

PLANNING & ZONING COMMISSION

SPECIAL MEETING

TUESDAY, FEBRUARY 18, 2025

1. The meeting was called to order in the City of Cortez Council Chambers at 6:30 p.m., and opened with the Pledge of Allegiance. Roll Call was taken and the following Commissioners were present: Commissioner Bob Bright, Vice-Chairperson Emily Waldron, Commissioner Nina Thao, and new Commissioner Richard Fryhover. Planning and Zoning Commission Chairperson Robert Rime was excused. Staff present included: Community and Economic Development Director Rachael Marchbanks, Community and Economic Specialist Helen West, Contract City Planner Nancy Dosdall, City Attorney Patrick Coleman, City Manager Drew Sanders, IT Technician Aaron Holleman and Deputy City Clerk Cheryl Lindquist. Special guest speaker was Jen Gardner, Senior Associate with Logan Simpson. There was one (1) person in the audience.

Commissioner Thao moved to approved the agenda with Commissioner Bright seconded the motion. And the vote follows:

Bright	Fryhover	Thao	Waldron	Rime
Yes	Yes	Yes	Yes	Absent

2. PUBLIC PARTICIPATION: None

3. PUBLIC HEARINGS:

- a. Community and Economic Development Director Rachael Marchbanks presented Resolution No. 3, Series 2025, a resolution to recommend to the Cortez City Council to repeal in its entirety the Cortez Land Use Code and the adoption of the new proposed revised comprehensive Land Use Code. Director Marchbanks stated it was over two years ago the City hired the consulting firm Logan Simpson. Since then Logan Simpson along with City Staff have been working with a Land Use Code Committee and the general public to complete comprehensive revisions to the existing Land Use Code. The proposed draft represents hundreds of hours of work to address expressed concerns with the existing Land Use Code. Jen Gardner, Senior Associate with Logan Simpson, began her presentation explaining the process for the new code. Ms. Gardner wanted to make it very clear that this is a code for properties in the city limits only. The four-step process was drafted in three (3) modules. The biggest chapter structure change is Chapter 7 which was added for Historic Preservation which was previously located in Chapter 6, Application Procedures, but there are some very specific standards for Historic Preservation making it better suited for a chapter of its own. Logan Simpson is proposing removal of all the appendices as the forms in the current code are outdated and have been replaced in different formats. Ms.

Garner explained that globally they had gone through each chapter and reformatted for consistency, added tables and graphics throughout, added new standards for clarification and predictability, with other standards expanded for flexibility in development. She explained changes in each chapter, stating why the changes were necessary to update the code. She also explained how additions were added to include current needs that previously were not addressed. There were also public suggestions to make changes, such as setbacks, fence heights, and street lights that were incorporated in the new code. Ms. Gardner stated she would accept any input from the Commissioners and City Council. Commissioner Bright stated how he appreciated how this process had always been an open and transparent process by including the public at every point for the Land Use Code update, and has appreciated the City's efforts in doing so, but he is questioning why the Commissioners were presented with a memo from the City Attorney minutes before the meeting tonight that had not gone through any review. City Attorney Coleman spoke of a couple of issues some staff members felt were not fully vetted. He stated one of the questions is when this would come into effect. In Colorado there is a statute that mandates that a new code is not applicable for any submittals prior to the new code being adopted. He felt they needed to define what a submitted document means. The clock doesn't start ticking until a completed application along with the fee and all documentation is submitted. You can't bring in a sketch on a napkin and call it a complete submittal just to be effective before the new code. One other issue is when should the effective date for the new code be? The process begins with the Planning Commission and if it is recommended by them it will be heard on first reading by City Council. If approved on first reading, the next meeting with City Council will be the Public Hearing and second reading. The meeting can be continued to allow all the public to speak. Once adopted it will be published in the newspaper. Staff feels thirty days (30) after the publication would be an appropriate time frame.

Commissioners were concerned that the public has not seen or heard what is proposed in the City Attorney's memo. There was a provision in the current code that transferred into the new code stating an applicant can't begin the review process if they owe the City money in any form. Staff doesn't feel they have the resources to carry that process out. Vice-Chairperson Waldron stated that it does not feel like it would take that much effort or time for staff to research whether or not money was owed and people should be in good standing with the City in order to proceed. Attorney Coleman replied this would not tie the money to a land use application. Planner Dosdall stated they could not come up with what monies would be owed to the city, maybe a fine or sales tax. She stated we do not check to see if applicants owe the city. She said it is important to make sure it is something we can enforce, such as, is it the land owner's debt or the renter's debt. She said it can remain in the code if they choose.

Commissioner Bright asked if the Commissioners approve and recommended the original resolution submitted by staff to go to City Council, would the Attorney's memo also be submitted for them to review. Attorney Coleman said the staff always reserves the right to

make recommendations that are consistent with the Planning Commission, or additions to or even contrary to. The memo will go out with the City Council meeting agenda so the public will be able to review the memo. Attorney Coleman also explained the manner in which the memo was written, with red lettering and strikeouts. He stated it is formatted to be edited. Vice-Chairperson Waldron opened the public hearing for public comment. There was none, so the public hearing was closed. Commissioner Thao stated her favor towards collecting past due taxes or fees.

Commissioner Bright made a motion to approve Resolution No. 3, Series 2025 without any amendments, and for the Planning Commission to recommend that City Council repeal in its entirety the City of Cortez Land Use Code and adopt the updated City of Cortez Land Use Code as submitted by staff. Commissioner Thao seconded the motion with the vote as follows:

Bright	Fryhover	Thao	Waldron	Rime
Yes	Yes	Yes	Yes	Absent

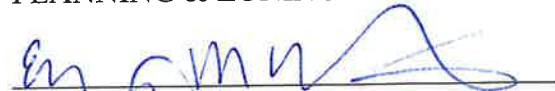
Motion passes. Vice-Chairperson Waldron thanked Ms. Gardner with Logan Simpson for all their hard work to make this a positive process.

4. ADJOURNMENT: The motion to adjourn was made by Commissioner Bright and seconded by Commissioner Thao and the vote was as follows:

Bright	Fryhover	Thao	Waldron	Rime
Yes	Yes	Yes	Yes	Absent

The meeting adjourned at 7:33 p.m.

PLANNING & ZONING COMMISSION


Emily Waldron, Vice-Chairperson

ATTEST:


Cheryl Lindquist, Deputy City Clerk