

RIDGWAY PLANNING COMMISSION

AGENDA

Tuesday, September 29th, 2020

Regular Meeting; 5:30 pm

ONLINE via Zoom

To join the meeting go to:

<https://us02web.zoom.us/j/89289854155?pwd=Y2lzdXdTdYzBER1JiWTdlOUhPdIk2UT09>

Meeting ID: 892 8985 4155

Password: 057228

To call in dial: 346.248.7799 or 408.638.0968 or 669.900.6833

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

PUBLIC HEARINGS:

1. **Application:** Replat; **Location:** SKS Condominiums Units A and B (formerly Solar Ranches #2B, Lot 87D); **Address:** 602 Tabernash Lane Units A and B; **Zone:** Low-Density Residential (R); **Applicant:** Kristin L Adams; **Owners:** Kristin L Adams and Steven P Schroeder

OTHER BUSINESS:

2. Planning Commission Bylaws, review and consideration of adoption

APPROVAL OF MINUTES:

3. Minutes from the meeting of August 25, 2020

ADJOURN

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Ridgway Planning Commission will hold a **PUBLIC HEARING online***, on Tuesday, September 29th, 2020 at 5:30 p.m., to receive and consider all evidence and reports relative to the application described below:

Application for: **Replat**

Location: **SKS Condominiums Units A and B (formerly Solar Ranches #2B, Lot 87D)**

Address: **602 Tabernash Lane Units A and B**

Zoned: **Low-Density Residential (R)**

Applicant: **Kristin L Adams**

Property Owner: **Kristin L Adams and Steven P Schroeder**

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: September 18, 2020

Shay Coburn, Town Planner

***To join the ONLINE meeting go to:**
<https://us02web.zoom.us/j/89289854155?pwd=Y2lzdXdTZyZBER1JiWTdlOUhPdIk2UT09>
Meeting ID: 892 8985 4155
Password: 057228

To call in dial: 346.248.7799 or 408.638.0968 or 669.900.6833

STAFF REPORT

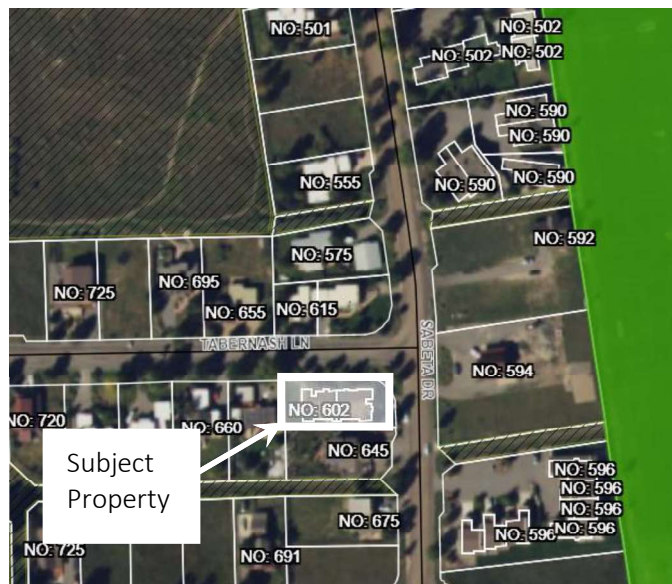
Request: Replat
Legal: SKS Condominiums Units A and B (formerly Solar Ranches #2B, Lot 87D)
Address: 602 Tabernash Lane Units A and B
Parcel #s: 430516333001 and 430516333002
Zone: Low-Density Residential (R)
Applicant: Kristin L Adams
Owner: Kristin L Adams and Steven P Schroeder
Initiated By: Shay Coburn, Planner
Date: September 29, 2020

REQUEST

Applicant is requesting to replat the SKS Condominium plat recorded on November 5, 2008 at reception number 199408, back to the original lot, Solar Ranches #2B Lot 87D. The subject property is located at the southwest corner of Tabernash Lane and Sabeta Drive. The property is currently occupied by a duplex and is surrounded by low density residential development.

The Applicant submitted an application, hearing fee, draft plat map, and executed Agreement to Terminate a Common Interest Community.

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 remove the condominium plat on the lot and go back to one lot without condo units on it.
2. The property has all utilities require to serve the lot already in use by the existing duplex.

3. The requested change is consistent with the Design Standards of the code as this is within an established subdivision.
4. The request is consistent with the Dimensional Standards of the zoning code. The lot will be as originally platted.
5. Final Plat requirements have been met.

Costs

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

1. Retitle the plat map from "Replat of Lot 87D Riling No. 2B Solar Ranches" to "Replat of SKS Condominiums, a Condominium Subdivision of Lot 87D Solar Ranches #2B" and fix in certificate of dedication and ownership.
2. Add vicinity sketch map.
3. Add new legal description for this lot.
4. Remove fence from map and key.
5. Plat notes:
 - a. Add "and any amendments thereto" to the end of plat note 1.
 - b. Add plat note 3: The maximum number of dwelling units allowed is 2.
 - c. Add plat note 4: This Subdivision is exempt from the excise tax pursuant to Section 3-4-2(B) of the Town Municipal Code, as it does not create additional dwelling units.
6. Add a title to the Recorder's Certificate and add "at _____. m." after "Ouray County".
7. Add the following two certifications:

Certificate of Improvements:

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

Town Manager

Date

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 and special assessments have been paid in full.

Ouray County Treasurer

Termination Agreement

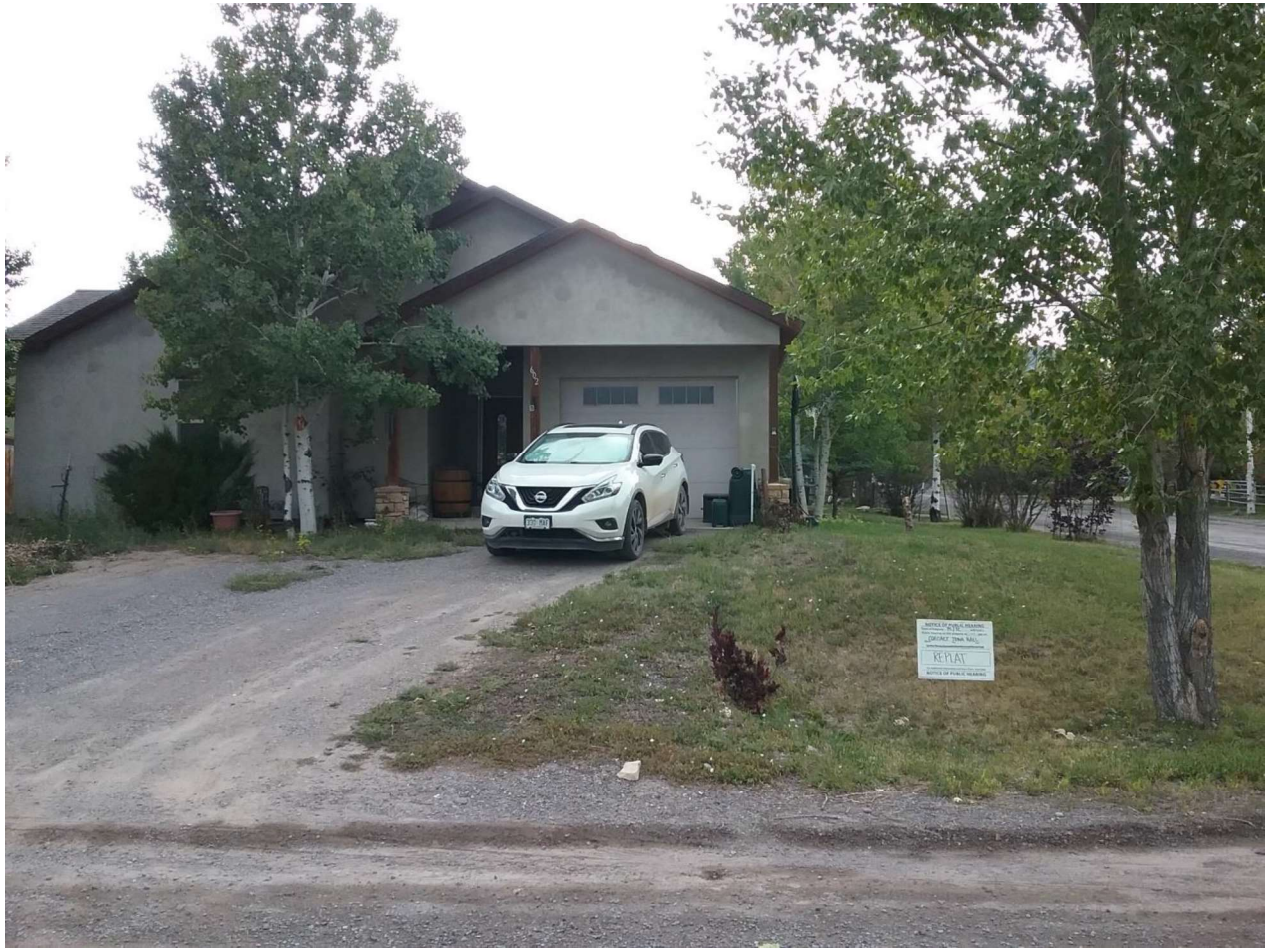
If approve, staff will need to send out a correction of address to remove the word “unit” from the existing address.

STAFF RECOMMENDATION

Staff recommends approval of the Replat of SKS Condominiums, a Condominium Subdivision of Lot 87D Solar Ranches #2B, for owners Kristin Adams and Steve Schroeder with the conditions that all edits to the plat map as detailed above be completed before the final plat can be recorded. Per the municipal code conditions must be met within 90 days.



Property posted from Tabernash Lane



Property posted from Sabeta Drive



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

Official Use Only

Receipt # _____

Date Received: _____

Initials: _____

Planning Commission Hearing Request

General Information

Applicant Name Kristin L. Adams Application Date 08-18-2020
Mailing Address 602 B. TABERNASH LN, Ridgway CO 81432-9677
Phone Number 970-275-9289 Email KLADAMS013@gmail.com
Owner Name Kristin L. Adams + Steven P. Schroeder (JOINT TENANTS)
Phone Number 970-275-9286 Email _____
Address of Property for Hearing 602 TABERNASH LANE, A+B, Ridgway, CO LOT 87D, Filing 23
Zoning District Solar Ranch Sub.

Brief Description of Requested Action

WE ARE REQUESTING TO "REVERSE" THE CONDOMINIUMIZATION PROCESS that my ex-husband started back in 2017, BUT NEVER FULLY COMPLETED. WE WERE TRYING TO TERMINATE WHEN WE FOUND THIS OUT + CANNOT REFIN, SELL, HOME EQ, ANYTHING, UNTIL WE EITHER FINISH THE PROCESS OR TERMINATE IT. WE DO NOT WANT "CONDO'S", HENCE THIS TERMINATION.

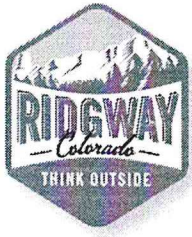
Action Requested and Required Fee Payable to the Town of Ridgway

<input type="checkbox"/> Temporary Use Permit per 7-3-13(C)	\$150.00
<input type="checkbox"/> Conditional Use per 7-3-14	\$250.00
<input type="checkbox"/> Change in Nonconforming Use per 7-3-15	\$150.00
<input type="checkbox"/> Variances & Appeals per 7-3-16	\$250.00
<input type="checkbox"/> Rezoning per 7-3-17	\$250.00
<input type="checkbox"/> Other Reviews Pursuant to 7-3-18	\$250.00
<input type="checkbox"/> Variance to Floodplain Reg. per 6-2	\$150.00
<input type="checkbox"/> Master Sign Plan Pursuant to 7-3-12	\$150.00
<input type="checkbox"/> Deviations from Single Family Design Standards per 6-6	\$175.00
<input type="checkbox"/> Other	\$ _____

Subdivisions per 7-4 unless noted

<input type="checkbox"/> Sketch Plan	\$300.00 (+ \$10.00/lot or unit)
<input type="checkbox"/> Preliminary Plat	\$1,500.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Preliminary Plat resubmittal	\$750.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Final Plat	\$600.00
<input type="checkbox"/> Minor Subdivision	\$450.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Lot Split	\$450.00
<input checked="" type="checkbox"/> Replat	\$150.00 (+ \$25.00/lot or unit) \$200
<input type="checkbox"/> Plat Amendment	\$250.00
<input type="checkbox"/> Planned Unit Dev. per 7-3-11	See Preliminary and Final Plat
<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.



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

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


Owner Signature

 
Date

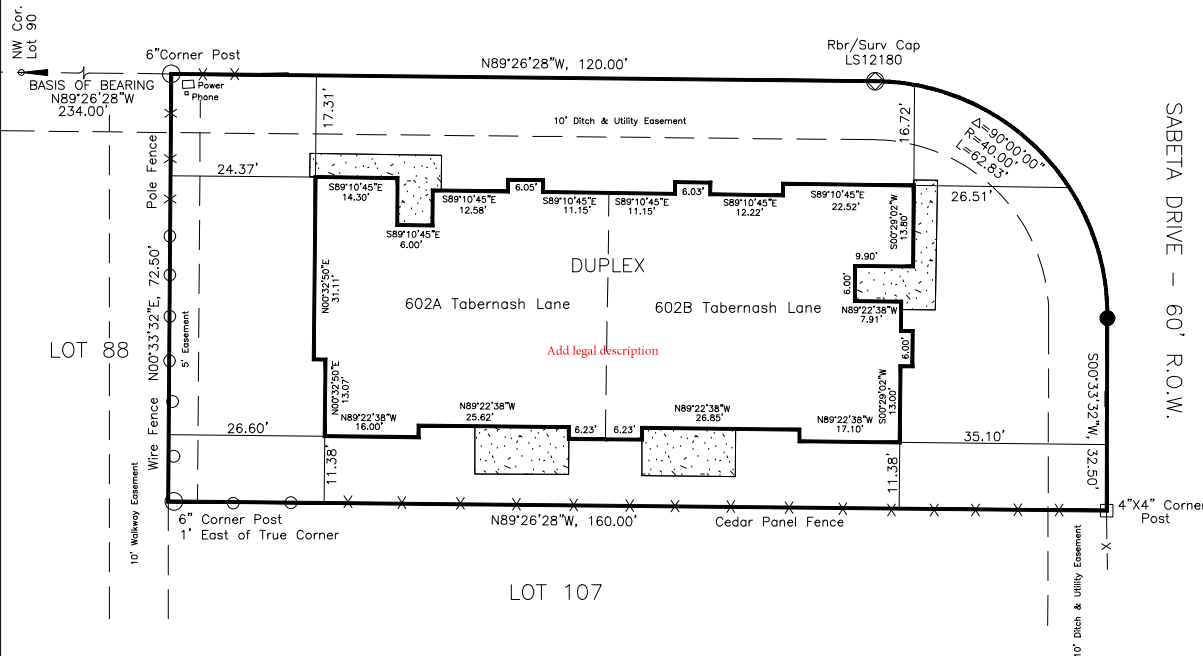
Add vicinity sketch map

Rename to
"Replat of SKS
Condominiums, a
Condominium
Subdivision of Lot
87D Solar
Ranches #2B"

Replat of Lot 87D Filing No. 2B Solar Ranches Town of Ridgway, Colorado

Insert: "Replat of SKS
Condominiums, a
Condominium
Subdivision of Lot 87D
Solar Ranches #2B"
Delete "Lot 87D"

TABERNASH LANE - 60' R.O.W.



SABETA DRIVE - 60' R.O.W.

CERTIFICATE OF OWNERSHIP & DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, that the undersigned owners of Units A and B, SKS Condominiums, as per ~~Q&A~~ Claim Deed, Reception No. 222695 and Condominium Map recorded at Reception No. 199408, located on Lot 87-D, Filing No. 2B, Solar Ranches: HAVE BY THESE PRESENTS, terminated SKS Condominiums by this Replat of ~~Lot 87D~~ and the Agreement dated _____, 2020, recorded at Reception No. _____ to be considered a Duplex with Joint Ownership rather than a Condominium as defined in Article 33. Condominium Ownership Act.

In Witness hereof the said owners have caused their names to be here unto subscribed this _____ day of _____, 2020, A.D.

Owners: Kristin L. Adams
Stephen P. Schroeder
STATE OF _____ ss
COUNTY OF _____
The foregoing signatures were acknowledged before me this _____ day of _____ A.D., 2020, by _____
My commission expires _____
Witness my hand and seal. NOTARY PUBLIC

CERTIFICATE OF LIEN HOLDER:

The undersigned _____ as holder of a lien pursuant to an instrument recorded at Reception No. _____ hereby joins in this Replat of real properties shown hereon.

By _____
Title _____

STATE OF _____ ss
COUNTY OF _____
The foregoing signature was acknowledged before me this _____ day of _____ A.D., 2020, by _____
My commission expires _____
Witness my hand and seal. NOTARY PUBLIC

ATTORNEY'S CERTIFICATE:

I, _____ on attorney at law duly licensed to practice law 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 owners, free and clear of all liens and encumbrances except as follows:

Dated this _____ day of _____ A.D., 2020

APPROVAL OF PLANNING COMMISSION:

Approved by the Planning Commission, Town of Ridgway, this _____ day of _____ A.D., 2020.

Chairman

APPROVAL OF TOWN COUNCIL:

Approved by the Town Council, Town of Ridgway, this _____ day of _____ A.D., 2020

Mayor

APPROVAL OF TOWN ATTORNEY:

Approved for recording this _____ day of _____ A.D., 2020 by _____, Town Attorney.

Attorney at Law Registration No. Date

BASIS OF BEARING:

The bearing from the Northeast corner of Lot 87D, Filing No. 2B, Solar Ranches, defined by a rebar & cap, LS 12180 and the Northwest corner of Lot 90 of said Solar Ranches, is assumed to be N89°26'28"W as shown on the Filing No. 2B Solar Ranches plat recorded in the records of the Ouray County Clerk and Recorder.

SURVEYOR'S CERTIFICATE:

I, Robert A. Larson, a Registered Surveyor in the State of Colorado, do hereby certify that this plat, consisting of one sheet, accurately represents to the best of my knowledge, information and belief, a survey made by me or under my direct supervision, in accordance with applicable standards of practice and Town of Ridgway Subdivision Regulations. This survey is not a warranty or guarantee, expressed or implied.

Robert A. Larson PLS 31160 Date

Recorders Certificate:

This plat was filed for record in the office of the Clerk and Recorder of Ouray County this _____ day of _____, 2020, A.D. at Reception No. _____

Ouray County Clerk & Recorder

Replat of Lot 87D	
Kristin Adams P.O. Box 286 Ridgway, Colorado 81432	
Revised 6/16/20	
DESIGNED BY: R.A.L.	DATE: 5/5/20
DRAWN BY: R.A.L.	SCALE: 1"=10'
PROJECT NO: J2020-24	SHEET 1 of 1

NOTICE: According to Colorado Law you must commence any legal action upon any defect in this survey within three years after you first discovered 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.

LEGEND

- Found Rebar & Cap - LS 12180
- Set Rebar & Cap - LS 31160
- 4"x4" Fence Corner Post
- 6" Fence Corner Post

NOTE:

1. This Plat is subject to the easements and plat notes set out on the plats of Solar Ranches Filing 2B recorded on July 21, 1993 at Reception No. 153889, Amendment recorded June 14, 1993 at Reception No. 169851 and to the Declarations of Covenants for Solar Ranches, recorded on July 21, 1993 at Book 227 at Page 222 and Amendments recorded May 25, 2001 at Reception No. 174648 and on March 27, 2002 at Reception No. 177317, and any amendments thereto.

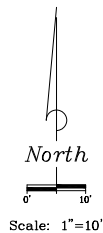
2. Town of Ridgway outdoor lighting standards and regulations must be complied with.

Add 3. The maximum number of dwelling units allowed is 2.

Add 4. This Subdivision is exempt from the excise tax pursuant to Section 3-4-2(B) of the Town Municipal Code, as it does not create additional dwelling units.

Add
1. Treasurer's cert
2. Cert of improvements

Remove fence from this plat map, in key and above.



AGREEMENT TO TERMINATE A COMMON INTEREST COMMUNITY

This Agreement is entered into this 21st day of July, 2020, by and between Kristin L. Adams and Steven P. Schroeder, whose address is 602 Tabernash Lane, Unit A, Ridgway, CO 81432, and who are the owners of Unit A of the SKS Condominiums, a Condominium Subdivision of Lot 87D, Filing 2B Solar Ranches, Ridgway, Colorado and Kristin L. Adams and Steven P. Schroeder, whose address is 602 Tabernash Lane, Unit B, Ridgway, CO 81432, and who are the owners of Unit B, SKS Condominiums, a Condominium Subdivision of Lot 87D, Filing 2B Solar Ranches, Ridgway, Colorado.

WHEREAS, Lot 87D, Filing 2B Solar Ranches, Ridgway, Colorado was subdivided into two condominium units by plat dated April 24, 2007 and recorded on November 5, 2008 at Reception #199408, Ouray County public records, such plat having received necessary approvals of the Town of Ridgway as reflected by signatures on said plat; and

WHEREAS, said condominium plat divided the duplex building located at 602 Tabernash Lane, Ridgway, Colorado into two condominium units, Units A and B, and designated the wall between the units as common element, and the real property associated with each unit as limited common elements; and

WHEREAS, both owners of the units in the condominium have agreed that they want to terminate the condominium subdivision and terminate the common interest community associated with the condominium subdivision; and

WHEREAS, unit owners of a common interest community are empowered and authorized to terminate a common interest community according to the requirements and provisions of C.R.S. 38-33.3-218; and

WHEREAS, 100% of the owners of the condominium units are have agreed to terminate the common interest community created by the condominium subdivision of the property represented by the plat at Reception #199408, recorded on April 24, 2007, Ouray County public records; and

WHEREAS, upon completion of the termination of the common interest community, the addresses for the property shall be known as 602A Tabernash Lane, Ridgway, CO 81432 and 602B Tabernash Lane, Ridgway, CO 81432 with all reference to "Units" removed; and

WHEREAS, upon approval of termination by the Town of Ridgway, Colorado, the owner shall dissolve the SKS Condominiums Owners Association, Inc. with the Colorado Secretary of State's office; and

WHEREAS, the Declaration, Covenants, Conditions and Restrictions for SKS Condominiums dated April 24, 2007 and recorded on November 5, 2008 at Reception No.

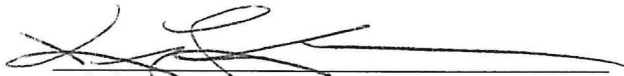
199407, Ouray County public records shall be revoked with an instrument duly recorded in the real property records in and of the County of Ouray and State of Colorado.

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The owners of 100% of the units of the SKS Condominiums, a Condominium Subdivision of Lot 87D, Filing 2B Solar Ranches, Ridgway, Colorado, agree that the common interest community created by plat dated April 24, 2007, and recorded on November 5, 2008 at Reception #199408, Ouray County public records, shall be, and is hereby terminated.
2. Approvals from the Town of Ridgway for this termination shall be requested, and, upon approval, this Agreement shall be recorded in the records of the Clerk and Recorder of Ouray County. If for any reason such approvals have not been received, and this Agreement is not recorded by April 24, 2021, this Agreement shall be null and void.
3. The Unit owners agree that title to the limited common elements of land under each unit and designated on the plat as limited common element for each unit shall pass upon recording of this Agreement to each unit owner, respectively, and that each unit owner retains all rights of occupancy established prior to the recording of this termination agreement.
4. The title to the Common Element wall between the two units shall pass, upon recording of this Agreement, to the two unit owners as tenants in common. Ownership of the roof of the two units shall pass to the two unit owners as tenants in common.
5. Following recording of this Agreement, all costs associated with maintenance, repair or replacement of the roof and common wall between the units shall be shared equally by the owners of the two units.
6. The maintenance and repair of each unit, and each area of property previously designated as a limited common element, the title to which has passed to the owner of each respective unit, shall be the responsibility of each unit owner.
7. Following the recording of this Agreement, the two units shall be considered duplex units, and all laws, regulations, taxes, insurance, maintenance and repairs shall be the responsibility of each owner. The owners hereby agree to cooperate and share in painting and other maintenance of the duplex units in a manner that best preserves the duplex in a manner meeting all covenants and requirements of Filing 2B Solar Ranches, recorded on July 21, 1993 at Reception #153898, Ouray County public records.
8. Upon execution and recording of this Agreement, the owners of 602A Tabernash Lane are Kristin L. Adams and Steven P. Schroeder as joint tenants and not as tenants in common and the owners of 602B Tabernash Lane are Kristin L. Adams and Steven P. Schroeder as joint tenants and not as tenants in common.

9. Any creditor of record for either or both condominium units shall remain a creditor and their liens preserved as if perfected.

Owner – Unit A

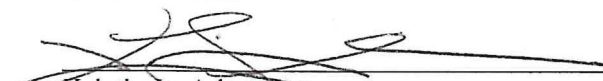

Kristin L. Adams

Date: 7-21-2020


Steven P. Schroeder

Date: 8-17-2020

Owner – Unit B


Kristin L. Adams

Date: 7-21-2020


Steven P. Schroeder

Date: 8-17-2020



STATE OF COLORADO)
) ss.
COUNTY OF OURAY)

Subscribed, sworn to and acknowledged before me by Kristin L. Adams, on the 21st day of July, 2020.

Witness my hand and official seal.

My commission expires 9-12-2022.

[SEAL]


Notary Public

REBECCA SUPPELAND
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20144035218
MY COMMISSION EXPIRES SEP 12, 2022

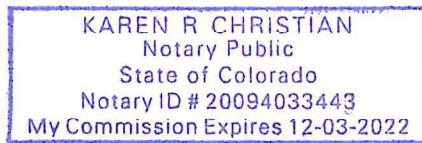
STATE OF COLORADO)
) ss.
COUNTY OF OURAY)

Subscribed, sworn to and acknowledged before me by Steven P. Schroeder, on the 17th day of August, 2020.

Witness my hand and official seal.

My commission expires 12-3-2022.

[SEAL]



Karen R. Christian
Notary Public





To: Planning Commission
From: Shay Coburn, Town Planner
Date: September 29, 2020
Re: Planning Commission Bylaws, Review and Consideration for Adoption

SUMMARY

At the regular August Planning Commission meeting, the Commission reviewed draft bylaws. A few edits were recommended during the meeting which have been made in track changes within the attached document. In addition,

- Section 1.B state that terms are to “expire at two-year intervals.” This is in line with the Municipal Code but an update to the Municipal Code to change this to “one-year intervals” will be proposed at the next Town Council Meeting. Staff will update this text according to Council action.
- Section 1.C was updated to match 7-1-1(C) of the Municipal Code.

The commission is being asked to review the attached bylaws and consider them for adoption.

PROPOSED MOTION

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

ATTACHMENT

Planning Commission Bylaws



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, which expire 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 two~~six~~-year term ending on December 31st of the odd numbered years~~, 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 a ~~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.



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.

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. Meetings 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



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, [unless the person who submitted the comment is present and confirms they do not want it read.](#)
 - 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 1520 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 ~~the~~ 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.

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~~ or designee-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

August 25, 2020

CALL TO ORDER

The Chairperson called the meeting to order at 5:36 p.m. with Commissioners Falk, Nelson, Councilor Cheek, Mayor Clark and Chairperson Canright in attendance. Commissioners Emilson and Liske were absent.

OTHER BUSINESS

1. Planning Commission Bylaws, Review and Consideration of Adoption

Memorandum dated August 25, 2020 from the Town Planner regarding Planning Commission Bylaws, review and consideration for adoption; *Planning Commission Bylaws* Draft, prepared by the Town Planner.

Town Planner Shay Coburn presented a draft to the Planning Commission for the Planning Commission Bylaws. The elements discussed in the draft included the topics of Vice Chairperson, term limits, and consistent quorums for continued hearing applications; the pros and cons of an alternate commissioner, attendance, electronic meetings, protocols for Commission recommendations to the Town Council and hearing application deadlines. The Commissioners agreed the Planner should advise the Commission when term limits will expire, any hearing application should be filed 15 days prior to consideration instead of 10 days and audience members submitting comments prior to a hearing, and are part of the hearing packet, may choose to have their comments read out loud, or not read out loud by the Clerk.

Planner Coburn will update the draft bylaws per the discussion and present the document to the Planning Commission for review and adoption at the September Regular Meeting. The Planner will also email a copy of the *Electronic Participation Policy for Regular and Special Meetings* to the Commissioners.

2. Reschedule Regular Planning Commission Meetings

- A. November 24th to December 1st
- B. December 29th to December 22nd

The Planning Commission agreed to reschedule the Regular Planning Commission meeting for November 24, 2020 to December 1, 2020; and to reschedule the Regular Planning Commission meeting from December 29, 2020 to December 22, 2020.

3. In-Person Planning Commission Meetings

The Commission discussed when in-person regular meetings might resume and they agreed it is still unknown at this time.

APPROVAL OF THE MINUTES

6. Approval of the Minutes from the Meeting of July 28, 2020

ACTION:

Councilor Nelson moved to approve the Minutes from July 28, 2020. Councilor Cheek seconded the motion, with Commissioner Falk abstaining, and the motion carried.

ADJOURNMENT

The meeting adjourned at 6:45 p.m.

Respectfully submitted,

Karen Christian
Deputy Clerk