \$202,440 Assessed \$58,710 Tax Area: 11001 Mill Levy: 55.380980 Type Actual Assessed Acres SQFT Units Land \$202,440 \$58,710 9.640 435600.000 1.000

<u>Transfers</u>		
Sale Date	Sale Price	Doc Description
11/25/1996		Quitclaim Deed NoSale
03/25/2010	\$0	Land Survey Deposit Map
01/25/2016	\$3,105	Warranty Deed
04/20/2017		Survey
10/28/2021		SOA
10/28/2021	\$190,000	Special Warranty Deed JT

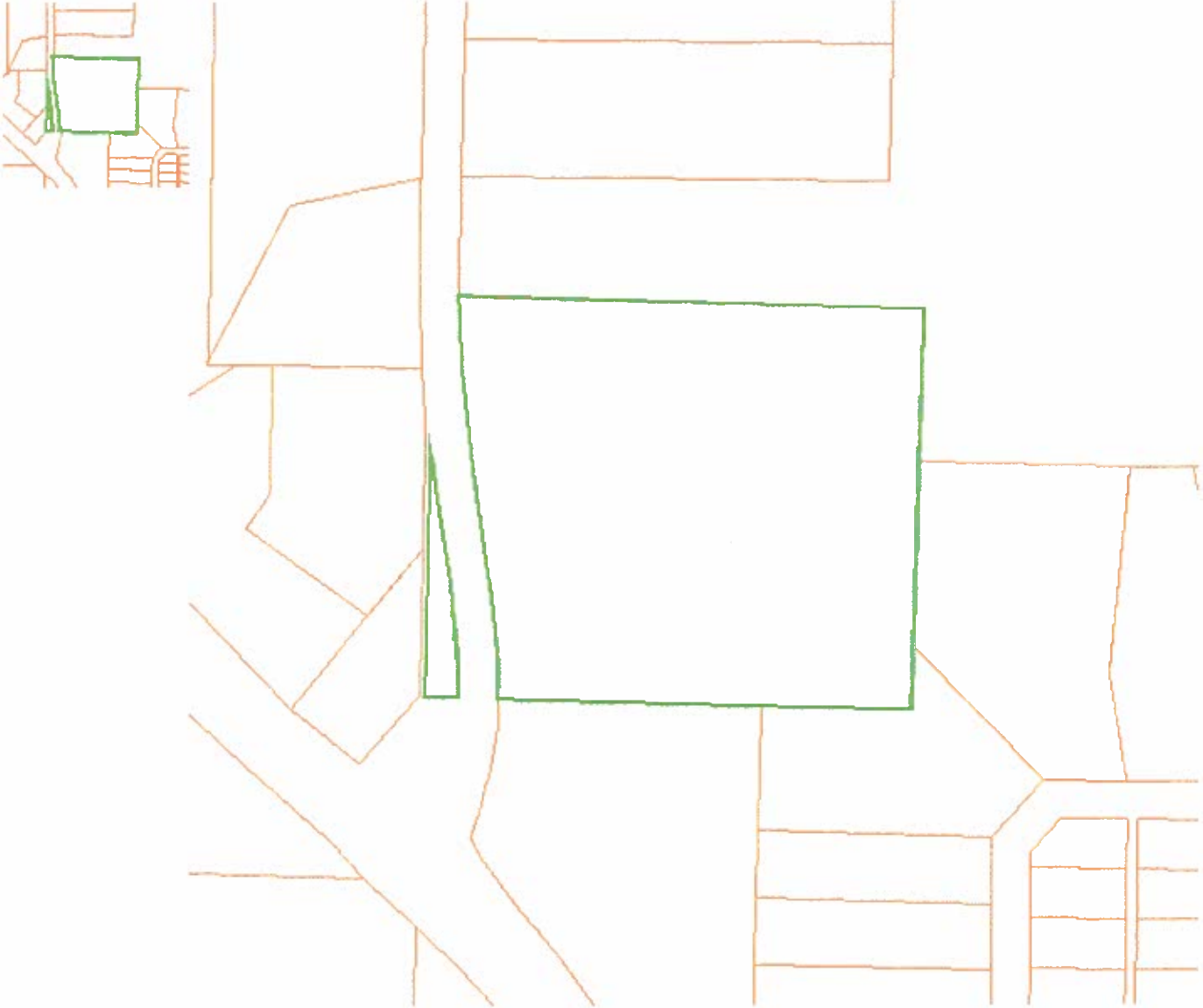
<u>Tax History</u>	
Tax Year	Taxes
*2023	\$3,251.40
2022	\$3,251.72

* Estimated



Account: R007650

1 of 2 Results [Next->](#)



Tax Account

Summary

Account Id R007650
Parcel Number 561123300003
Owners MOORE, ANTHONY &
LANCASTER, MARY
Address PO BOX 1034
ALAMOSA, CO 81101
Situation Address 1050 LEBANON RD CORTEZ
Legal Section: 23 Township: 36 Range: 16 TR IN W/2SW/4SW1/4; 9.64AC B226 P164 B406 P35

Inquiry

As Of 04/14/2023 

Payment Type First
 Full

Taxes Due \$3,251.72
Total Due \$3,251.72

Value

Area Id	Actual	Assessed	Mill Levy
11001 - DISTRICT 11001			55.3859800
VACANT COM LOTS - 0200	202,440	58,710	
Taxes			\$3,251.72

The amounts of taxes due on this page are based on last year's property value assessments.
For current year values visit the [Montezuma County Assessor's site](#).

due 5-1-2023



**Log Home Manufacturing yards
1050 Lebanon Road and 10206 Highway 491 Cortez
Colorado 81321**

We are a family owned and operated business, natives to Cortez Colorado.

We have been generation loggers for over 50 years.

Anthony Moore is a Master Log Crafter, professional logger and Wildland Firefighter.

We will be using this land to store are Wildland firefighting equipment that we use to assist the USDA forest service with our 54 contracts.

We are hopeful for a proposed Wildland Firefighting training facility to help qualify individuals wishing to pursue Wildland Firefighting careers. Anthony Moore is a Task Force Leader and has put out numerous fires in our State and has been awarded medals on the Pine Gulch fire Grand

Junction Colorado 2020 and East Troublesome Fire Granby Colorado 2020, both devastating Colorado fires.

Independent Log Company will be building Swedish Style Cope Log Homes and Timber Frame log homes, at this location. (See Photo 1 and Photo 2)

Photo 1 Swedish Cope Log Home by Independent Log Company



Photo 2 Timber framed home by Independent Log Company

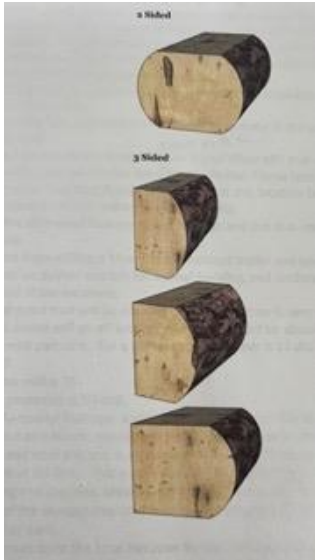
We use top quality logs and most of the work will be done in the yard and then taken down and put on properties.

Swedish Cope Style Log Homes (Think “Lincoln logs”)



ILC will be storing logs at this location and a Wood Mizer Mill that will assist in making the 2 sided and 3 sided logs and rough-cut lumber used for our Timber Frame homes. (See Table 1)

Table 1 - 2 sided and 3 sided logs



ILC will also have a Cord King firewood processor at this location for processing the byproduct wood into firewood and this will be available locally.

Cord King Firewood Processor-

Wood Mizer LT40



ILC will take the slab wood that comes off the logs and put that into slab bundles that will be available locally.

Bundles of slab wood



All our sawdust from milling is blown in an enclosed trailer and when this is full, we have numerous individuals that we deliver this too for animal bedding, and landscape projects. No sawdust will be accumulated at our locations.

The amount of noise that will be created for this operation is very minimal mostly due to, this is a wide-open area and sound will go off into many directions and be absorbed into ground you therefore you only end up hearing a small part of it.

Item	Decibels
whisper	15
Lawnmower	75
Car Horn	110
Wood Mizer Mill * on site	75
Cord King Processor *on site	90

We are a family-owned business, and this is our lively hood due to seasons sometimes we work longer hours and sometimes regular hours. You may see us leaving early in the mornings to

beat the thaw and mud and you may see us working late to accommodate break downs or getting dispatched for fires. This area is ideal for this type of operation as Maverick is open 24 hours for fueling and supplies, Meadow gold trucks run at 3:00 in the morning and late at night. We own most of the surrounding land near us and what we do not own business owner's hours are very typical of ours.

ILC will be adding pole barn type lean-to for the wood Mizer and processor to help even more with any noise and for shelter from the elements.



All our wood comes from the local San Juan forests USDA timber sales, and we are a huge part in the removal of this dead and dying wood and keeping the forest healthy.

ILC has temporarily and seasonal job opportunities and future full-time positions are expected.

ILC takes pride in keeping things organized and will adhere to any local land use codes and regulations. We keep all our equipment clean and in tip top shape, as it makes our living.

ILC will have limited volumes of boards available and will offer specialty milling such as oversized timber and beams you can't typically get at your local hardware. ILC will also have railings and log home furniture.

Both properties will be used for equipment storage for example water trucks, logging trailers, enclosed trailers, and other equipment we use for firefighting, logging, and log home manufacturing. During the fire season if dispatched or while logging most of this equipment will be gone. Firewood, slabs and rough-cut lumber will be processed and sold locally onsite and delivered. Log home furniture and railing will also be on both locations.

We are looking forward to being a huge asset to Cortez Colorado for future home development and being in your backdoor for Wildland Firefighting.

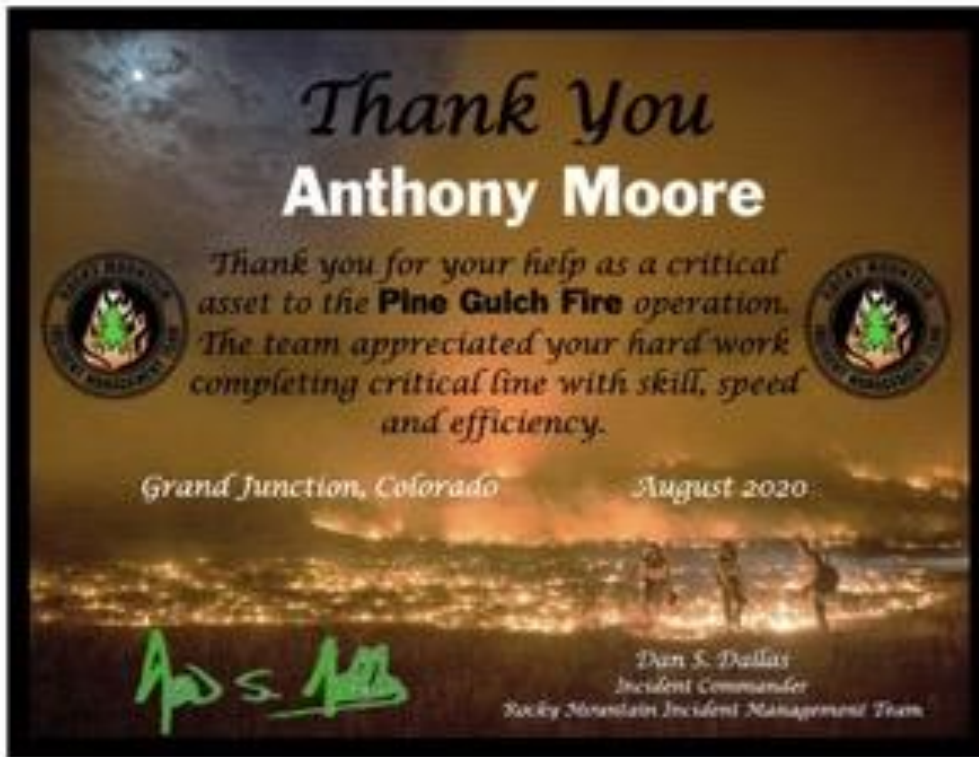


5000 Square foot house by Independent Log Company



Timber frame package

Awards Given for building Fire line with Dozer that stopped Pine Gulch Fire 2020.



Mon Do Title Co., Inc.
236 W. North St
Cortez, Co 81321
Ph. (970)565-8491
misty@mondotitleco.com

Date: 04-19-2023

PROPERTY REPORT

NOTE: THIS REPORT CANNOT BE RELIED UPON AS ESTABLISHING OWNERSHIP. THIS REPORT IS ONLY INTENDED TO SHOW THE NAME(S) OF THE PERSON(S) PRESENTLY APPEARING TO CLAIM OWNERSHIP AND ANY ENCUMBRANCES OF RECORD. THIS REPORT SHOULD NOT BE CONSTRUED AS A TITLE OPINION, LIABILITY OF THE COMPANY UNDER THIS REPORT IS LIMITED TO THE AMOUNT PAID FOR SAME.

To: M. Lancaster

Report No: 20230419

Property Address: 1050 Lebanon Road; Cortez, Colo. 81321

Tax ID No.: 5611-233-00-003

Effective Date: 04/18/2023 at 8:00 am

1. The purported owner to the estate in said land is at the date hereof vested in:
-Anthony Moore and Mary Lancaster
2. Legal Description of the subject property is attached hereto and made a part of as Exhibit A.
3. The encumbrance(s) (voluntary) if any, to which said land is subject:
-Deed of Trust from Anthony D. Moore aka Anthony Moore and Mary K. Lancaster aka Mary Lancaster to the Public Trustee of Montezuma County for the benefit of the Dolores State Bank in the amount of \$628,923.38 dated June 8, 2022 and filed for record on June 8, 2022 under Reception No. 645665 in the office of the Montezuma County Clerk and Recorder.
4. The judgment(s)/lien(s) (involuntary) if any, to which said land is subject:
-None of record were found as of the effective date.
-Taxes for the year 2022 are due in the amount of \$3251.72, per the Statement of Taxes Due dated April 19, 2023.

By: Misty M. Kvasnicka Date: April 19, 2023

Exhibit A

A tract of land in the SW $\frac{1}{4}$ of Section 23, Township 36 North, Range 16 West, N.M.P.M., County of Montezuma, State of Colorado, being more particularly described as follows:

Beginning at a point 1217 feet North of the SW Corner of said Section 23; thence, North along said Section line a distance of 600 feet to a point; thence, East a distance of 726 feet to a point; thence, South a distance of 600 feet to a point; thence, West a distance of 726 feet to the point of beginning.

LESS AND EXCEPT that portion of the subject property conveyed to the Department of Transportation, State of Colorado in instrument recorded February 16, 2016 under Reception Number 604268.

County of Montezuma,
State of Colorado.



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

June 06, 2023

Agenda Item: 4. c.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: Resolution No. 10, Series 2023

BACKGROUND

Independent Log Company operates as a Fire Mitigation and Response Company with several components (see narrative). They operate and maintain equipment which is used for wildfire response including trucks, trailers, water trucks, earth moving equipment, and chain saws. For the most part, this equipment is off site at wildfire events during the wildfire season and returns for storage during the winter months. The season and amount of events can vary wildly, but has recently been longer and fires are more frequent than in past years. In addition to wildfire response, the company conducts wildfire mitigation services which primarily include tree cutting and thinning services. The cut trees are then brought to their properties, prepared and used in several ways, depending on the quality and size of the product, including log home construction, wood furniture construction, fence materials and firewood. These uses would most likely be considered "manufacturing" in that there are no retail sales of products from the site.

ISSUES

See attached.

RECOMMENDATION

The Commission recommends that Council approve the requested Conditional Use Permit for property located at 1050 Lebanon Rd, Cortez, Co. A tract of land in the SW¼ of Section 23, Township 36 North, Range 16 West, N.M.P.M., County of Montezuma, State of Colorado, as submitted by Anthony Moore through P&Z Resolution No. 10, Series 2023, with conditions.

Attachments

Staff Report
Resolution No. 10, Series 2023
Application



Meeting Date: June 6, 2023
Project No. ZA23-000001

MEMO

TO: Members of the Cortez Planning and Zoning Commission

FROM: Nancy Dossdall, Contract City Planner

SUBJECT: Public Hearing on an Application for a rezoning of a 10 acre parcel located at 1050 Lebanon Rd, Cortez, Co. from C, Commercial Highway to I, Industrial and request for a Conditional Use Permit for the property.

OWNER: Anthony Moore, Independent Log Company

ATTACHMENTS: P&Z Resolution No. 7, Series 2023
Application Packet



Vicinity Map

BACKGROUND/CODE DISCUSSION

The 10-acre parcel located at 1050 Lebanon Road is currently zoned C, Commercial Highway. The property was previously the site of a drive-in theatre and has been vacant for a number of years. Independent Log Company, which also owns the parcel located at 1107 Lebanon directly west, is already using the property for equipment and material storage for the business. They have been cited for code violations for operating without permits. This request, if approved, would bring the property into conformance with the LUC, although there are challenges with interpreting the code for this property, which will be explained in the discussion section of this report.

Independent Log Company operates as a Fire Mitigation and Response Company with several components (see narrative). They operate and maintain equipment which is used for wildfire response including trucks, trailers, water trucks, earth moving equipment, and chain saws. For the most part, this equipment is off site at wildfire events during the wildfire season and returns for storage during the winter months. The season and amount of events can vary wildly, but has recently been longer and fires are more frequent than in past years. In addition to wildfire response, the company conducts wildfire mitigation services which primarily include tree cutting and thinning services. The cut trees are then brought to their properties, prepared and used in several ways, depending on the quality and size of the product, including log home construction, wood furniture construction, fence materials and firewood. These uses would most likely be considered “manufacturing” in that there are no retail sales of products from the site.

The land use code is very difficult to interpret with outdoor uses such as these. Contractor storage or equipment yards and manufacturing wood products are similar uses that are listed as Conditional Uses in the “C” zone and permitted uses in the “I” zone, leading one to believe that perhaps rezoning is not required, simply a Conditional Use Permit. Applicable definitions are below: The proposed uses related to wood products do appear to fit in the definition of “manufacturing, wood products” and manufacturing, heavy, which the code lists as a Conditional use in the Commercial Highway zone and a permitted use in the Industrial zone. However Sec 5.07(j) states that “No open storage of materials or commodities shall be permitted in any district except as an accessory use to a main use located in a building in an I or PUD industrial district. No open storage operation shall be located in front of a main building.” Staff wrestled with interpreting the Code for this use, since both equipment storage and log home construction appear to be Conditional Uses in the “C” zone. However, when 5.07(j) is included, it appears that the uses should be located in an I zone, since open storage is a key component of the operation.

Manufacturing, General. "General manufacturing" means an establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, excluding uses classified as "manufacturing, hazardous or objectionable."

Manufacturing, Hazardous or Objectionable. "Hazardous or objectionable manufacturing" means a use engaged in storage of, or manufacturing processes utilizing, flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Typical uses include chemical manufacturing and warehousing, dry ice manufacturing, fat rendering plants, fertilizer manufacturing, fireworks and explosives manufacturing and warehousing, petroleum refineries, pulp processing and paper products manufacturing, radioactive materials manufacture or use, steel works, slaughterhouses and tanneries.

Manufacturing, Light. "Light manufacturing" means an establishment or use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding activities classified in another land use category. Typical uses include apparel and garment factories, appliance and computer products assembly, bakeries engaged in large-scale production and wholesale distribution, boat building and repair, electrical and electronic equipment, furniture and fixtures, jewelry manufacturing, leather products, meat cutting and wholesale storage, monument and grave marker manufacturing, motion picture production lots, musical instrument manufacturing, pharmaceutical and toiletries manufacturing, printing and publishing, rubber and plastics products, sports equipment manufacturing, and toy manufacturing.

Manufacturing, Wood Products. "Wood products manufacturing" means an establishment engaged in the basic processing and manufacturing of materials or products predominately from raw wood materials. These uses may be further subdivided into "light manufacturing" which includes small-scale production of cabinets, lath, grade stakes, furniture, wood art, moulding; and "heavy manufacturing" which includes such uses as prefabricated wall components, lumber mills, and log home manufacturing.

Land Use Code:

Use Type	RE	R-1	R-2	MH	O	CBD	C	NB	I
Manufacturing, general									P
Manufacturing, hazardous/objectional									C
Manufacturing, light						C	C		P
Manufacturing, wood products							C		P

5.07 (j) Open Storage. No open storage of materials or commodities shall be permitted in any district except as an accessory use to a main use located in a building in an I or PUD industrial district. No open storage operation shall be located in front of a main building. No wrecking, junk, or salvage yard shall be permitted as a storage use in any district.

The current request is to rezone the property from C to I, which is the most permissive zone in regards to outdoor storage and uses in general and then grant a Conditional Use Permit to allow the proposed outdoor storage uses, for which the code is unclear as to where/how they are permitted. No buildings are proposed on the site at this time. This is somewhat of an unusual approach to deal with unclear and contradictory code provisions. There are two other options to approach this use; 1) Keep the existing zoning in place, grant or deny a Conditional Use Permit for the use or 2) Rezone to Industrial and review the use as a Site Plan only, since Manufacturing, wood products would be considered a Permitted Use. The interpretation of 5.07(j) is unclear in either case. **Location/Surrounding Land Uses**

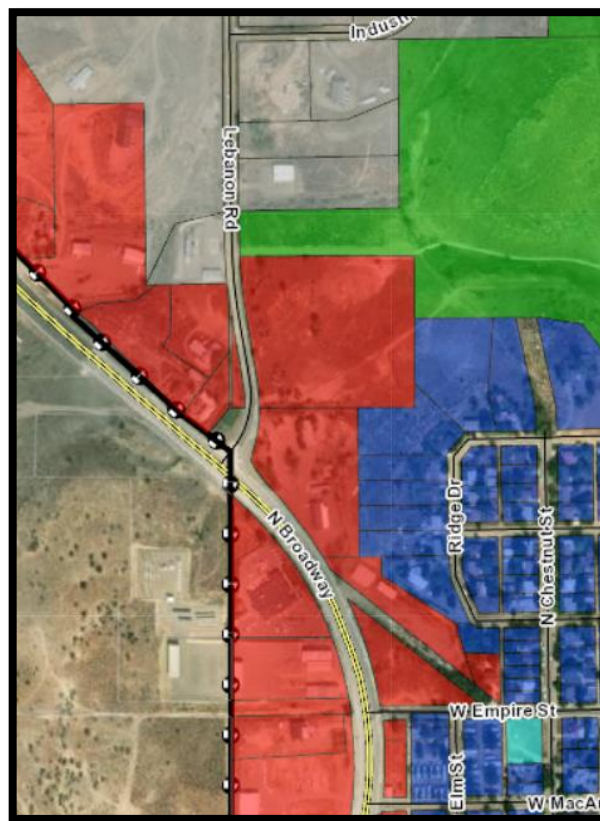
Surrounding Zoning

The site is bounded on the north by City owned open space, on the west by both Industrial and Commercial zoned land, south is both Commercial and R-1, Residential, east is both R-1 Residential and City open space. Access to the property is directly off Lebanon Rd. The adjacent residential properties are somewhat naturally buffered from direct impacts of the use by topography. The adjacent commercial uses are either vacant, or owned and operated by the applicants.

ISSUES

Sec. 6.02 of the Land Use Code establishes the following criteria for a zoning amendment:

1. Items for Consideration in Zoning Amendments. The planning commission shall in its action on the rezoning request, consider the following:
 - a. Was the existing zone for the property adopted in error?
 - b. Has there been a change of character in the area (e.g. installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.)?
 - c. Is there a need for the proposed rezoning within the area or community?
 - d. Are the proposed uses compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be mitigated?
 - e. Will there be benefits derived by the community or area by granting the proposed rezoning?
 - f. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended?
 - g. Is the proposal in conformance with the policies, intents and requirements of the Cortez comprehensive plan?
 - h. Does the proposed change constitute "spot zoning?"



And the following criteria for a Conditional Use Permit:

- (f) Conditions of Approval. Both the planning commission and the city council shall use the

following criteria in reviewing conditional use permit requests. It is specifically understood that certain criteria listed below may not apply to a particular application. The applicant shall adequately demonstrate that the applicable criteria have been met:

- (1) The proposed conditional use is compatible with adjacent existing uses and other allowed uses in the zoning district. Such compatibility shall be expressed in terms of appearance, architectural scale and features, site design and scope, landscaping, as well as the control of adverse impacts including noise, vibration, smoke, fumes, gas dust, odor, lighting, glare, traffic circulation, parking, or other undesirable or hazardous conditions.
- (2) The proposed conditional use has incorporated design features sufficient to protect adjacent uses including but not limited to: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing and site building placement.
- (3) All proposed accessory uses must demonstrate that they are necessary and desirable. All proposed accessory uses shall comply with the requirements of subsections(f)(1) and (2) of this section. Undesirable impacts created by these uses shall be controlled or eliminated.
- (4) Adequate public services (such as: streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) must be available without the reduction of services to other existing uses.
- (5) Provisions for proper maintenance of the building, parking and loading areas, drives, lighting, signs, landscaping, etc. shall be provided.
- (6) The proposed conditional use shall conform to adopted plans, hours of operation, polices and requirements for parking and loading, signs, highway access, and all other applicable regulations of this code and other applicable regulations.

DISCUSSION

This property is located in a very mixed area that includes industrial and heavy commercial land uses and also City open space/natural area and single-family homes. Staff wrestled with interpreting the Code for this use, since both equipment storage and log home construction appear to be Conditional Uses in the “C” zone. However, when 5.07(j) is included, it appears that the uses should be located in an I zone.

The request is to rezone the property from C to I, which is the most permissive zone in regards to outdoor storage and uses in general. Conditional Use Permits have also been requested, which may or may not be required depending on whether or not the rezone is granted and how 5.07(j) is interpreted.

Criteria Discussion:

Rezone:

- a. It does not appear that this property was zoned in error, the area is a mix of industrial and heavy commercial uses. The property is directly adjacent to Industrial, Commercial, Open and Residential zones.
- b. The most recent new uses in the area are the Herbal Alternative, a marijuana dispensary and grow operation and Target Rental. The Herbal Alternative is located on C zoned property while Target Rental is located on I zoned property. Many of the uses in the area incorporate outdoor storage of a variety of materials and equipment.
- c. The rezoning is being requested to allow for a heavy manufacturing use in an area of the city where these types of uses are somewhat common. There are many vacant C zoned properties in the City, while only a few vacant I zoned properties exist. This lack of zoned and available land for Industrial type uses could be considered a need for the rezoning.
- d. The area is a mix of land uses, including single family homes and City owned/operated open space on the northern and eastern boundaries. Further north, west and south are heavy commercial uses, most of which include an outdoor storage component. It does not appear that any of the nearby uses comply with 5.07(j). The City Parks and Recreation Department, several users of the open space/trailhead and nearby residents have expressed concern with the use, although no written letters of opposition have been received at the time of preparation of this report. The initial concerns were related to unpermitted uses, and concern of potentially hazardous materials. The concerns with hazardous materials were unfounded. By including a requirement/request for a Conditional Use Permit, it appears that many of the concerns of nearby property owners and open space users could be addressed.
- e. The use is a necessary use in this area where wildfire is a constant and concerning threat. The business provides both firefighting and fire mitigation services, and also makes use of all of the by-products, adding value to what can be a difficult waste product to dispose of.
- f. Adequate facilities for the business are available, including water, sewer, access and all other utilities, although at this phase, no services are necessary for the use.
- g. The Cortez Comprehensive plan includes numerous goals that support the requested rezone. Goals and policies include the following:
 - a. Sustain a well- balanced and diverse local economy (Goal 11.1)
 - b. Encourage industries that employ City residents for the reclamation of resource extraction. (Policy 11.1.47)
 - c. Encourage manufacturing businesses and other skilled labor businesses to enhance employment opportunities at “living wage” income levels. (Policy 11.3.8)
- h. The property is adjacent to other industrial zoned property so it should not be considered “spot zoning.”

Conditional Use Permit:

With this use, a conditional use permit can help to make a difficult use for the city, compatible with surrounding land uses. The applicant’s narrative does a good job of establishing that the proposed uses will not be objectionable due to noise, lighting, smoke, fumes, hours of operation or hazardous materials, as long as all statements in the narrative are adhered to at all times. The site plan is entirely lacking in terms of buffering, fencing and landscaping, which, if added, would go a long way to improving the appearance of the site. The Parks and Recreation Department has requested buffering for adjacent property and natural features, which the applicants have agreed to in an email.

AGENCY REVIEW

GIS Coordinator (Doug Roth)

- The application packet does not specify what zoning is being requested so I can't comment on that.
- All situs addresses for both properties are good. Due to hazardous nature of the operation make sure addresses are clearly marked for emergency response.
- A new (additional) address will be assigned to the proposed manufacturing building on PID 561122400044 once a building permit is pulled
- No other concerns

Cortez Sanitation District (Jim Webb)

The Sanitation District has some concerns about a couple of exposed manhole covers in this property. Could you please let the owners know that we have a 20' prescribed easement across this property 10' Each side of the pipe. We have to have access to these manholes and pipeline for normal maintenance. The covers being exposed like they are, can not withstand big equipment hitting them and the buried manholes would not be able to handle a whole lot of abuse either. We would prefer that the easement stay clear of any permanent structures and any stored logs giving us access to the exposed manholes Any time of the day or night. This Sewer main is a major Trunk line for the entire North side of town.



Cortez City Engineer (Kevin Kissler)

Public works staff performed a site visit on 5/19 and a follow up visit on 5/23 of the properties in question. Attached are updated site plans showing field observations and comments for 1050 Lebanon and 10206 Highway 491, within are specific engineering concerns and suggestions. The applicant is encouraged to have a Colorado licensed professional engineer certify the adequacy of their installations and earthwork, the attached site plans are not providing or implying warranty or adequacy as to the performance of the installations and earthwork and only reflect a mutual understanding of the work the applicant intends to perform during grading operations.

With that said, it appears that the applicant has removed roughly 40,000 cubic yards of material from the hill on their property at 10206 Highway 491 and has used that material to create a filled pad. While in my opinion this is beyond the scope of a typical grading permit, I am not seeing much support from

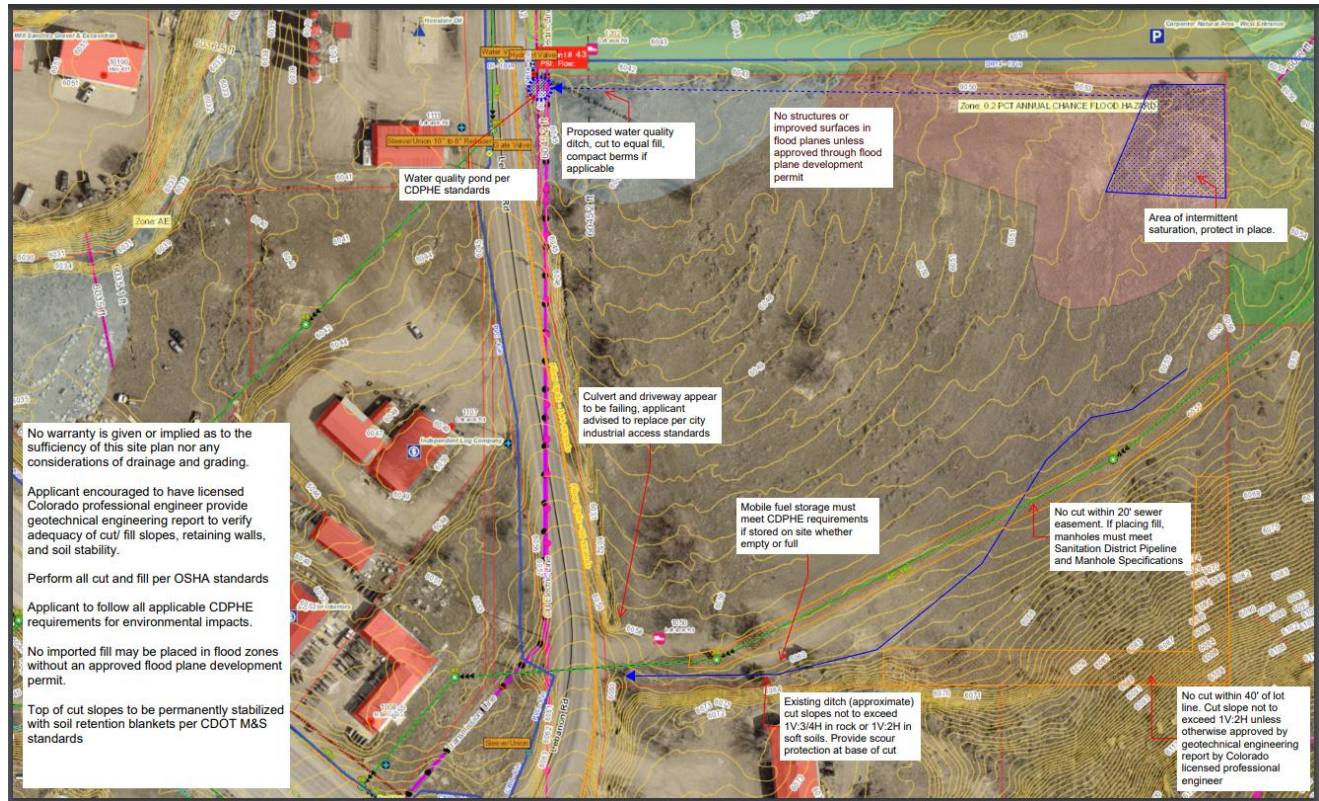
within the land use code or construction design standards to differentiate this project from a grading permit, nor to my knowledge was this scope of work outlined in their original grading permit from last year. It appears a legal basis to keep their operations suspended is not clearly defined, therefore we will allow work to continue and monitor operations on the site.

I have not heard from CDOT, however the applicant intends to add a second access on their property. They assured me that they have already had communications with CDOT, the access is shown on their plat, and that access from highway 491 at that location is already approved within CDOT's access control plan for highway 491. I had concerns regarding sight distance for oncoming traffic if using that access, however it was noted that roll back curb had already been installed by CDOT at that location.

If they are to eventually propose a structure on any of the filled areas, the city would want to require a soils analysis for any permanent foundations as the placed fill may or may not be unstable. A formal soils and/ or engineering analysis may be a prudent demand the city could make as a condition of re-zoning if supported and permissible by the land use code. It is my recommendation that the city update as soon as possible the LUC and/ or CDS such that any placed fill greater than 4' in depth should require a geotechnical engineering analysis and design certified by a Colorado licensed professional engineer. This update should also include verbiage that outlines a stop work procedure for clearly defined violations and a formal review and/ or remediation process to bring the work back into compliance.

Considering the current uses in the area include a concrete batch plant, auto body shop, granite cutter and retailer, fuel station, heavy equipment rental, and marijuana dispensary, it would appear that industrial is an appropriate zoning determination for both 1050 Lebanon and 10206 highway 491. As for specific engineering concerns, I would like to see the following:

1050 Lebanon- the culvert at the driveway appears to be in a state of poor repair and may need replacement.



Cortez Parks and Recreation (Creighton Wright)

As City’s primary representative for parks, open space, forestry, and recreation, I desire to be a good neighbor and respectfully ask that Mr. Moore’s business ventures don’t negatively impact the recreation pursuits of Cortez residents and visitors. While I do support the business development opportunities, especially the very cool log homes that Mr. Moore proposes to build, I respectfully request mitigation to support the serene Carpenter Natural Area directly adjacent to the property. The preserve’s primary parking lot is directly adjacent to the north of the proposed equipment storage area.

The Carpenter Natural Area is a unique ecological and geologic gem within the city that allows residents and visitors to enjoy the natural scenery and outstanding views without leaving the city. Residents and visitors routinely (some daily) use the space for trail walking, birding, light hiking, mountain biking, and generally, the opportunity to get outside and enjoy nature literally out their back doors. I request mitigation by the adjacent property owner to screen, protect and preserve the natural aesthetic value and uniquely serene environment found at the Carpenter Open Space Preserve.

Requested mitigation:

1. Secure and preserve the water quality of inflow into ponds and streams. Prevent harmful chemicals and toxins from washing into downstream waterways.
2. Restrict access to preserve drives and parking areas from the equipment, supplies, and deliveries to Mr. Moore’s business.
3. Prevent any waste, construction debris, or other by-products from blowing or coming onto the preserve or associated areas.
4. Provide buffer and naturally-oriented visual screening along Mr. Moore’s northern and eastern property boundary. The proposed naturally-oriented visual screen should be large (20’ tall) evergreen trees planted approximately 20’ on-center and staggered. The proposed buffer is 50’.

ALTERNATIVES

1. The Commission can recommend that the Council approve the rezone request from C to I for a 10 acre parcel located at 1050 Lebanon Rd as submitted by Anthony Moore, Independent Log Company.
2. The Commission can recommend denial of the request for a rezoning and state their reasons;
3. The Commission can ask for more information and table the application; or
4. The Commission can recommend that Council approve the rezoning request.

RECOMMENDATION #1 - Rezone

Staff recommends Alternative “1” above, approval of the rezoning request through P&Z Resolution No. 7, Series 2023.

If the Planning and Zoning Commission so chooses to follow the recommendation of Staff, the Commission can **make the motion to recommend that Council approve the requested rezone from C to I for property located at 1050 Lebanon Rd, Cortez, Co. A tract of land in the SW¹/₄ of Section 23, Township 36 North, Range 16 West, N.M.P.M., County of Montezuma, State of Colorado, as submitted by Anthony Moore through P&Z Resolution No. 7, Series 2023, with the following findings:**

- a. The property is physically buffered from adjacent residential uses by topography, adjacent to existing Industrial uses. Other impacts can be mitigated with appropriate use conditions.
- b. The community will benefit from use of the property by the additional economic benefits of additional jobs, opportunities and taxes generated and the expansion of a much needed natural resource use.
- c. Adequate facilities are available to serve development for the type and scope suggested by the proposed zone.
- d. The proposal in conformance with the policies, intents and requirements of the Cortez comprehensive plan.

RECOMMENDATION #2 – Conditional Use

Staff recommends Alternative “1” above, approval of the Conditional Use Permit request through P&Z Resolution No. 7, Series 2023.

If the Planning and Zoning Commission so chooses to follow the recommendation of Staff, the Commission can **make the motion to recommend that Council approve the requested Conditional Use Permit for property located at 1050 Lebanon Rd, Cortez, Co. A tract of land in the SW¹/₄ of Section 23, Township 36 North, Range 16 West, N.M.P.M., County of Montezuma, State of Colorado, as submitted by Anthony Moore through P&Z Resolution No. 7, Series 2023, with the following conditions:**

- a. All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents. Specifically,

all public improvements shall comply with the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications and all requirements of CDOT for required highway improvements.

- b. The applicant shall meet all requirements of the Cortez Sanitation District regarding protection of the manholes and existing sewer line.
- c. The address shall be clearly marked for emergency response.
- d. The applicant shall comply with the submitted project narrative at all times.
- e. The following requirements of the Parks and Recreation Department shall be met:
 - (1) Secure and preserve the water quality of inflow into ponds and streams. Prevent harmful chemicals and toxins from washing into downstream waterways.
 - (2) Restrict access to preserve drives and parking areas from the equipment, supplies, and deliveries to owner/applicant's business.
 - (3) Prevent any waste, construction debris, or other by-products from blowing or coming onto the preserve or associated areas.
 - (4) Provide buffer and naturally-oriented visual screening along owner/applicant northern and eastern property boundary. The proposed naturally-oriented visual screen should be large (20' tall) evergreen trees planted approximately 20' on-center and staggered. The proposed buffer is 50'.

**CITY OF CORTEZ
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 10, SERIES 2023**

A Resolution Recommending Approval of a Conditional Use Permit for a ten-acre parcel located at 1050 Lebanon Rd, Cortez, Colorado, in the SW¹/₄ of Section 23, Township 36 North, Range 16 West, N.M.P.M., County of Montezuma, State of Colorado

WHEREAS, the Owners/applicants Anthony Moore and Mary Lancaster (the “Owners/applicants”) has applied for review of a Conditional Use Permit for an equipment storage yard and wood products manufacturing for a ten-acre parcel located at 1050 Lebanon Rd, Cortez, Colorado and more particularly described as (the “Property”):

A tract of land in the SW¹/₄ of Section 23, Township 36 North, Range 16 West, N.M.P.M.,
County of Montezuma, State of Colorado

WHEREAS, the Owners/applicants have applied to the City for a Conditional Use Permit for the Property; and

WHEREAS, the Owners/applicants presented a request and necessary submittal items for review by the City Planning and Zoning Commission at its regular meeting held on June 6, 2023; and

WHEREAS, Land Use Code Section 6.10, Conditional Use Permits, indicates that the owner or developer of a property may request a conditional use permit for development of said property; and

WHEREAS, the Planning and Zoning Commission reviewed the request for a Conditional Use Permit and is recommending approval of the request on the Property, as evidenced in the adoption of this P&Z Resolution No. 10, Series 2023; and

WHEREAS, based on the evidence and testimony presented at said meeting, the Planning and Zoning Commission is recommending approval of the requested Conditional Use Permit; and

WHEREAS, it appears that all requirements of Chapters 5.00 and 6.00 of the City’s Land Use Code for development of this site have been met.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CORTEZ PLANNING AND ZONING COMMISSION:

THAT, this P&Z Resolution No. 10, Series 2023, establishes the conditions of approval for the issuance of a conditional use permit on the Property; and

THAT, the Conditional Use Permit for the Property is hereby recommended to the Cortez City Council for approval, subject to the following conditions to ensure compliance with the standards in the Cortez Land Use Code for a conditional use permit:

- a. All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents. Specifically, all public improvements shall comply with the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications and all requirements of CDOT for required highway improvements.
- b. The Owners/applicants shall meet all requirements of the Cortez Sanitation District regarding protection of the manholes and existing sewer line.
- c. The address shall be clearly marked for emergency response.
- d. The Owners/applicants shall comply with the submitted project narrative at all times.
- e. Prior to approval of a final site plan for the development, the Owners/applicants shall submit a revised plan that complies with all landscape requirements for the LUC.
- f. Prior to approval of a final site plan for the development, the Owners/applicants shall propose a fencing plan that adequately screens the storage uses.
- g. Pursuant to Section 4.01 of the Cortez Land Use Code, a subdivision plat approved by the City Council shall be required prior to the issuance of a building permit on the Property.
- h. The following requirements of the Parks and Recreation Department shall be met:
 - (1) Secure and preserve the water quality of inflow into ponds and streams. Prevent harmful chemicals and toxins from washing into downstream waterways.
 - (2) Restrict access to preserve drives and parking areas from the equipment, supplies, and deliveries to the Owners/applicant's business.
 - (3) Prevent any waste, construction debris, or other by-products from blowing or coming onto the preserve or associated areas.
 - (4) Provide buffer and naturally-oriented visual screening along the Property's northern and eastern property boundary. The proposed naturally-oriented visual screen should be large (20' tall) evergreen trees planted approximately 20' on-center and staggered. The proposed buffer is 50'.

MOVED, SECONDED, AND ADOPTED THIS 6th DAY OF JUNE, 2023

PLANNING AND ZONING COMMISSION

Robert Rime, Chairman

ATTEST:

Cheryl Lindquist, Deputy City Clerk

Conditional Use Permit Application Checklist

4-23-23

Date

APPLICANT: Anthony Moore
ADDRESS: 1050 Lebanon Road Coltz Colorado 81321
PHONE/FAX: 719-588-3450
FOR: Log Home manufacturing

Submittal Requirements:

- Letter of petition requesting conditional use permit
 Title certificate from licensed title company or attorney listing:
The name of the property owner(s)
All liens
All easements and judgments of record affecting the subject property

The Petition Shall Show or be Accompanied By:

- Street address and legal description of the property
 Any and all plans, information, operating data and expert evaluation necessary to clearly explain the location, function & characteristics of any building or proposed use. Such as floor plans, site plan, or operating information. Provide a detailed narrative addressing the applicable criteria for a CUP, LUC section 6.10(f).
 Filing fee (\$300) to cover the costs of review in accordance with the current adopted fee schedule ✓ #2627

Notification Requirements

- _____ Public hearing notice to paper 15 days prior to P&Z Meeting (20 days for paper to print on the 15 day schedule)
_____ Notice to landowners 15 days prior to P&Z meeting
_____ Public Hearing notice to paper 15 days prior to Council Meeting (20 days for paper to print on the 15 day schedule)

21 March 2023

To Whom It May Concern:

City of Cortez,

This is my request to have a conditional use on

Street Address: 1050 Lebanon Road Cortez Colorado 81321

Legal Description: Section:23 Township :36 Range: 16 TR IN W/2SW/4SW1/4; 9.64 ACRES

Parcel Number: 5611-233-00-003

This property is compatible with adjacent uses and other allowed uses in the zoning district. Coming from highway 491, entering road 25 Lebanon road and entering property first driveway to east. Both roads are main ingress and egress for businesses and residential people coming back and forth to Cortez. The area is very open and visibility is optimal. It backs up against a hill on two sides and the Carpenter beginning trail head is to the North the only access to this property will be from Road 25 at the existing inlet. This property is adjacent to the old Nice Electric property to the South, and West across the street for the old Four Corners Auto electric (owned by Anthony Moore and Mary Lancaster also), and catty corner to Holstein Oil. Further North up the road at the first intersection turning left is Cortez City Industrial Park this area is all Industrial properties with similar uses.

The appearance of this property will not change much as we will be just grading and leveling off the existing uneven dirt from the former Drive-in property and hauling in gravel, the ingress and egress will be the same and will not be impacted. Wildland Firefighting equipment will be stored at this location alongside the North back existing fence and property line. This is a large 10-acre parcel and noise, odors, traffic circulation and parking will be minimal. We are a family owned and operated business.

This property will be used to store logs for Log Home Manufacturing, milling and firewood.

This property is fully fenced all around.

At this time no water and sewer will be needed at this property. We have 54 Wildland firefighting Contracts with the USDA forest service and have ample equipment for fire protection.

This property before we purchased had not been active for 20 years and the homeless were starting to make shelter there.

We will comply with all policies and requirement needed for this conditional use.

Sincerely,

Anthony Moore
Mary Lancaster
Independent Log Company.

Anthony Moore
Mary Lancaster

Account: R007650

1 of 2 Results Next->

Location

Situs Address 1050 LEBANON RD
Tax Area 11001 - DISTRICT 11001
Parcel Number 5611-233-00-003
Legal Summary Section: 23 Township: 36
Range: 16 TR IN W/2SW/4SW1/4; 9.64AC
B226 P164 B406 P35
Account Number R007650
Account Type VACANT LAND

Owner Information

Owner Name MOORE, ANTHONY &
Owner Address PO BOX 1034
ALAMOSA, CO 81101

Assessment History

Actual (2023) \$202,440
Assessed \$58,710
Tax Area: 11001 Mill Levy: 55.380980
Type Actual Assessed Acres SQFT Units
Land \$202,440 \$58,710 9.640 435600.000 1.000

Doc Description

Transfers

Sale Date	Sale Price	Doc Description
<u>11/25/1996</u>		<u>Quitclaim Deed NoSale</u>
<u>03/25/2010</u>	\$0	<u>Land Survey Deposit Map</u>
<u>01/25/2016</u>	\$3,105	<u>Warranty Deed</u>
<u>04/20/2017</u>		<u>Survey</u>
<u>10/28/2021</u>		<u>SOA</u>
<u>10/28/2021</u>	\$190,000	<u>Special Warranty Deed JT</u>

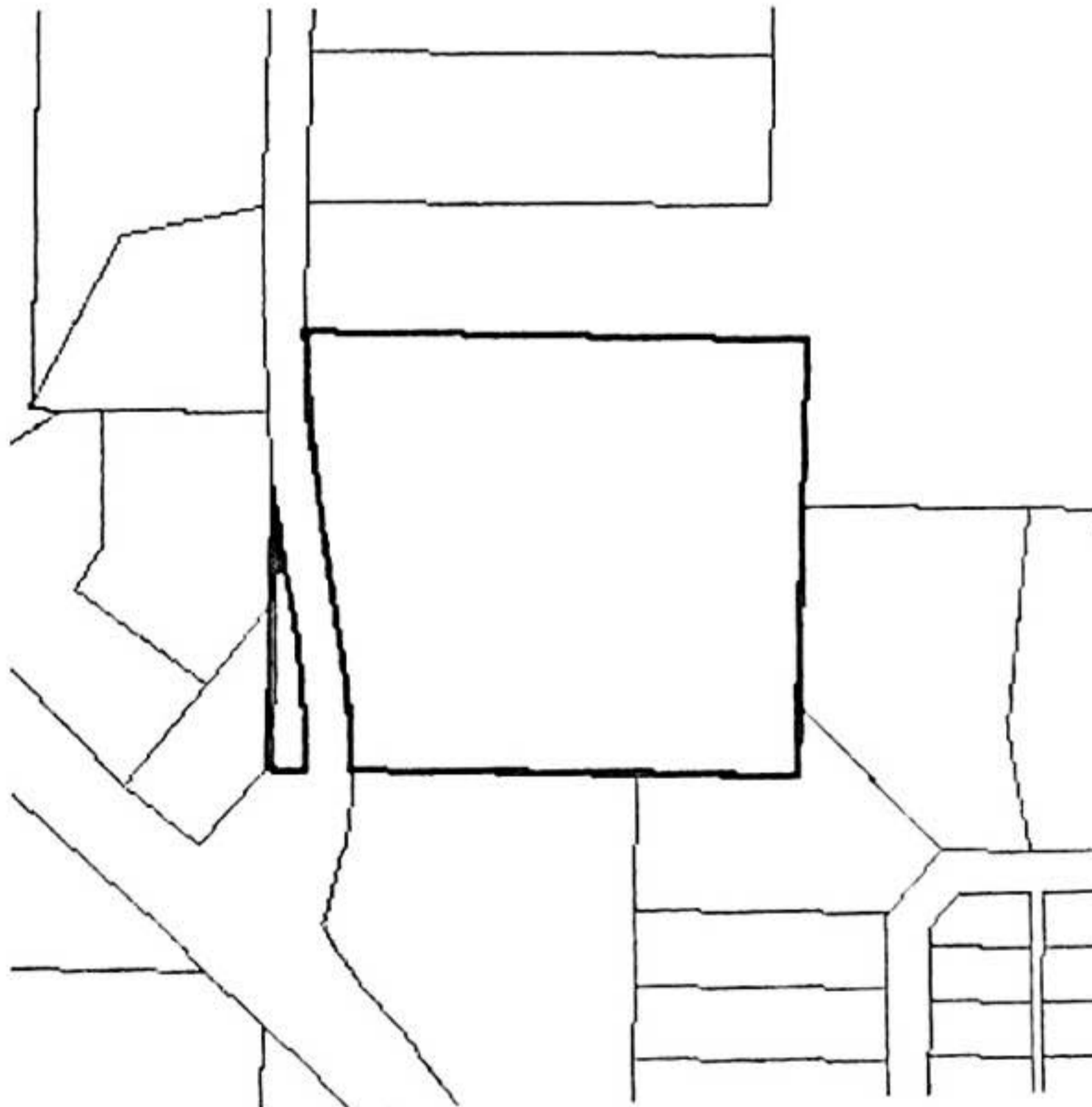
Tax History

Images

Tax Year	Taxes
*2023	\$3,251.40
2022	\$3,251.72

* Estimated

• GIS





CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

June 06, 2023

Agenda Item: 4. d.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: Resolution No. 8, Series 2023

BACKGROUND

Independent Log Company operates as a Fire Mitigation and Response Company with several components (see narrative). They operate and maintain equipment which is used for wildfire response including trucks, trailers, water trucks, earth moving equipment, and chain saws. For the most part, this equipment is off site at wildfire events during the wildfire season and returns for storage during the winter months. The season and amount of events can vary wildly, but has recently been longer and fires are more frequent than in past years. In addition to wildfire response, the company conducts wildfire mitigation services which primarily include tree cutting and thinning services. The cut trees are then brought to their properties, prepared and used in several ways, depending on the quality and size of the product, including log home construction, wood furniture construction, fence materials and firewood. These uses would most likely be considered "manufacturing" in that there are no retail sales of products from the site.

ISSUES

See attached.

RECOMMENDATION

Commission recommends that the Cortez City Council approve the requested rezone from C, Commercial Highway to I, Industrial for the property located at 10206 Hwy 491, Cortez, Co., A tract of land in the SE/4NE/4 of Section 22, Township 36 North, Range 16 West, N.M.P.M., as described in the Staff Report and as submitted by the Owners through P&Z Resolution No. 8, Series 2023.

Attachments

Staff Report

Resolution No. 8, Series 2023

Application



**City of Cortez
Community &
Economic
Development Dept.
123 Roger Smith Ave
Cortez, CO 81321**

Meeting Date: June 6, 2023
Project No. ZA23-000002

MEMO

TO: Members of the Cortez Planning and Zoning Commission

FROM: Nancy Dosedall, Contract City Planner

SUBJECT: Public Hearing on an Application for a rezoning of a parcel of land located at 10206 Hwy 491, Cortez, Co., A tract of land in the SE/4NE/4 of Section 22, Township 36 North, Range 16 West, N.M.P.M., from C, Commercial Highway to I, Industrial and request for a Conditional Use Permit for the property.

OWNER: Anthony D. Moore, Mary K. Lancaster

ATTACHMENTS: P&Z Resolution No. 8, Series 2023
Application Packet



BACKGROUND/CODE DISCUSSION

The parcel located at 10206 Hwy 491, in the SE/4, NE/4 of Section 22, Township 36 North, Range 16 West, N.M.P.M. (the “Property”), is currently zoned C, Commercial Highway. The owners, Anthony D. Moore and Mary K. Lancaster (the “Owners”), who also own the parcel located at 1107 Lebanon Road, directly west of the Property, wish to use the Property for equipment and material storage for their business, Independent Log Company. They have been cited by the City of Cortez Code Enforcement for grading the Property without permits. Staff believes that this request, if approved, would bring the Property into conformance with the Cortez Land Use Code (the “LUC”), although the uniqueness of the Property and the proposed uses makes the application of the LUC to this application challenging, which will be explained in the discussion section of this report.

Independent Log Company operates as a Fire Mitigation and Response Company with several components (see narrative). It operates and maintains equipment which is used for wildfire response including trucks, trailers, water trucks, earth moving equipment, and chain saws. For the most part, this equipment is off site at wildfire events during the wildfire season and returns for storage during the winter months. The season and amount of events can vary wildly, but has recently been longer and fires are more frequent than in past years. In addition to wildfire response, the company conducts wildfire mitigation services which primarily include tree cutting and thinning services. The cut trees are then brought to Independent Log Company’s properties, prepared and used in several ways, depending on the quality and size of the product, including log home construction, wood furniture construction, fence materials and firewood. These uses would most likely be considered “manufacturing” in that there the Owners are not proposing any retail sales of products from the Property.

The LUC contains some rather complicated regulations concerning outdoor uses such as those being proposed. Contractor storage or equipment yards and manufacturing, wood products are similar uses that are listed as Conditional Uses in the “C” zone and permitted uses in the “I” zone, indicating that perhaps rezoning is not required, and a Conditional Use Permit is appropriate to authorize the proposed uses. Applicable definitions are below. The proposed uses related to wood products do appear to fit in the definition of “manufacturing, wood products” and “manufacturing, heavy,” which the LUC lists as a conditional use in the Commercial Highway zone and a permitted use in the Industrial zone. However Sec 5.07(j) of the LUC states that “No open storage of materials or commodities shall be permitted in any district except as an accessory use to a main use located in a building in an I or PUD industrial district. No open storage operation shall be located in front of a main building.” Staff has determined that although both equipment storage and log home construction appear to be Conditional Uses in the “C” zone, when Section 5.07(j) is applied, the proposed uses are more properly authorized by a rezoning of the Property to I, Industrial. Since open storage is a key component of the proposed use, Section 5.07(j) applies. While the companion request from the Owners to rezone and approve a CUP for the property located at 1050 Lebanon Road does not include a structure, there are structures located on this Property.

The relevant LUC Sections and definitions are as follows:

Manufacturing, General. "General manufacturing" means an establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, excluding uses classified as "manufacturing, hazardous or objectionable."

Manufacturing, Hazardous or Objectionable. "Hazardous or objectionable manufacturing" means a use engaged in storage of, or manufacturing processes utilizing, flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Typical uses include chemical manufacturing and warehousing, dry ice manufacturing, fat rendering plants, fertilizer manufacturing, fireworks and explosives manufacturing and warehousing, petroleum refineries, pulp processing and paper products manufacturing, radioactive materials manufacture or use, steel works, slaughterhouses and tanneries.

Manufacturing, Light. "Light manufacturing" means an establishment or use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding activities classified in another land use category. Typical uses include apparel and garment factories, appliance and computer products assembly, bakeries engaged in large-scale production and wholesale distribution, boat building and repair, electrical and electronic equipment, furniture and fixtures, jewelry manufacturing, leather products, meat cutting and wholesale storage, monument and grave marker manufacturing, motion picture production lots, musical instrument manufacturing, pharmaceutical and toiletries manufacturing, printing and publishing, rubber and plastics products, sports equipment manufacturing, and toy manufacturing.

Manufacturing, Wood Products. "Wood products manufacturing" means an establishment engaged in the basic processing and manufacturing of materials or products predominately from raw wood materials. These uses may be further subdivided into "light manufacturing" which includes small-scale production of cabinets, lath, grade stakes, furniture, wood art, moulding; and "heavy manufacturing" which includes such uses as prefabricated wall components, lumber mills, and log home manufacturing.

Land Use Code:

Use Type	RE	R-1	R-2	MH	O	CBD	C	NB	I
Manufacturing, general									P
Manufacturing, hazardous/objectional									C
Manufacturing, light						C	C		P
Manufacturing, wood products							C		P

5.07 (j) Open Storage. No open storage of materials or commodities shall be permitted in any district except as an accessory use to a main use located in a building in an I or PUD industrial district. No open storage operation shall be located in front of a main building. No wrecking, junk, or salvage yard shall be permitted as a storage use in any district.

The current request is to rezone the property from C to I, which is the most permissive zone in regards to outdoor storage and uses in general and then grant a Conditional Use Permit to allow the proposed outdoor storage uses, for which the code is unclear as to where/how they are permitted. This is somewhat of an unusual approach to deal with unclear and contradictory code provisions. There are two other options to approach this use; 1) Keep the existing zoning in place, grant or deny a Conditional Use Permit for the use or 2) Rezone to Industrial and review the use as a Site Plan only, since Manufacturing, wood products would be considered a Permitted Use. The interpretation of 5.07(j) is unclear in either case.

Location/Surrounding Land Uses



Surrounding Zoning

The Property is bounded on the north by commercial property, unincorporated land and industrial zoned land, on the west by unincorporated land, south is both Commercial and unincorporated, east is both commercial and industrial. Access to the Property is directly off Hwy 491.

ISSUES

Sec. 6.02 of the Land Use Code establishes the following criteria for a zoning amendment:

1. Items for Consideration in Zoning Amendments. The planning commission shall in its action on the rezoning request, consider the following:
 - a. Was the existing zone for the property adopted in error?
 - b. Has there been a change of character in the area (e.g. installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.)?
 - c. Is there a need for the proposed rezoning within the area or community?
 - d. Are the proposed uses compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be mitigated?
 - e. Will there be benefits derived by the community or area by granting the proposed rezoning?

- f. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended?
- g. Is the proposal in conformance with the policies, intents and requirements of the Cortez comprehensive plan?
- h. Does the proposed change constitute "spot zoning?"

And the following criteria for a Conditional Use Permit:

(f) Conditions of Approval. Both the planning commission and the city council shall use the following criteria in reviewing conditional use permit requests. It is specifically understood that certain criteria listed below may not apply to a particular application. The applicant shall adequately demonstrate that the applicable criteria have been met:

(1) The proposed conditional use is compatible with adjacent existing uses and other allowed uses in the zoning district. Such compatibility shall be expressed in terms of appearance, architectural scale and features, site design and scope, landscaping, as well as the control of adverse impacts including noise, vibration, smoke, fumes, gas dust, odor, lighting, glare, traffic circulation, parking, or other undesirable or hazardous conditions.

(2) The proposed conditional use has incorporated design features sufficient to protect adjacent uses including but not limited to: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing and site building placement.

(3) All proposed accessory uses must demonstrate that they are necessary and desirable. All proposed accessory uses shall comply with the requirements of subsections(f)(1) and (2) of this section. Undesirable impacts created by these uses shall be controlled or eliminated.

(4) Adequate public services (such as: streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) must be available without the reduction of services to other existing uses.

(5) Provisions for proper maintenance of the building, parking and loading areas, drives, lighting, signs, landscaping, etc. shall be provided.

(6) The proposed conditional use shall conform to adopted plans, hours of operation, polices and requirements for parking and loading, signs, highway access, and all other applicable regulations of this code and other applicable regulations.

DISCUSSION

This Property is located in an area at the edge of the City that includes industrial and heavy commercial land uses and some residential properties in the County. Staff determined that since Section 5.07(j) of the LUC is applicable to the proposed use, a rezoning from C, Commercial Highway, to I, Industrial is required.

The request is to rezone the Property from C to I, which is the most permissive zone in regards to outdoor storage and uses in general. Conditional Use Permits have also been requested, which may or may not be required depending on whether or not the rezone is granted and how 5.07(j) is interpreted.

Criteria Discussion:

Rezoning:

- a. It does not appear that this Property was zoned in error, the area is a mix of industrial and heavy

commercial uses. The Property is directly adjacent to only Industrial and Commercially zoned property, in addition to unincorporated land that appears to be in similar heavy commercial type uses.

- b. The most recent new uses in the area are the Herbal Alternative, a marijuana dispensary and grow operation and Target Rental. The Herbal Alternative is located on C zoned property while Target Rental is located on I zoned property. Many of the uses in the area incorporate outdoor storage of a variety of materials and equipment.
- c. The rezoning is being requested to allow for a heavy manufacturing use in an area of the city where these types of uses are somewhat common. There are many vacant C zoned properties in the city, while only a few vacant I zoned properties exist. This lack of zoned and available land for Industrial type uses could be considered a need for the rezoning.
- d. The area is mostly industrial and heavy commercial uses, most of which include an outdoor storage component. It does not appear that any of the nearby uses comply with 5.07(j).
- e. The use is a necessary use in this area where wildfire is a constant and concerning threat. The business provides both firefighting and fire mitigation services, and also makes use of all of the byproducts, adding value to what can be a difficult waste product to dispose of.
- f. Adequate facilities for the business are available, including water, sewer, access and all other utilities, although at this phase, no services are necessary for the use.
- g. The Cortez Comprehensive plan includes numerous goals that support the requested rezone. Goals and policies include the following:
 - a. Sustain a well-balanced and diverse local economy (Goal 11.1)
 - b. Encourage industries that employ City residents for the reclamation of resource extraction. (Policy 11.1.47)
 - c. Encourage manufacturing businesses and other skilled labor businesses to enhance employment opportunities at “living wage” income levels. (Policy 11.3.8)
- h. The Property is adjacent to other industrial zoned property so it should not be considered “spot zoning.”

Conditional Use Permit:

With this use, a conditional use permit can help to make a difficult use for the city compatible with surrounding land uses. The Owner/applicant’s narrative does a good job of establishing that the proposed uses will not be objectionable due to noise, lighting, smoke, fumes, hours of operation or hazardous materials, as long as all statements in the narrative are adhered to at all times. The site plan is entirely lacking in terms of buffering, fencing and landscaping, which, if added, would go a long way to improving the appearance of the site.

AGENCY REVIEW

GIS Coordinator (Doug Roth)

- The application packet does not specify what zoning is being requested so I can't comment on that.
- All situs addresses for both properties are good. Due to hazardous nature of the operation make sure addresses are clearly marked for emergency response.
- A new (additional) address will be assigned to the proposed manufacturing building on PID 561122400044 once a building permit is pulled
- No other concerns

Cortez Sanitation District (Jim Webb) – note, comments address Lebanon Rd property, not these
The Sanitation District has some concerns about a couple of exposed manhole covers in this property.

Could you please let the owners know that we have a 20' prescribed easement across this property 10" Each side of the pipe. We have to have access to these manholes and pipeline for normal maintenance. The covers being exposed like they are can not withstand big equipment hitting them and the buried manholes would not be able to handle a whole lot of abuse either. We would prefer that the easement stay clear of any permanent structures and any stored logs, giving us access to the exposed manholes Any time of the day or night. This Sewer main is a major Trunk line for the entire North side of town.



Cortez City Engineer (Kevin Kissler)

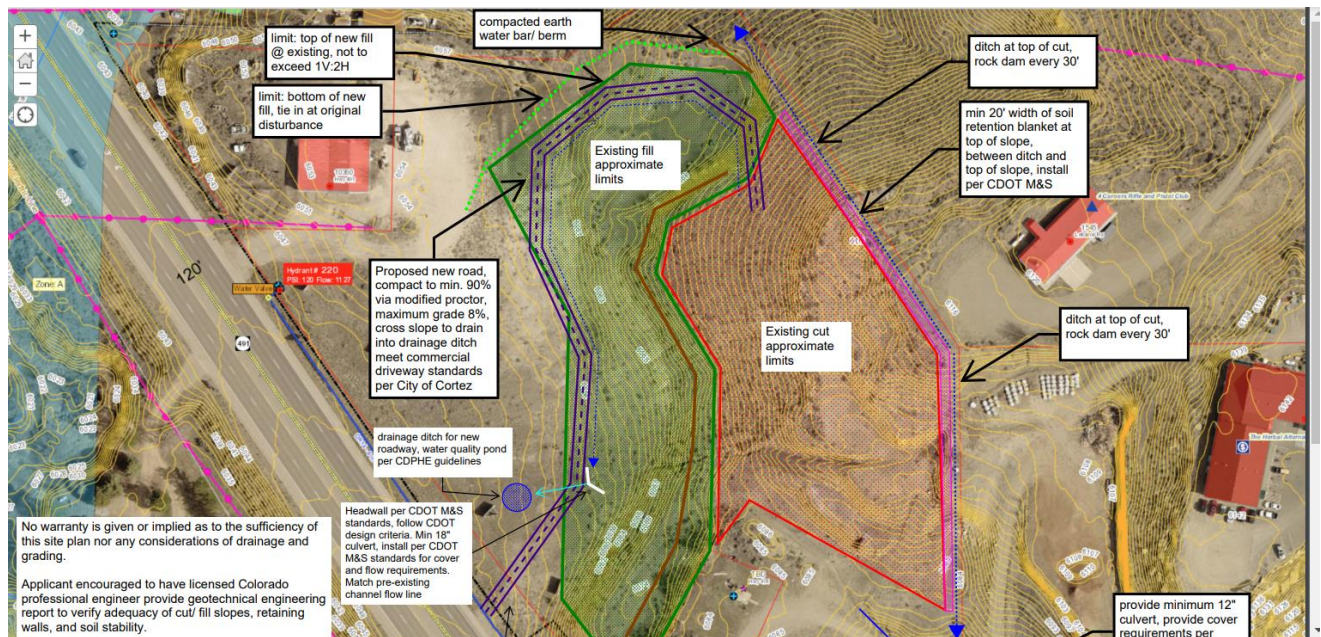
Public works staff performed a site visit on 5/19 and a follow up visit on 5/23 of the properties in question. Attached are updated site plans showing field observations and comments for 1050 Lebanon and 10206 Highway 491, within are specific engineering concerns and suggestions. The applicant is encouraged to have a Colorado licensed professional engineer certify the adequacy of their installations and earthwork, the attached site plans are not providing or implying warranty or adequacy as to the performance of the installations and earthwork and only reflect a mutual understanding of the work the applicant intends to perform during grading operations.

With that said, it appears that the applicant has removed roughly 40,000 cubic yards of material from the hill on their property at 10206 Highway 491 and has used that material to create a filled pad. While in my opinion this is beyond the scope of a typical grading permit, I am not seeing much support from within the land use code or construction design standards to differentiate this project from a grading permit, nor to my knowledge was this scope of work outlined in their original grading permit from last year. It appears a legal basis to keep their operations suspended is not clearly defined, therefore we will allow work to continue and monitor operations on the site.

I have not heard from CDOT, however the applicant intends to add a second access on their property. They assured me that they have already had communications with CDOT, the access is shown on their plat, and that access from highway 491 at that location is already approved within CDOT's access control plan for highway 491. I had concerns regarding sight distance for oncoming traffic if using that access, however it was noted that roll back curb had already been installed by CDOT at that location.

If they are to eventually propose a structure on any of the filled areas, the city would want to require a soils analysis for any permanent foundations as the placed fill may or may not be unstable. A formal soils and/ or engineering analysis may be a prudent demand the city could make as a condition of rezoning if supported and permissible by the land use code. It is my recommendation that the city update as soon as possible the LUC and/ or CDS such that any placed fill greater than 4' in depth should require a geotechnical engineering analysis and design certified by a Colorado licensed professional engineer. This update should also include verbiage that outlines a stop work procedure for clearly defined violations and a formal review and/ or remediation process to bring the work back into compliance. Considering the current uses in the area include a concrete batch plant, auto body shop, granite cutter and retailer, fuel station, heavy equipment rental, and marijuana dispensary, it would appear that industrial is an appropriate zoning determination for both 1050 Lebanon and 10206 highway 491. As for specific engineering concerns, I would like to see the following:

10206 Highway 491: Statement from CDOT regarding access permission from the second proposed access indicated by the applicant at a recent site visit. There may be a concern of sight distance for traffic exiting from this point.



Cortez Parks and Recreation (Creighton Wright)

As City’s primary representative for parks, open space, forestry, and recreation, I desire to be a good neighbor and respectfully ask that Mr. Moore’s business ventures don’t negatively impact the recreation pursuits of Cortez residents and visitors. While I do support the business development opportunities, especially the very cool log homes that Mr. Moore proposes to build, I respectfully request mitigation to support the serene Carpenter Natural Area directly adjacent to the property. The preserve’s primary parking lot is directly adjacent to the north of the proposed equipment storage area.

The Carpenter Natural Area is a unique ecological and geologic gem within the city that allows residents and visitors to enjoy the natural scenery and outstanding views without leaving the city. Residents and visitors routinely (some daily) use the space for trail walking, birding, light hiking, mountain biking, and generally, the opportunity to get outside and enjoy nature literally out their back doors. I request

mitigation by the adjacent property owner to screen, protect and preserve the natural aesthetic value and uniquely serene environment found at the Carpenter Open Space Preserve.

Requested mitigation:

1. Secure and preserve the water quality of inflow into ponds and streams. Prevent harmful chemicals and toxins from washing into downstream waterways.
2. Restrict access to preserve drives and parking areas from the equipment, supplies, and deliveries to Mr. Moore's business.
3. Prevent any waste, construction debris, or other by-products from blowing or coming onto the preserve or associated areas.
4. Provide buffer and naturally-oriented visual screening along Mr. Moore's northern and eastern property boundary. The proposed naturally-oriented visual screen should be large (20' tall) evergreen trees planted approximately 20' on-center and staggered. The proposed buffer is 50'.

ALTERNATIVES

1. The Commission can recommend that the Council approve the rezone request from C, Commercial to I, Industrial for one parcel located at 10206 Hwy 491 as submitted by Anthony Moore and Mary Lancaster, Independent Log Company.
2. The Commission can recommend denial of the request for a rezoning and state their reasons;
3. The Commission can ask for more information and table the application or continue it to a date certain; or
4. The Commission can recommend that Council approve the rezoning request.

RECOMMENDATION #1 - Rezone

Staff recommends Alternative "1" above, approval of the rezoning request through P&Z Resolution No. 8, Series 2023.

If the Planning and Zoning Commission so chooses to follow the recommendation of Staff, a possible motion would be as follows: **I make a motion that the Planning & Zoning Commission recommends that the Cortez City Council approve the requested rezone from C, Highway Commercial to I, Industrial for the property located at 10206 Hwy 491, Cortez, Co., A tract of land in the SE/4NE/4 of Section 22, Township 36 North, Range 16 West, N.M.P.M., as described in the Staff Report and as submitted by the Owners through P&Z Resolution No. 8, Series 2023, with the following findings:**

- a. The Property is adjacent to existing Industrial uses. Impacts can be mitigated with appropriate use conditions.
- b. The community will benefit from use of the property by the additional economic benefits of additional jobs, opportunities and taxes generated and the expansion of a much needed natural resource use.
- c. Adequate facilities are available to serve development for the type and scope suggested by the proposed zone.
- d. The proposal in conformance with the policies, intents and requirements of the Cortez comprehensive plan.

RECOMMENDATION #2 – Conditional Use

Staff recommends approval of the request for a Conditional Use Permit through P&Z Resolution No. 8, Series 2023.

If the Planning and Zoning Commission so chooses to follow the recommendation of Staff, a possible motion would be as follows: **I make a motion that the Planning Commission & Zoning Commission recommends that the Cortez City Council approve the requested Conditional Use Permit for property located at 10206 Hwy 491, Cortez, Colorado, A tract of land in the SE/4NE/4 of Section 22, Township 36 North, Range 16 West, N.M.P.M., as described in the Staff Report and as submitted by the Owners through P&Z Resolution No. 8, Series 2023, with the following conditions:**

- a. All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents. Specifically, all public improvements shall comply with the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications and all requirements of CDOT for required highway improvements.
- b. The address shall be clearly marked for emergency response.
- c. The Owner/applicants shall comply with the submitted project narrative at all times.
- d. The Owner/applicants shall comply with all requirements of the City Engineer prior to establishment of any uses on the Property.
- e. Pursuant to Section 4.01 of the Cortez Land Use Code, a subdivision plat approved by the City Council shall be required prior to the issuance of a building permit on the Property.

**CITY OF CORTEZ
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 8, SERIES 2023**

A Resolution Recommending Approval of a Rezoning of a parcel of land located at 10206 Hwy 491, Cortez, Colorado, in the SE/4, NE/4 of Section 22, Township 36 North, Range 16 West, N.M.P.M., from C, Commercial Highway District to I, Industrial District

WHEREAS, Owners/applicants Anthony Moore and Mary Lancaster, (the Owners/applicants”) have applied for review of a rezoning from C, Commercial Highway to I, Industrial of a parcel of land located at 10206 Hwy 491, Cortez, Colorado, and more particularly described as (the “Property”):

A tract of land in SE/4, NE/4 of Section 22, Township 36 North, Range 16 West, N.M.P.M.

WHEREAS, the Owners/applicants presented a request and necessary submittal items for review of a rezoning of the Property by the City Planning and Zoning Commission at its regular meeting held on June 6, 2023; and

WHEREAS, Land Use Code Section 6.02, Zoning Map and Land Use Code Amendments, indicates that the owner or developer of a property may request an amendment to the zoning classification of property; and

WHEREAS, the Planning and Zoning Commission reviewed the request for an amendment to the zoning classification of the Property from C, Commercial Highway to I, Industrial, and is recommending approval of the request, as evidenced by the adoption of this P&Z Resolution No. 8, Series 2023; and

WHEREAS, based on the evidence and testimony presented at said meeting, the Planning and Zoning Commission is recommending approval of the requested zoning classification amendment; and

WHEREAS, it appears that all requirements of Chapter 6.00 of the City’s Land Use Code for a zoning classification amendment have been met.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CORTEZ PLANNING AND ZONING COMMISSION:

THAT, this P&Z Resolution No. 8, Series 2023, establishes the finding for approval for the reclassification of the Property; and

THAT, the reclassification and full application for the Property are hereby recommended to the Cortez City Council for approval, subject to the following findings:

- a. The Property is adjacent to existing Industrial uses. Impacts can be mitigated with appropriate use conditions.
- b. The community will benefit from use of the Property by the additional economic benefits of additional jobs, opportunities and taxes generated and the expansion of a much needed natural resource use.
- c. Adequate facilities are available to serve development for the type and scope suggested by the proposed zoning.
- d. The proposal is in conformance with the policies, intents and requirements of the Cortez comprehensive plan.
- e. Pursuant to Section 4.01 of the Cortez Land Use Code, a subdivision plat approved by the City Council shall be required prior to the issuance of a building permit on the Property.

MOVED, SECONDED, AND ADOPTED THIS 6th DAY OF JUNE, 2023

PLANNING AND ZONING COMMISSION

Robert Rime, Chairman

ATTEST:

Cheryl Lindquist, Deputy City Clerk

APPLICATION FOR ZONING AMENDMENT
(Land Use Code Section 6.02)

Name: Anthony Moore Mary Lancaster Phone: 719-588-3450
Address: 10286 Highway 491 COCKE COLORADO 81321

- Statement of requested change and legal description of property
- Title certificate with list of owners and all liens, easements, etc. on property
- Statement from Treasurer showing status of current taxes due on property
- Survey of property which shows existing zoning, existing uses, and zoning within 300' of land to be rezoned
- List of surrounding property owners (and addresses) within 300' cheryl
- Statement showing effect that new zoning would have on adjacent uses ?
- Explanation for rezoning request
- Filing fee \$ 500

RECORD OF PROCEDURES

Review by Department Heads:	Date	Initials
Police Department	_____	_____
Public Works/Planning Department	_____	_____
Parks & Recreation Department	_____	_____
Fire Department	_____	_____

P&Z Public Hearing: _____ Advertised in Paper: _____

Action taken by P&Z: _____

Council Public Hearing: _____ Advertised in Paper: _____

Action taken by Council: _____

4/14/2023

Dear To Whom It May Concern:

City of Cortez: Planning and Zoning

Nancy,

Here is my official request to Rezone 10206 Highway 491 Cortez Colorado 81321.

Parcel Number : 561122400044

Legal: Section: 22 Township: 36 Range: 16 TR INN1/2SE1/4

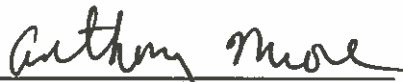
Acreage: 7.86 AC

Currently zoned Commercial "C"

Requesting to Rezone Industrial "I"

Any question or concern please contact at 1-719-588-3450 or by email to justmemory7@yahoo.com

Thank you



Anthony Moore



Mary Lancaster



**City of Cortez Address Change:
MOORE, ANTHONY and LANCASTER, MARY
10206 Hwy 491, Cortez, CO 81321**

PID 5611-224-00-044

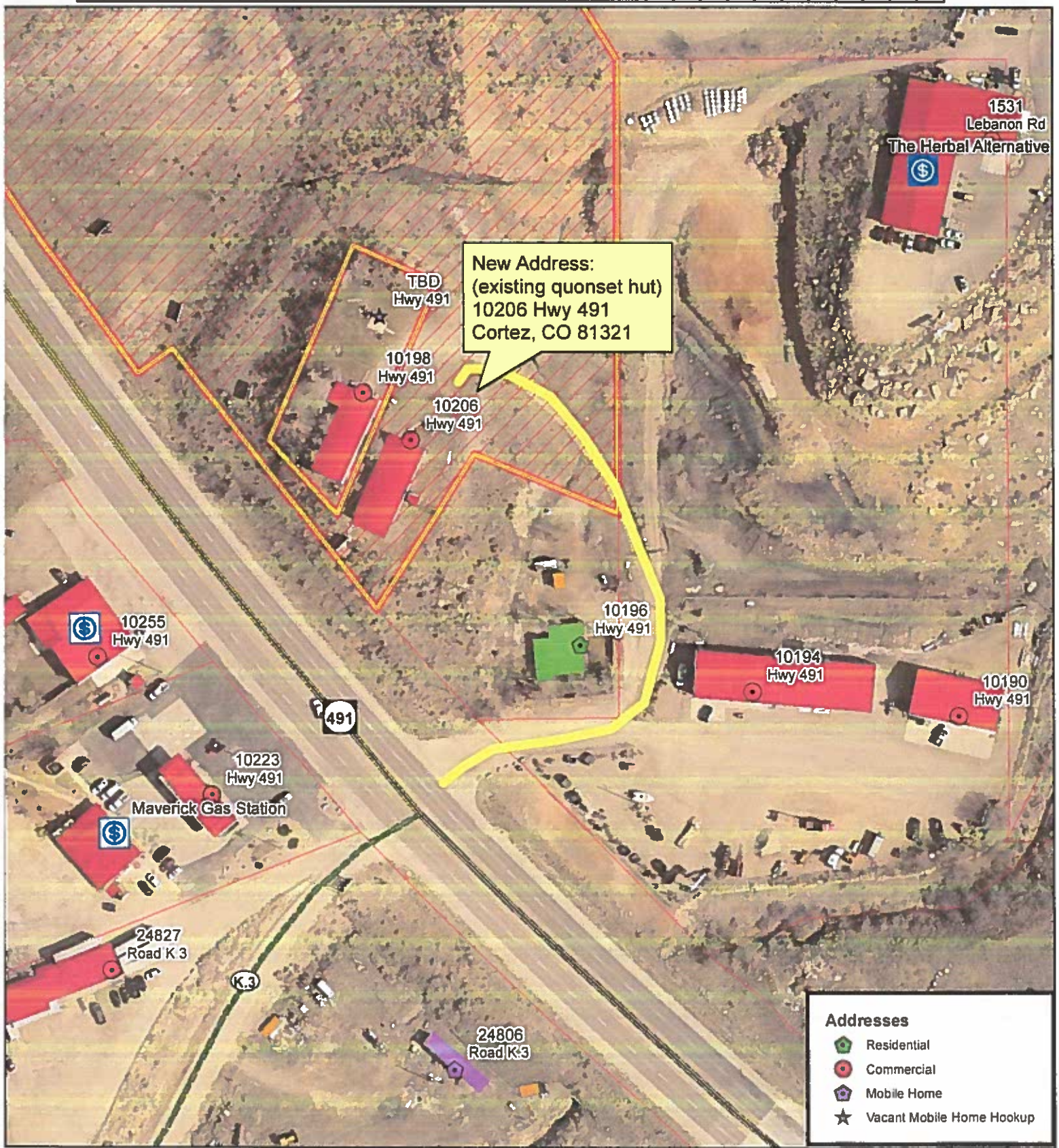
Subdivision: S22 T36 R16 TR INN1/2SE1/4; 7.86AC
(FKA 10230 Hwy 491)



CORTEZ

3/31/2022

1 inch = 120 feet



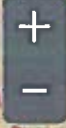
New Address:
(existing quonset hut)
10206 Hwy 491
Cortez, CO 81321

Addresses

- Residential
- Commercial
- Mobile Home
- Vacant Mobile Home Hookup



-LAT-
-LONG



Hatchman Draw

Hwy 491

491

10400 Hwy 491

10360 Hwy 491

10355 Hwy 491

10359 Hwy 491

10361 Hwy 491

TED Hwy 491

10192 Hwy 491

10206 Hwy 491

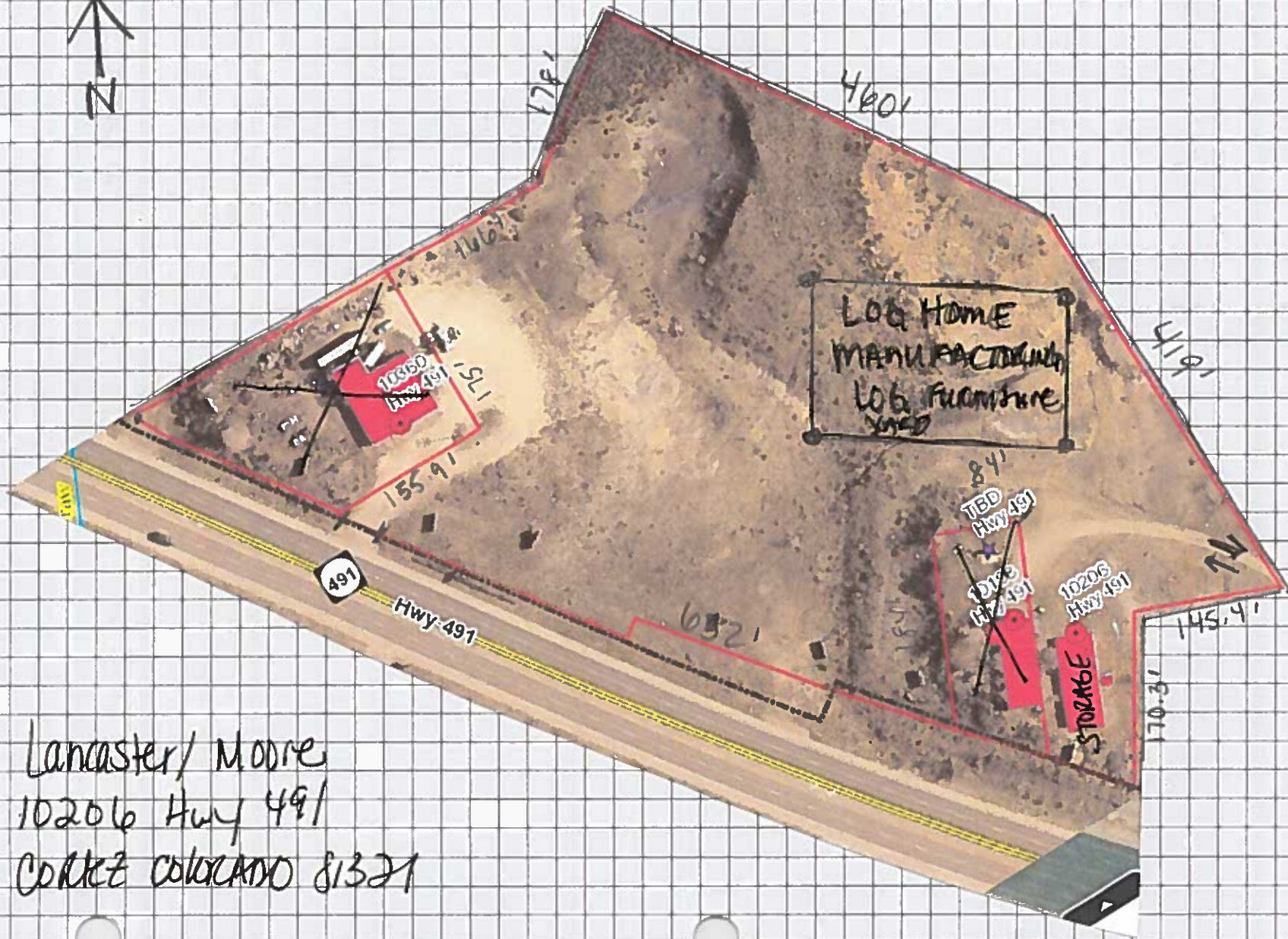
Smity's Liquor
10255 Hwy 491

10196 Hwy 491



0 100 200ft

37.36241 -108.59607 Degrees



Lancaster/Moore
10206 Hwy 491
COLORADO 81321



Tax Account

Summary

Account Id R007615
Parcel Number 561122400044
Owners MOORE, ANTHONY D. &
LANCASTER, MARY K.
Address PO BOX 1034
ALAMOSA, CO 81101
Situs Address 10206 HWY 491 CORTEZ
Legal Section: 22 Township: 36 Range: 16 TR INN1/2SE1/4; 7.86AC B432 P334 B655 P146 B665 P349-350 B690 P553

Inquiry

As Of 

Payment Type First
 Full

Taxes Due \$1,287.72
Total Due \$1,287.72

Value

Area Id	Mill Levy	
11001 - DISTRICT 11001		55.3859800
	Actual	Assessed
SPEC.PURPOSE-LAND - 2130	66,400	19,260
SPEC.PURPOSE-IMPROVEMENTS - 2230	13,768	3,990
Total Value	80,168	23,250
Taxes		\$1,287.72

The amounts of taxes due on this page are based on **last year's** property value assessments.
For current year values visit the [Montezuma County Assessor's site.](#)



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

June 06, 2023

Agenda Item: 4. e.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: Resolution No. 11, Series 2023

BACKGROUND

Independent Log Company operates as a Fire Mitigation and Response Company with several components (see narrative). It operates and maintains equipment which is used for wildfire response including trucks, trailers, water trucks, earth moving equipment, and chain saws. For the most part, this equipment is off site at wildfire events during the wildfire season and returns for storage during the winter months. The season and amount of events can vary wildly, but has recently been longer and fires are more frequent than in past years. In addition to wildfire response, the company conducts wildfire mitigation services which primarily include tree cutting and thinning services. The cut trees are then brought to Independent Log Company's properties, prepared and used in several ways, depending on the quality and size of the product, including log home construction, wood furniture construction, fence materials and firewood. These uses would most likely be considered "manufacturing" in that there the Owners are not proposing any retail sales of products from the Property.

ISSUES

See attached.

RECOMMENDATION

The Commission recommends that the Cortez City Council approve the requested Conditional Use Permit for property located at 10206 Hwy 491, Cortez, Colorado, A tract of land in the SE/4NE/4 of Section 22, Township 36 North, Range 16 West, N.M.P.M., as described in the Staff Report and as submitted by the Owners through P&Z Resolution No. 8, Series 2023, with conditions.

Attachments

Staff Report
Resolution No. 11, Series 2023
Application



**City of Cortez
Community &
Economic
Development Dept.
123 Roger Smith Ave
Cortez, CO 81321**

Meeting Date: June 6, 2023
Project No. ZA23-000002

MEMO

TO: Members of the Cortez Planning and Zoning Commission

FROM: Nancy Dosedall, Contract City Planner

SUBJECT: Public Hearing on an Application for a rezoning of a parcel of land located at 10206 Hwy 491, Cortez, Co., A tract of land in the SE/4NE/4 of Section 22, Township 36 North, Range 16 West, N.M.P.M., from C, Commercial Highway to I, Industrial and request for a Conditional Use Permit for the property.

OWNER: Anthony D. Moore, Mary K. Lancaster

ATTACHMENTS: P&Z Resolution No. 8, Series 2023
Application Packet



BACKGROUND/CODE DISCUSSION

The parcel located at 10206 Hwy 491, in the SE/4, NE/4 of Section 22, Township 36 North, Range 16 West, N.M.P.M. (the “Property”), is currently zoned C, Commercial Highway. The owners, Anthony D. Moore and Mary K. Lancaster (the “Owners”), who also own the parcel located at 1107 Lebanon Road, directly west of the Property, wish to use the Property for equipment and material storage for their business, Independent Log Company. They have been cited by the City of Cortez Code Enforcement for grading the Property without permits. Staff believes that this request, if approved, would bring the Property into conformance with the Cortez Land Use Code (the “LUC”), although the uniqueness of the Property and the proposed uses makes the application of the LUC to this application challenging, which will be explained in the discussion section of this report.

Independent Log Company operates as a Fire Mitigation and Response Company with several components (see narrative). It operates and maintains equipment which is used for wildfire response including trucks, trailers, water trucks, earth moving equipment, and chain saws. For the most part, this equipment is off site at wildfire events during the wildfire season and returns for storage during the winter months. The season and amount of events can vary wildly, but has recently been longer and fires are more frequent than in past years. In addition to wildfire response, the company conducts wildfire mitigation services which primarily include tree cutting and thinning services. The cut trees are then brought to Independent Log Company’s properties, prepared and used in several ways, depending on the quality and size of the product, including log home construction, wood furniture construction, fence materials and firewood. These uses would most likely be considered “manufacturing” in that there the Owners are not proposing any retail sales of products from the Property.

The LUC contains some rather complicated regulations concerning outdoor uses such as those being proposed. Contractor storage or equipment yards and manufacturing, wood products are similar uses that are listed as Conditional Uses in the “C” zone and permitted uses in the “I” zone, indicating that perhaps rezoning is not required, and a Conditional Use Permit is appropriate to authorize the proposed uses. Applicable definitions are below. The proposed uses related to wood products do appear to fit in the definition of “manufacturing, wood products” and “manufacturing, heavy,” which the LUC lists as a conditional use in the Commercial Highway zone and a permitted use in the Industrial zone. However Sec 5.07(j) of the LUC states that “No open storage of materials or commodities shall be permitted in any district except as an accessory use to a main use located in a building in an I or PUD industrial district. No open storage operation shall be located in front of a main building.” Staff has determined that although both equipment storage and log home construction appear to be Conditional Uses in the “C” zone, when Section 5.07(j) is applied, the proposed uses are more properly authorized by a rezoning of the Property to I, Industrial. Since open storage is a key component of the proposed use, Section 5.07(j) applies. While the companion request from the Owners to rezone and approve a CUP for the property located at 1050 Lebanon Road does not include a structure, there are structures located on this Property.

The relevant LUC Sections and definitions are as follows:

Manufacturing, General. "General manufacturing" means an establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, excluding uses classified as "manufacturing, hazardous or objectionable."

Manufacturing, Hazardous or Objectionable. "Hazardous or objectionable manufacturing" means a use engaged in storage of, or manufacturing processes utilizing, flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Typical uses include chemical manufacturing and warehousing, dry ice manufacturing, fat rendering plants, fertilizer manufacturing, fireworks and explosives manufacturing and warehousing, petroleum refineries, pulp processing and paper products manufacturing, radioactive materials manufacture or use, steel works, slaughterhouses and tanneries.

Manufacturing, Light. "Light manufacturing" means an establishment or use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding activities classified in another land use category. Typical uses include apparel and garment factories, appliance and computer products assembly, bakeries engaged in large-scale production and wholesale distribution, boat building and repair, electrical and electronic equipment, furniture and fixtures, jewelry manufacturing, leather products, meat cutting and wholesale storage, monument and grave marker manufacturing, motion picture production lots, musical instrument manufacturing, pharmaceutical and toiletries manufacturing, printing and publishing, rubber and plastics products, sports equipment manufacturing, and toy manufacturing.

Manufacturing, Wood Products. "Wood products manufacturing" means an establishment engaged in the basic processing and manufacturing of materials or products predominately from raw wood materials. These uses may be further subdivided into "light manufacturing" which includes small-scale production of cabinets, lath, grade stakes, furniture, wood art, moulding; and "heavy manufacturing" which includes such uses as prefabricated wall components, lumber mills, and log home manufacturing.

Land Use Code:

Use Type	RE	R-1	R-2	MH	O	CBD	C	NB	I
Manufacturing, general									P
Manufacturing, hazardous/objectional									C
Manufacturing, light						C	C		P
Manufacturing, wood products							C		P

5.07 (j) Open Storage. No open storage of materials or commodities shall be permitted in any district except as an accessory use to a main use located in a building in an I or PUD industrial district. No open storage operation shall be located in front of a main building. No wrecking, junk, or salvage yard shall be permitted as a storage use in any district.

The current request is to rezone the property from C to I, which is the most permissive zone in regards to outdoor storage and uses in general and then grant a Conditional Use Permit to allow the proposed outdoor storage uses, for which the code is unclear as to where/how they are permitted. This is somewhat of an unusual approach to deal with unclear and contradictory code provisions. There are two other options to approach this use; 1) Keep the existing zoning in place, grant or deny a Conditional Use Permit for the use or 2) Rezone to Industrial and review the use as a Site Plan only, since Manufacturing, wood products would be considered a Permitted Use. The interpretation of 5.07(j) is unclear in either case.

Location/Surrounding Land Uses



Surrounding Zoning

The Property is bounded on the north by commercial property, unincorporated land and industrial zoned land, on the west by unincorporated land, south is both Commercial and unincorporated, east is both commercial and industrial. Access to the Property is directly off Hwy 491.

ISSUES

Sec. 6.02 of the Land Use Code establishes the following criteria for a zoning amendment:

1. Items for Consideration in Zoning Amendments. The planning commission shall in its action on the rezoning request, consider the following:
 - a. Was the existing zone for the property adopted in error?
 - b. Has there been a change of character in the area (e.g. installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.)?
 - c. Is there a need for the proposed rezoning within the area or community?
 - d. Are the proposed uses compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be mitigated?
 - e. Will there be benefits derived by the community or area by granting the proposed rezoning?

- f. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended?
- g. Is the proposal in conformance with the policies, intents and requirements of the Cortez comprehensive plan?
- h. Does the proposed change constitute "spot zoning?"

And the following criteria for a Conditional Use Permit:

(f) Conditions of Approval. Both the planning commission and the city council shall use the following criteria in reviewing conditional use permit requests. It is specifically understood that certain criteria listed below may not apply to a particular application. The applicant shall adequately demonstrate that the applicable criteria have been met:

(1) The proposed conditional use is compatible with adjacent existing uses and other allowed uses in the zoning district. Such compatibility shall be expressed in terms of appearance, architectural scale and features, site design and scope, landscaping, as well as the control of adverse impacts including noise, vibration, smoke, fumes, gas dust, odor, lighting, glare, traffic circulation, parking, or other undesirable or hazardous conditions.

(2) The proposed conditional use has incorporated design features sufficient to protect adjacent uses including but not limited to: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing and site building placement.

(3) All proposed accessory uses must demonstrate that they are necessary and desirable. All proposed accessory uses shall comply with the requirements of subsections(f)(1) and (2) of this section. Undesirable impacts created by these uses shall be controlled or eliminated.

(4) Adequate public services (such as: streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) must be available without the reduction of services to other existing uses.

(5) Provisions for proper maintenance of the building, parking and loading areas, drives, lighting, signs, landscaping, etc. shall be provided.

(6) The proposed conditional use shall conform to adopted plans, hours of operation, polices and requirements for parking and loading, signs, highway access, and all other applicable regulations of this code and other applicable regulations.

DISCUSSION

This Property is located in an area at the edge of the City that includes industrial and heavy commercial land uses and some residential properties in the County. Staff determined that since Section 5.07(j) of the LUC is applicable to the proposed use, a rezoning from C, Commercial Highway, to I, Industrial is required.

The request is to rezone the Property from C to I, which is the most permissive zone in regards to outdoor storage and uses in general. Conditional Use Permits have also been requested, which may or may not be required depending on whether or not the rezone is granted and how 5.07(j) is interpreted.

Criteria Discussion:

Rezoning:

- a. It does not appear that this Property was zoned in error, the area is a mix of industrial and heavy

commercial uses. The Property is directly adjacent to only Industrial and Commercially zoned property, in addition to unincorporated land that appears to be in similar heavy commercial type uses.

- b. The most recent new uses in the area are the Herbal Alternative, a marijuana dispensary and grow operation and Target Rental. The Herbal Alternative is located on C zoned property while Target Rental is located on I zoned property. Many of the uses in the area incorporate outdoor storage of a variety of materials and equipment.
- c. The rezoning is being requested to allow for a heavy manufacturing use in an area of the city where these types of uses are somewhat common. There are many vacant C zoned properties in the city, while only a few vacant I zoned properties exist. This lack of zoned and available land for Industrial type uses could be considered a need for the rezoning.
- d. The area is mostly industrial and heavy commercial uses, most of which include an outdoor storage component. It does not appear that any of the nearby uses comply with 5.07(j).
- e. The use is a necessary use in this area where wildfire is a constant and concerning threat. The business provides both firefighting and fire mitigation services, and also makes use of all of the byproducts, adding value to what can be a difficult waste product to dispose of.
- f. Adequate facilities for the business are available, including water, sewer, access and all other utilities, although at this phase, no services are necessary for the use.
- g. The Cortez Comprehensive plan includes numerous goals that support the requested rezone. Goals and policies include the following:
 - a. Sustain a well-balanced and diverse local economy (Goal 11.1)
 - b. Encourage industries that employ City residents for the reclamation of resource extraction. (Policy 11.1.47)
 - c. Encourage manufacturing businesses and other skilled labor businesses to enhance employment opportunities at “living wage” income levels. (Policy 11.3.8)
- h. The Property is adjacent to other industrial zoned property so it should not be considered “spot zoning.”

Conditional Use Permit:

With this use, a conditional use permit can help to make a difficult use for the city compatible with surrounding land uses. The Owner/applicant’s narrative does a good job of establishing that the proposed uses will not be objectionable due to noise, lighting, smoke, fumes, hours of operation or hazardous materials, as long as all statements in the narrative are adhered to at all times. The site plan is entirely lacking in terms of buffering, fencing and landscaping, which, if added, would go a long way to improving the appearance of the site.

AGENCY REVIEW

GIS Coordinator (Doug Roth)

- The application packet does not specify what zoning is being requested so I can't comment on that.
- All situs addresses for both properties are good. Due to hazardous nature of the operation make sure addresses are clearly marked for emergency response.
- A new (additional) address will be assigned to the proposed manufacturing building on PID 561122400044 once a building permit is pulled
- No other concerns

Cortez Sanitation District (Jim Webb) – note, comments address Lebanon Rd property, not these
The Sanitation District has some concerns about a couple of exposed manhole covers in this property.

Could you please let the owners know that we have a 20' prescribed easement across this property 10" Each side of the pipe. We have to have access to these manholes and pipeline for normal maintenance. The covers being exposed like they are can not withstand big equipment hitting them and the buried manholes would not be able to handle a whole lot of abuse either. We would prefer that the easement stay clear of any permanent structures and any stored logs, giving us access to the exposed manholes Any time of the day or night. This Sewer main is a major Trunk line for the entire North side of town.



Cortez City Engineer (Kevin Kissler)

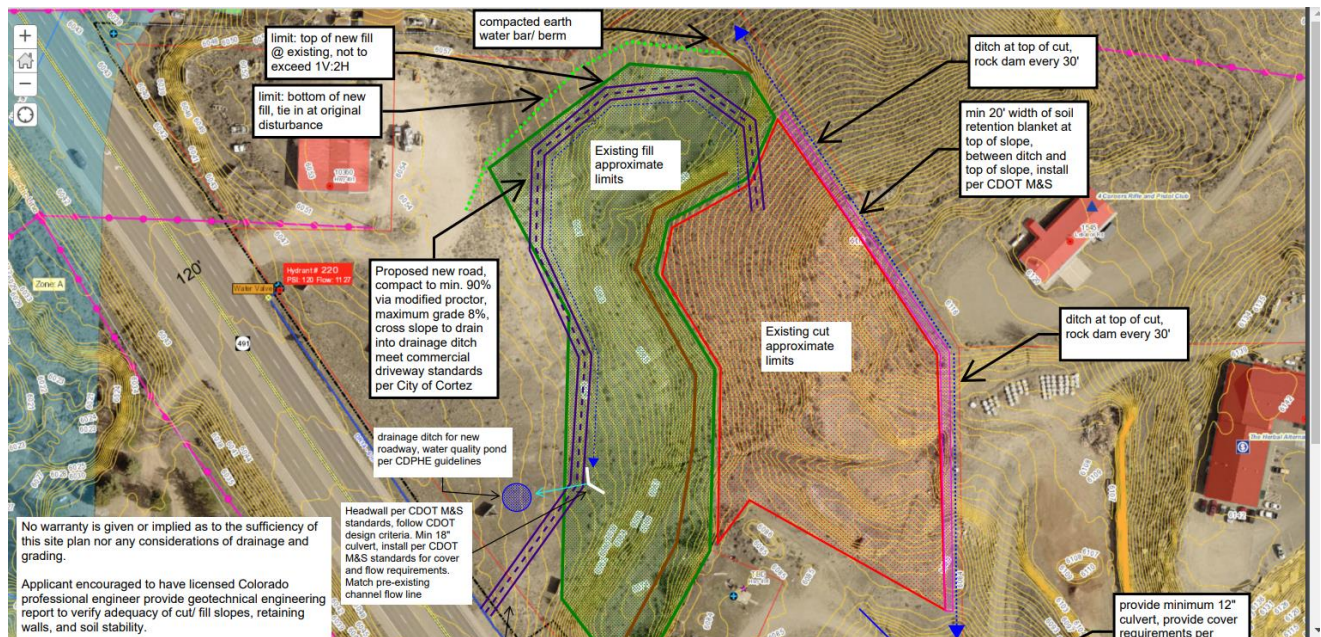
Public works staff performed a site visit on 5/19 and a follow up visit on 5/23 of the properties in question. Attached are updated site plans showing field observations and comments for 1050 Lebanon and 10206 Highway 491, within are specific engineering concerns and suggestions. The applicant is encouraged to have a Colorado licensed professional engineer certify the adequacy of their installations and earthwork, the attached site plans are not providing or implying warranty or adequacy as to the performance of the installations and earthwork and only reflect a mutual understanding of the work the applicant intends to perform during grading operations.

With that said, it appears that the applicant has removed roughly 40,000 cubic yards of material from the hill on their property at 10206 Highway 491 and has used that material to create a filled pad. While in my opinion this is beyond the scope of a typical grading permit, I am not seeing much support from within the land use code or construction design standards to differentiate this project from a grading permit, nor to my knowledge was this scope of work outlined in their original grading permit from last year. It appears a legal basis to keep their operations suspended is not clearly defined, therefore we will allow work to continue and monitor operations on the site.

I have not heard from CDOT, however the applicant intends to add a second access on their property. They assured me that they have already had communications with CDOT, the access is shown on their plat, and that access from highway 491 at that location is already approved within CDOT's access control plan for highway 491. I had concerns regarding sight distance for oncoming traffic if using that access, however it was noted that roll back curb had already been installed by CDOT at that location.

If they are to eventually propose a structure on any of the filled areas, the city would want to require a soils analysis for any permanent foundations as the placed fill may or may not be unstable. A formal soils and/ or engineering analysis may be a prudent demand the city could make as a condition of rezoning if supported and permissible by the land use code. It is my recommendation that the city update as soon as possible the LUC and/ or CDS such that any placed fill greater than 4' in depth should require a geotechnical engineering analysis and design certified by a Colorado licensed professional engineer. This update should also include verbiage that outlines a stop work procedure for clearly defined violations and a formal review and/ or remediation process to bring the work back into compliance. Considering the current uses in the area include a concrete batch plant, auto body shop, granite cutter and retailer, fuel station, heavy equipment rental, and marijuana dispensary, it would appear that industrial is an appropriate zoning determination for both 1050 Lebanon and 10206 highway 491. As for specific engineering concerns, I would like to see the following:

10206 Highway 491: Statement from CDOT regarding access permission from the second proposed access indicated by the applicant at a recent site visit. There may be a concern of sight distance for traffic exiting from this point.



Cortez Parks and Recreation (Creighton Wright)

As City's primary representative for parks, open space, forestry, and recreation, I desire to be a good neighbor and respectfully ask that Mr. Moore's business ventures don't negatively impact the recreation pursuits of Cortez residents and visitors. While I do support the business development opportunities, especially the very cool log homes that Mr. Moore proposes to build, I respectfully request mitigation to support the serene Carpenter Natural Area directly adjacent to the property. The preserve's primary parking lot is directly adjacent to the north of the proposed equipment storage area.

The Carpenter Natural Area is a unique ecological and geologic gem within the city that allows residents and visitors to enjoy the natural scenery and outstanding views without leaving the city. Residents and visitors routinely (some daily) use the space for trail walking, birding, light hiking, mountain biking, and generally, the opportunity to get outside and enjoy nature literally out their back doors. I request

mitigation by the adjacent property owner to screen, protect and preserve the natural aesthetic value and uniquely serene environment found at the Carpenter Open Space Preserve.

Requested mitigation:

1. Secure and preserve the water quality of inflow into ponds and streams. Prevent harmful chemicals and toxins from washing into downstream waterways.
2. Restrict access to preserve drives and parking areas from the equipment, supplies, and deliveries to Mr. Moore's business.
3. Prevent any waste, construction debris, or other by-products from blowing or coming onto the preserve or associated areas.
4. Provide buffer and naturally-oriented visual screening along Mr. Moore's northern and eastern property boundary. The proposed naturally-oriented visual screen should be large (20' tall) evergreen trees planted approximately 20' on-center and staggered. The proposed buffer is 50'.

ALTERNATIVES

1. The Commission can recommend that the Council approve the rezone request from C, Commercial to I, Industrial for one parcel located at 10206 Hwy 491 as submitted by Anthony Moore and Mary Lancaster, Independent Log Company.
2. The Commission can recommend denial of the request for a rezoning and state their reasons;
3. The Commission can ask for more information and table the application or continue it to a date certain; or
4. The Commission can recommend that Council approve the rezoning request.

RECOMMENDATION #1 - Rezone

Staff recommends Alternative "1" above, approval of the rezoning request through P&Z Resolution No. 8, Series 2023.

If the Planning and Zoning Commission so chooses to follow the recommendation of Staff, a possible motion would be as follows: **I make a motion that the Planning & Zoning Commission recommends that the Cortez City Council approve the requested rezone from C, Highway Commercial to I, Industrial for the property located at 10206 Hwy 491, Cortez, Co., A tract of land in the SE/4NE/4 of Section 22, Township 36 North, Range 16 West, N.M.P.M., as described in the Staff Report and as submitted by the Owners through P&Z Resolution No. 8, Series 2023, with the following findings:**

- a. The Property is adjacent to existing Industrial uses. Impacts can be mitigated with appropriate use conditions.
- b. The community will benefit from use of the property by the additional economic benefits of additional jobs, opportunities and taxes generated and the expansion of a much needed natural resource use.
- c. Adequate facilities are available to serve development for the type and scope suggested by the proposed zone.
- d. The proposal in conformance with the policies, intents and requirements of the Cortez comprehensive plan.

RECOMMENDATION #2 – Conditional Use

Staff recommends approval of the request for a Conditional Use Permit through P&Z Resolution No. 8, Series 2023.

If the Planning and Zoning Commission so chooses to follow the recommendation of Staff, a possible motion would be as follows: **I make a motion that the Planning Commission & Zoning Commission recommends that the Cortez City Council approve the requested Conditional Use Permit for property located at 10206 Hwy 491, Cortez, Colorado, A tract of land in the SE/4NE/4 of Section 22, Township 36 North, Range 16 West, N.M.P.M., as described in the Staff Report and as submitted by the Owners through P&Z Resolution No. 8, Series 2023, with the following conditions:**

- a. All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents. Specifically, all public improvements shall comply with the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications and all requirements of CDOT for required highway improvements.
- b. The address shall be clearly marked for emergency response.
- c. The Owner/applicants shall comply with the submitted project narrative at all times.
- d. The Owner/applicants shall comply with all requirements of the City Engineer prior to establishment of any uses on the Property.
- e. Pursuant to Section 4.01 of the Cortez Land Use Code, a subdivision plat approved by the City Council shall be required prior to the issuance of a building permit on the Property.

**CITY OF CORTEZ
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 11, SERIES 2023**

A Resolution Recommending Approval of a Conditional Use Permit for a parcel located at 10206 Hwy 491, Cortez, Colorado, in the SW¼ of Section 23, Township 36 North, Range 16 West, N.M.P.M., County of Montezuma, State of Colorado

WHEREAS, owners/applicants Anthony Moore and Mary Lancaster have applied for review of a Conditional Use Permit for an equipment storage yard and wood products manufacturing for a parcel located at 10206 Hwy 491, Cortez, Colorado and more particularly described as (the “Property”):

A tract of land in the SW¼ of Section 23, Township 36 North, Range 16 West, N.M.P.M.,
County of Montezuma, State of Colorado

WHEREAS, the Owners/applicants presented a request and necessary submittal items for review by the City Planning and Zoning Commission at its regular meeting held on June 6, 2023; and

WHEREAS, Land Use Code Section 6.10, Conditional Use Permits, indicates that the owner or developer of a property may request a conditional use permit for development of said property; and

WHEREAS, the Planning and Zoning Commission reviewed the request for a Conditional Use Permit and is recommending approval of the request on the Property, as evidenced in the adoption of this P&Z Resolution No. 11, Series 2023; and

WHEREAS, based on the evidence and testimony presented at said meeting, the Planning and Zoning Commission is recommending approval of the requested Conditional Use Permit; and

WHEREAS, it appears that all requirements of Chapters 5.00 and 6.00 of the City’s Land Use Code for development of this site have been met.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CORTEZ PLANNING AND ZONING COMMISSION:

THAT, this P&Z Resolution No. 11, Series 2023, establishes the conditions of approval for a Conditional Use Permit on the Property; and

THAT, the Conditional Use Permit for the Property is hereby recommended to the Cortez City Council for approval, subject to the following conditions to ensure compliance with the standards in the Cortez Land Use Code for a conditional use permit:

- a. All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents. Specifically, all public improvements shall comply with the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications and all requirements of CDOT for required highway improvements.
- b. The address shall be clearly marked for emergency response.
- c. The applicant shall comply with the submitted project narrative at all times.
- d. The applicant shall comply with all requirements of the City Engineer prior to establishment of any uses on the property.
- e. Prior to approval of a final site plan for the development, the applicant shall submit a revised plan that complies with all landscape requirements for the LUC.
- f. Prior to approval of a final site plan for the development, the applicant shall propose a fencing plan that adequately screens the storage uses.
- g. Pursuant to Section 4.01 of the Cortez Land Use Code, a subdivision plat approved by the City Council shall be required prior to the issuance of a building permit on the Property.

MOVED, SECONDED, AND ADOPTED THIS 6th DAY OF JUNE, 2023

PLANNING AND ZONING COMMISSION

Robert Rime, Chairman

ATTEST:

Cheryl Lindquist, Deputy City Clerk

Conditional Use Permit Application Checklist

21 MAR 2023
Date

APPLICANT: Anthony Moore
ADDRESS: 10206 Highway 491
PHONE/FAX: 719-588-3450
FOR: log home manufacturing,

Submittal Requirements:

- Letter of petition requesting conditional use permit
- Title certificate from licensed title company or attorney listing:
 - The name of the property owner(s)
 - All liens
 - All easements and judgments of record affecting the subject property

The Petition Shall Show or be Accompanied By:

- Street address and legal description of the property
- Any and all plans, information, operating data and expert evaluation necessary to clearly explain the location, function & characteristics of any building or proposed use. Such as floor plans, site plan, or operating information. Provide a detailed narrative addressing the applicable criteria for a CUP, LUC section 6.10(f).
- Filing fee (\$300) to cover the costs of review in accordance with the current adopted fee schedule ✓ #2027

Notification Requirements

- _____ Public hearing notice to paper 15 days prior to P&Z Meeting (20 days for paper to print on the 15 day schedule)
- _____ Notice to landowners 15 days prior to P&Z meeting
- _____ Public Hearing notice to paper 15 days prior to Council Meeting (20 days for paper to print on the 15 day schedule)

21 March 2023

To Whom It May Concern:

City of Cortez,

This is my request to have a conditional use on

Street Address: 10206 highway 491 Cortez Colorado 81321

Legal Description: Section:23 Township :36 Range: 16 TR INN1/2SE1/4; 7.86 ACRES

Parcel Number: 5611-224-00-044

This property is compatible with adjacent uses and other allowed uses in the zoning district. Already Existing ingress and egress will be directly from highway 491 and will continue to the top of the property. Sanchez Excavating, City of Cortez gun club, the Dispensary, and a Commercial shop all surround this property all with similar uses. Across the street is the Maverick station, and Meadow gold dairy operates.

This property will used for Log Home Manufacturing and milling, storage of equipment and logs and lumber for the log cabins. This property does have a 30'x88' already existing shop and will be used for Log Home Manufacturing, log furniture. Anthony Moore and Mary Lancaster own the adjacent shop at 10198 highway 491 and the residential property at 10196 Highway 491. Both these properties are attached to the 10206 highway 491 property we are wanting conditional use on.

Anthony Moore will be improving these properties with gravel and dirt work. That has already been approved with grading permit # G22-000004.

We will comply with all policies and requirements needed for this conditional use.

Sincerely,

Anthony Moore
Mary Lancaster
Independent Log Company

Anthony Moore
Mary Lancaster

Account: R007615

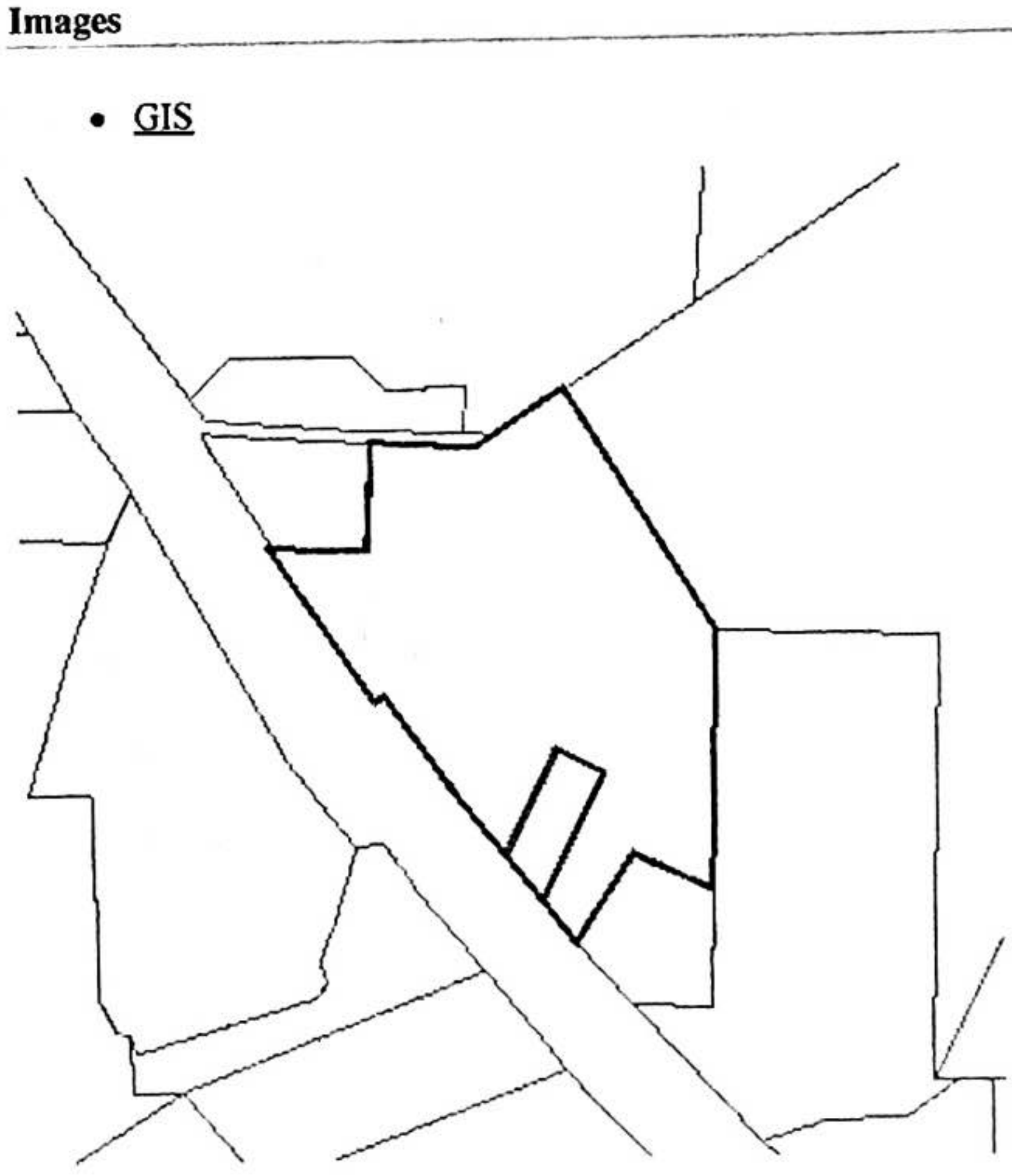
<-Prev 42 of 81 Results Next->

Location	Owner Information	Assessment History
Situs Address 10206 HWY 491	Owner Name MOORE, ANTHONY	Actual (2023) \$109,059
Tax Area 11001 - DISTRICT 11001	D. &	Assessed \$31,630
Parcel Number 5611-224-00-044	Owner Address PO BOX 1034	Tax Area: 11001 Mill Levy: 55.380980
Legal Summary Section: 22 Township: 36 Range: 16 TR INNI/2SE1/4; 7.86AC B432 P334 B655 P146 B665 P349-350 B690 P553	ALAMOSA, CO 81101	Type Actual Assessed Acres SQFT Units
Account Number R007615		Improvements \$17,759 \$5,150 2688.000
Account Type COMMERCIAL		Land \$91,300 \$26,480 7.860 342381.600 1.000
Doc Description		

Sale Date	Sale Price	Doc Description
<u>07/28/1972</u>		<u>Warranty Deed</u>
<u>04/03/1992</u>		<u>Quitclaim Deed Joint Tenants NoSale</u>
<u>11/19/1992</u>		<u>Quitclaim Deed NoSale</u>
<u>01/16/2002</u>	\$0	<u>Affidavit</u>
<u>09/09/2021</u>	\$90,000	<u>Special Warranty Deed JT</u>
<u>12/09/2019</u>		<u>Survey</u>

Tax Year	Taxes
*2023	\$1,751.72
2022	\$1,287.72

* Estimated





CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

June 06, 2023

Agenda Item: 6. a.

MEMO TO: Planning and Zoning Commission

FROM:

SUBJECT: Consultants Jennifer Gardner and MacKayla Dunfey from Logan Simpson will present a Land Use Code/ Housing Policy Update including a project overview and listening session update, housing plan update, and general discussion.

Attachments

LUC
Listening session update



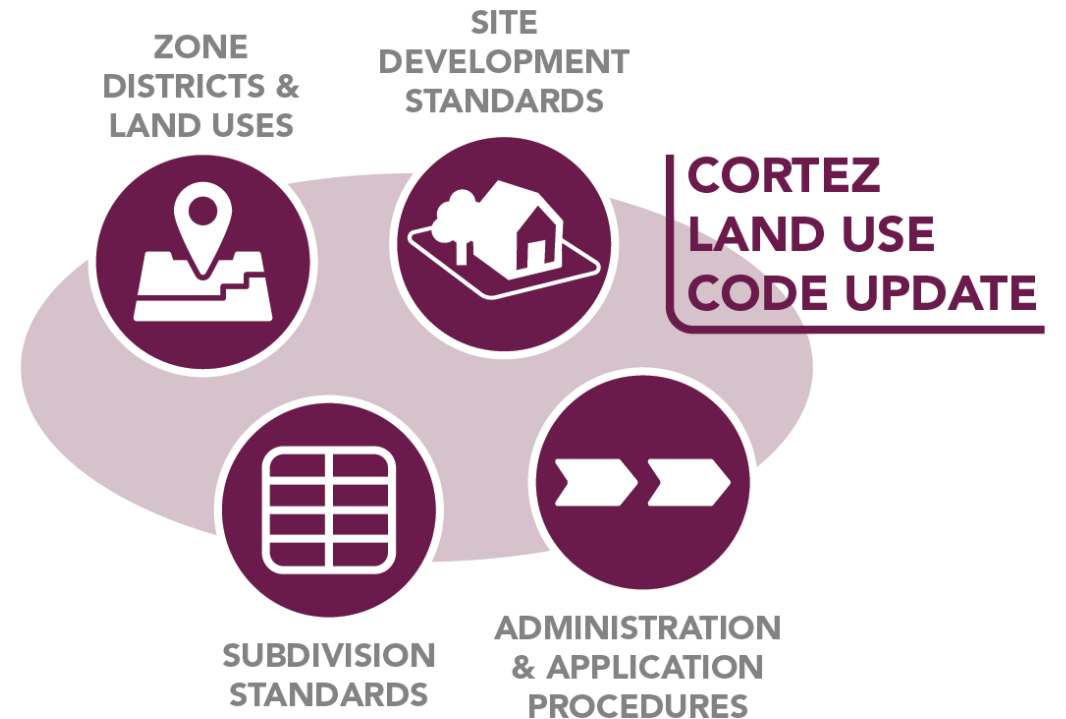
CORTEZ LAND USE CODE & HOUSING POLICY UPDATE

Building a strong foundation together

PLANNING & ZONING COMMISSION | JUNE 6, 2023

AGENDA

1. PROJECT OVERVIEW
2. LISTENING SESSION UPDATE
3. HOUSING PLAN UPDATE
4. GENERAL DISCUSSION



SCHEDULE



Engagement Opportunities are Bold.

BRANDING AND GUIDING PRINCIPLES

- 1. Ensure the LUC is User-Friendly**
- 2. Make the Right Things Easy**
- 3. Balance Flexibility & Predictability**
- 4. Engage the Public**
- 5. Right-Size the Standards and Procedures**
- 6. Preserve and Enhance Local Character**
- 7. Respond to Housing Needs**



LISTENING SESSION QUESTIONS

- 1. Is the LUDC easy to use? What revisions could make it more user-friendly?**
- 2. What works well with the current LUDC?**
- 3. What does not work well with the current LUDC?**

- Land use impacts (e.g., noise, light, traffic)
- Use standards
- Zoning and dimensional standards
- Application procedures and process
- Review criteria
- Additional standards that are missing from the current LUDC

WHO DID WE HEAR FROM?



40 Participants

(One-on-one and group listening sessions)

- 1. City and County Residents**
- 2. Planning and Zoning Board Members**
- 3. City Council members**
- 4. City Staff**
- 5. Public/non-profit project managers**
- 6. Local Business Owners**

INITIAL ANALYSIS



1. Administration / Process



2. Code Structure / Organization / Language



3. Subdivision Standards



4. Site Development / Design Standards



5. Zoning & Uses

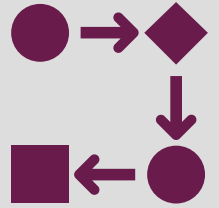


6. Affordable Housing



7. Other Related Considerations

1. ADMINISTRATION/PROCESS

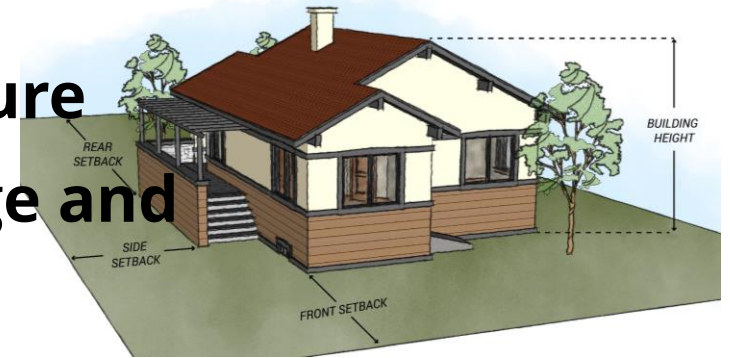


- 1. Clarify criteria, for both applicants and those reviewing**
- 2. Improving process**
 - **Clearer roles**
 - **Variance process needs review**
 - **Better coordination with CDOT**
 - **Engineering/Public Works should review plans earlier in process**
- 3. General Support for incentive-based standards**
- 4. Interest in flow charts/decision-making tables**

2. CODE STRUCTURE/ ORGANIZATION/LANGUAGE



1. **No major issues with the current code structure**
2. **Broad support for more user-friendly language and eliminating redundancies**
3. **Broad support for improving/overhauling definitions**
4. **More illustrations to accompany code language is welcome**
5. **Interest in better aligning code with the Comprehensive Plan**
6. **Interest in a more specific purpose section before Criteria**



3. SUBDIVISION STANDARDS



- 1. Major/Minor Subdivision Process needs to be reviewed**
- 2. Interest in major site plans going through PC with CC appeal**
- 3. Interest in Minor site plans going through administrative process**
- 4. Some preferences for larger parcel subdivisions in more rural areas (35+ acre parcels) to support land conservation and wildlife crossings**
- 5. Make sure new code builds in language related to bonds, letters of credit, calculating the cash-in-lieu, etc.**
- 6. Review ROW dedication language**

4. SITE DEVELOPMENT / DESIGN STANDARDS



1. Review the following site development/design/dimensional standards, especially as they relate to reducing barriers to development:

- **Parking**
- **Lot Size**
- **Setbacks**
- **Sidewalks**
- **Landscaping**
- **Signage**
- **Density**

4. SITE DEVELOPMENT / DESIGN STANDARDS (CONTINUED)



- 1. Low-impact development should be incentivized if incorporated**
- 2. Drainage Study should be required/ Review of Floodplains**
- 3. Interest in incentivizing renewable energy infrastructure**
- 4. Dark Sky Compliance is important to community**
- 5. Review non-conforming standards**
- 6. More promotion of adaptive reuse**
- 7. Interest in addressing density of Manufactured Homes and adherence to fire code**

5. ZONING & USES



- 1. Support for infill housing near Downtown and more mixed-use**
- 2. Interest in making daycares permitted by right in more zones**
- 3. Short Term Rentals (STRs):**
 - **Some interest in setting limits on number of allowed STRs**
 - **Interest in permitting STRs**
- 4. Update non-conforming uses section**
- 5. Temporary uses section is not working and need to be reviewed**

5. ZONING & USES (CONTINUED)



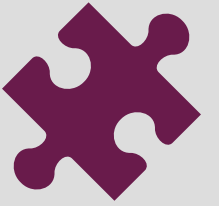
- 1. Clarify needed on what can go in industrial and commercial uses**
- 2. Consider if and where design guidelines may be appropriate**
- 3. Cannabis regulations need to be reviewed and addressed in use table**
- 4. Historic Districts procedures and enforcement should be reviewed**

6. AFFORDABLE HOUSING



- 1. Significant concerns around housing affordability**
- 2. Current code doesn't encourage middle-income housing, multi-family housing and workforce housing**
- 3. Broad support for reducing barriers to building "Missing Middle" housing, which currently doesn't pencil out**
- 4. Concern around decreased quality of life and rural character of the area if code becomes less restrictive to accommodate more affordable housing**
- 5. Interest in incentivizing adaptive reuse for affordable housing**

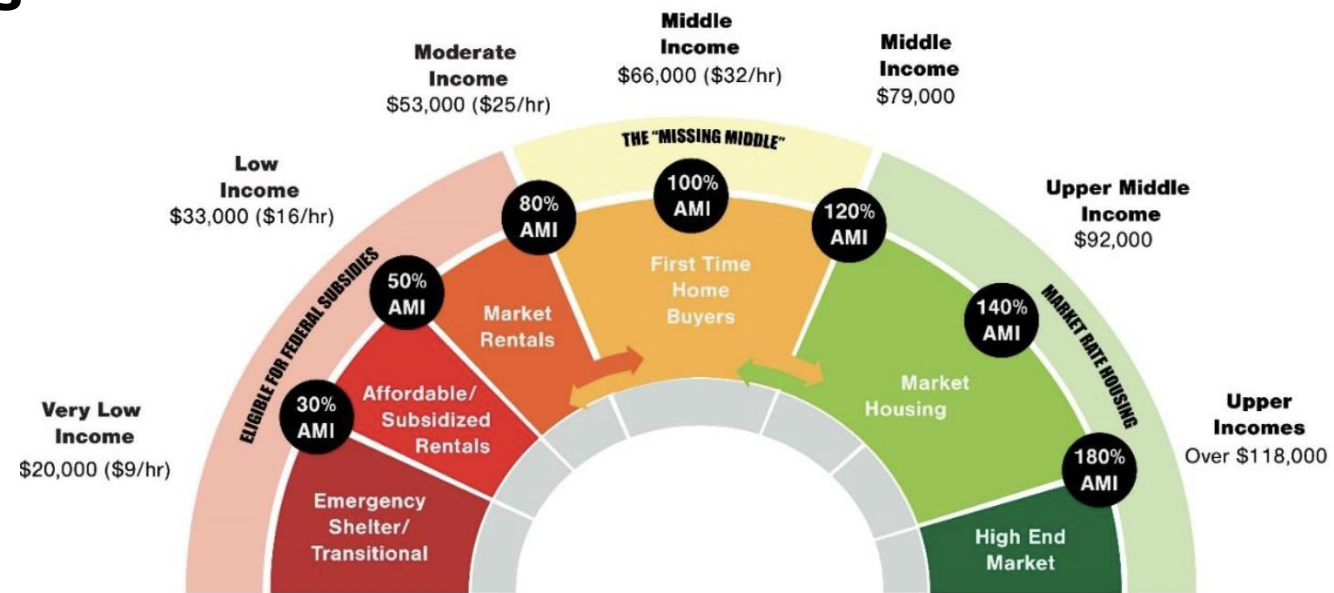
6. OTHER RELATED CONSIDERATIONS



- 1. General concerns around pedestrian safety and interest in public transit**
- 2. Interest in more water conservation efforts**
- 3. Agricultural heritage, community gardens and beekeeping mentioned as priorities**
- 4. Lack of parks/grocery stores on Southside of City**
- 5. General concerns around vacant buildings**
- 6. Interest in better use of outdoor spaces, including allowing vendors to sell outside and provide more sidewalk dining seating**

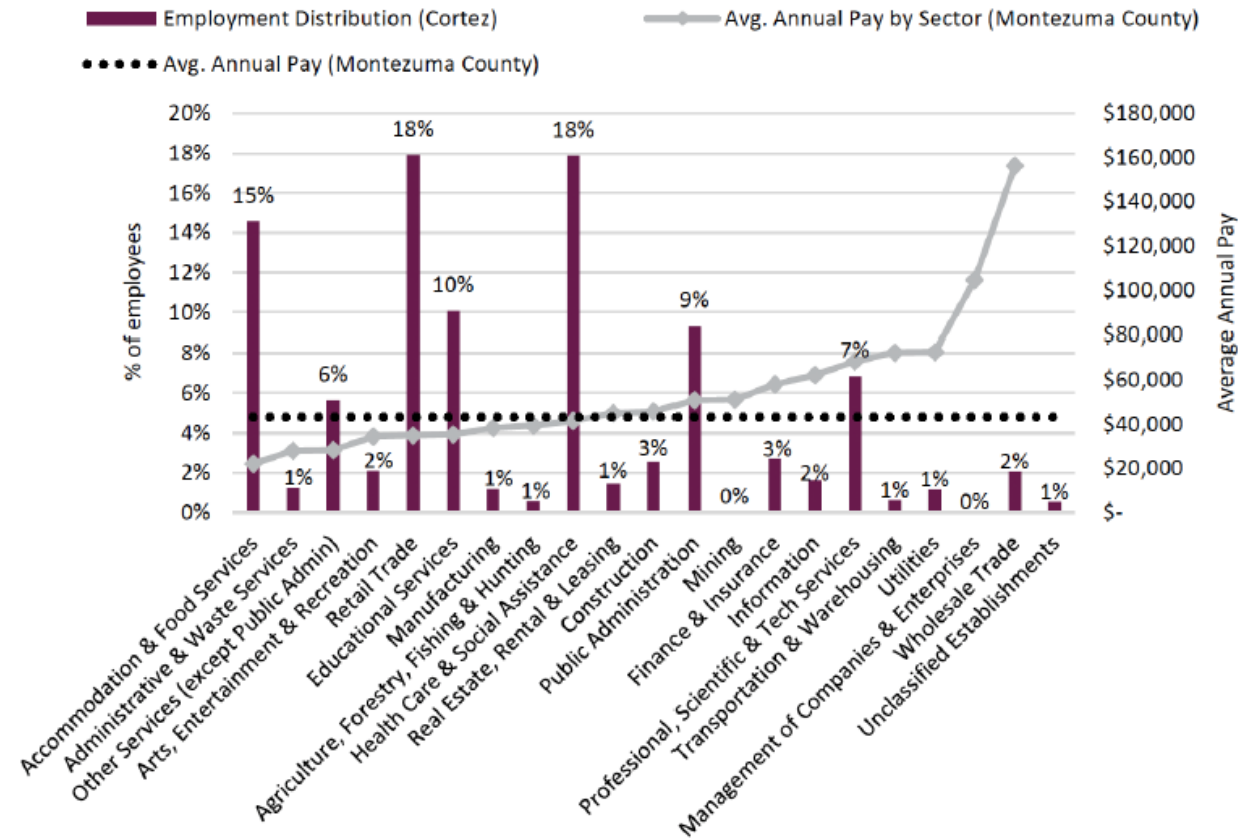
HOUSING COMMITTEE MTG. #1 (COMPLETE)

1. Review of Housing Needs Assessment
2. Discussion of existing housing goals and objectives from the Comprehensive Plan
3. Direction given by committee to add, remove and update goals and objectives



HOUSING COMMITTEE MEETING #2 (JUNE 7TH)

1. Review of updated goals and objectives
2. Discussion of policies to accomplish goals and objectives
3. Discussion of recommendations from the Housing Needs Assessment



NEXT STEPS

- 1. Housing Committee Meeting #2 – 6/7**
- 2. Housing Policy Open Houses – 6/12 and 6/13**
- 3. Joint Planning Commission and City Council Workshop on Housing Policy – 6/13**
- 4. Planning and Zoning Meeting – 7/18**
- 5. Planning and Zoning Meeting – 7/25**
- 6. Full Code Analysis (June)**

GENERAL DISCUSSION

- 1. Is the LUDC easy to use? What revisions could make it more user-friendly?**
- 2. What works well with the current LUDC?**
- 3. What does not work well with the current LUDC?**

- Land use impacts (e.g., noise, light, traffic)
- Use standards
- Zoning and dimensional standards
- Application procedures and process
- Review criteria
- Additional standards that are missing from the current LUDC



CORTEZ LAND USE CODE & HOUSING POLICY UPDATE

Building a Strong Foundation Together

Phase One Engagement

Listening Sessions Overview: The City is currently engaging in a Land Use Code (LUC) and Housing Policy Update that will take place between April 2023 – June 2024. The objective of the first phase of this project is to assess the strengths, weaknesses, and opportunities of the existing development review processes, existing standards, and housing policies. On behalf of the City, Logan Simpson, conducted over thirty one-on-one and small group listening sessions, soliciting feedback from nearly 40 community members. In these meetings, which were held both in-person and virtually between April 25 through May 12, community members had the opportunity to share their input on challenges and opportunities as it relates to the City's current LUC and housing policies. This document summarizes emerging themes that came out of the listening sessions.

Project Background: The current Land Use Code (LUC) was adopted in 1996 and has been amended numerous times over the years. Since the initial adoption, almost 30 years ago, the City has grown, and our needs have changed. The current LUC needs an update specifically for ease of administration and simplification of review processes, as well as inclusion ensuring standards that support the city's housing needs.

Listening Session Questions

1. Is the LUDC easy to use? What revisions could make it more user-friendly?
2. What works well with the current LUDC?
3. What does not work well with the current LUDC?
4. Following are some possible topics to consider when discussing these questions:
 - a. Land use impacts (e.g., noise, light, traffic)
 - b. Use standards (housing types, definitions and standards of specific allowed uses)
 - c. Zoning and dimensional standards (density, lot size, height, setbacks)
 - d. Application procedures and process
 - e. Review criteria
 - f. Additional standards that are missing from the current LUDC

Who and How Many People Participated?

40 Total, including:

- City and County Residents, including current and potential property owners
- Planning and Zoning Board Members
- City Council members, as part of Council Work Session
- City Staff, including planning, public works, and engineering staff
- Public and non-profit project managers, including professionals in land conservation, early childhood learning, and regional planning
- Local Business Owners, including developers, construction company owners, and small downtown business owners



CORTEZ LAND USE CODE & HOUSING POLICY UPDATE

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Emerging Themes

Administration/Process

- Interest in clarifying criteria, for both applicants and those reviewing
- Interest in improving processes:
 - Clearer role of P&Z in admin and procedures
 - Engineering/Public Works should review plans earlier in process
 - Variance process needs review
 - Better coordination needed with CDOT
 - Reference needed to Master Streets Plan
 - In general, developers believe process runs smoothly if they are thorough with their applications; Some mentioned the lengthy process as a drawback
- General support for incentive-based standards
- Interest in flow charts/decision-making table

Code Structure/Organization/Language

- No major issues with the current code structure
- Broad support for more user-friendly language and eliminating redundancies
- Broad support for improving and overhauling the definitions sections
- More illustrations to accompany code language is welcome
- Interest in better aligning code with the Comprehensive Plan
- Interest in a more specific purpose section before Criteria
- Include plant list in separate document

Subdivision Standards

- Major/Minor Subdivision Process needs to be reviewed
 - Interest in major site plans going through PC with CC appeal
 - Interest in Minor site plans going through administrative process
- Subdivision improvement agreements should be referenced in LUC
- Some preferences for larger parcel subdivisions in more rural areas (35+ acre parcels) to support land conservation and wildlife crossings
- Make sure new code builds in language related to bonds, letters of credit, calculating the cash-in-lieu, etc.
- Review ROW dedication language

Site Development and Design Standards

- Review the following site development/design/dimensional standards, especially as they relate to reducing barriers to development:
 - Parking



CORTEZ LAND USE CODE & HOUSING POLICY UPDATE

Building a Strong Foundation Together

- Lot Size
- Setbacks
- Sidewalks
- Landscaping
- Signage
- Density
- Low-impact development should be incentivized if incorporated
- Drainage Study should be required/ Review of Floodplains
- Interest in incentivizing renewable energy infrastructure
- Dark Sky Compliance is important to community
- Review non-conforming standards
- More promotion of adaptive reuse
- Interest in addressing density of Manufactured Homes and adherence to fire code

Affordable Housing

- Significant concerns around housing affordability
- Current code doesn't encourage middle-income housing, multi-family housing and workforce housing
- Broad support for reducing barriers to building "Missing Middle" housing, which currently doesn't pencil out
- Concern around decreased quality of life and rural character of the area if code becomes less restrictive to accommodate more affordable housing
- Interest in incentivizing adaptive reuse for affordable housing
- Interest in Tiny Homes

Zoning and Uses

- General interest in infill housing near Downtown
- Strong support for more mixed-use development
- Interest in making daycares permitted by right in more zones
- Short Term Rentals (STRs):
 - Some interest in setting limits on number of allowed STRs
 - Interest in permitting STRs in CBD
- Update non-conforming uses section to allow for more leniency on changing uses
- Temporary uses section is not working and need to be reviewed
- Clarify needed on what can go in industrial and commercial uses
- Consider if and where design guidelines may be appropriate
- Cannabis regulations need to be reviewed and addressed in use table
- Historic Districts procedures and enforcement should be reviewed



CORTEZ LAND USE CODE & HOUSING POLICY UPDATE

Building a Strong Foundation Together

Other Related Considerations

- Transportation:
 - Public transit was mentioned by many as a community priority
 - Interest in traffic calming measures
 - Sidewalk connectivity and street crossing was mentioned as priority
 - Truck unloading areas and downtown RV parking needed for tourists
- Water conservation:
 - Water conservation plan should be referenced in code
 - Interest in gray water recycling
- Agricultural heritage, community gardens, and bee keeping were mentioned as priorities
- There is a lack of parks and grocery stores on Southside of City
- Code should reference archaeological areas in some way
- General concerns around vacant buildings
- Interest in better use of outdoor spaces, including allowing vendors to sell outside and provide more sidewalk seating in front of restaurants

Issues with Previous Proposed Code

- Too much regulation as it pertains to:
 - Mobile/Manufactured Homes
 - Parking Standards
 - Setbacks
 - Landscaping
- Minimal opportunity to comment until final draft went to P&Z and Council Hearings
- Update wasn't specific enough to the Cortez context

Engagement Ideas for Update Process

- Reach out to local businesses
- Provide fact sheets about the update process
- Reach out to Cortez Retail Enhancement Group, especially about signage
- Be clear about what has/hasn't changed when updating Code
- Engage with Youth Leadership Council



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

June 06, 2023

Agenda Item: 7. a.

MEMO TO: Planning and Zoning Commission

FROM: RACHAEL MARCHBANKS, DIRECTOR OF COMMUNITY/ECONOMIC DEVELOPMENT

SUBJECT: Briefing on upcoming Land Use Code and Housing policy meeting dates by Rachael Marchbanks, Director of Community and Economic Development.



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

June 06, 2023

Agenda Item: 7. b.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: May 2023 Permits Issued

Attachments

Permits issued

May 2023 Permits Issued

Permit Type	Sub Type	Permit#	Address	Issue Date
Building	Accessory Structure	B23-000043	210 LAKESIDE Drive	04/28/2023
Building	Accessory Structure	B23-000056	1023 South CHESTNUT Street	05/24/2023
Building Total	Accessory Structure Total			2
Building	Cell Tower Antennae Modification	B23-000042	19 South Broadway Avenue	04/27/2023
Building Total	Cell Tower Antennae Modification Total			1
Building	New Commercial	B22-000169	22874 ROAD F	05/10/2023
Building Total	New Commercial Total			1
Building	New Residential	B22-000060	930 BROOKSIDE Drive	05/24/2023
Building	New Residential	B23-000039	TBD East MONTEZUMA	05/08/2023
Building Total	New Residential Total			2
Building	Other	B23-000058	1845 Blueberry Hill Loop	05/30/2023
Building	Other	B23-000054	628 Detroit Avenue	05/24/2023
Building	Other	B23-000050	405 West 7th Street	05/18/2023
Building	Other	B23-000051	1205 BROADWAY	05/18/2023
Building	Other	B23-000052	616 South BEECH Street	05/18/2023
Building	Other	B23-000047	9 East MONTEZUMA Avenue	05/16/2023
Building	Other	B23-000048	622 North Ash	05/16/2023
Building	Other	B23-000049	1612 East Downey Avenue	05/16/2023
Building	Other	B23-000041	1512 East CORONADO Avenue	04/25/2023
Building	Other	B23-000046	705 SAN JUAN	05/02/2023
Building Total	Other Total			10
Building Total				16
Burn Permit	Debris	BRN23-000013	546 South Chestnut Street	05/03/2023
Burn Permit	Debris	BRN23-000012	806 North EDITH Street	05/01/2023
Burn Permit	Debris	BRN23-000014	1004 South Chestnut Street	05/04/2023
Burn Permit	Debris	BRN23-000015	36 East 3RD Street	05/18/2023
Burn Permit	Debris	BRN23-000017	102 West MacArthur Avenue	05/31/2023
Burn Permit	Debris	BRN23-000018	403 North Henry	05/31/2023
Burn Permit Total	Debris Total			6
Burn Permit	Recreational Fire	BRN23-000016	202 EDITH	05/18/2023
Burn Permit Total	Recreational Fire Total			1
Burn Permit Total				7

Grading	Grading	G23-000004	1050 Lebanon Road	05/26/2023
Grading	Grading	G23-000003	1032 North Mildred Road	04/28/2023
Grading Total	Grading Total			2
Grading Total				2
Plumbing	Commercial	P23-000019	508 East MAIN Street	05/31/2023
Plumbing	Commercial	P23-000020	320 North HARRISON Street	05/31/2023
Plumbing Total	Commercial Total			2
Plumbing	Residential	P23-000021	804 CHERRY Street	05/31/2023
Plumbing	Residential	P23-000016	29 South MADISON Street	05/30/2023
Plumbing	Residential	P23-000018	701 MEMORIAL Drive	05/30/2023
Plumbing	Residential	P23-000014	755 Aspen Drive	05/24/2023
Plumbing	Residential	P23-000012	48 MONTEZUMA	05/04/2023
Plumbing	Residential	P23-000013	1902 East MACARTHUR Avenue	05/17/2023
Plumbing Total	Residential Total			6
Plumbing Total				8
Right of Way	Public Right-of-Way	ROW23-000020	1840 RAMPART	05/01/2023
Right of Way	Public Right-of-Way	ROW23-000018	Hwy 160/Chestnut St., Hwy 160/Hwy 145	04/28/2023
Right of Way	Public Right-of-Way	ROW23-000022	701 MEMORIAL Drive	05/24/2023
Right of Way Total	Public Right-of-Way Total			3
Right of Way Total				3
Sign	Billboard	S23-000005	Broadway and Main Billboards	05/15/2023
Sign Total	Billboard Total			1
Sign Total				1
All Permits Total				37