

He concluded by stressing that Fruita is a special place with a unique opportunity to protect its natural charm, urging the commission to consider the long-term impact on the community and to make decisions that preserve the town's special qualities.

Marion Claussen, who lives at 926 Laura Court in Fruita, identified herself as a resident of Kingsview Estates. She stated that she agrees with the other speakers and believes that the power lines should be buried underground. Claussen emphasized the need for the city to be strong and assertive, saying, "We should be strong for our community. We should be strong for our tourists." She pointed out that tourists are a significant source of revenue and suggested that many new residents, including herself, were once tourists who chose to stay after discovering Fruita.

Claussen shared that she found Fruita 35 years ago and highlighted that many others might have similar stories. She acknowledged the need for cooperation between the city and Excel Energy but stressed that, looking towards the future, the city should not settle for "cables and wires and obstructed views" in one of the most beautiful areas in the country.

She concluded by urging the commission to stand firm and insist that the lines be buried. Claussen thanked the commission for their time and noted that she would be present at the meeting in October.

COMMISSIONER MULDER MOVED THEY CONTINUE APPLICATION 2024-08 6683 TRANSMISSION LINE REBUILD CONDITIONAL USE PERMIT TO OCTOBER 8 FROM TODAY.

COMMISSION HANDLEY SECONDED THE MOTION

MOTION PASSED 5-0

G. CONSENT ITEMS

APPROVAL OF MINUTES:

August 13, 2024, Planning Commission meeting.

COMMISSIONER MULDER MOVED TO APPROVE THE MINUTES AS PRINTED.

COMMISSIONER HANDLEY SECONDED THE MOTION

MOTION PASSED 4-0 (Commissioner Biddle abstained from the vote as he wasn't present at the last Planning Commission meeting).

H. PUBLIC HEARING ITEMS

| | |
|-------------------|--|
| Application #: | 2024-09 |
| Application Name: | Title 17 – Land Use Code Amendments |
| Application Type: | Land Use Code Amendments |
| Representative: | City of Fruita |
| Description: | This is a request for approval of amendments to Title 17 of the Fruita Municipal Code concerning Conditional |

Uses in Section 17.05.090, Call Up Provisions in Section 17.21.030 (2), Appeals in Section 17.25, and the Exempt Signs in the Sign Code in Section 17.15.040.

Mr. Henry Hemphill, City Planner, gave the Staff presentation. He gave a synopsis of the Land Use Code amendments.

Slide 1 – Introduction

Land Use Code Amendments (LUCA's)

Slide 2 – Overview

- Conditional Use Permits
- Call-Up Provisions
- Appeals
- Sign Code

Slide 3 – Conditional Use Permits

- Mr. Hemphill showed Table 17.05.090 in the Fruita Land Use Code. He specifically showed Fuel Sales, Automotive / Appliance (not including Drive-Up/Drive Through uses) and Fuel Sales, Heavy Vehicle (not including Drive-Up / Drive-through Uses).

Slide 4 – Call-Up Provisions

- Call up provisions allow for additional communication to City Council and/or Planning Commission on Preliminary Plans and Site Design Review applications

Slide 5 – Appeals

- Not to “re-hear” the application in question.
- Finding that there was a denial of due process, or the administrative body has acted arbitrarily and capriciously, exceeded its jurisdiction or abused its discretion

Slide 6 – Sign Code

- Supreme Court rulings directly related to the 1st Amendment of the United States Constitution regulating what a sign says.
- Changes to exempt signs (signs that don't require a permit)
 - Flags, yard signs, religious symbols, etc.

Slide 7 – Review Criteria

- Section 17.09.080 (B)
- Amendments consistent with the city's goals, policies and Comprehensive Plan.

- Continue to review the Land Use Code and make sure our Code is in alignment with the direction of the City.
- Some amendments required by law do occur.

Slide 8 – Public Comments

- No written public comments have been received by Staff at this time.

Slide 9 – Legal Notice

- Section 17.07.040 (E)(3):
- Legal Notice in Paper- August 23, 2024 (18 days prior to public hearing)
- Posted Legal Notice (Civic Center)- August 23, 2024 (18 days prior to public hearing)

Slide 10 – Suggested Motion – pg. 113

- Mr. Chair, because the proposed amendments meet or can meet Section 17.09.080 (B) of the Fruita Land Use Code, I move we recommend **approval** of the proposed Land Use Code amendments to the Fruita City Council.

Slide 11 – Next Steps

- Ordinance to City Council on October 1, 2024, public hearing.

Mr. Hemphill concluded his presentation.

Commissioner Biddle thanked him and opened the meeting to public comment.

Mr. Daniel Emery asked if there was anything with these proposed changes that would allow Excel to build?

Commissioner Biddle stated that this was unrelated to that topic.

Mr. Emery stated that he wanted to make sure there was no back door hidden that would let things go through. He thanked them for their time.

Mary Elizabeth Geiger reminded the Commission not to respond to public comments or engage in questions and answer with the public.

Commissioner Biddle opened the meeting to Planning Commission discussion.

Commissioner Handley commented on the sign ordinance. He said he has seen this story before a few times, unless the city adopts some enforcement mechanism for the signage, political signs in particular, the ordinance will be ignored. He felt that they needed an enforcement mechanism for the signage.

Commissioner Biddle said that he was happy with everything that they have put forward. He closed the meeting to discussion and asked for a motion.

COMMISSIONER MCGUIRE MOVED BECAUSE THE PROPOSED AMENDMENTS MEET OR CAN MEET SECTION 17.09.080 (B) OF THE FRUITA LAND USE CODE, I MOVE WE RECOMMEND APPROVAL OF THE PROPOSED LAND USE CODE AMENDMENTS TO THE FRUITA CITY COUNCIL.

COMMISSIONER HANDLEY SECONDED THE MOTION

MOTION PASSED 5-0

I. OTHER BUSINESS

1. Community Development Updates

Mr. Hemphill gave development updates on the following:

- Fruita Mews
- LDS Church
- 535 W, Aspen
- The storage units on Highway 6 & 50
- Copper Creek West
- Iron Wheel filing 2
- The opening of Reed Park.

2. Visitors and Guests.

None

3. Other Business.

None

Adjournment 6:54 pm

Respectfully submitted,

Kelli McLean

Planning Technician, City of Fruita