

## RECORD OF PROCEEDINGS

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Hotchkiss Board of Trustees

Public Hearing – Zoning Ordinance

June 24, 2009

1. Mayor Jakubiak called the Public Hearing to order at 6:35 p.m. Those present were Trustees Tom Wills, George Brauneis, West McKee, Wendell Koontz, and Planning Commission Members Becky Armstrong, Mollie Williams, and Don Ludwig.
2. Mayor Jakubiak welcomed the Hotchkiss Citizens present and explained this hearing was for the Trustees and the Planning Commission members to hear citizen comment on the proposed Zoning Ordinance. The Trustees and Planning Commission would not be commenting on the ordinance. Mayor Jakubiak introduced Tom Wills to give those in attendance an overview of the zoning process. Tom Wills said the entire Town is now considered residential and all other uses are by permit through the Land Use Change process. The core commercial from Oak Street to 3<sup>rd</sup> Street does not usually come under the Land Use Change process. After adopting the Master Plan and receiving information from the citizens, the Trustees and Planning Commission began developing zoning codes within the Town. Tom Wills explained the seven zones proposed within the ordinance. He explained all legal uses must be included in the zoning process.
3. Citizen Comments – 8 Citizens were Present and Spoke
  - Dan Stucker** owner of Hotchkiss Rentals  
No objection to zoning, but he would like his property at the west end of Town to be zoned industrial or at the least light industrial. He stated the property has always been used as industrial business.
  - Erick Sowell**, Delta County Planner  
Not here as a planner. Applaud Town for developing zoning regulations. He feels there are too many zones, the Town should zone what is here now and change as change is needed. He stated the Town should zone the Stucker property light industrial.
  - Elizabeth Rue**, citizen  
She is concerned about the open door the Town is giving adult business to establish within the Town. The Town Trustees do not have the right to adopt a policy that allows adult businesses.
  - Erick Sowell**  
Said the Trustees have to allow for any legal business activity, it is State mandated. He stated adult businesses usually do not locate in small communities because they can not make a profit and the community does not accept them with open arms.
  - Kathy Browning**, citizen  
She understands the Town can not prohibit adult businesses, but the current ordinance leaves the location of an adult business wide open. The Trustees need to restrict the location of an adult business. She is also concerned about the definition of adult business in the regulations. She is not sure an additional ordinance pertaining to adult business will help much.
  - Bill Grom**, citizen  
He felt the zoning ordinance had some good things in it, but the more rules and regulations there are the more problems the community has. The Trustees should rely on common sense rather than rules and laws. The Trustees should start with less and add as needed. He has a business in his home in Willow Heights and wanted to know he was grandfathered at this time. Mayor Jakubiak stated all current uses are grandfathered.
  - Bonita McKee**, citizen  
She feels the sophistication of this ordinance is above the wants and needs of the community. Less zones would be better. Citizens should be able to do a business in their home without regulations from the Town. She hope the Town Trustees are doing these regulations for the good of the community and not as a power trip or because they can. She feels the Trustees are damaging the citizens of Hotchkiss. She also questioned why do zoning now with the economical times, the Trustees should wait and see what happens to the economy and than make changes.
  - Rex Stucker**, Cedaredge citizen  
Zoning is a government function and the Trustees should not be stepping on the toes of the citizens. They should be protecting the property rights of the people. It is a question of moral rights and ethical rights.
  - Erick Sowell**  
He asked the Trustees how this regulation is going to be enforced. Will the Town hire a code enforcement officer?

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3. Continued  
**Robert DeAragon**, citizen  
Stated he pretty much agrees with what the other have said.  
**Dan Stucker**,  
Said Hotchkiss is suppose to be the Friendliest Town Around, all this regulations are just one more burden in a bad time.
4. Mayor Jakubiak asked if there were further comment on the proposed zoning ordinance, with none he ended the public hearing at 7:25 p.m.

Respectfully Submitted,  
Marlene F. Searle,  
Town Clerk