

RIDGWAY PLANNING COMMISSION

AGENDA

Tuesday, September 24th, 2019
Regular Meeting; 5:30 pm
Ridgway Community Center
201 North Railroad Street, Ridgway, Colorado

ROLL CALL: Chairperson: Doug Canright, Commissioners: Tessa Cheek, John Clark, Thomas Emilson, Larry Falk, Bill Liske, and Jennifer Nelson

OTHER BUSINESS:

1. Consideration of Residential Uses in the Industrial Districts
2. Ouray County Multi-Hazard Mitigation Plan, 2019 update
3. Reschedule November and December regular Planning Commission meetings.
 - a. November 26th to December 3rd
 - b. December 31st to Jan 7th

APPROVAL OF MINUTES:

4. Minutes from the meeting of July 30th, 2019
5. Minutes from the meeting of August 27th, 2019

ADJOURN



To: Ridgway Planning Commission
From: Jen Coates, Town Manager; Shay Coburn, Town Planner; Joanne Fagan, Town Engineer
Date: September 22, 2019
RE: Consideration if Residential Uses should be Conditional Uses in the Industrial Districts

On August 6th, 2019 The Town Council and Planning Commission hosted a joint workshop to hear about a proposed development in the Ridgway Light Industrial Park and to provide feedback to the development team. The development team requested that the Town consider amending the zoning code to allow for residential uses as conditional uses in the Light Industrial districts. The direction from Council and Commission was for staff to look into this and present information back.

While this might appear to be a simple idea, it is actually quite complex and there are a lot of things to consider. The following list is presented to help the commission think through this proposal:

1. It is important to consider the **balance** of land zoned for industrial uses (available for jobs/businesses) versus land zoned for residential uses (available for living) within the Town.
 - Residential uses are currently allowed by right in most all zoning districts. The exceptions are that residential uses are a conditional use in the General Commercial district and not allowed in the two Light Industrial districts.
 - Roughly 40 acres are currently zoned Light Industrial 1 or Light Industrial 2. This includes SMPA which is about 10 acres, the Town public works facility which is about 7 acres, and roads which are roughly 6 acres. Therefore about 17 acres of Town is left in the LI1 or LI2 districts which is about 1.4% of all property within the Town. This is a very small amount of land in Town zoned for industrial uses. See the Towns zoning map below for a visual.
 - The 2006 Downtown Historic Business (HB) Streetscape Plan recommends removing single family homes as a Use-by-right in the HB District for similar reasons that are contemplated with allowing residential uses in the Industrial Zones.
 - The 2017 business inventory and market study reported significant leakage in retail categories for uses that are permitted in the industrial districts. The study also saw an opportunity for more light industry to support the creative sector as well as for building materials and supplies.
 - The 2019 Master Plan reports that the community doesn't want to become a bedroom community, one that is comprised of all houses and no jobs. The businesses within the industrial districts provide some of the best jobs in Town.
 - It is possible that the town could limit the industrial uses in the current Industrial Districts and create new Industrial Districts elsewhere in town, perhaps east of Highway 550; however, the lack of available and accessible infrastructure will increase the cost of development in this location, potentially stifling or prohibiting desired industrial development.
 - Market conditions in Ridgway today reveal a very high demand for affordable and workforce housing. Exacerbating the market demand is a limited supply of developable land where utilities and infrastructure are present, which allow for reduced infrastructure investment for any potential developer. Reconciling any current market demand, especially if the demand is significant, with good, short and long-term land uses can



present many challenges for a community, developer and local government. One goal would be to not create future challenges with a changed land use structure that did not contemplate future needs, demands, health, safety and welfare of the community.

2. It is also important to consider **compatibility** of uses.
 - Typically, industrial uses are separated from most other uses due to potential impacts like light, noise, odor, sound, vibrations, dust, etc. In Ridgway's case a wastewater treatment plant with a surface aeration lagoon system contributes to the complexity of the compatibility of uses.
 - Conditional uses are conditional because they may have adverse impacts on neighboring property depending on the exact use, or they may be compatible if mitigation and other compatibility criteria are met. The Town has criteria that all conditional uses must meet, in RMC 7-3-14. The existing criteria would need to be modified or a new list of criteria would need to be developed as the current criteria would be very hard for residential uses to meet. The revised or new criteria could contemplate:
 - Restricting residential uses to those properties that border a residential district, thus serving as a transitional area.
 - Require some sort of mitigation for all uses like a "good neighbor agreement."
 - Require buffering between uses that specifies when industrial operations will be active; where customers will park; that residents understand noise will be produced as part of the operations; notifications for blocking access to residential areas during delivery times, etc.
 - Physical buffering with landscaping, berms, structures, etc. that are strategically designed to mitigate the impacts of industrial operations proximal to residences.
 - Only allowing where outside of the setbacks from the Town's wastewater treatment facility. (see item 3 below)
 - Other criteria as appropriate to be discussed with the current property owners in the Industrial Park.

Establishing the list of criteria may be difficult without knowing details about the proposed development. Additionally, agreements and covenants tend to be lost or forgotten over time unless embedded in transfer deeds and/or on plat maps. For these reasons, this may be best handled on a case by case basis through the PUD process.

- To ensure compatibility, the commission may want to consider additional changes to the districts as they stand today including those related to storage, fencing, buffering, sound, health hazards, delivery times, working hours, parking of customers vs. residents. etc. Some of these regulations already make it difficult for businesses to operate so any increase in regulations may impact the existing businesses. This will need careful community discussion.
3. The town **wastewater treatment lagoons** are in close proximity to all Industrial zoned land. The state provides for certain setbacks from habitable structures based on system type. These setbacks are not optional and will require the Town working with CDPHE on acceptable mitigation.
 - When the Town needs a new site approval, CDPHE will review the proposed changes to the treatment works and how they will impact the surrounding land uses and users.



CDPHE established the distance setbacks as a guide. There is some potential to propose other forms of mitigation if the setbacks are not met. Those need to be negotiated and can be as basic as a wall of vegetation to screen the plant to air pollution control equipment. Just the vegetation is not without cost. The easiest setbacks to meet are the ones in the guidance.

- If the town needs to construct an additional treatment lagoon, as is contemplated with the current plant and lagoon layout, the expansion location to the west of the existing northern lagoon would put even more industrial zoned land into the setback area.
 - If the Town were to allow housing near the existing lagoons, the town would likely need to implement odor and aerosol mitigation measures as required by the state, which we understand would have a fairly significant cost.
 - The Town continues to explore subsurface aeration for the lagoons, which could be helpful with mitigation; however, the cost is significant (estimated at \$425,000) and the investment is questionable without further understanding evolving state regulations on discharges, which may require investment in a mechanical plant for the town.
4. Would residential uses make sense as a conditional use in **both the Light Industrial 1 (LI1) and Light Industrial 2 (LI2) districts**?
- The LI2 district allows for more intense uses that are not generally compatible with residential uses. The uses are a little less intense in the LI1 district, which was created as a needed buffer or insulation for the LI2 district.
 - If certain residential uses are conditional in either of the industrial districts, it would be in all of district, not just specific to one development.
5. What **types of residential** might be appropriate for industrial districts – single-family, duplexes, multi-family, townhouses, cluster developments, etc.?
- The Town would like to get away from allowing lower density residential in the Historic Business and General Commercial districts as it is not an efficient use of land, especially land that could otherwise provide jobs, sales tax, and other benefits to the Town. Thus, lower density residential is not appropriate in the industrial districts.
 - The Town could consider only allowing residential if it meets a minimum density.
 - Could the Town only allow for worker or deed restricted residential in this location?
 - Should the Town only allow for residential uses on 2nd or 3rd floors? This would leave at least the ground floor available for a business. The Town may want to look into the aerosol impacts from the lagoons, which could be more prevalent beyond the ground floor. It would also be prudent to review currently allowed industrial uses and be sure they work with residential uses in the same structure or look at prohibiting certain uses in multi-use structures (as is currently done with marijuana operations, which are allowed in the Industrial Zones).
 - Rezoning of targeted properties near existing residential areas (eg: Tract D, northern and/or southern aspects of Filing 3 Industrial Zones) may be considered if the Town determines providing for residential uses in the current Industrial Zones meets the desires of the community as expressed in the Master Plan or other Town regulations and documents.



It is important to note that the Commission will begin reviewing the zoning code per Master Plan recommendations in the next month. The first updates will be related housing, specifically defining more housing types and determining where they should be allowed. It could be helpful to consider this request alongside this upcoming discussion.

Staff is supportive of providing residential opportunities, including affordable residential opportunities. There are many considerations for ensuring such uses are successfully compatible, preserve the health, safety and welfare of the community, and that deleterious future impacts are considered and averted.

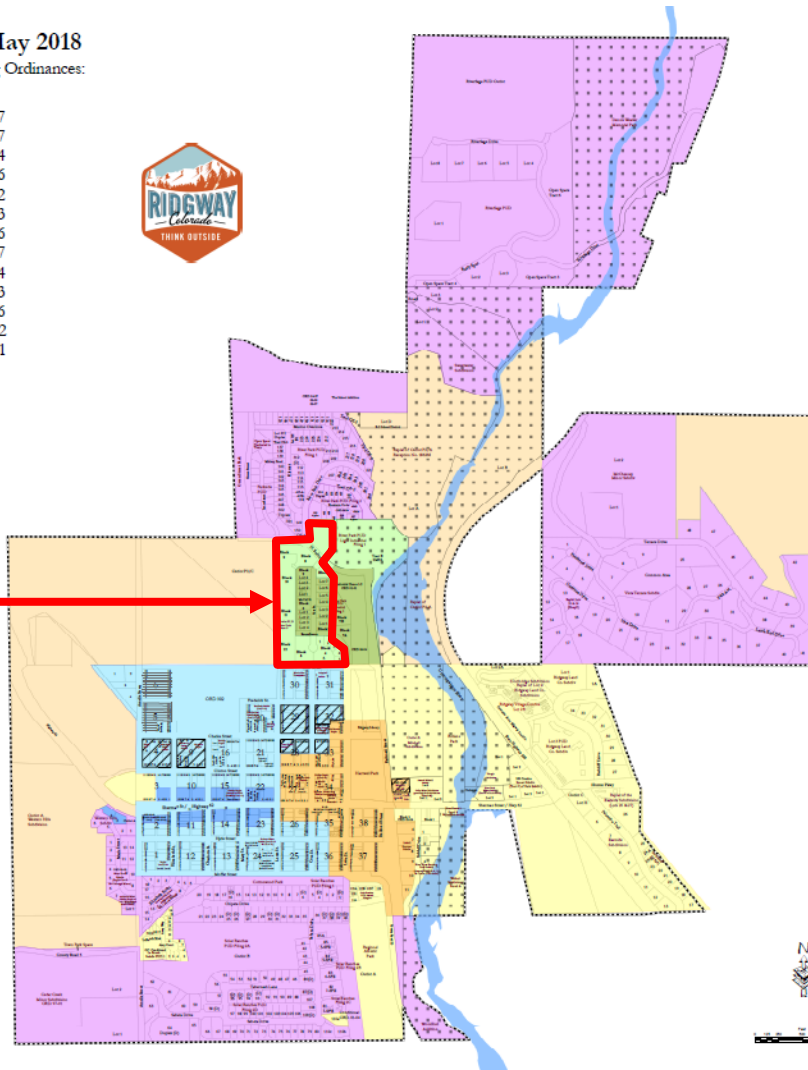
Town of Ridgway Zoning Map May 2018

1993 Revised Zoning Map Amended by the Following Ordinances:

	Mobile Home Overlay	94-11	04-07
	Uncompagn River Overlay District	94-12	05-07
	Estimated River Way	95-03	06-04
	Ridgway Town Boundary	99-17	06-06
	Town Zoning	01-01	07-12
	Downtown Service	01-04	07-13
	Future Development	03-03	07-16
	General Commercial	03-04	07-17
	Historic Business	03-07	08-04
	Historic Residential	03-09	09-13
	Light Industrial 1	03-13	13-06
	Light Industrial 2		17-02
	Residential		18-01
	Osage County Parcels		

Mobile Home Overlay areas shall consist of the following described property:
All of Blocks 4, 9 and 29
Block 28, Lots 11 through 20
Block 32, Lots 1 through 18
Block 33, Lots 6 through 10
Lot 1 of Mitchell Subdivision No. 2

Industrial zoned land, not including SMPA and Town property



Hazard Mitigation Plan Update

This fall, Ouray County will release a public draft of the updated hazard mitigation plan. One final component of the plan is your community's vision for reducing the risks posed by natural and human-caused hazards. This mitigation strategy is the most important piece of the plan.

To inform the local planning team, the public is being asked for input. Residents and businesses are encouraged to share thoughts on their community's mitigation strategy to implement over the next five years.

The brief five-minute survey can be found here. [survey link - <https://forms.gle/svMBG4PfwvGYTK6N9>]

PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
July 30, 2019

CALL TO ORDER

The Chairperson called the meeting to order at 5:35 p.m. with Commissioners Falk, Liske, Nelson, Councilor Cheek and Chairperson Canright in attendance. Mayor Clark and Commissioner Emilson were absent.

PUBLIC HEARINGS

1. Application for Sketch Plan; Location: Block 28, Lots 16-20; Address: 283 North Cora Street; Zone: Historic Residential (HR); Applicant Matt Mclsaac; Owners: Matt Mclsaac

Staff Report dated July 30, 2019 presenting background, analysis and staff recommendation prepared by the Town Planner.

Town Planner Shay Coburn presented an application for sketch plan for a proposed subdivision that will include one single family home over an attached garage, and six 2 bedroom, 2.5 bath townhomes. The quarter block parcel will be divided into 7 individual lots. She noted that a conditional use approval will be required for the multi-family residences in the Historic Residential Zone. Reduced lot widths, lot size, lot coverage and side setbacks will require a variance approval as part of a planned unit development if the sketch plan is approved she continued. Planner Coburn said drainage issues currently exist on the lot. She noted the Applicant has attended the first Storm Water Master Plan meeting, and felt the issue can be resolved through a coordinated effort. She recommended that the affordable housing restrictions be simplified by allowing occupancy of residents where the majority of the household income is earned in Ouray County because the project is too small to designate 10% of built units as affordable. Coburn noted that in general the application comports with the Master Plan and provides a variety of housing options in the core of Town and recommended approval of the Sketch Plan.

The Chairperson opened the hearing for public comment.

Gary Redmond said his house is situated between the proposed development and the proposed Space 2 Create structure. He commented that his residence will be obstructed from the sunlight because of the two developments and asked when that area of town was designated as a Historic Residential Zone. He found that the height requirement for the proposed structure is within the zone allowances and that the HR District has been in existence since prior to the 1970's.

Cathy Redmond asked if there would be alley access to the proposed development and the applicant said there would not be alley access for the 6 new townhome units.

Krista Stewart asked if the length of the driveway will accommodate two linear parked cars to prevent overspill onto the pedestrian area of the sidewalk and the applicant explained that should not be a problem.

The Chairperson closed the hearing for public comment.

The Planning Commission discussed landscaping, restricting short-term rentals, affordable housing options, snow melt and removal on the parcel, and the criteria for the requested variances with the applicant and staff.

ACTION:

Councilor Cheek moved to approve the Application for Sketch Plan; Location: Block 28, Lots 16-20; Address: 283 North Cora Street; including all variance requests and the conditional use request noted in the Staff Report dated July 30, 2019. Commissioner Nelson seconded the motion, and it carried unanimously.

OTHER BUSINESS

2. Dark Skies Update and Discussion

Memorandum dated July 30, 2019 presenting background, analysis and points for discussion prepared by the Town Planner.

The Town Planner updated the Planning Commission on the requirements to become a Dark Skies Community. She reviewed the proposed revisions for the Outdoor Lighting Regulations that are needed to become a designated Dark Skies Community along with enforcement of the regulations. Planner Coburn reviewed her memo dated July 30, 2019 with the Planning Commission so that their recommendations and concerns could be accurately conveyed in a comprehensive memo to the Town Council.

A watts conversion to lumens graph was included in the memorandum. The data consisted of sample sites within the Town and it revealed that the limitation on lumens is not favorable for densely populated areas. Other difficulties with certification and the proposed lighting regulations included: calculating net acre light distribution; calculating the correct amount of lumens allowed for new construction at the time of the building permit process; a concern that the public may not yet be aware of this proposed change; commercial buildings combining or dividing units will need to recalculate the net lumens on the lot; compliance for legally non-conforming fixtures; all outdoor lights including solar lights count toward the maximum lumen calculation; Town owned street lights may need replacing; and enforcing the regulations. Planner Coburn noted the Commissions' concerns to include in the Town Council memo and they agreed the Planner's memorandum accurately depicted their opinions for Town Council review.

Assistant Planner Deanna Drew commented that the Town consist of a variety of developments and density is encouraged. She acknowledged that the regulations are being revised to minimize the variance process for builders, and that keeping the regulations simple will assist in administration, education and enforcement.

Val Szwarc, Ridgway Ouray Community Council (ROCC) Board President said he agreed that the Outdoor Lighting Regulations should take precedence over any requirements established by the International Dark Skies Association (IDA) in order for the Town to obtain certification and encouraged the variance process for new builders. He said ROCC would assist the Town in education, documentation for outreach, and interim and annual reports, so that ultimately the Town would only need to enact an ordinance, supply a support letter for the IDA application and update the outdoor mercury vapor lamp street lights. Mr. Szwarc noted that the process and maintenance of the certification is not a staff responsibility in other municipalities, rather

grassroots committees coordinate the certification program and are the immediate contacts for the IDA and tourists.

Howard Green, ROCC member, said he has experienced overwhelming community support about the Dark Skies certification. He explained the designation should not be burdensome to the Town because most of the IDA standards are already met with the outdoor lighting regulations as written at this time. He noted should the residents desire to prevent glaring lighting in the future or should they desire to change the regulation to be less protective of the dark skies, the certification is the firewall to prevent backtracking. Mr. Green also suggested that the certification provides residents with a friendly way to discuss their concerns with neighbors about glaring lights because of the culture it promotes which is part of the fabric of Town and compliance will be more likely.

3. 2019 Ouray County Multi-Hazard Mitigation Plan Update

Document entitled *Hazard Mitigation Planning*, published by the Federal Emergency Management Agency (FEMA)

The Town Planner presented the *Hazard Mitigation Planning* document to the Commission. She informed them that the County in conjunction with the Town are updating the Plan as required every 5 years. Coburn explained the Plan will provide information and outlines proactive procedures about how to avoid major impacts before a hazardous situation occurs. Planner Coburn said there will be periodic updates for the Planning Commission during the process.

4. Chairperson's Comments to the Commissioners

Chairperson Canright requested that the Commissioners respond to the Town Planners' email when the meeting packets are sent out. The response should include an acknowledgement about receiving the packet as well as an affirmation about attending the meeting. This will ensure that applicants attending the meeting are notified timely if a meeting is rescheduled. The Town Planner agreed this procedure would be helpful.

APPROVAL OF THE MINUTES

5. Approval of the Minutes from the Meeting of June 25, 2019

ACTION:

Commissioner Liske moved to approve the Minutes from June 25, 2019. Councilor Cheek seconded the motion, with Commissioner Nelson abstaining, and it carried unanimously.

ADJOURNMENT

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Karen Christian
Deputy Clerk

PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
AUGUST 27, 2019

CALL TO ORDER

The Mayor called the meeting to order at 5:35 p.m. with Commissioners Falk, Nelson, Councilor Cheek and Mayor Clark in attendance. Chairperson Canright and Commissioner Liske were absent. Commissioner Emilson was late.

OTHER BUSINESS

1. Amended Master Sign Plan Regulations

Proposed Ridgway Municipal Code; Sign Regulations 7-3-12 (J), Master Sign Plans, prepared by the Town Planner.

Town Planner Shay Coburn presented the newly proposed Section (J) to the Master Sign Regulations and noted that the proposed section would provide more flexibility for buildings with multiple businesses. The proposed regulations address deviations and would require buildings with more than three tenants to apply for a master sign plan. She reviewed how master sign plans and minor deviations would be handled at the staff level.

Commissioner Emilson entered the hearing at 5:57 p.m.

The Planning Commission discussed deviations that the Town may consider, criteria for approval, and the review procedures with the Town Planner.

Mayor Clark opened the hearing for public comment.

Tom McKenney asked why an applicant, or in what situation would an applicant need a deviation approved for a 30 % larger sign than allowed. He suggested writing the 30% margin into the standard regulation as opposed to requiring a deviation process.

Mayor Clark closed the hearing for public comment.

The Commissioners discussed the possible need for larger signs on the highway or elsewhere in town, and the deviation process extensively with staff.

The Commission agreed that the following edits should be included in the proposed regulation when it is presented to the Town Council: deviations would only be allowed for free standing signs and the allotted square footage, which can be up to 30% larger than allowed; and no deviations will be allowed for lighting, off premises signs, performance criteria or portable sign regulations.

ACTION:

Councilor Cheek moved to recommend approval of the proposed draft amendment to Ridgway Municipal Code 7-3-12 to the Town Council with the edits as discussed. Commissioner Nelson seconded the motion and it carried unanimously.

2. Prioritize 2019 Master Plan Action Items

Memorandum dated August 23, 2019 regarding prioritizing Master Plan action items specific to zoning and subdivision code updates, prepared by the Town Planner.

Planner Coburn provided the sections from the 2019 Master Plan specific to zoning and subdivision code updates and explained what is needed to complete the action items. She asked the Commission to assist in prioritizing the action items to ensure that everyone is in agreement.

The Commissioners discussed the items to be prioritized with the Planner. The audience participated in the discussion.

SPEAKING FROM THE AUDIENCE

Jacquie Whitmore asked the Commissioners to consider allowing accessory dwelling (ADU) units to be constructed on duplex lots in the Historic Residential Zone.

The Commissioners discussed looking into the ADU regulations to allow more flexibility in developing lots.

Tom McKenney said the single family design standards need to be revised to accommodate smaller homes.

The Planning Commission agreed with the Planner's outline which focused on housing as the primary task.

3. Ouray County Multi-Hazard Mitigation Plan Update

The Town Planner emailed the Commissioners a survey link about the community's perceived risk of hazards in the electronic agenda packet. She asked the Commissioners to take the survey. Coburn also suggested they spread the word about the survey in the community in order to encourage participation.

ADJOURNMENT

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Karen Christian
Deputy Clerk