

RIDGWAY PLANNING COMMISSION

AGENDA

Tuesday, June 30th, 2020

Regular Meeting; 5:30 pm

ONLINE via ZOOM

To join the meeting go to:

<https://us02web.zoom.us/j/81607764399?pwd=ckRzYmU5Rk1HVzBTQWFSVktCUjF0Zz09>

Meeting ID: 816 0776 4399

Password: 651599

To call in dial 669.900.6833 or 253.215.8782

Written comments can be submitted before the meeting to scoburn@town.ridgway.co.us

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

PUBLIC HEARINGS:

1. **Application:** Replat; **Location:** Block 12, Lots 1-3; **Address:** 953 Moffat Street; **Zone:** Historic Residential (HR); **Applicant:** Ellen Hunter; **Owner:** Ellen Hunter
2. **Application:** Plat Amendment; **Location:** Parkside Subdivision, all lots; **Address:** 795, 791, 790, 765, 760, 755, 740, 730, 720 and multiple TBD N Laura, multiple TBD Marion Overlook; **Zone:** Residential (R); **Applicant:** Parkside Ridgway Community Association; **Owners:** Habitat for Humanity of the San Juans, Cameron L Miller and Bertina A Minjares, Kim Moriyama, Alpine Creek Homes LLC, Roger & Susan Stewart Trust, Will and Caitlin Lawshe, Meaghan McGuire, Mark Paigen, Riverside Investment Partners LLC, Brittany Christina Martin, Anton R and Debbie Potochnk, Scott Rob and Norma Nyra Unfug, Parkside Ridgway Holdings LLC, Andre N Jr Bollaert, Matthew P Sandoval, Stephen J Hertzfeld, 425 N Laura Homestead LLC, John A Jr Malone, A Henry Case, Bryce Lanier Jones and Ryan Andrews Jones, Justin R Fagan
3. **Application:** Plat Amendment; **Location:** Marie Scott Village Subdivision, all lots; **Address:** 275, TBD, 245, 255 S Amelia Street; 236, 242, 267, 247, 239, 227, 215, and multiple TBD Marie Street; **Zone:** Residential (R); **Applicant:** Brad Blackwell; **Owners:** Gordon P and Rebecca J Reichard, Melissa B Mann, Bradley K Blackwell, David P Drew, Angela Ferrelli and Matthew Pratt, BSSK Family Trust, Jacob Randolph Niece, Josephine Fallenius, Michael Karl Pennings, Mark A and Carrie L Cowan, Randall C and Abigail S Lang, Douglas and Mary Reinhardt
4. **Application:** Minor Subdivision; **Location:** Yates Subdivision Lot 4; **Address:** 423 N Amelia Street; **Zone:** Historic Residential (HR); **Applicant:** Dan Bartashius; **Owner:** Daniel J Bartashius

APPROVAL OF MINUTES:

5. Minutes from the meeting of April 28, 2020

ADJOURN

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Ridgway Planning Commission will hold a **PUBLIC HEARING online***, on Tuesday, June 30th, 2020 at 5:30 p.m., to receive and consider all evidence and reports relative to the application described below:

Application for: **Replat**

Location: **Block 12, Lots 1-3**

Address: **953 Moffat Street**

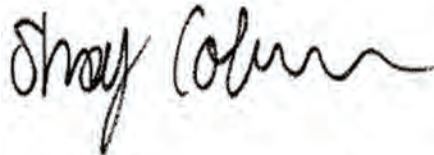
Zoned: **Historic Residential (HR)**

Applicant: **Ellen Hunter**

Property Owner: **Ellen Hunter**

ALL INTERESTED PARTIES are invited to attend said hearing **online** and express opinions or submit written testimony for or against the proposal, to the Town Clerk.

FURTHER INFORMATION on the above application may be obtained or viewed at Ridgway Town Hall, or by phoning 626-5308, Ext. 222.



DATED: June 19, 2020

Shay Coburn, Town Planner

To join the ONLINE Zoom meeting go to:

<https://us02web.zoom.us/j/81607764399?pwd=ckRzYmU5Rk1HVzBTQWFSVktCUjF0Zz09>

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STAFF REPORT

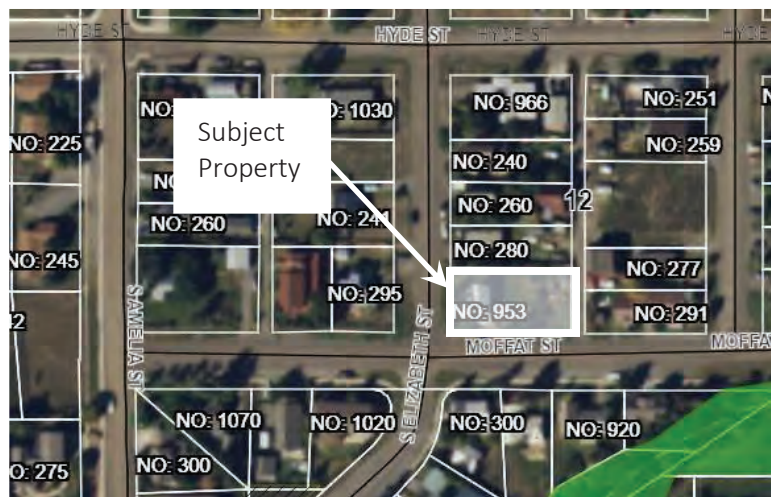
Request: Replat
Legal: Block 12, Lots 1-3
Address: 953 Moffat Street
Parcel #s: 430517400003
Zone: Historic Residential (HR)
Applicant: Ellen Hunter
Owner: Ellen Hunter
Initiated By: Shay Coburn, Planner
Date: June 30, 2020

REQUEST

Applicant is requesting to replat three historic lots, Block 12 Lots 1 through 3, into two lots. The subject property is located on Moffat Street, at the intersection with S Elizabeth Street. The property is currently occupied by a single-family home and is surrounded by residential development.

The Applicant submitted an application, hearing fee, draft plat map, and other necessary documents.

The property and public hearing have been noticed in compliance with the Town Municipal Code.



CODE REQUIREMENTS

Replats are considered under Ridgway Municipal Code (RMC) §7.4.10(A) & (C) as follows:

- Reduce the number of separately described contiguous parcels
- All required improvements must be in and available to serve the lot
- The requested changes are consistent with the Design Standards of the RMC
- Must meet applicable dimensional requirements of the zoning regulations
- Must meet all requirements for final plats as provided in the subdivision regulations

ANALYSIS

Replat Requirements

1. This application will convert 3 historic lots into 2 lots.
2. Lot A, the lot with the existing home, has all improvements needed to serve the lot. However, Lot A has an active propane tank between the existing home and the new lot line. Per RMC 6-6 and the International Fire Code, 500-1000 gallon propane tanks must be no less than 10 feet from a property

line if the tank is underground and 25 feet if above ground. As of today, the tank is above ground and 4.7 feet from the newly proposed property line. The Applicant plans to transition the existing home to natural gas which will eliminate the need for the propane tank. Removing the propane tank will need to be a condition of approval to be completed before the final plat can be recorded.

To serve Lot B, a water main and sewer main are available in Moffatt Street, natural gas and electric are in the alley. An easement is provided across Lot B for the benefit of Lot A for electric access. This easement appears too small and does not encompass the actual electrical service line for Lot A – either the easement needs to be made larger or the electrical service line needs to be relocated into the easement before the final plat can be recorded. Phone service is available to Lot A on Elizabeth, staff is unsure how Lot B will have access to phone/internet service. Perhaps an easement across Lot A for the benefit of Lot B will be needed. This will need to be sorted out before the final plat can be recorded.

New service utility lines for Lot B will be installed when a building permit and other applicable permits are granted.

This replat will require the purchase of one, 4" sewer tap (\$6,000) and one, ¾" water tap (\$6000) for the 2 properties (total: \$12,000) prior to recording the final plat. Meter, can, MXU, other parts and installation will need to be paid for when the tap is made and activated.

3. The requested change is consistent with the Design Standards of the code. Any new driveway access will need to comply with 14-5-15 and apply for an encroachment permit. Monuments will need to be placed with this final plat.
4. The request is consistent with the Dimensional Standards of the zoning code. Each new lot will be 5,325 square feet. Any building permitted on Lot B will need to meet the dimensional standards. One unique part of this request is that Lot A, where the existing house is, would not meet a 15' front setback on Moffat Street and has a Moffat Street address. However, there is a front door on Elizabeth Street and the front setback would be more than adequate on Elizabeth St.
5. Final Plat requirements have been met.
 - a. Costs:
 - i. The tap fees for the new sewer and water service lines is be due before the final plat can be recorded - \$6000 for water and \$6000 for sewer.
 - ii. Excise Tax is due before recording the final plat. This is \$1,500 for each lot except for houses built before July 1, 1999. The existing house was built well before this date so a total of \$1,500 is due.
 - iii. The Applicant will be responsible for reimbursing the Town for all costs incurred for the Town Attorney and Town Engineer's time on this application. In addition, the Applicant must reimburse the Town for administrative expenses like recording the final plat.

Plat Map

Applicant mentioned that there may not be a lien holder by the time we finalize the plat. If this is the case, the Applicant's Attorney will be able to certify that is not one on the plat.

Misc.

Staff notes, for informational purposes, Block 12 Lots 1 through 3 are subject to reservations and restrictions as contained in a Warranty Deed recorded May 28, 1903, in Book 53 at page 193, with a reverter clause as follows: No residences shall be built hereon nearer the street on which said lot shall front, than twenty feet.

STAFF RECOMMENDATION

Staff recommends approval of the Hunter Replat for Block 12, Lots 1-3, for owner Ellen Hunter as presented with the following conditions to be met before the final plat can be recorded:

1. The existing propane tank shall be removed.
2. The electrical service line for Lot A shall be relocated to the easement on the proposed plat map OR the easement can be revised to encompass the existing service line.
3. Phone/internet service to Lot B shall be sorted out.
4. Survey monuments shall be placed.

Per the municipal code conditions must be met within 90 days. This time restriction should be discussed with the Applicant to be sure it is adequate for the assigned conditions, especially the removal of the propane tank and the potential relocation of the electric service line.



Property posted from S. Elizabeth Street



Property posted from Moffat Street.



Official Use Only

Receipt # 9282
Date Received: 4-28-2020
Initials: AC

Planning Commission Hearing Request

General Information

Applicant Name Ellen Hunter Application Date 2020-04-27
Mailing Address PO Box 91 Ridgway CO 81432
Phone Number 970 38 1134 Email ellenjoyhunter@gmail.com
Owner Name Ellen Hunter
Phone Number 970 38-1134 Email ellenjoyhunter@gmail.com
Address of Property for Hearing 953 Moffat St Ridgway CO 81432
Zoning District H.R.

Brief Description of Requested Action

Replat of lots 1,2,3, Block 12 to be two lots.

Action Requested and Required Fee Payable to the Town of Ridgway

<input type="checkbox"/> Temporary Use Permit per 7-3-13(C)	\$150.00	Subdivisions per 7-4 unless noted	
<input type="checkbox"/> Conditional Use per 7-3-14	\$250.00	<input type="checkbox"/> Sketch Plan	\$300.00 (+ \$10.00/lot or unit)
<input type="checkbox"/> Change in Nonconforming Use per 7-3-15	\$150.00	<input type="checkbox"/> Preliminary Plat	\$1,500.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Variances & Appeals per 7-3-16	\$250.00	<input type="checkbox"/> Preliminary Plat resubmittal	\$750.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Rezoning per 7-3-17	\$250.00	<input type="checkbox"/> Final Plat	\$600.00
<input type="checkbox"/> Other Reviews Pursuant to 7-3-18	\$250.00	<input type="checkbox"/> Minor Subdivision	\$450.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Variance to Floodplain Reg. per 6-2	\$150.00	<input type="checkbox"/> Lot Split	\$450.00
<input type="checkbox"/> Master Sign Plan Pursuant to 7-3-12	\$150.00	<input checked="" type="checkbox"/> Replat	\$150.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Deviations from Single Family Design	\$175.00	<input type="checkbox"/> Plat Amendment	\$250.00
Standards per 6-6		<input type="checkbox"/> Planned Unit Dev. per 7-3-11	See Preliminary and Final Plat
<input type="checkbox"/> Other	\$ _____	<input type="checkbox"/> Statutory Vested Rights per 7-5	\$1,500.00

Applicant and owner shall be jointly and severally responsible for legal, engineering, planning, administrative and miscellaneous fees, including recording costs, if incurred. (R.M.C. 7-3-20(B) and 7-4-12(B)). Water and sewer tap fees and development excise taxes are due at approval of final plats.



Attachments Required

For All Applications

- ☒ Evidence of ownership or written notarized consent of legal owner(s).
- ☐ Information proving compliance with applicable criteria (see the Ridgway Municipal Code for criteria), like a narrative, site plans, and/or architectural drawings drawn to scale on paper size of 8.5 x 11 or 11 x 17.

For Conditional Use Permits

- ☐ The site plan shall show the location of building(s), abutting streets, all dimensions, off-street parking requirements, and landscaping.
- ☐ Architectural drawings shall include elevations and details of building(s).

For Changes in Nonconforming Use

- ☐ Description of existing non-conformity.

For Variances

- ☐ The site plan shall show the details of the variance request and existing uses within 100 ft. of property.

For Rezoning

- ☐ Legal description, current zoning, and requested zoning of property.

For Subdivisions

- ☐ All requirements established by Municipal Code Section 7-4.
- ☐ Sketch plan submittals shall be submitted at least 21 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.
- ☐ Preliminary plat submittals shall be submitted at least 30 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.
- ☐ Final plat submittals shall be submitted at least 30 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.

Please note that incomplete applications will be rejected.

Applicant Signature

2020-04-27

Date

Owner Signature

2020-04-27

Date

A Replat of Lots 1-3, Block 12, Town of Ridgway
located within Section 17, T.45N., R.8W., N.M.P.M.,
Town of Ridgway, Ouray County, Colorado.

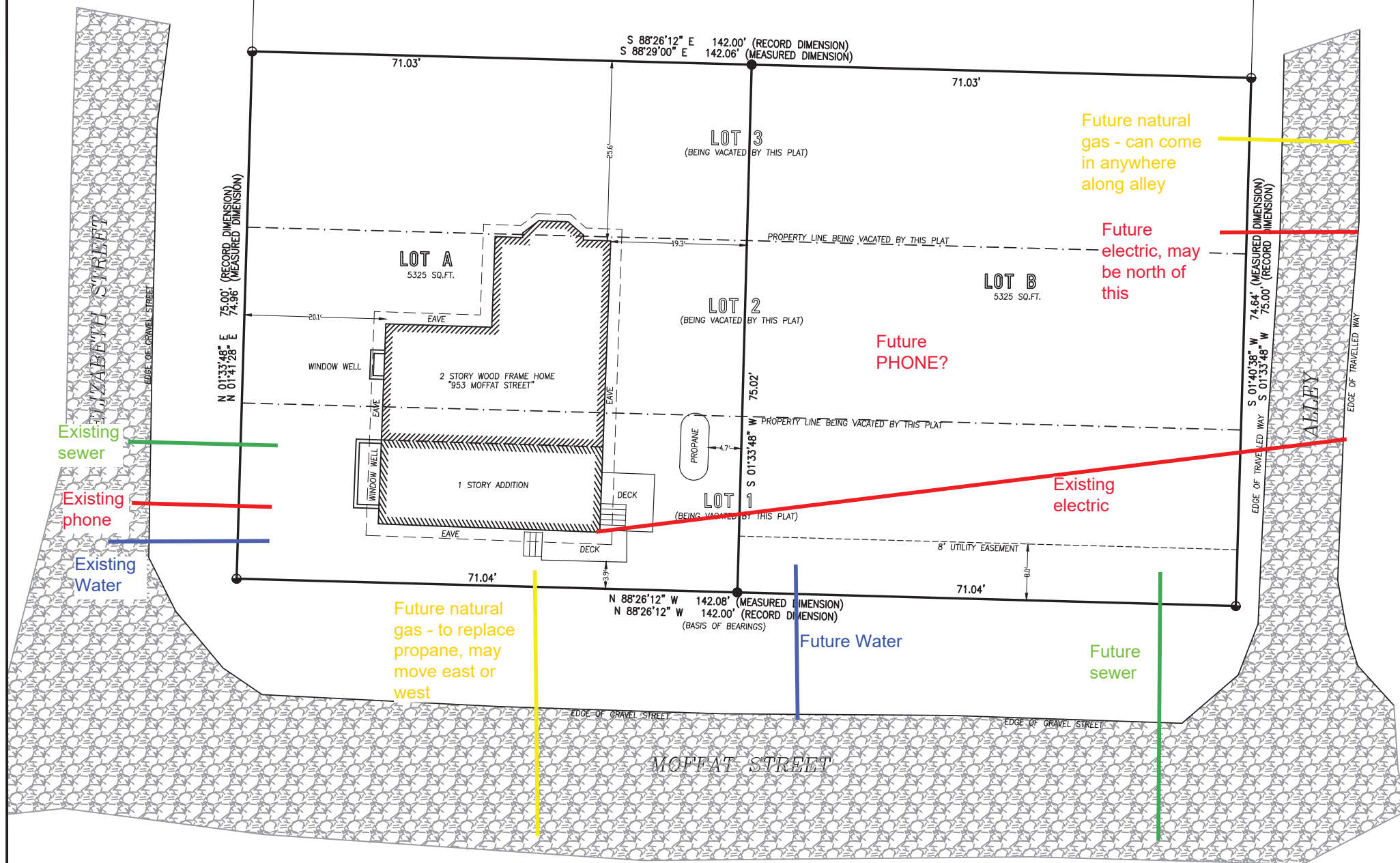


Sheet1	of 1	Project #: 97019
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SCALE: 1" = 10'

Utility Plan



Ellen Hunter

953 Moffat St. Ridgway CO. 81432

E-Mail: ellenjoyhunter@gmail.com

Date: 06-08-2020

Shay Coburn

Planner

Town of Ridgway

Good Day,

This letter is to confirm that to my knowledge there is not any mineral rights, and that I have not conveyed any mineral rights that may be associated with the property (Lots 1,2,3, Block 12, Town of Ridgway, County of Ouray, Colorado.

Sincerely,

Ellen Hunter

RPH, 6-11-20

OWNER'S POLICY NO. OP 534730

SCHEDULE A

AMOUNT OF INSURANCE \$ 110,000.00 DATE OF POLICY 10-9-98 at 8:00A M.

1. Name of Insured:

GREGORY K. HUNTER AND ELLEN L. HUNTER

2. The estate or interest in the land which is covered by this policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

GREGORY K. HUNTER AND ELLEN L. HUNTER, as Joint Tenants

4. The land referred to in this policy is situate in the _____ County of Ouray
and State of Colorado and is described as follows:

Lots 1, 2, and 3, Block 12, Town of Ridgway, County of Ouray, State
of Colorado.

Countersigned:


Authorized Officer or Agent

708

Member No. _____

REC 6-11-20

OWNER'S POLICY NO. OP 534730

SCHEDULE B

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. *Rights or claims of parties in possession not shown by the public records.*
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any and all unpaid taxes, assessments and unredeemed tax sales.
7. Taxes or assessments for the year 1998, a lien, but not yet due and payable.
8. Taxes or assessments by reason of inclusion of subject property in the Tri-County Water Conservancy District, the Ouray Water Conservancy District, the Ridgway Fire Protection District, and the Ridgway Library District.
9. Reservations and restrictions, which contain reverter clauses, imposed upon subject property by deed recorded 5-28--03 in Book 53 at page 193, as follows: No residence shall be built hereon nearer the street on which said lot shall front, than twenty feet.
10. Applicable subdivision and zoning regulations of the Town of Ridgway.
11. Deed of Trust to the Public Trustee of Ouray County from Gregory K. Hunter and Ellen L. Hunter for the benefit of The Bank of Telluride Mortgage Center to secure payment of \$99,000.00 dated 10-8-98 and recorded 10-9-98 at Reception No. 167949; Assignment from The Bank of Telluride Mortgage Center to Flagstar Bank, Federal Savings Bank recorded 10-9-98 at Reception No. 167950.

Countersigned:


Authorized Officer or Agent

708

Member No.

Rec 6-11-20

checks, correspondence and memoranda, whether bearing a date before or after Date of Policy, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the insured claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the insured claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the insured claimant to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in this paragraph shall terminate any liability of the Company under this policy as to that claim.

6. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY.

In case of a claim under this policy, the Company shall have the following additional options:

- (a) To pay or tender Payment of the Amount of Insurance.
 - (i) To pay or tender payment of the amount of insurance under this policy together with any costs, attorneys' fees and expenses incurred by the insured claimant, which were authorized by the Company, up to the time of payment or tender of payment and which the Company is obligated to pay.
 - (ii) Upon the exercise by the Company of this option, all liability and obligations to the insured under this policy, other than to make the payment required, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, and the policy shall be surrendered to the Company for cancellation.
- (b) To Pay or Otherwise Settle With Parties Other than the Insured or With the Insured Claimant.
 - (i) to pay or otherwise settle with other parties for or in the name of an insured claimant any claim insured against under this policy, together with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay; or
 - (ii) to pay or otherwise settle with the insured claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.Upon the exercise by the Company of either of the options provided for in paragraphs (b)(i) or (ii), the Company's obligations to the insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute or continue any litigation.

7. DETERMINATION EXTENT OF LIABILITY AND COINSURANCE.

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the insured claimant who has suffered loss or damage by reason of matters insured against by this policy and only to the extent herein described:

- (a) The liability of the Company under this policy shall not exceed the least of:
 - (i) the Amount of Insurance stated in Schedule A, or
 - (ii) the difference between the value of the insured estate or interest as insured and the value of the insured estate or interest subject to the defect, lien or encumbrance insured against by this policy.
- (b) In the event the Amount of Insurance stated in Schedule A at the Date of Policy is less than 80 percent of the value of the insured estate or interest or the full consideration paid for the land, whichever is less, or if subsequent to the Date of Policy an improvement is erected on the land which increases the value of the insured estate or interest by at least 20 percent over the Amount of Insurance stated in Schedule A, then this Policy is subject to the following:
 - (i) where no subsequent improvement has been made, as to any partial loss, the Company shall only pay the loss pro rata in the proportion that the amount of insurance at Date of Policy bears to the total value of the insured estate or interest at Date of Policy; or
 - (ii) where a subsequent improvement has been made, as to any partial loss, the Company shall only pay the loss pro rata in the proportion that 120 percent of the Amount of Insurance stated in Schedule A bears to the sum of the Amount of Insurance stated in Schedule A and the amount expended for the improvement.The provisions of this paragraph shall not apply to costs, attorneys' fees and expenses for which the Company is liable under this policy, and shall only apply to that portion of any loss which exceeds, in the aggregate, 10 percent of the Amount of Insurance stated in Schedule A.
- (c) The Company will pay only those costs, attorneys' fees and expenses incurred in accordance with Section 4 of these Conditions and Stipulations.

8. APPORTIONMENT.

If the land described in Schedule A consists of two or more parcels which are not used as a single site, and a loss is established affecting one or more of the parcels but not all, the loss shall be computed and settled on a pro rata basis as if the amount of insurance under this policy was divided pro rata as to the value on Date of Policy of each separate parcel to the whole, exclusive of any improvements made subsequent to Date of Policy, unless a liability or value has otherwise been agreed upon as to each parcel by the Company and the insured at the time of the issuance of this policy and shown by an express statement or by an endorsement attached to this policy.

9. LIMITATION OF LIABILITY.

- (a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures the lack of a right of access to or from the land, or cures the claim of unmarketability of title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.
- (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title as insured.
- (c) The Company shall not be liable for loss or damage to any insured for liability voluntarily assumed by the insured in settling any claim or suit without the prior written consent of the Company.

11. LIABILITY NONCUMULATIVE.

It is expressly understood that the amount of insurance under this policy shall be reduced by any amount the Company may pay under any policy insuring a mortgage to which exception is taken in Schedule B or to which the insured has agreed, assumed, or taken subject, or which is hereafter executed by an insured and which is a charge or lien on the estate or interest described or referred to in Schedule A, and the amount so paid shall be deemed a payment under this policy to the insured owner.

12. PAYMENT OF LOSS.

- (a) No payment shall be made without producing this policy for endorsement of the payment unless the policy has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.
- (b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within 30 days thereafter.

13. SUBROGATION UPON PAYMENT OR SETTLEMENT.

- (a) The Company's Right of Subrogation.

Whenever the Company shall have settled and paid a claim under this policy, all right of subrogation shall vest in the Company unaffected by any act of the insured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the insured claimant would have had against any person or property in respect to the claim had this policy not been issued. If requested by the Company, the insured claimant shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The insured claimant shall permit the Company to sue, compromise or settle in the name of the insured claimant and to use the name of the insured claimant in any transaction or litigation involving these rights or remedies.

If a payment on account of a claim does not fully cover the loss of the insured claimant, the Company shall be subrogated to these rights and remedies in the proportion which the Company's payment bears to the whole amount of the loss.

If loss should result from any act of the insured claimant, as stated above, that act shall not void this policy, but the Company, in that event, shall be required to pay only that part of any losses insured against by this policy which shall exceed the amount, if any, lost to the Company by reason of the impairment by the insured claimant of the Company's right of subrogation.
- (b) The Company's Rights Against Non-Insured Obligors.

The Company's right of subrogation against non insured obligors shall exist and shall include, without limitation, the rights of the insured to indemnities, guarantees, other policies of insurance or bonds, notwithstanding any terms or conditions contained in those instruments which provide for subrogation rights by reason of this policy.

14. ARBITRATION.

Unless prohibited by applicable law, either the Company or the insured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the insured arising out of or relating to this policy, any service of the Company in connection with its issuance or the breach of a policy provision or other obligation. All arbitrable matters when the Amount of Insurance is \$1,000,000 or less shall be arbitrated at the option of either the Company or the insured. All arbitrable matters when the Amount of Insurance is in excess of \$1,000,000 shall be arbitrated only when agreed to by both the Company and the insured. Arbitration pursuant to this policy and under the Rules in effect on the date the demand for arbitration is made or, at the option of the insured, the Rules in effect at Date of Policy shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permit a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request.

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT.

- (a) This policy together with all endorsements, if any, attached hereto by the Company is the entire policy and contract between the insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.
- (b) Any claim of loss or damage, whether or not based on negligence, and which arises out of the status of the title to the estate or interest covered hereby or by any action asserting such claim, shall be restricted to this policy.
- (c) No amendment of or endorsement to this policy can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signature of the Company.

16. SEVERABILITY.

In the event any provision of the policy is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision and all other provisions shall remain in full force and effect.

17. NOTICES, WHERE SENT.

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this policy and shall be addressed to the Company at P.O. Box 869, Denver, CO 80201.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Ridgway Planning Commission will hold a **PUBLIC HEARING online***, on Tuesday, June 30th, 2020 at 5:30 p.m., to receive and consider all evidence and reports relative to the application described below:

Application for: **Plat Amendment**

Location: **Parkside Subdivision, all lots**

Addresses: **795, 791, 790, 765, 760, 755, 740, 730, 720 and multiple TBD N Laura, multiple TBD Marion Overlook**

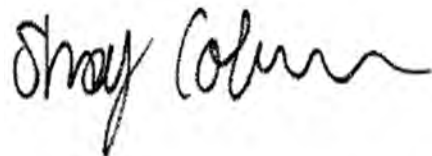
Zoned: **Residential (R)**

Applicant: **Parkside Ridgway Community Association**

Property Owners: **Habitat for Humanity of the San Juans, Cameron L Miller and Bertina A Minjares, Kim Moriyama, Alpine Creek Homes LLC, Roger & Susan Stewart Trust, Will and Caitlin Lawshe, Meaghan McGuire, Mark Paigen, Riverside Investment Partners LLC, Brittany Christina Martin, Anton R and Debbie Potochnk, Scott Rob and Norma Nyra Unfug, Parkside Ridgway Holdings LLC, Andre N Jr Bollaert, Matthew P Sandoval, Stephen J Hertzfeld, 425 N Laura Homestead LLC, John A Jr Malone, A Henry Case, Bryce Lanier Jones and Ryan Andrews Jones, Justin R Fagan**

ALL INTERESTED PARTIES are invited to attend said hearing **online** and express opinions or submit written testimony for or against the proposal, to the Town Clerk.

FURTHER INFORMATION on the above application may be obtained or viewed at Ridgway Town Hall, or by phoning 626-5308, Ext. 222.



DATED: June 19, 2020

Shay Coburn, Town Planner

To join the ONLINE Zoom meeting go to:

<https://us02web.zoom.us/j/81607764399?pwd=ckRzYmU5Rk1HVzBTQWFSVktCUjF0Zz09>

Meeting ID: 816 0776 4399

Password: 651599

To call in dial 669.900.6833 or 253.215.8782

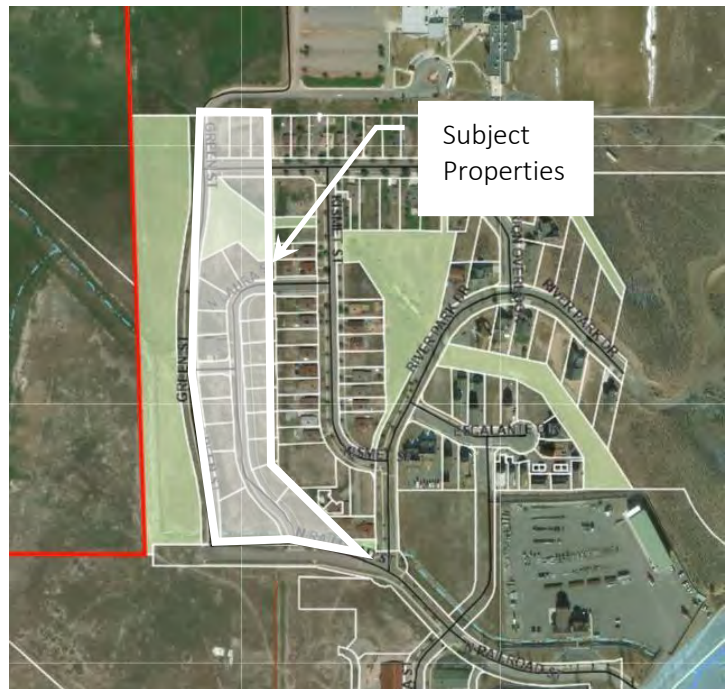
STAFF REPORT

Request: Amended Plat
Legal: Parkside Subdivision
Address: 795, 791, 790, 765, 760, 755, 740, 730, 720 and multiple TBD N Laura, multiple TBD Marion Overlook
Parcel #s: 430508414001, 430508414002, 430508414003, 430508414004, 430508414005, 430508414006, 430508414007, 430508414008, 430508414009, 430508414010, 430508414011, 430508414012, 430508414013, 430508414014, 430508414015, 430508414016, 430508414017, 430508414018, 430508414019, 430508414020, 430508414021, 430508414022, 430508414023
Zone: Residential (R)
Applicant: Parkside Ridgway Community Association
Owners: Habitat for Humanity of the San Juans, Cameron L Miller and Bertina A Minjares, Kim Moriyama, Alpine Creek Homes LLC, ROGER & SUSAN STEWART TRUST, Will and Caitlin Lawshe, Meaghan McGuire, Mark Paigen, Riverside Investment Partners LLC, Brittany Christina Martin, Anton R and Debbie Potochnk, Scott Rob and Norma Nyra Unfug, Parkside Ridgway Holdings LLC, Andre N Jr Bollaert, Matthew P Sandoval, Stephen J Hertzfeld, 425 N Laura Homestead LLC, John A Jr Malone, A Henry Case, Bryce Lanier Jones and Ryan Andrews Jones, Justin R Fagan
Initiated By: Shay Coburn, Town Planner
Date: June 30, 2020

REQUEST

Applicant is requesting to amend the Parkside Subdivision plat map recorded with the Ouray County Clerk and Recorder at reception number 197315. The requests from the Applicant is to amend note 2 to remove the exclusion of driveway and construction access via Parkside Place. It should be noted there is an inconsistency on the existing Plat Map with the note on page 1 stating "Parkside Drive" and the map on page 2 stating "Parkside Place." This report uses "Parkside Place".

An application was submitted May 5, 2020 accompanied by a letter from Parkside Ridgway Community Association, represented by Jack Petruccelli. The property and public hearing have been noticed in compliance with the Town Municipal Code.



CODE REQUIREMENTS

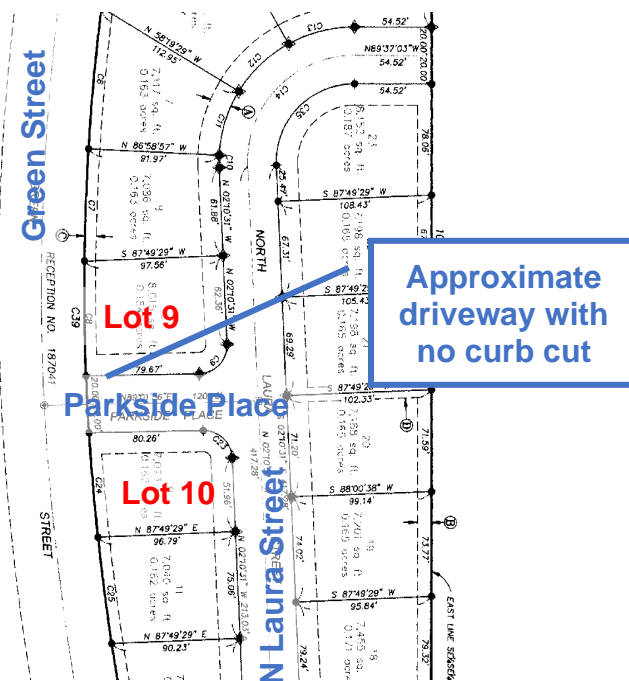
Amended plats are considered under Ridgway Municipal Code (RMC) §7.4.10(B) & (C) as follows:

- No material change in the extent, location, or type of public improvements and easements provided is made or required with the amended plat
- The requested changes are consistent with the Design Standards of the municipal code
- All required improvements are in and available to serve each lot
- Any amended plats shall conform to the applicable requirements for final plats as provided in these subdivision regulations and shall conform to the applicable dimensional requirements of the town's Zoning Regulations

ANALYSIS

Plat note 2 currently states, "No lot bordering Green Street or Parkside Drive shall use these streets for driveway or construction access." This plat was recorded in 2008, the same year the dwelling at 755 N Laura was permitted to be built. Somehow, the applicant and/or the Town missed that a garage should not have been built to have access via Parkside Place. This is likely why the Town did not issue an encroachment permit to allow for a driveway curb cut. This location for a driveway is not ideal due to its proximity to an intersection but it has been used for many years. Therefore, staff proposes that plat note 2 be revised to state, "Lot 9 may use Parkside Place for driveway access. Notwithstanding the foregoing no lot bordering Green Street or Parkside Place shall use these streets for driveway or construction access."

This revision will allow the Town to issue an encroachment permit for a proper curb cut for the existing dwelling on Lot 9, but continue to restrict construction and a driveway access for Lot 10 on Parkside Place. By only allowing one lot to have driveway access, it should be a bit safer. In addition, the speed limit town-wide has been reduced from 20mph to 15mph since this development was platted.



Snapshot of Parkside Subdivision Plat with added labels

To address the criteria:

1. There are no changes in public improvements and easements.
2. It is not clear that this request is consistent with the Design Standards, Ridgway Municipal Code 7-4-7. Section 7-4-7(C)(4) requires compliance with section 14-5-15(B) which states that no safety or traffic hazard can be created with the addition of a driveway. Common practice is to not allow a driveway within a certain distance of an intersection, typically about 20-50 feet. The existing garage is about 30' from Green Street. The owner of 755 N Laura has been using this access without a curb cut for many years. It may not have caused safety issues in the past as stated in the application but up until 2017 this was the only building in the subdivision. Since 2017 about 8 additional dwelling units have been built and a few more are currently permitted to be built. Staff feels that traffic has likely increased since 2017 and will continue to increase as the remaining vacant lots are built out.
3. All required improvements are in and available to serve each lot
4. There are no changes to the dimensional requirements with this request.

The Design Standards for subdivisions in RMC 7-4-7 require compliance with the Town Standards and Specifications. Staff thought that this document included a minimum distance from an intersection for a driveway but could not find it. Staff suggests that language to address this be added to the Town Standards and Specifications when the streets section is revised. Something similar to Montrose's Regulation Manual could work well: "A driveway or curb cut on a corner lot shall be set back a minimum of ten (10) feet from the property line at the corner or shall be a minimum of twenty (20) feet from the cross street curb line whichever is greater."

STAFF RECOMMENDATION

Staff recommends approval of a plat amendment to the Parkside Plat to edit plat note 2 to allow for driveway access on Parkside Place for Lot 9. Any permit issued for a curb cut for Lot 9 shall have a setback that is the greater of ten (10) feet from the property line at the corner, or twenty (20) feet from the cross street.

EXHIBITS

Exhibit 1 – Draft Amendment 2 to the Parkside Subdivision















Properties posted starting at the south side of North Laura Street, moving north, then on Marion Overlook and south on Green Street, to east on Railroad Street.

**AMENDMENT 2 to the PARKSIDE SUBDIVISION:
DRIVEWAY AND CONSTRUCTION ACCESS ON PARKSIDE PLACE**

Whereas, the plat map entitled "Parkside Subdivision" was executed by Spencer Simmons as Declarant, and the Town of Ridgway on the 29th day of December, 2007, and was recorded in the Ouray County Clerk and Recorder on the 19th day of March, 2008 at Reception Number 199315; and

Whereas, it is desired by the Parkside Ridgway Community Association Inc., to amend Plat Note 2 of said plat map to remove the restriction of driveway and construction access on Parkside Place; and

Whereas, only two lots in this subdivision border Parkside Place, one of which is vacant and the other of which had a home build on it in 2008 with a garage facing Parkside Place and the HOA does not feel that it has caused a safety issue; and

Whereas, pursuant to §7-4-10 of the Ridgway Municipal Code Plat Amendments are reviewed and approved by the Ridgway Planning Commission and Town Council.

Now, therefore,

Plat Note 2 is amended to read in its entirety, as follows:

Lot 9 may use Parkside Place for driveway access. Notwithstanding the foregoing no lot bordering Green Street or Parkside Place shall use these streets for driveway or construction access.

Except as herein expressly modified, all other Plat Notes remain in full force and effect according to the original Plat.

Dated this _____ day of _____, 2020.

Approved by the Planning Commission on _____, 2020.

Approved by the Town Council on _____, 2020.

Town of Ridgway, Colorado

Attest:

By: _____
Mayor John I. Clark

By: _____
Town Clerk, Pam Kraft

Exhibit 1

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by John Clark, Mayor of the Town of Ridgway, Colorado and Pam Kraft, Town Clerk of the Town of Ridgway Colorado.

Witness my hand and official seal.

[SEAL]

Notary Public

Exhibit 1

Parkside Ridgway Community Association, Inc., a Colorado Non-Profit Corporation

By: _____
President, Parkside Ridgway Community Association, Inc.

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by _____, President, Parkside Ridgway Community Association Inc.

Witness my hand and official seal.

[SEAL]

Notary Public



Planning Commission Hearing Request

Official Use Only

Receipt # 106

Date Received: 5-5-2020

Initials: JP

General Information

Applicant Name Parkside HOA / Jack Petrucci Application Date 5-1-20
Mailing Address PO Box 381 Ridgway CO 81432
Phone Number 970-209-0195 Email JTP@MESA.NET
Owner Name Malone
Phone Number _____ Email _____
Address of Property for Hearing 755 W. LAUREL ST
Zoning District P.U.D.

Brief Description of Requested Action

Change Plat Note #2 to Remove Parkside Dr so Malone can put a Driveway Access for his house that has been there 10 years

Action Requested and Required Fee Payable to the Town of Ridgway

<input type="checkbox"/> Temporary Use Permit per 7-3-13(C)	\$150.00	Subdivisions per 7-4 unless noted	
<input type="checkbox"/> Conditional Use per 7-3-14	\$250.00	<input type="checkbox"/> Sketch Plan	\$300.00 (+ \$10.00/lot or unit)
<input type="checkbox"/> Change in Nonconforming Use per 7-3-15	\$150.00	<input type="checkbox"/> Preliminary Plat	\$1,500.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Variances & Appeals per 7-3-16	\$250.00	<input type="checkbox"/> Preliminary Plat resubmittal	\$750.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Rezoning per 7-3-17	\$250.00	<input type="checkbox"/> Final Plat	\$600.00
<input type="checkbox"/> Other Reviews Pursuant to 7-3-18	\$250.00	<input type="checkbox"/> Minor Subdivision	\$450.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Variance to Floodplain Reg. per 6-2	\$150.00	<input type="checkbox"/> Lot Split	\$450.00
<input type="checkbox"/> Master Sign Plan Pursuant to 7-3-12	\$150.00	<input type="checkbox"/> Replat	\$150.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Deviations from Single Family Design	\$175.00	<input checked="" type="checkbox"/> Plat Amendment	\$250.00
Standards per 6-6		<input type="checkbox"/> Planned Unit Dev. per 7-3-11	See Preliminary and Final Plat
<input type="checkbox"/> Other	\$ _____	<input type="checkbox"/> Statutory Vested Rights per 7-5	\$1,500.00

Applicant and owner shall be jointly and severally responsible for legal, engineering, planning, administrative and miscellaneous fees, including recording costs, if incurred. (R.M.C. 7-3-20(B) and 7-4-12(B)). Water and sewer tap fees and development excise taxes are due at approval of final plats.



Attachments Required

For All Applications

- ☐ Evidence of ownership or written notarized consent of legal owner(s).
- ☐ Information proving compliance with applicable criteria (see the Ridgway Municipal Code for criteria), like a narrative, site plans, and/or architectural drawings drawn to scale on paper size of 8.5 x 11 or 11 x 17.

For Conditional Use Permits

- ☐ The site plan shall show the location of building(s), abutting streets, all dimensions, off-street parking requirements, and landscaping.
- ☐ Architectural drawings shall include elevations and details of building(s).

For Changes in Nonconforming Use

- ☐ Description of existing non-conformity.

For Variances

- ☐ The site plan shall show the details of the variance request and existing uses within 100 ft. of property.

For Rezoning

- ☐ Legal description, current zoning, and requested zoning of property.

For Subdivisions

- ☐ All requirements established by Municipal Code Section 7-4.
- ☐ Sketch plan submittals shall be submitted at least 21 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.
- ☐ Preliminary plat submittals shall be submitted at least 30 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.
- ☐ Final plat submittals shall be submitted at least 30 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.

Please note that incomplete applications will be rejected.

Applicant Signature

Date

5-4-20

Owner Signature

Date



SHAY COBURN
TOWN OF RIDGWAY
BOX 10
RIDGWAY CO 81432

RE: PARKSIDE PLAT

SHAY,

The Parkside HOA is requesting a plat amendment to allow a driveway to be accessed off Parkside Dr. Plat note # 2 excludes driveways from Parkside Drive and Green street. We would like to remove the word **Parkside Dr** from this note. Over 10 years ago the town approved a house to be built that had access off the Parkside Dr. The owner has been unable to permit the curb cut because of this Plat note. We, as an HOA, would like it changed. The house has been lived in for over 10 years now without issue and it is time they are able to put a driveway in. The HOA does not feel this is a safety issue.

Jack Petrucci
President
Parkside HOA

PARKSIDE RIDGWAY COMMUNITY ASSOCIATION

May 4, 2020

Re: Plat Changes to Parkside Ridgway Community Association

To Whom It May Concern,

The Board of Directors of Parkside Ridgway Community Association met on November 5, 2019. During this meeting the board gave Jack Petruccelli authority to be the Negotiating Agent with the Town of Ridgway on proposed plat changes and to sign the revised plat.

Neomi Taylor
Mountain Mansion Management
Association Manager for Parkside HOA











NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Ridgway Planning Commission will hold a **PUBLIC HEARING online***, on Tuesday, June 30th, 2020 at 5:30 p.m., to receive and consider all evidence and reports relative to the application described below:

Application for: **Plat Amendment**

Location: **Marie Scott Village Subdivision, all lots**

Addresses: **275, TBD, 245, 255 S Amelia Street; 236, 242, 267, 247, 239, 227, 215, and multiple TBD Marie Street**

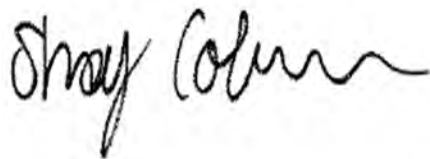
Zoned: **Residential (R)**

Applicant: **Brad Blackwell**

Property Owners: **Gordon P and Rebecca J Reichard, Melissa B Mann, Bradley K Blackwell, David P Drew, Angela Ferrelli and Matthew Pratt, BSSK Family Trust, Jacob Randolph Niece, Josephine Fallenius, Michael Karl Pennings, Mark A and Carrie L Cowan, Randall C and Abigail S Lang, Douglas and Mary Reinhardt**

ALL INTERESTED PARTIES are invited to attend said hearing **online** and express opinions or submit written testimony for or against the proposal, to the Town Clerk.

FURTHER INFORMATION on the above application may be obtained or viewed at Ridgway Town Hall, or by phoning 626-5308, Ext. 222.



DATED: June 19, 2020

Shay Coburn, Town Planner

To join the ONLINE Zoom meeting go to:

<https://us02web.zoom.us/j/81607764399?pwd=ckRzYmU5Rk1HVzBTQWFSVktCUjF0Zz09>

Meeting ID: 816 0776 4399

Password: 651599

To call in dial 669.900.6833 or 253.215.8782

STAFF REPORT

Request: Amended Plat
Legal: Marie Scott Village Subdivision
Address: 275, TBD, 245, 255 S Amelia Street; 236, 242, 267, 247, 239, 227, 215, and multiple TBD Marie Street
Parcel #s: 430517414001, 430517414002, 430517414003, 430517414004, 430517414005, 430517414006, 430517414007, 430517414008, 430517414009, 430517417010, 430517414011, 430517414012, 430517414013, 430517414014
Zone: Residential (R)
Applicant: Brad Blackwell
Owners: Gordon P and Rebecca J Reichard, Melissa B Mann, Bradley K Blackwell, David P Drew, Angela Ferrelli and Matthew Pratt, BSK Family Trust, Jacob Randolph Niece, Josephine Fallenius, Michael Karl Pennings, Mark A and Carrie L Cowan, Randall C and Abigail S Lang, Douglas and Mary Reinhardt
Initiated By: Shay Coburn, Planner
Date: June 30, 2020

REQUEST

Applicant is requesting to amend the Marie Scott Village Subdivision plat map recorded in 1995 with the Ouray County Clerk and Recorder at reception number 158899. The request is to amend the plat note that states "Use of each lot is limited to a single family dwelling" to allow all lots to have an accessory dwelling unit in compliance with Town codes.

An application was submitted May 13, 2020 accompanied by a letter from the Applicant explaining the request.

The property and public hearing have been noticed in compliance with the Town Municipal Code.



CODE REQUIREMENTS

Amended plats are considered under Ridgway Municipal Code (RMC) §7.4.10(B) & (C) as follows:

- No material change in the extent, location, or type of public improvements and easements provided is made or required with the amended plat
- The requested changes are consistent with the Design Standards of the RMC
- All required improvements are in and available to serve each lot

- Any amended plats shall conform to the applicable requirements for final plats as provided in these subdivision regulations and shall conform to the applicable dimensional requirements of the town's Zoning Regulations.

ANALYSIS

The plat note currently states, "Use of each lot is limited to a single family dwelling"

Given this language, accessory dwelling units (ADUs) are not permitted on any lots in this subdivision. The request is to allow ADUs on all lots in addition to the single-family dwelling that is already allowed. ADUs are allowed on most all residential properties throughout town unless otherwise restricted by a plat map. All other RMC dimensional standards would continue to apply such as maximum lot coverage and setback requirements. The Town has been promoting ADUs as a way to increase long-term rental units and help aid in the affordability of living in the Town. In addition, this revised language would ensure this plat note matches recent notes required by the Town.

Staff proposes that plat note be revised to state, "Each lot is limited to one principal dwelling unit. In addition, each lot may have an accessory dwelling unit if compliant with Town code provisions as in effect from time to time. Any additional subdivision will be subject to excise tax per Ridgway Municipal Code Chapter 3 Section 4."

To address the requirements for a plat amendment:

1. There are no changes in public improvements and easements with this request.
2. The requested change is consistent with the Design Standards of the code.
3. All required improvements are already installed and available to serve each lot. ADUs are allowed to be served off of the same water and sewer tap as a single-family dwelling.
4. The request is consistent with the Design Standards of the municipal code as it requires no changes to the design of the overall subdivision.

STAFF RECOMMENDATION

Staff recommends approval of a plat amendment to the Marie Scott Village Subdivision Plat to edit the plat note to allow for accessory dwelling units on all lots.

EXHIBITS

Exhibit 1 – Draft Amendment 1 to the Marie Scott Village Subdivision Plat







Properties posted starting at the north of the subdivision on Amelia, moving south then going up Marie Street to east on Hyde.

**AMENDMENT 1 to the MARIE SCOTT VILLAGE SUBDIVISION
REGARDING ACCESSORY DWELLING UNITS**

Whereas, the plat map entitled “Final Plat of Marie Scott Village Subdivision” was executed by Andrew A. McCullough, Stewart L. McCullough, Rebecca A. McCullough and Robert F. McCullough Trust dated October 25, 1993, and was recorded in the Ouray County Clerk and Recorder on the 9th day of March, 1995 at Reception Number 158899; and

Whereas, it is desired by the requisite number of property owners to amend the Plat Note of said plat map to allow for accessory dwelling units on all lots as long as they comply with the Ridgway Municipal Code regulations; and

Whereas, dwelling units which meet the criteria of Ridgway Municipal Code Section 7-3-13(G): Accessory Dwelling Units may be allowed as an accessory use, in the "R" Low Density Residential District, to a principal residential unit which conforms to the applicable requirements of said Districts; and

Whereas, pursuant to §7-4-10 of the Ridgway Municipal Code Plat Amendments are reviewed and approved by the Ridgway Planning Commission and Town Council.

Now, therefore,

The Plat Note that currently states, “Use of each lot is limited to a single family dwelling” is amended to read in its entirety, as follows:

“Each lot is limited to one principal dwelling unit. In addition, each lot may have an accessory dwelling unit if compliant with Town code provisions as in effect from time to time. Any additional subdivision will be subject to excise tax per Ridgway Municipal Code Chapter 3 Section 4.”

Except as herein expressly modified, all other Plat Notes remain in full force and effect according to the original Plat.

Dated this _____ day of _____, 2020.

Approved by the Planning Commission on _____, 2020.

Approved by the Town Council on _____, 2020.

Exhibit 1

Town of Ridgway, Colorado

Attest:

By: _____
Mayor John I. Clark

By: _____
Town Clerk, Pam Kraft

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by John Clark, Mayor of the Town of Ridgway, Colorado and Pam Kraft, Town Clerk of the Town of Ridgway Colorado.

Witness my hand and official seal.

[SEAL]

Notary Public

Gordon P Reichard

By: _____
Gordon P Reichard

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by _____, Gordon P Reichard.

Witness my hand and official seal.

[SEAL]

Notary Public

Rebecca J Reichard

By: _____
Rebecca J Reichard

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by _____, Rebecca J Reichard.

Witness my hand and official seal.

[SEAL]

Notary Public

Melissa B Mann

By: _____
Melissa B Mann

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by _____, Melissa B Mann.

Witness my hand and official seal.

[SEAL]

Notary Public

Bradley K Blackwell

By: _____
Bradley K Blackwell

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by _____, Bradley K Blackwell.

Witness my hand and official seal.

[SEAL]

Notary Public

David P Drew

By: _____
David P Drew

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by _____, David P Drew.

Witness my hand and official seal.

[SEAL]

Notary Public

Angela Ferrelli

By: _____
Angela Ferrelli

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by _____, Angela Ferrelli.

Witness my hand and official seal.

[SEAL]

Notary Public

Matthew Pratt

By: _____
Matthew Pratt

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by _____, Matthew Pratt.

Witness my hand and official seal.

[SEAL]

Notary Public

BSSK Family Trust

By: _____
BSSK Family Trust

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by _____, BSSK Family Trust.

Witness my hand and official seal.

[SEAL]

Notary Public

Jacob Randolph Niece

By: _____
Jacob Randolph Niece

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by _____, Jacob Randolph Niece.

Witness my hand and official seal.

[SEAL]

Notary Public

Josephine Fallenius

By: _____
Josephine Fallenius

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by _____, Josephine Fallenius.

Witness my hand and official seal.

[SEAL]

Notary Public

Michael Karl Pennings

By: _____
Michael Karl Pennings

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by _____, Michael Karl Pennings.

Witness my hand and official seal.

[SEAL]

Notary Public

Mark A Cowan

By: _____
Mark A Cowan

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by _____, Mark A Cowan.

Witness my hand and official seal.

[SEAL]

Notary Public

Carrie L Cowan

By: _____
Carrie L Cowan

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by _____, Carrie L Cowan.

Witness my hand and official seal.

[SEAL]

Notary Public

Exhibit 1

Randall C Lang

By: _____
Randall C Lang

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by _____, Randall C Lang.

Witness my hand and official seal.

[SEAL]

Notary Public

Abigail S Lang

By: _____
Abigail S Lang

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by _____, Abigail S Lang.

Witness my hand and official seal.

[SEAL]

Notary Public

Douglas Reinhardt

By: _____
Douglas Reinhardt

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by _____, Douglas Reinhardt.

Witness my hand and official seal.

[SEAL]

Notary Public

Mary Reinhardt

By: _____
Mary Reinhardt

STATE OF COLORADO)
)
COUNTY OF OURAY) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by _____, Mary Reinhardt.

Witness my hand and official seal.

[SEAL]

Notary Public



Official Use Only

Receipt # CK4239

Date Received: 5-13-2020

Initials: [Signature]

Planning Commission Hearing Request

General Information

Applicant Name Bradley K Blackwell Application Date 5-13-2020
Mailing Address PO Box 924
Phone Number 970-708-1284 Email bradblackwell71@gmail.com
Owner Name Bradley Blackwell
Phone Number 970-708-1284 Email bradblackwell71@gmail.com
Address of Property for Hearing 245 S Amelia St
Zoning District MR

Brief Description of Requested Action

See attachment.

Action Requested and Required Fee Payable to the Town of Ridgway

<input type="checkbox"/> Temporary Use Permit per 7-3-13(C)	\$150.00	Subdivisions per 7-4 unless noted	
<input type="checkbox"/> Conditional Use per 7-3-14	\$250.00	<input type="checkbox"/> Sketch Plan	\$300.00 (+ \$10.00/lot or unit)
<input type="checkbox"/> Change in Nonconforming Use per 7-3-15	\$150.00	<input type="checkbox"/> Preliminary Plat	\$1,500.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Variances & Appeals per 7-3-16	\$250.00	<input type="checkbox"/> Preliminary Plat resubmittal	\$750.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Rezoning per 7-3-17	\$250.00	<input type="checkbox"/> Final Plat	\$600.00
<input type="checkbox"/> Other Reviews Pursuant to 7-3-18	\$250.00	<input type="checkbox"/> Minor Subdivision	\$450.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Variance to Floodplain Reg. per 6-2	\$150.00	<input type="checkbox"/> Lot Split	\$450.00
<input type="checkbox"/> Master Sign Plan Pursuant to 7-3-12	\$150.00	<input type="checkbox"/> Replat	\$150.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Deviations from Single Family Design	\$175.00	<input checked="" type="checkbox"/> Plat Amendment	\$250.00
Standards per 6-6		<input type="checkbox"/> Planned Unit Dev. per 7-3-11	See Preliminary and Final Plat
<input type="checkbox"/> Other	\$_____	<input type="checkbox"/> Statutory Vested Rights per 7-5	\$1,500.00

Applicant and owner shall be jointly and severally responsible for legal, engineering, planning, administrative and miscellaneous fees, including recording costs, if incurred. (R.M.C. 7-3-20(B) and 7-4-12(B)). Water and sewer tap fees and development excise taxes are due at approval of final plats.



Attachments Required

For All Applications

- ☐ Evidence of ownership or written notarized consent of legal owner(s).
- ☐ Information proving compliance with applicable criteria (see the Ridgway Municipal Code for criteria), like a narrative, site plans, and/or architectural drawings drawn to scale on paper size of 8.5 x 11 or 11 x 17.

For Conditional Use Permits

- ☐ The site plan shall show the location of building(s), abutting streets, all dimensions, off-street parking requirements, and landscaping.
- ☐ Architectural drawings shall include elevations and details of building(s).

For Changes in Nonconforming Use

- ☐ Description of existing non-conformity.

For Variances

- ☐ The site plan shall show the details of the variance request and existing uses within 100 ft. of property.

For Rezoning

- ☐ Legal description, current zoning, and requested zoning of property.

For Subdivisions

- ☐ All requirements established by Municipal Code Section 7-4.
- ☐ Sketch plan submittals shall be submitted at least 21 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.
- ☐ Preliminary plat submittals shall be submitted at least 30 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.
- ☐ Final plat submittals shall be submitted at least 30 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.

Please note that incomplete applications will be rejected.

Bradley Shetwood
Applicant Signature

5/8/20
Date

Bradley Shetwood
Owner Signature

5/8/20
Date

Hello.

My name is Brad Blackwell. I live at 245 S Amelia St. I purchased my house in May of 2016 and have lived there full time since 2016. I recently have been considering building a detached garage with an ADU (accessory dwelling unit) on my lot. In contacting the town, I was informed that the original plat on the Marie Scott subdivision did not allow for this. I am here to request a plat amendment to allow for separate ADU's to be built on properties in the Marie Scott subdivision. I request that these units would follow the current Town Ridgway rules and regulations. I have contacted 7 out of 9 residents in the subdivision and have so far found no objection to the building of an ADU on my property. I have tried contacting the other 2 residents and I am awaiting their response. Please advise me on any other steps that need to be taken in this process.

Respectfully,
Brad Blackwell

From: [Douglas Reinhardt](#)
To: [Shay Coburn](#)
Subject: Planning Commission Agenda Item #3: Plat Amendment, Marie Scott
Date: Tuesday, June 30, 2020 11:39:24 AM

To Whom It May Concern,

We are aware of a planning meeting today that affects our property. However, as seniors at risk, we are unable to attend the hearing in person. We will observe the proceeding via Zoom but definitely have concerns and wish to submit the following comments.

When we purchase property, it is assumed that we review all pertinent governing documents. Not only the municipal zoning regulations, the also the master documents of the subdivision including the plat, notes, and the CC&Rs. These recorded documents not only define the particulars of property lines and easements, but they also set the tone and style of living desired by the developer and subsequent owners. Everyone that purchases property in the subdivision is aware of the CC&Rs and assents to them when they purchase the property. Each of us goes to sleep at night, knowing that the basic character of our neighborhood cannot be suddenly altered without the extraordinary consent of the owners.

We must be clear: doubling the density of an established subdivision is a radical and profound alteration to the character and nature of our neighborhood. Make no mistake, over time EVERY lot will be pressured and tempted to add development, and before we know it, a peaceful 14 unit hillside neighborhood will become a 30 unit enclave, with no provisions for parking or open spaces. This is a change to which we take strong objection.

I question the power of a municipal board to change or amend our CC&Rs. These are rules and conditions that travel with the property and are not subject to the latest political whims or city desires to raise more revenues. These documents can only be amended by extraordinary vote of the property owners. The attempt by a lay board to unilaterally amend these documents is something that should clearly be adjudicated.

Town staff has historically shown nothing but contempt for the conditions of our subdivision by repeatedly allowing development in direct contradiction of our covenants. But this is a step too far. Today it's second units, tomorrow it's duplexes, or multi family units. You wake up the next morning and find that everything you thought was set in stone has been whimsically altered by an un-elected board on the recommendations of a self-serving staff.

We find it astounding that your staff has RECOMMENDED this change without so much as a single thought as to the character of our neighborhood and the interest of the owners. Their analysis boils down to: it's allowed on other lots in town. You all know there are other subdivisions in Ridgway that do NOT allow second units and you should ask yourselves, how would those owners feel if some board preempted their covenants and arbitrarily doubled the density of their neighborhood. These "professionals" should be made to pound sand for a living and sent back to school.

We strongly request that this commission reject this proposal outright and stop messing with our

CC&Rs.

Doug & Mary Reinhardt
215 Marie Street
Ridgway, CO 81432
970-626-4345

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Ridgway Planning Commission will hold a **PUBLIC HEARING online***, on Tuesday, June 30th, 2020 at 5:30 p.m., to receive and consider all evidence and reports relative to the application described below:

Application for: **Minor Subdivision**

Location: **Yates Subdivision Lot 4**

Address: **423 N Amelia Street**

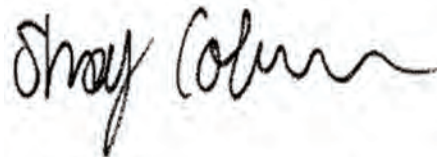
Zoned: **Historic Residential (HR)**

Applicant: **Dan Bartashius**

Property Owner: **Dan Bartashius**

ALL INTERESTED PARTIES are invited to attend said hearing **online** and express opinions or submit written testimony for or against the proposal, to the Town Clerk.

FURTHER INFORMATION on the above application may be obtained or viewed at Ridgway Town Hall, or by phoning 626-5308, Ext. 222.



DATED: June 19, 2020

Shay Coburn, Town Planner

To join the ONLINE Zoom meeting go to:

<https://us02web.zoom.us/j/81607764399?pwd=ckRzYmU5Rk1HVzBTQWFSVktCUjFOZz09>

Meeting ID: 816 0776 4399

Password: 651599

To call in dial 669.900.6833 or 253.215.8782

STAFF REPORT

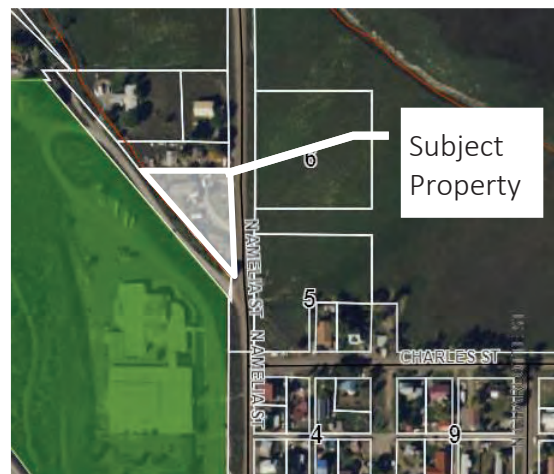
Request: Minor Subdivision
Legal: Yates Subdivision Lot 4
Address: 423 N Amelia Street
Parcel #: 430517105004
Zone: Historic Residential (HR)
Applicant: Dan Bartashius
Owner: Dan Bartashius
Initiated By: Shay Coburn, Planner
Date: June 30, 2020

REQUEST

The subject property is in the Yates Subdivision, just north of the Elementary School on N Amelia Street. The property is zoned Historic Residential. The lot is accessed via N Amelia Street, which abuts the eastern property line. A single-family home and accessory structures occupy this lot.

The Applicant is requesting a minor subdivision to split the lot into two separate lots. The Yates subdivision was recorded in 1997 at reception number 123885.

The Applicant has submitted a hearing application, fee, draft plat map, and other supporting documents. The property and hearing have been noticed and posted.



CODE REQUIREMENTS
RMC §7-4-8 MINOR SUBDIVISIONS:

(A) Subdivisions which meet all of the following criteria may be processed in accordance with the procedures outlined in this Subsection.

- (1) The subdivision results in no more than 2 tracts, lots or interests.
- (2) All lots or tracts are adjacent to a dedicated, maintained and accepted public street.
- (3) The improvements required by Subsection 7-4-6 of these regulations are already in existence and available to serve each lot.
- (4) Each lot will meet requirements of the Town Zoning Regulations without the necessity for any variance and no variance has been granted within the 3 previous years.
- (5) No part of the subdivision has been approved as part of a minor subdivision within 3 years prior to the date of submission of the minor subdivision plat.
- (6) A State Highway Access Permit has been obtained for any access to a State highway and Town driveway and access requirements will be met.
- (7) The subdivision meets the Design Standards of these regulations.

(B) The subdivider shall submit the plat, fees, and supporting documents as applicable, in substantial conformity with Subsection 7-4-5(C), with the exception that a certificate of improvements completed or security for completion are not required; and instead, there must be a certification that all required improvements are already installed, available and adequate to serve each lot of the subdivision to be signed by the Town. (Ord 12-2008)

(C) The plat shall be reviewed in accordance with the procedures and requirements of Subsection 7-4-5(C).

ANALYSIS

Code Requirements

1. The proposed subdivision results in exactly two lots.
2. Both lots are adjacent to a dedicated, maintained and accepted public street – North Amelia Street.
3. The Required Improvements in RMC §7-4-6 are mostly in place.
 - o Monuments will need to be placed prior to recording the final plat.
 - o Applicant needs to submit a written statement from a recognized weed expert confirming that the property is free of noxious weeds and/or submittal of a weed abatement plan.
4. The property has not been granted a variance in the last 3 years. The need for a variance in creating the 2 lots is not apparent; however, there are two sheds along existing property lines that appear to be in the setback. It appears as if these are legally non-conforming.
5. This lot has not been part of a subdivision in the last 3 years.
6. A CDOT access permit is not needed and the current driveway access on N Amelia will be utilized for the new lot.
7. Design Standards under RMC §7-4-7 appear to be met with the following exceptions:
 - o Dimensional requirements for the HR district are met for lot width, size, lot coverage and front setbacks. Side and rear setbacks are not fully met due to a few (likely legally non-conforming) sheds. The Commission can require they be moved or removed if desired.
 - o Item 17 – lot lines shall be substantially at right angles or radial to street lines. The new lot line is almost at a right angle to N Amelia but not the road to the southwest. Given the triangular shape of the parcel already established, staff feels this layout make sense but is curious why the lot line could not be at a right angle to N Amelia Street.

The Applicant needs to submit proof that they sent notice to mineral estate owners or that there are none.

Utilities

Utilities for Lot 4A are established. The existing water service line will require an easement across Lot 4B as proposed on the plat map.

For Lot 4B, water, sewer, natural gas and electric are available in Amelia Street. The sewer line will require an easement across Lot 4A as proposed on the plat map.

Staff is unsure how each lot is served by phone/internet. This will need to be sorted before the final plat can be recorded.

Service utility lines will be installed when a building permit and other applicable permits are granted.

Plat Map

1. The title of the map should be "Bartashius Minor Subdivision" also correct this in the certificate of dedication.
2. Add this note to the plat map:

The owners of the lots platted hereon, shall upon the request of the Town, properly execute a Petition for the Creation of an Improvements District for the construction and payment of all costs associated therewith, of the following improvements: pedestrian sidewalk abutting the subdivided properties.

The Ridgway Town Clerk is hereby appointed as the agent, and attorney in fact to execute such Petition of said lot owner's behalf, to vote on said lot owners' behalf in any election to approve any financial obligations for such improvement districts and for all other purposes related to the formation of such districts and construction of such improvements. The Town shall also have the option to cause the construction of said improvements and to assess the cost thereof to the property described above, and collect such costs by certification to the County Treasurer to be collected similarly as taxes.

3. Confirm if the power line easement in the northwest corner of the property was abandoned. If not, add it to the map with a reference to the reception number.
4. For the waterline easement on Lot 4B and the sewer easement on Lot 4A, add language to the label to whom the easement is dedicated to. Something like "10' waterline easement, for the benefit of Lot 4A."
5. There is a typo in the treasurer's certificate, at the end of the first line "non" should be "no".
6. Plat note 6 should be edited to read, "Each lot is limited to one principal dwelling unit for which applicable excise tax has been paid. In addition, each lot may have an "accessory dwelling unit" if compliant with Town code provisions as in effect from time to time, for which no excise tax has been paid." Unless the Applicant does not want to allow for accessory dwelling units.
7. Plat note 7 - What is the intent of this plat note that creates a blanket easement for utilities across and over both lots? Generally, it is best to have specific easements for specific purposes, which appear to already be shown on the map. Consider deleting this note.

Costs

Excise tax of \$1,500 per lot is due to the Town prior to recording the final plat.

Tap fees for the new sewer and water service lines will be due before recording the final plat -- \$6000 for water and \$6000 for sewer. Meter, can, MXU, other parts and installation will need to be paid for when activated.

The Applicant will be responsible for reimbursing the Town for all costs incurred for the Town Attorney and Town Engineer's time on this application. In addition, the Applicant must reimburse the Town for administrative expenses like recording the final plat.

STAFF RECOMMENDATION

Given the criteria for a minor subdivision appear to have been met, staff recommends approval of this application for a minor subdivision for Yate Subdivision Lot 4 for owner Dan Bartashius as presented with the following conditions to be met before recording the final plat:

1. Set new property monuments.
2. Submittal of written statement from a recognized weed control expert that the lots are free of noxious weeds pursuant to RMC §7-4-6(C), and submittal of a weed abatement plan if necessary.
3. Move or remove the sheds that are withing side setbacks.
4. Edit the new lot line to be at a right angle to N Amelia Street.
5. Mineral estate owner notification is met.
6. Determine phone/internet access for each lot and if any easements are needed on the plat.
7. Edits to the plat map as described above.



Posted property from Amelia Street looking north west



Posted property from street to elementary school, looking north west



TOWN HALL PO Box 10 | 201 N. Railroad Street | Ridgway, Colorado 81432 | 970.626.5308 | www.town.ridgway.co.us

Official Use Only

Receipt # 1062

Date Received: 5-29-20

Initials: HC

Planning Commission Hearing Request

General Information

Applicant Name DANIEL BARTASHIUS Application Date 5/29/20
Mailing Address 423 N. AMELIA ST Ridgway, CO 81432
Phone Number 970-318-9013 Email dbartashius@msn.com
Owner Name DANIEL BARTASHIUS
Phone Number 970-318-9013 Email dbartashius@msn.com
Address of Property for Hearing 423 N. AMELIA ST Ridgway CO 81432
Zoning District HR

Brief Description of Requested Action

PLAT AMENDMENT or MINOR SUBDIVISION

Action Requested and Required Fee Payable to the Town of Ridgway

<input type="checkbox"/> Temporary Use Permit per 7-3-13(C)	\$150.00	Subdivisions per 7-4 unless noted	
<input type="checkbox"/> Conditional Use per 7-3-14	\$250.00	<input type="checkbox"/> Sketch Plan	\$300.00 (+ \$10.00/lot or unit)
<input type="checkbox"/> Change in Nonconforming Use per 7-3-15	\$150.00	<input type="checkbox"/> Preliminary Plat	\$1,500.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Variances & Appeals per 7-3-16	\$250.00	<input type="checkbox"/> Preliminary Plat resubmittal	\$750.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Rezoning per 7-3-17	\$250.00	<input type="checkbox"/> Final Plat	\$600.00
<input type="checkbox"/> Other Reviews Pursuant to 7-3-18	\$250.00	<input type="checkbox"/> Minor Subdivision	\$450.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Variance to Floodplain Reg. per 6-2	\$150.00	<input type="checkbox"/> Lot Split	\$450.00
<input type="checkbox"/> Master Sign Plan Pursuant to 7-3-12	\$150.00	<input type="checkbox"/> Replat	\$150.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Deviations from Single Family Design	\$175.00	<input type="checkbox"/> Plat Amendment	\$250.00
Standards per 6-6		<input type="checkbox"/> Planned Unit Dev. per 7-3-11	See Preliminary and Final Plat
<input type="checkbox"/> Other	\$ _____	<input type="checkbox"/> Statutory Vested Rights per 7-5	\$1,500.00

Applicant and owner shall be jointly and severally responsible for legal, engineering, planning, administrative and miscellaneous fees, including recording costs, if incurred. (R.M.C. 7-3-20(B) and 7-4-12(B)). Water and sewer tap fees and development excise taxes are due at approval of final plats.



Attachments Required

For All Applications

- ☐ Evidence of ownership or written notarized consent of legal owner(s).
- ☐ Information proving compliance with applicable criteria (see the Ridgway Municipal Code for criteria), like a narrative, site plans, and/or architectural drawings drawn to scale on paper size of 8.5 x 11 or 11 x 17.

For Conditional Use Permits

- ☐ The site plan shall show the location of building(s), abutting streets, all dimensions, off-street parking requirements, and landscaping.
- ☐ Architectural drawings shall include elevations and details of building(s).

For Changes in Nonconforming Use

- ☐ Description of existing non-conformity.

For Variances

- ☐ The site plan shall show the details of the variance request and existing uses within 100 ft. of property.

For Rezoning

- ☐ Legal description, current zoning, and requested zoning of property.

For Subdivisions

- ☐ All requirements established by Municipal Code Section 7-4.
- ☐ Sketch plan submittals shall be submitted at least 21 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.
- ☐ Preliminary plat submittals shall be submitted at least 30 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.
- ☐ Final plat submittals shall be submitted at least 30 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.

Please note that incomplete applications will be rejected.

David Bartash

Applicant Signature

5/29/20

Date

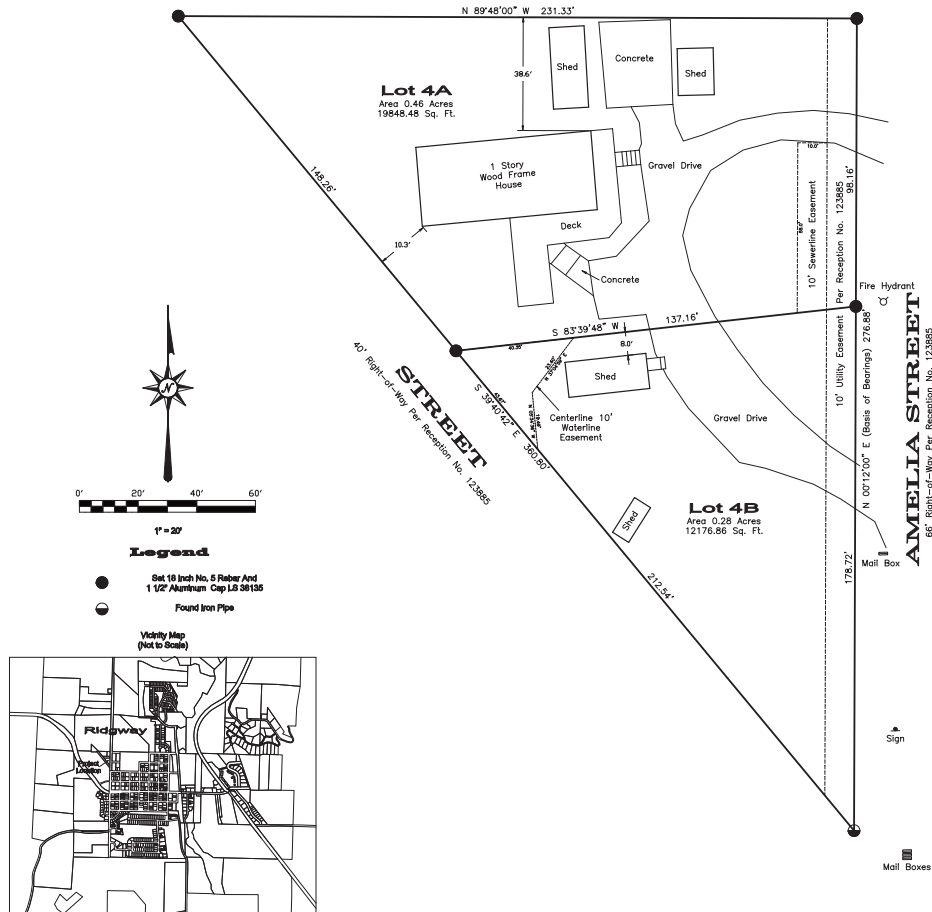
David Bartash

Owner Signature

5/29/20

Date

Bartashius Subdivision
A Minor Subdivision of Lot 4, Yates Subdivision, Town of Ridgway
Located in Northwest 1/4 Section 17, Township 45 North, Range 8 West, NMPM, Town of Ridgway, County of Ouray, State of Colorado



CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS that Daniel J. Bartashius, as the owner ("Owner") of certain lands in the Town of Ridgway, Colorado, to wit:

Lot 4, Yates Subdivision, Town of Ridgway, County of Ouray, State of Colorado

have by these presents laid out, platted and subdivided the same into lots, as shown on the Plat under the name of Bartashius Subdivision. Private easements are reserved or conveyed for the purposes as indicated on the plat.

Executed this _____ day of _____, A.D. 202____.

By: _____
Daniel J. Bartashius

NOTARIAL:

STATE OF COLORADO } ss.
COUNTY OF OURAY }

The foregoing Certificate of Ownership and Dedication was acknowledged before me this _____ day of _____, 202____, by Daniel J. Bartashius.

Witness my hand and official seal.

My commission expires: _____

Notary Public _____

ATTORNEY'S CERTIFICATE

I, _____, an attorney at law duly licensed to practice before the courts of record of Colorado, do hereby certify that I have examined the title of all land herein platted and that title to such land is in the dedicator(s) and owner, and that the property dedicated hereon has been dedicated free and clear of all liens and encumbrances, except as follows:

Dated this _____ day of _____, A.D. 202____.

_____, Attorney at Law

SURVEYOR'S CERTIFICATE

I, Peter C. Bauer, hereby certify that this plat was prepared under my direct supervision and that said survey is accurate to the best of my knowledge, conforms to all requirements of the Colorado Revised Statutes, and all applicable Town of Ridgway regulations, and that all required monuments have been set as shown.

Peter C. Bauer
License No. 38135

TREASURER'S CERTIFICATE:

I certify that as of the _____ day of _____ there are no delinquent taxes due, nor are there any tax liens, against the property described herein or any part thereof, and that all current taxes are apportioned assessments have been paid in full.

Dated: _____

_____, Ouray County Treasurer

LIEN HOLDER CERTIFICATE

The undersigned holder of a lien pursuant to an instrument recorded in the Ouray County records at Reception No. _____, hereby joins in the subdivision, any applicable acquisition/improvements agreement, and the dedication of easements, property and streets as shown hereon.

By _____ of Wells Fargo NA,

State of _____ } ss.
County of _____ }

The foregoing Certificate was acknowledged before me this _____ day of _____, 202____.

By _____ of _____

Witness my hand and official seal.
My Commission expires _____

Notary Public _____

NOTES

- All outdoor lighting fixtures to comply with town of Ridgway regulations.
- The property platted hereby is subject to the plat notes as recorded in YATES SUBDIVISION as recorded in the Ouray County Records at Reception No. 123885.
- The property platted hereon is subject to the prior easements as shown hereon.
- BASIS OF BEARINGS:** The east line of LOT 4, YATES SUBDIVISION, TOWN OF RIDGWAY, COLORADO per the plat recorded at reception No. 123885 in the office of the Ouray County Clerk and Recorder is recorded as being N 00°12'00" E
- Linear Unit: US Survey Foot.
- Each lot is limited to one principal dwelling unit for which applicable excise tax has been paid.
- Easements for utilities shall include a blanket utility easement over and across both lots.

NOTICE

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

TOWN COUNCIL:

Approved by the Ridgway Town Council this _____ day of _____, A.D. 202____.

by _____ Mayor.

PLANNING COMMISSION:

Approved by the Ridgway Planning Commission this _____ day of _____, A.D. 202____.

by _____ Chairman.

TOWN ATTORNEY'S CERTIFICATE:

Approved for recording this _____ day of _____, 202____.

Town Attorney _____

CERTIFICATE OF IMPROVEMENTS

The undersigned, Town Manager of the Town of Ridgway, certified that all required improvements are installed, available and adequate to serve each lot.

Dated: _____

Franklin Hall, Town Manager

RECORDERS CERTIFICATE

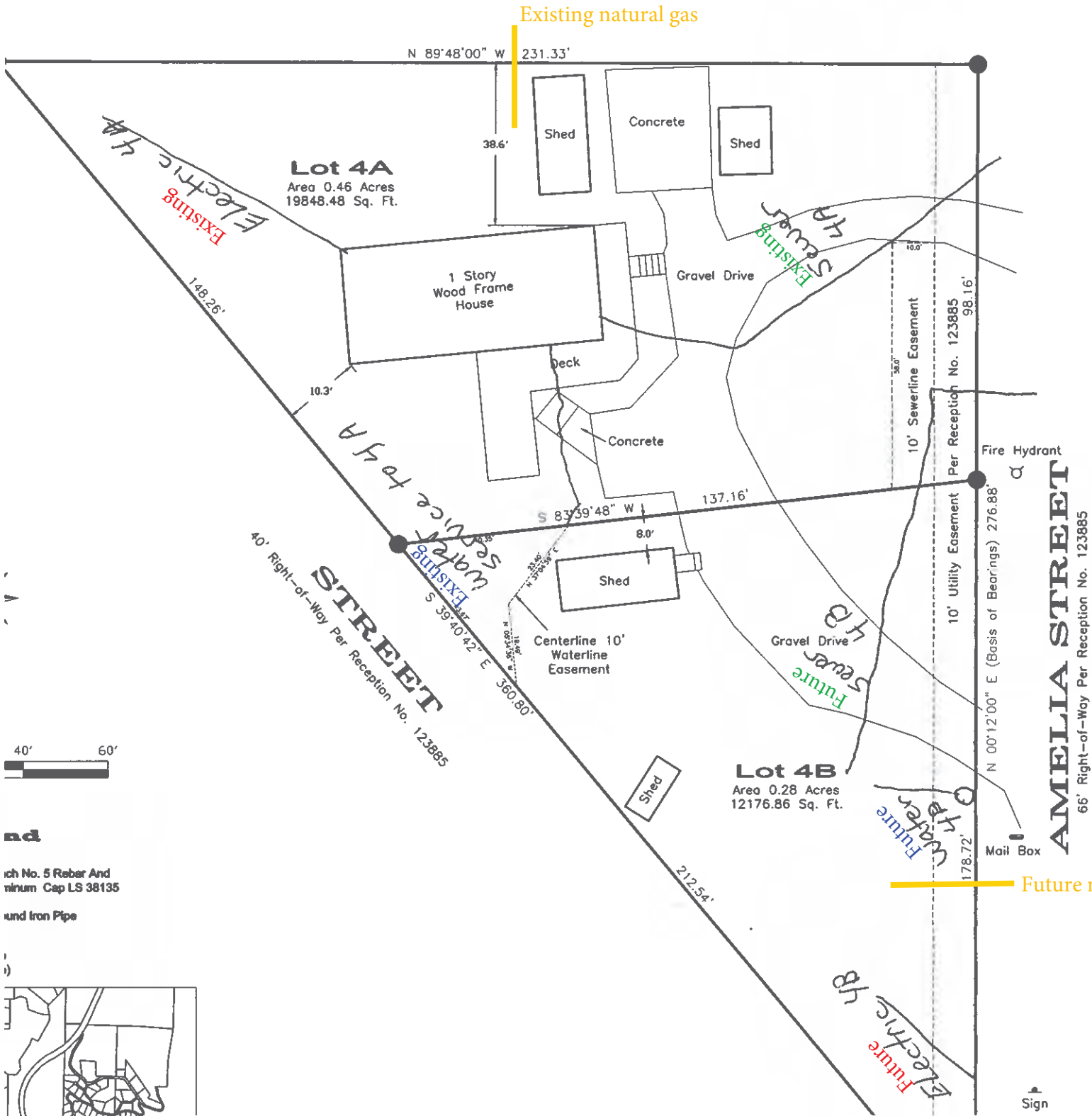
This plat was filed for record in the office of Clerk and Recorder of Ouray County at _____, AL on the _____ day of _____, A.D. 202____, under

Reception No. _____

By _____
Michelle Bauer, Ouray County Clerk and Recorder

Deputy _____

PROJECT MANAGER: PS	REVISIONS	DATE	DESCRIPTION	BY
CADD TECH: PS	1			
CHECKED BY: PS	2			
START DATE: 1/27/19	3			
	4			
	5			
OFFICE (970) 249-5349 CELL (970) 728-1289 1147 OURAY COUNTY ROAD 22 MONTROSE, CO 81403 WWW.ORIONSURVEYING.COM				
DRAWING PATH: Project 1-19	1 SHEET No. 1 OF 1		PROJECT: 18003	



PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING

APRIL 28, 2020

CALL TO ORDER

The Chairperson called the meeting to order at 5:40 p.m. with Commissioners Emilson, Falk, Liske, Nelson, Councilor Cheek, Mayor Clark and Chairperson Canright in attendance.

OTHER BUSINESS

1. Master Plan Implementation: Land Use Code Updates Phase 1, Address Housing

Staff Report dated April 21, 2020 presenting background, analysis and staff recommendation prepared by the Town Planner. Late additions to the Agenda Packet included: Guidance Documentation for The Site Location and Design Approval Regulations for Domestic Wastewater Treatment Works 5 CCR 1002-22, published by the Colorado Department of Health & Environment (CDPHE) Water Quality Control Division, (extert lines 625-801), submitted by the Publics Works Service Administrator; Emails dated April 20 and 21, 2020 from Broker Ben Jackson; Letter dated June 11, 2019 to Chris Hawkins of Alpine Planning, LLC from JVA Incorporated; Email dated April 28, 2020 from resident Tom McKenney.

Planner Coburn provided an overview of the last 3 public meetings addressing proposed code updates and noted the updates are intended to help reduce the cost of housing in the community. She reviewed the proposed changes as noted in the Staff Report. Updates were made to Ridgway Municipal Code (RMC) (7-3) Zoning Regulations, and (RMC) (6-6) Design Standards, in which comments received from the Planning Commission at the March 31, 2020 Regular Meeting were incorporated. Coburn noted the public was provided the opportunity to make comments regarding the updates by April 14, though none were received. However, written comments were received prior to the meeting from Ben Jackson, Chris Hawkins and Tom McKenney.

Publics Works Service Administrator, Chase Jones explained the Colorado Department of Public Health and Environment will implement stronger restrictions for wastewater treatment facilities in 2027 though it is uncertain what the changes will be at this time. He reviewed the current CDPHE guidelines for wastewater treatment facility setbacks. Jones commented that allowing residential housing within 500 ft. of the Public Works yard, near the wastewater treatment plant could be problematic in the future because the Town will likely have to mitigate for odors which could significantly increase cost and impact the Town's options for expansion or procurement of new technology.

SPEAKING FROM THE AUDIENCE

Tom McKenney said he was surprised to be talking about the wastewater treatment plant and thought the Town had talked about moving to a mechanical system many years ago.

Ben Jackson suggested sewer impact fees as part of the building permit for employee housing developments that might be constructed within the 500 ft. set back.

Chris Hawkins asked why smaller lot sizes are not allowed in the Downtown Services (DS) District as historically platted since this would promote density. He found that the current lot size is appropriate for businesses with minimal impact to the highway such as dental or attorney's office. The DS District is primarily zoned residential so the office structures maintain a residential feel while allowing for commercial business. Furthermore the Department of Transportation would likely not allow additional driveway access along Highway 62 which would be needed by increasing density.

The Commissioners discussed the 500 ft. setback issue and noted restrictions are already in place with the current code that may prevent complications with future regulations. However, staff was directed to contact CDPHE to receive their opinion on how the proposed regulations might impact the 500 ft. setback for the wastewater treatment plant. They considered the discussion regarding performance standards for buildings with floor area greater than 15,000 sq. ft. as it relates to workforce housing and will continue that discussion in a later meeting. Drainage mitigation requirements were examined for structures erected within the 3 ft. minimum side setback, and staff was directed to add language in the draft requirements to ensure drainage mitigation has been thoroughly reviewed by the builder.

ACTION:

Councilor Cheek moved to recommend approval of the updates to the Land Use Codes, Phase 1 with regards to housing, to the Town Council, pending the refined wording around drainage mitigation for reduced setbacks, and including pending clarification for wastewater setbacks from CDPHE. Commissioner Nelson seconded the motion, and it carried unanimously.

2. Town Standard Specification & Typical Drawings for Infrastructure

Staff Report dated April 24, 2020 presenting background, analysis and staff recommendation prepared by the Public Works Service (PWS) Administrator.

Planner Coburn explained the *Standard Specification & Typical Drawings for Infrastructure* for the Town of Ridgway's storm water is being reviewed as part of the updates to the Storm Water Master Plan. The Plan will cost approximately \$15,000,000 to implement over time. She advised implementation should start with improvements that will make the biggest impact and requested input from the Planning Commission.

PWS Administrator Chase Jones said enacting standards and specifications is one of the first ways to ensure that drainage issues do not get worse. He reviewed the pros and cons for minimum building entry or floor level requirements; requiring new development to detain historic flows or improving a town-wide system; and what historic flows might mean. Mr. Jones made recommendations as noted in the Staff Report dated April 24, 2020 and requested further direction from the Planning Commission.

The Commissioners received clarification on historic water flow and the demands on the storm water system as it relates to future growth. They agreed with the recommendations in items 1, 2, and 3(c) in the Staff Report for Storm Water Standard Guidance.

APPROVAL OF THE MINUTES

3. Approval of the Minutes from the Meeting of March 31, 2020

ACTION:

Councilor Nelson moved to approve the Minutes from March 31, 2020. Mayor Clark seconded the motion, and it carried unanimously.

ADJOURNMENT

The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Karen Christian
Deputy Clerk