

RIDGWAY PLANNING COMMISSION

AGENDA

Tuesday, August 25th, 2020

Regular Meeting; 5:30 pm

ONLINE via Zoom

To join the meeting go to:

<https://us02web.zoom.us/j/81173084596?pwd=bXZpVC8xMkVNV0E3Z2Y5ZUpNRnJTUT09>

Meeting ID: 811 7308 4596

Passcode: 287102

To call in dial: 253.215.8782 or 346.248.7799 or 408.638.096

Written comments can be submitted before the meeting to scoburn@town.ridgway.co.us or delivered to Town Hall Attn: Planning Commission

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

OTHER BUSINESS:

1. Planning Commission Bylaws, review and consideration of adoption
2. Reschedule regular Planning Commission meetings, suggested dates as follows:
 - a. November 24th to December 1st
 - b. December 29th to December 22nd

APPROVAL OF MINUTES:

3. Minutes from the meeting of July 28, 2020

ADJOURN



To: Planning Commission
From: Shay Coburn, Town Planner
Date: August 25, 2020
Re: Planning Commission Bylaws, review and consideration for adoption

SUMMARY

The attached Planning Commission Bylaws are presented for review and consideration of adoption. As the Town continues to get busier with requests for hearings for development review, variances, deviations and more, it is increasingly important that these bylaws are formally documented. The attached bylaws should not include much new information but rather be a documentation of existing practices.

PROPOSED MOTION

“I move to approve the Town of Ridgway Planning Commission Bylaws [as presented OR with the following modifications...].”



PLANNING COMMISSION BYLAWS

PREAMBLE

The Ridgway Planning Commission was created by the Ridgway Town Council pursuant to the provisions of the Colorado Revised Statutes, Section 30-28-101 et. seq. The Ridgway Planning Commission has the authority and responsibilities as defined by the statutes under which it is created and the regulations of the Town of Ridgway and the Ridgway Municipal Code. These Bylaws are for the purpose of creating an organizational framework for the Planning Commission and should not be construed as diminishing, increasing or amending the authority or the responsibilities as specified within the Ridgway Municipal Code.

SECTION 1: MEMBERSHIP

- A. The Ridgway Planning Commission shall consist of seven members. All members shall be qualified electors of the Town.
- B. Five members shall be appointed by the Mayor to serve six-year terms, expiring at two-year intervals. The Mayor and one member of Town Council, appointed by Mayor, shall be ex-officio members, and shall serve for the period of their incumbency.
- C. The Mayor may appoint an alternate who may serve and vote in the absence of any of the regular members. Such alternate shall serve a six-year term, expiring at two-year intervals. The alternate member may take the place of a regular member in the event any regular member is temporarily unable to act owing to absence from the Town, illness, conflict of interest in any matter before the Planning Commission (recusal), or any other cause. His/her place may be taken during such temporary disability by the alternate member, who shall then act as a voting member of the commission for the duration of the meeting or hearing.
- D. Members may resign from the Ridgway Planning Commission by submitting written notice of such resignation to the Mayor and the Commission.
- E. Members may be removed for malfeasance in office by the Mayor. If any member, other than the Mayor, misses any more than five meetings in any calendar year, they shall be automatically removed.
- F. In the event of a resignation or removal of a Commissioner by the Mayor, the Mayor shall appoint a replacement to serve for the remaining term of the member leaving the Commission.

Commented [SC1]: Do we want a process for “expiring at 2-year intervals”, like recognition and reappointment? We have not ever set a limit on the number of 6-year terms one can server, do we address how many 6-year terms one could server?

Commented [SC2]: We have not had quorum issues but the municipal code already states that the Mayor can appoint an alternate so having some parameters around that may be helpful. We could also remove this section.

Commented [SC3]: Okay to match term with general PC member term?



SECTION 2: OFFICERS

- A. The officers of the Planning Commission shall be a Chairperson and Vice Chairperson. Other officers, as may be deemed necessary, may be appointed by the Planning Commission. No person may hold more than one office at the same time.
- B. The officers shall serve terms of two years and shall be elected at the first regular meeting after the conclusion of the terms of the preceding Chairperson and Vice Chairperson. In the event of a vacancy in any office because of resignation or otherwise, the vacancy shall be filled by the members of the Planning Commission for the unexpired portion of the term, by vote of the remaining members of the Commission.
- C. The Chairperson shall preside at all meetings of the Planning Commission, sign documents of the Commission, and see that all actions are properly taken.
- D. The Vice Chairperson shall serve in the absence or incapacity of the Chairperson. The Vice Chairperson shall succeed the Chairperson if he/she vacates the office before the term is completed and a new Vice Chairperson shall be elected at the next scheduled meeting.
- E. In the event that both the Chairperson and Vice Chairperson are absent, the attending members, if a quorum has been established, may select a temporary Chairperson for the meeting, and the meeting may proceed as scheduled.
- F. The Town Clerk or designee shall take minutes for all meetings.

Commented [SC4]: Do you want to assign a vice chair? I think as of today the Mayor has run the meetings when the chair is out or has a conflict. Staff suggests assigning a vice chair that is not the Mayor.

May need to update sections D and E below accordingly.

Commented [SC5]: Are you ok with 2 year terms for officers? Do you want to specify if one can serve consecutive terms? Or a maximum number of terms?

Staff thinks 2-year terms are good and there is no need to specify consecutive terms or maximum number of terms.

SECTION 3: MEETINGS

- A. Regular meetings and/or public hearings of the Planning Commission shall be held on the last Tuesday of each month at 5:30 p.m. Meeting are typically held at Ridgway Town Hall but may be held electronically per applicable adopted Town policies. The Planning Commission may alter the date, time and/or place of regular meetings when needed, at any regularly scheduled meeting.
- B. Special meetings or work sessions may be held at any time, following at least a 24-hour notice to each member of the Commission and the public. Special meetings designed for a public hearing that meet all applicable public hearing notice requirements can result in a decision requiring a formal motion. Decisions requiring formal motions may not be made at work sessions.
- C. In order to determine if a quorum will be present, each member of the Planning Commission who has knowledge of the fact that she/he will not be able to attend a scheduled meeting of the Planning Commission, shall notify the Town Planner at the earliest possible opportunity, and in any event, prior to 4:00 p.m. on the day of the meeting.
- D. The business of the Planning Commission shall be conducted in accordance with the Colorado Open Meetings Law (C.R.S., Section 24-6-401, et seq.).



- E. The Planning Commission will make a reasonable effort to act on all items scheduled on the agenda before adjourning their meeting. However, if the Commission is in session an unreasonably long time, the Commission may (adjourn) continue the meeting to a specific date and time at which to consider the remaining items on the agenda upon a motion made duly made and carried.
- F. Members of the Ridgway Planning Commission **must be present** to vote.
- G. All meetings of the Commission are open to the public and shall be conducted in accordance with the Ridgway Municipal Code. Commissioners are strongly encouraged to acquaint themselves with the Rules of Conduct for Council Meetings and the General Business of the Town of Ridgway and abide by the provisions in those policies. On question of parliamentary procedure not covered by these bylaws, the most recent available edition of Robert’s Rules of Order should govern. Meetings of the Planning Commission generally follow this format:
 - 1. Chair calls meeting to order.
 - 2. Staff from the Town Clerk’s Office completes roll call.
 - 3. Chair explains rules and format that will guide the meeting and any public hearings. The general rules and format are as follows:
 - a. Hearings will be conducted in a manner so as to afford due process to all participants.
 - b. All questions and comments are to be directed through the Chair. This includes questions Commission members may have of the applicant, their representatives, or the public.
 - c. The Chair may limit the time of public comments if he/she determines it is necessary to conduct the meeting or hearing in an orderly and timely manner and give all scheduled applicants and participants a fair and reasonable amount of time to be heard. If time limits on testimony are to be set, the Chair will advise the audience of the time limits at the start of the agenda item.
 - d. Individuals that plan to address the Commission must approach the established public speaking location and state their name and address. Speakers are encouraged to present new information that has not previously been heard or entered into the record and to refrain from presenting cumulative or repetitive remarks or testimony. The speaker can rather say they support or do not support one of the other speaker’s comments.
 - e. The Chair may limit public comment or questions if found to be repetitive, harassing in nature, or disruptive.
 - 4. For each agenda item, the Chair reads the agenda item into the record and states if it is a formal public hearing or not.
 - a. If applicable, staff makes a presentation for the agenda item. If it is a public hearing, staff will review the staff report which includes a summary of the request, applicable regulations, and an

Commented [SC6]: May need to adjust based on new electronic participation policy.



- analysis of the how the application meets or does not meet the required criteria. Other Town staff may be recognized and asked or given an opportunity to comment on the application.
- b. Commission members may then ask staff questions. Questions may be about the presentation or any information that has been submitted or any issues related to the application.
 - c. The Chair then requests that the applicant makes their presentation if desired. This may include the applicant asking the staff questions concerning the staff report or presentation. The applicant must approach the designated public speaking location.
 - d. Commission members may then ask the applicant questions.
 - e. Chair opens the meeting to the public for questions or comments on the application or issue. The Chair must call on or recognize each speaker before speaking. The Chair may remind the public of the expected protocol if warranted.
 - f. Chair closes the meeting to public comment. The Chair may re-open the meeting at a later time for public comment at his/her discretion.
 - g. Staff from the Town Clerk's office shall read any submitted public comments into the record.
 - h. Commission members deliberate. They may ask questions of staff, the applicant, or the public.
 - i. Commission takes action per Section 5 below.
 - j. Repeat above steps for each agenda item as necessary.
5. Adjourn the meeting.

SECTION 4: PROCEDURES

- A. All applications and other matters requiring Planning Commission approval or recommendation shall follow the procedure that is outlined in the Ridgway Municipal Code.
- B. For actions requiring recommendation to the Town Council, staff shall prepare a written report based on the information presented and discussed at the Planning Commission hearing to provide to Town Council.
- C. The Planning Commission may recommend, from time to time as it may deem advisable, amendments to the zoning and subdivision regulations, master plan, building codes, and other regulations of the Town. Such recommendations shall be transmitted to the Town Council in writing.
- D. Matters referred to the Commission by Town Council shall be placed on the agenda for consideration and action at the first regular meeting of the Commission after such reference, provided that an appropriate amount of time is allowed for public notice if required by law.



- E. Deadline for filing for placement on the agenda for applications for any actions requiring Planning Commission review shall be at least 20 days prior to consideration by the Planning Commission unless otherwise specified in the Ridgway Municipal Code.
- F. Any member of the Planning Commission who has a conflict of interest or the potential of a conflict of interest shall comply with legal disclosure requirements. Prior to meeting these disclosure requirements, Commissioners may consult with the Town Attorney to determine the appropriate procedure. It is the obligation of each Commissioners to determine if they have a conflict of interest.
 - 1. In the case of a conflict of interest, or potential conflict of interest where the Commissioner chooses not to participate, the Commissioner shall disclose the real (or potential) conflict of interest just after the agenda item has been introduced. If the Commissioner is recusing themselves, they must leave the room as to not influence the decision.
 - 2. In the case of a potential (but not actual) conflict of interest where the Commissioner wishes to participate, the Commissioner shall disclose the potential conflict and clarify that there is no actual conflict.
 - 3. A Commissioner shall not create or use the excuse of a conflict of interest, where one does not exist, in order to recuse themselves from participating in the business of the Planning Commission

Commented [SC7]: Currently the deadline is 10 days for things like variances and CU just by default of the public notice requirements. The code requires at least 30 days for subdivisions. Requiring a few more days notice before the public notice deadline would be helpful for staff in managing workload.

SECTION 5: ACTIONS

- A. All actions of the Ridgway Planning Commission shall be made and seconded by motion. Discussion on a motion may be had only after a second to the motion has been made.
- B. Commissioners may informally offer amendments to the main motion. If accepted by the maker and seconder, the amendment is then considered to be a part of the main motion to be voted on. If the amendment is not accepted informally, then a formal and separate motion to amend is required.
- C. A Commissioner may withdraw their motion or second at any time prior to a vote.
- D. Voting shall be by voice as a group, signified by “Aye” or “Nay” by each member. The Town Clerk’s office shall keep a record of the vote in the meeting minutes.
- E. A quorum of the Planning Commission shall be four (4) members.
- F. A majority of Commissioners entitled to vote shall constitute a quorum for the transaction of business; any motion receiving less than a majority vote in favor shall fail.
- G. Any business may be transacted by a majority vote of the quorum except the adoption of a master plan or any part, amendment or extension or addition thereof, which shall be by resolution carried by affirmative votes of not less than a majority of the entire membership of the Commission, unless otherwise specified in the Municipal Code. Such topics shall be conducted as a Public Hearing.



H. Tie Vote:

1. A tie vote on any motion means the defeat of the motion for a lack of a majority vote.
 2. When a tie vote occurs and no other motion is passed on the item, the item shall be forwarded to the Town Council with a report of the tie vote. In addition to the report of the tie vote, supporting and objecting opinions shall be submitted to the Town Council.
- I. All decisions must be made in accordance with the Ridgway Municipal Code. Typically, the Commission may approve, disapprove (deny), approve with conditions, or continue to a specific date/time specific. If the Commission is to make a recommendation to Town Council, the Commission can recommend approval, disapproval (denial), or approval with conditions.
- J. The Commission shall execute all required actions within reasonable time frames and as prescribed by the Municipal Code.

SECTION 6: AMENDMENTS

These bylaws may be altered, amended or repealed and new bylaws may be adopted by the Planning Commission at any special meeting called for that purpose or at any regular meeting where the matter has been duly placed on the agenda.

SECTION 7: ADOPTION

Approved by the Ridgway Planning Commission on _____.

PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING

JULY 28, 2020

CALL TO ORDER

The Chairperson called the meeting to order at 5:35 p.m. with Commissioners Liske, Nelson, Councilor Cheek, Mayor Clark and Chairperson Canright in attendance. Commissioner Falk was absent and Commissioner Emilson entered the hearing at 5:45p.m.

PUBLIC HEARING

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

Staff Report dated July 28, 2020 presenting background, analysis and staff recommendation prepared by the Town Planner.

Town Planner Shay Coburn presented an application for sketch plan for a planned unit development. She explained the parcel is proposed to be divided into 7 different properties that will include one existing single family home over an attached garage and six 2 bedroom, 2.5 bath townhouses with ground floor garages. She noted the Planning Commission reviewed and approved the Sketch Plan at the July 30, 2019 Planning Commission Regular Meeting and the approval was valid for only six months.

Revisions to the Historic Residential District have been adopted since the sketch plan was initially reviewed by the Commissioners and the Planner reviewed how the changes affect the development. She explained why conditional use approval will be needed for 2 of the 6 townhomes on the lot. She further explained why a variance would be needed for the dimensional standards for lot width, coverage and setbacks for the proposed internal townhouse lots, as well as for all six townhomes' lot area.

The Town Planner called to the Commissioners' attention the drainage issues along North Cora and Charles Streets. The original sketch plan proposed a shared sewer service for 2 townhomes per line which are not reflected in the current plans. She also noted the Commission asked the Applicant to consider accessing the townhouse lots from the alley rather than on Charles Street during the previous sketch plan discussion. Coburn commented short term rental restrictions, deed restrictions and compliance with the newly updated residential design standards should be discussed.

The Chairperson opened the hearing for public comment.

Tom McKinney said he is in favor of the project because it aligns with the Master Plan and the creation of affordable housing. He said the front exposure of the townhomes should be more interesting, so that they look more like individual units.

Raymond Ferguson said he opposes the project because there is too much concentration from a neighboring lot that houses 2 people, and then transitioning into 26 people on the next lot; the

proposed parking does is not appear to be adequate; there are safety issues with 6 driveways in close proximity to a street corner and educational facility; building shadowing creating severe ice and snow load in the winter, the majority of the lot will be made impermeable, and he did not think the small lot sizes address affordable housing since the units will likely start at \$500,000.

Krista Stewart said she agrees with the points made by Mr. Ferguson. Ms. Stewart felt 4 townhomes would be adequate and the perm ice on Charles Street is already a problem so the building shadowing will worsen the situation. She voiced concerns over the driveway setbacks noting many cars in the town park over the sidewalk that crosses over the driveways. Ms. Stewart noted safety concerns with increased traffic from this project, the elementary school, Voyager educational facility, and proposed Space to Create building when it is constructed. Krista commented she submitted a letter for the July 30, 2019 regular Planning Commission Meeting regarding these points.

The Chairperson closed the hearing for public comment.

The Commissioners discussed the application with Staff and the Applicant. They noted duplexes or up to 5 single family residences with accessory dwelling units, could be constructed on each of the existing lots without conditional approvals and variances instead of the proposed 6 townhomes and existing residence. Additionally, at least one more single family dwelling could also be constructed on the lot with the already existing residence.

Applicant Matt Mclsaac explained the layout presented is the best solution for every proposed unit and it will make the lots viable for the Ridgway life styles. The driveways are situated on the front end of the lots to accommodate the turning radius for large trucks, and ease of cars, trailers and off road vehicles to enter the garage. The second car spot does not encroach over the sidewalk hindering pedestrians. A new culvert is in the design to redirect the drainage issues and the Town Engineer will be involved with the design to redirect the flow away from the corner of Charles and Cora Streets. Mclsaac noted the design presented for the hearing is more cohesive with the alley ways. He explained the existing trees are approximately 13 ft. taller than the proposed buildings and they do not appear to cast a shadow causing snow and ice buildup. The building will be set back from the corner and a variety of materials will be used on the exterior to provide character for the buildings he concluded.

Mr. Mclsaac said he is willing to explore deed restricted units but needs to obtain more information on how it would affect the project financially. He discussed short term rentals with the Commission and noted he needs more information about the regulations. The Commissioners agreed that allowing a bedroom short-term rental within each townhouse unit, as opposed to short-term renting the entire unit, may be a consideration. They also directed Staff to work with the Applicant to determine the details of a deed restricted unit and present a proposal at preliminary plat. The Commissioners also asked the Applicant to consider orienting the structure further south to assist with snow load from the Town's snow plow.

ACTION:

Commissioner Nelson moved to approve the Application for Sketch Plan for Block 28, Lots 16-20, for Owner/Applicant Matt Mclsaac with the restrictions on short term rentals to be 1 bedroom for each townhouse unit; work with the Town Staff as directed for deed restriction language, including the

considerations in the Staff Report dated July 28, 2020 to be addressed in the Preliminary Plat.
Councilor Cheek seconded the motion, and it carried unanimously.

APPROVAL OF THE MINUTES

2. Approval of the Minutes from the Meeting of June 30, 2020

ACTION:

Mayor Clark moved to approve the Minutes from June 30, 2020. Commissioner Liske seconded the motion, with Commissioner Nelson abstaining, and it carried unanimously.

ADJOURNMENT

The meeting adjourned at 7:20 p.m.

Respectfully submitted,

Karen Christian
Deputy Clerk