

PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING

JANUARY 31, 2023

CALL TO ORDER

The Planning Commission convened both in-person at 201 N. Railroad Street, Ridgway, Colorado and via Zoom Meeting, a virtual meeting platform, pursuant to the Town's Electronic Participation Policy, due to the COVID-19 pandemic.

The Chairperson called the meeting to order at 5:30 p.m. Commissioners Liske, Nelson, Petruccelli, Mayor-Pro-Tem Meyer, Mayor Clark and Chairperson Montague were in attendance.

PUBLIC HEARING

1. Application for Sketch Plan; Location: McChesney Minor Subdivision, Lot 2; Zone: Residential and Future Development; Applicant: Chris Hawkins dba/Alpine Planning, LLC; Owner: four Winds Ranch, LLLP & Estate of Bernadine C. Endicott

Staff Report dated January 27, 2023, presenting background, analysis and recommendation prepared by TJ Dlubac, AICP of Community Planning Strategies. Included in the Staff Report were public comment letters from Clint Estes, Audra Duke, Connie Anderson, Chaucey Edwards, Jill Wodluk and Joe Wodluk. Late additions to the agenda packet included: *Sanitary Sewer Extension Feasibility-Pre-Design Estimate of Probable Cost-Town Propose Option* report prepared by the applicant; a six-second video showing the elk migration trail through Vista Terrace into the proposed Four Winds Subdivision, prepared by Ann Mellick; and a link to the United States Geological Survey (USGS) website regarding landslide hazards submitted by Joe Wodluk.

Planner Dlubac presented the Sketch Plan proposing 20 single residential lots and noted the application has been continued four times to provide the applicant time to work through the complications attributed with the location of the proposed development. He updated the Commission regarding changes that have occurred since the last hearing such as a slight reduction in lot sizes and prohibiting accessory dwelling units. Additional proposals include: an emergency access alignment, a Lolli-pop driveway, a conservation easement, a mountain bike trail, water line main extension, improvements to the existing water tanks located near the parcel and an on-site sanitary sewer system extension (septic systems).

Mr. Dlubac provided an analysis of the project and how it comports to the Town's Master Plan and pointed out the accumulative impact of density needs to be evaluated and understood through the sketch plan process. He further explained that staff must be understand how environmentally sensitive areas and mitigation for those areas will be addressed. Public services and long-term costs for providing those services to existing and future residents must also be considered he continued.

The Planner discussed access and circulation within and near the proposed development. He highlighted a proposed secondary access along an existing primitive road for the development and an emergency access easement that would be accessible only in the summer. Dlubac

explained that staff must understand the needs for the types of improvements proposed with access into the development and how it will be maintained in perpetuity. He further noted the applicant will request waivers for Town standards regarding the Lolli-pop designed access into the proposed neighborhood, as well as waivers to allow gravel roads and gravel sidewalks. Dlubac noted waivers submitted by the applicant should be considered by the Town Council to ensure functionality and safety prior to preliminary plat approval.

Mr. Dlubac recommended a 2-month continuance for the request and explained there are many significant unknown public improvements, including water delivery and maintenance as noted in the Staff Report that must be understood prior to crafting the construction documents. He noted time is needed to work with the applicant and third-party agencies so that all options can be considered prior to requesting waivers, and included the General Improvements District Agreement must be reviewed.

The Commissioners discussed the application with the Planner.

Eric Faust, Contractor for the Development Team said the minimal requirements for Sketch Plan are already met. He explained The team has reviewed the secondary access for the proposed subdivision as well as access to the Vista Terrace Subdivision pursuant to the request of the Planning Commission even though the Vista Terrace access has been problematic over the years and was never addressed by the Town or the Community. He noted a solution has been negotiated with the Lot 2 property owner to utilize an existing primitive road proposed as a secondary access to the subdivision and will require minimal improvement. He further explained two traffic impact studies have been conducted for the Highway 550/Terrace Drive intersection and were sent to the Department of Transportation (CDOT) for review and their response to the study should be received soon. He noted the proposed density for the parcel is 50% less than allowed by right, and providing a turning lane or emergence egress for the project is not feasible unless 20 units are constructed. Foust noted that 4 proposed homes will break the ridge line but none of the proposed homes will break the skyline. He presented a letter from Colorado Parks and Wildlife supporting the development noting the parcel is not situated in wildlife habitat. "The project deserves fair and objective consideration and advancement to the next stage. The Team's intention is to work with staff to achieve an outstanding project," Faust concluded.

Applicant Chris Hawkins pointed out the highway access improvements and the future of the existing pedestrian crossing are determined by CDOT. He noted the emergency access is planned for summer use only. Hawkins explained the proposed development is less dense and has twice the open space as compared to the neighboring Vista Terrace Subdivision. He also pointed out that the proposed density is 94% less than what is allowed on the parcel in the Ridgway Land Use Code. Sewer is available by septic, and he explained that sewer access by any other means is not financially feasible. Mr. Hawkins noted challenges accessing the nearby River Sage Development from the highway and the use of septic systems in that subdivision. He explained the team will continue to work with staff and asked for time during the hearing to respond to any public comments.

The Planning Commission discussed the request with the Applicant, Development Team and Staff. The Planner explained that when the Town is able deliver sewer capabilities for parcels on the east side of the highway considerable investment will be required by the Town and residents for parcels affected by the improvements which may require establishing a general improvement district.

The Chairperson opened the hearing for public comment.

Joe Wodluk expressed concern regarding the subdivision soil being compromised due to proposed stacked septic systems when situated uphill from structures. He said the proposed subdivision is considered a hillside subdivision and the USGS requirements for this type of subdivision should be reviewed. He also stated a minimum of 3 acres would be needed for septic tanks based on the slope locations.

Pam Foyster stated the development is in a complex location that the Town cannot provide services to and that “makes the development not work”.

Steve McComb said the project does not make sense because there is only one way in and out of the development, the second access requirement has not been met and the existing pedestrian path aligns with a dangerous road.

Roy Clingan noted the egress should be wider for pedestrian and wildlife traffic. He stated the development team should have a “Plan A and a Plan B” and that people will try to short-cut the access road via the Vista Terrace Subdivision.

Anthony Gegauff stated the northern sloping emergency access will require continued maintenance year-round. He said, “if a forced project is not feasible it should not be done.”

Kevin Chismire expressed concern regarding the emergency access being maintained only in the summer since situations occur year-round. Chismire noted the property owners’ agreement with the development team calls for snow removal on the secondary road in the winter months. Chismire also noted concerns for breakage of the ridgeline.

Joan Chismire asked if the eleven vacant lots in the Visa Terrace Subdivision were considered in the traffic studies. She commented that historically the elk migration trail that crosses through the building site does not cross Highway 550. Ms. Chismire questioned if the water storage tanks are adequate to support the proposed subdivision and noted the County Road 12 easement is not wide enough to manage large vehicles.

Dan Brillon commented the layout for the proposed subdivision lacks transition from Vista Terrace and County agriculture open space; the open space intended for the subdivision is not buildable space, and the proposed secondary access will not accommodate fire trucks. Brillon stated that because of the number of outstanding issues to be addressed by the applicant “it is a sign that the development is not appropriate for this location”. He stated the proposed secondary access road is not adequate for large trucks and asked to Planning Commission to deny the application.

Clint Estes stated the proposed emergency access does not meet the Ouray County required road access standards. He questioned how the homeowner’s association will operate for the proposed subdivision.

The Chairperson closed the hearing for public comment and provided the applicant time to respond to the resident comments as requested.

Dan Quigley, engineer for the applicant, said the hillside in the proposed development is not identified as a landslide area; the septic systems are not stacked and are located adjacent to the

roadway. The soil tests show there is no expansive soil in the area, it is sandy and there are no indications that the hillside is prone to landslides, noting traditional septic systems common to this area are proposed. He further explained that the traffic studies are based on the full build-out of the Vista Terrace and Four Winds subdivisions; the left-hand turn lane warranted for Vista Terrace is as the subdivision currently exists; and the development team will construct what CDOT mandates for the road improvements.

Mr. Faust stated they are proposing a significant solution to an existing traffic safety problem.

The Planning Commission agreed one-way access for an emergency road open only in the summer is not a valid solution. They were not in favor of the Lolli-pop driveway; comparisons to other developments in the community for specific talking points is “apples-to-oranges” because the proposed Four Winds project is not a typical development for this area; deficiencies noted in the previous hearing have not been addressed; the proposed density is too much for the site location, especially for septic systems; the intended connectivity needs improvement; and the application should be continued so that the Development Team is provided time to resolve the outstanding issues.

ACTION:

Mayor Pro-Tem Meyer moved to continue the Application for Sketch Plan; Location: McChesney Minor Subdivision, Lot 2; Zone: Residential and Future Development; Applicant: Chris Hawkins dba/Alpine Planning, LLC; Owner: four Winds Ranch, LLLP & Estate of Bernadine C. Endicott until the March 28, 2023. Regular Planning Commission Meeting. Commissioner Liske seconded the motion. On a call for the roll call vote, the motion carried unanimously.

The Commission paused for a break at 8:07 p.m. and resumed at 8:13 p.m.

WORK SESSION:

2. Ridgway Municipal Code (RMC) Chapter 7, *Planning and Zoning* Updates

Staff Report dated January 28, 2023, presenting background, analysis and recommendation prepared by Katie Kent, AICP of Community Planning Strategies.

Katie Kent presented the red-line version of updates made to RMC, Chapter 7, *Planning and Zoning* that have been made to the Code since the November 29 Planning Commission Work Session. The objectives of clarifying zoning and subdivision review process, removal of contradiction and duplications between Code sections and moving toward a system that can be easily updated to adapt to changing trends and needs were discussed with the Town Manager and Commissioners. There were questions from the Planning Commission, and they provided feedback to Ms. Kent throughout the presentation.

The Planning Commission and staff discussed the timeframe needed to complete and implement the Chapter 7 updates. Planner Kent said a final copy of the draft should be ready on February 14 and will be sent to the Commissioners for review at that time. The Town Manager said a modified timeline and a proposed final draft of Chapter 7 will be presented during the work session at the February 28 Planning Commission Regular Meeting. The Commissioners agreed to the proposed plan.

APPROVAL OF THE MINUTES

3. Approval of the Minutes from the Meeting of January 10, 2023

ACTION:

Mayor Clark moved to approve the Minutes from January 10, 2023. Commissioner Liske seconded the motion. On a call for the roll call vote, the motion carried unanimously.

OTHER BUSINESS:

4. Updates from Planning Commission Members

Town Manager Neill said the Town entered into a contract for engineering services related to development review through Swiftwater Solutions LLC and engineer Joyce Wong is the Town's point of contact. He reminded the Commissioners the monthly Town Manager's Reports are on the Town's website in the *Public Information* section.

Chairperson Montague noted Commissioner Franz has resigned from the Planning Commission and applications should be submitted by February 1st for persons interested in applying for that seat.

ADJOURNMENT

The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Karen Christian
Deputy Clerk