

PLANNING COMMISSION
MINUTES OF THE SPECIAL MEETING
APRIL 4, 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.

The Chairperson called the meeting to order at 5:30 p.m. with Commissioners Foyster, Liske, Nelson, Petruccelli, Mayor-Pro-Tem Meyer, Mayor Clark and Chairperson Montague 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 March 31, 2023, prepared by TJ Dlubac, AICP of Community Planning Strategies, LLC presenting background, analysis and staff recommendation. Six public comments letters were included with the Staff Report. Submissions as late items to the agenda packet included public comment letters from Ann Mellick, Bob Tesch, and Joe Wodiuk; Memorandum dated November 15, 2021, from Bo James Nerlin, Esq. to Town Manager Preston Neill, regarding the McChesney Minor Subdivision, submitted by the Applicant and public comment letter dated April 4, 2023, submitted during public comment segment of the hearing from Jennifer Cram.

Chairperson Montague read a statement of conduct to be followed during the meeting proceedings.

Commissioner Foyster recused herself from the hearing due to a conflict of interest.

Planner Dlubac summarized changes with the proposed project that occurred since the last Planning Commission hearing. The Planner noted three previous public hearings, and the extensive effort made by both staff and the applicant regarding multiple reviews and meetings; including meetings with the Colorado Department of Transportation (CDOT) since the sketch plan was originally presented in May 2022. The changes include a slight increase in the twenty proposed lot sizes; the lollipop roadway design is replaced with a horseshoe roadway design, crusher-fine sidewalk surfaces are proposed, and the disturbance area has increased by approximately 5 thousand sq. ft. He further explained the parcels are located outside the Initial Growth Boundary zone on the 2019 Land Use Map and the code requires increased scrutiny by the Commission to ensure development occurs in a methodical way in that zone. He reviewed the Sensitive Natural Areas Map in the Staff Report noting a few lots insignificantly impact the steep slopes. The Planner further explained accessory dwelling units are proposed again which will require updated impact and technical reports from the Applicant. The previously proposed bike path is removed due to the conflict at Highway 550, the Visual Impact Assessment has been completed, and the Owner is offering an affordable housing donation of \$500,000 though an affordable housing fee, or a fee in lieu is not a requirement of this Sketch Plan or development Dlubac continued.

The Planner explained that while the disturbance area has increased to accommodate proposed septic systems, he would recommend that it revert as originally proposed to accommodate Town sewer service. He noted staff will require a year-round emergency access road as a condition of approval to meet the

secondary access road requirement in the Ridgway Municipal Code. Dlubac further noted the Applicant has agreed to make the necessary infrastructure improvements as suggested by CDOT and Excel Energy. He explained two feasible cost estimates were provided totaling between \$1,400,000 - \$1,700,000 for the sewer line extension. Staff recommends the condition that the applicant further explore connecting to the Town's sewer sanitation system as the primary wastewater connection by Preliminary Plat.

Planner Dlubac recommended approval of the project with the following conditions: 1.) *Year-round secondary emergency access be provided as an alternative to the single access point onto Highway 550* 2.) *The development shall pursue alternative alignments and strategies to connect the proposed subdivision to the Town's sanitary sewer system to be evaluated and considered in conjunction with the submission of the Preliminary Plat.* 3.) *The building envelope for all lots within the subdivision be amended to a maximum of 10,000 square feet.*

Applicant Chris Hawkins pointed out the developer is providing highway improvements; the proposed lot sizes are much larger than allowed by right in the Municipal Code and the Town has available raw water to service the proposed lots. He explained the existing Vista Terrace utility easements would need to be enlarged to facilitate a sewer extension, and considerations to increase the lot sizes would be needed to install a septic system and a replacement system on each lot. Hawkins pointed out the annexation for the Vista Terrace Subdivision which includes the Endicott properties was approved with a single access point in 1981 and there is no way to provide year-round secondary access due to physical restraints. Mr. Hawkins asked for the condition to provide year-round secondary emergency access to be eliminated since there is no way for the developer to provide that.

Hawkins explained it is not economically feasible to connect to the Town's sanitary sewer system as required in the conditions for approval. He noted the development should be subject to the 1981 Water and Sewer Agreement embodied into the plats for Vista Terrace Filing No. 1, and the McChesney Minor Subdivision. Since the development is still subject to the Water and Sewer Agreement, and the Town has no plans to extend the sewer service east of town, condition 2 is in violation of the agreement he concluded.

Dan Quigley, Engineer for the project said he prepared an onsite wastewater treatment system feasibility study and explained a lift station would need to be constructed. He noted the lift station would add to the development costs as well as costs to the Town and there is no way to gain the required easements with the plat restrictions already in place since any viable route for the sewer line would encroach on Vista Terrace lots.

Applicant Hawkins noted \$4,000,000 in projected costs for a twenty-lot development due to the recommended conditions of approval which would make the sale price for the proposed individual lots unmarketable. He requested that conditions 2 and 3 also be removed from the approval requirement, and noted the accessory dwelling units are being considered again to help with housing and fund the project but they are not essential to the project.

David Reed, attorney for the Developers explained the development team ascertained the feasibility of the project, including the staff recommendations, and the project cannot be constructed with the current conditions. He urged the Commission to reconsider the application and approve it without the requirement of the recommendations since there is no basis for them.

Eric Faust, contractor for the Development Team requested to address the Planning Commission after public comments are received from the audience.

The Chairperson opened the hearing for public comment.

Public comments not in favor of the development were received from Jennifer Cram, Paul Price, Steve McComb, Dan Brillon, Joe Wodiuk, Joan Chismire and Anthony Gegauff. Concerns were expressed regarding encroaching into wildlife corridor, fire mitigation, accessibility to the lots by the Fire Department, the proposed neighborhood design with cluster homes, the proposed density, the need for year-round

secondary access, proposed septic systems on the steep slopes, no stability soils analysis and uncertainty regarding the run-off drainage pathway.

Clint Estes spoke in favor of the project because it is less than the desired density in the Master Plan and questioned if the Town or the Applicant would pay for the highway improvements.

David Burger suggested installing deer fencing and placing a traffic light at the Vista Terrace intersection to reduce the highway hazards and warned that "overpopulation will ruin this community."

Herb McHarg, attorney for the property owners said Four Winds Ranch, LLLP and the Estate of Bernadine C. Endicott have been in negotiations with the developer to expand the easement for a year-round emergency secondary access. Obtaining the easement is not feasible and there is no other available route. The property owners will not allow the expansion because the route would go through the existing parcel.

Andrea Sokolowski suggested Mr. Faust make the proposed donation to the affordable housing fund regardless of the application approval.

The Chairperson closed the hearing for public comment and asked the Development Team if they would like to respond to the comments.

Engineer Dan Quigley said a feasibility, percolation test, or a soils stability test is not required by the State of Colorado for septic systems.

Developer Eric Faust said the sewer line installation is not feasible pursuant to the feasibility study provided to Staff. He explained how it is conceptionally impossible to provide a sewer line to the proposed project. Faust asked what changed in the criteria to now require a sewer line when staff recommended approval of the project that included the vested right of using septic systems for the development at the August 2023 Planning Commission Meeting. He further explained the 8-month emergency egress negotiated with the Owner is a public benefit. Mr. Faust noted the lack of emergency egress has been a problem for 41 years and the negotiated solution addresses the problem on the highway. Faust said the project will be a sustainable green community that includes solar power, electric vehicle charging in each home, the highway improvements will be completely funded by the project, fire suppression for the Vista Terrace Subdivision would be enhanced through the development requirements, the accessory dwelling units would be only for long term rentals, and he proposed a transfer tax for the subdivision. The project is not feasible with the recommended conditions, he concluded.

The Commissioners discussed the application. The consensus was the proposed density is too much to ignore necessary sewer and highway improvements and noted the Town should review the access issues. They agreed there should be year-round, secondary emergency access. The Planning Commission expressed concern for the wildlife corridor, the visual impact of the cluster development and the untimely proposed donation for affordable housing as opposed to using the funds toward access issues.

ACTION:

Mayor Clark moved to deny 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; finding that the application materials have not met the following standards of Ridgway Municipal Code Section 7-4-5(A): 1.) Access is inadequate 2.) Protection of the wildlife corridors is inadequate 3.) The use of septic systems for the proposed density is inappropriate. Commissioner Liske seconded the motion. On a call for a roll call vote the motion carried on a vote of 5 to 1.

ADJOURNMENT

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Karen Christian
Deputy Clerk