

RIDGWAY PLANNING COMMISSION

REGULAR MEETING AGENDA

Tuesday, January 31, 2023

5:30 pm

Pursuant to the Town's Electronic Participation Policy, the meeting will be conducted both in person and via a virtual meeting portal. Members of the public may attend in person at the Community Center, located at 201 N. Railroad Street, Ridgway, Colorado 81432, or virtually using the meeting information below.

Join Zoom Meeting

<https://us02web.zoom.us/j/86252823870?pwd=VjNoQTRpYS93em0zTUpsOGhvbzhUT09>

Meeting ID: 862 5282 3870

Passcode: 986746

To call in dial: 408.638.0968 or 253.215.8782 or 669.900.6833

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

ROLL CALL: Chairperson: Michelle Montague, Commissioners: John Clark, Bill Liske, Russ Meyer, Jennifer Nelson, and Jack Petrucci

PUBLIC HEARING:

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

WORK SESSION

2. Update from staff regarding updates to RMC Chapter 7 "Planning and Zoning"

APPROVAL OF MINUTES:

3. Minutes from the Regular meeting of January 10, 2023

OTHER BUSINESS:

4. Updates from Planning Commission members

ADJOURNMENT

AGENDA ITEM #1

To: Town of Ridgway Planning Commission
Cc: Preston Neill, *Ridgway Town Manager*
From: TJ Dlubac, AICP, *Community Planning Strategies, Contracted Town Planner*
Date: January 27, 2023
Subject: Four Winds Sketch Plan for January 31st PC Meeting

APPLICATION INFORMATION

Request: Approval of a Sketch Plan to create 20 single family residential lots.
Legal: Lot 2 of McChesney Subdivision, Town of Ridgway and SE 1/4 of SE 1/4 of Section 9 and the NE 1/4 of the NE 1/4 of Section 16 all in T45N, R8W of the N.M.P.M. except that portion being described as Lots 25 - 48 and the common ground of Vista Terrace Subdivision, Filing No. 1, Town of Ridgway
Address: N/A
General Location: Generally located north of and east of Terrace Drive, east of Highway 550.
Parcel #: 430509400146
Zone District: Residential (R) District and Future Development (FD)
Current Use Vacant and one single-family residential unit
Applicant Chris Hawkins, Alpine Planning
Owner Four Winds Ranch 1, LLLP and Bernadine C. Endicott

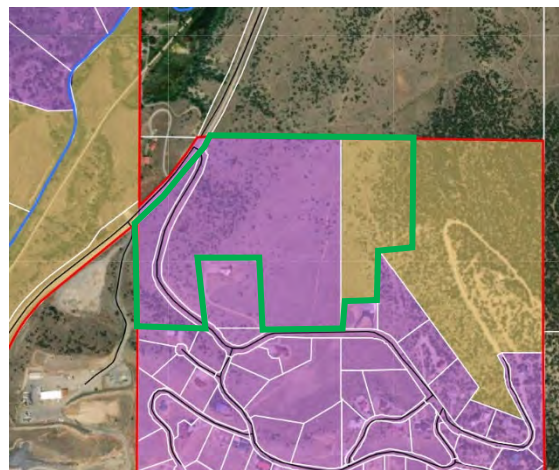
PROJECT REVIEW

BACKGROUND

This application for a Sketch Plan was submitted on April 25, 2022. A completeness review was conducted, and the application was accepted as complete on May 7, 2022.

The application includes Lot 2 McChesney Subdivision (33.09 acre) ("Lot 2") and approximately 9.95 acres of the adjacent property located at 741 Terrace Drive ("Endicott Property"). Lot 2 is 33.09 acres and the Endicott Property is 9.95 acres for a total area of 43.04 acres and is split by the Terrace Drive right-of-way access to Highway 550.

Currently, Lot 2 is zoned Residential, and the Endicott Property is zoned Future Development. The applicant will need to request a rezoning of the Endicott



Property pursuant to RMC §7-3-22 and RMC §7-3-23. Such rezoning must be obtained prior to the final approval of a Preliminary Plat for the property contained within this request.

JANUARY 2023 UPDATE:

This application was originally considered by the Planning Commission on August 30, 2022. At that meeting the Applicant requested a continuance to allow time for the Development Team and Staff to further address concerns raised by the Planning Commission. The concerns listed below were summarized to the Applicant in an Action Letter dated September 6, 2023:

1. Safety concerns at the intersection of Terrace Drive and HWY 550 for vehicles, pedestrians, and cyclists.
2. Lack of secondary access to Vista Terrace Subdivision.
3. Proposed density and number of accessory dwelling units.
4. Visual impact of development along the ridgeline.
5. Preference to connect to sanitary sewer services to serve this project rather than OWTS.
6. The project is located outside of the Initial Growth Boundary (IGB) as identified in the 2019 Master Plan.
7. CPW's concerns with the impact the development could have on wildlife habitat.
8. Concerns brought up in the Four Winds Sketch Plan, 2nd Review Comments letter.
9. Other topics and discussions that were brought up and identified in the hearing.

Since the August meeting, Staff and the Development Team have been coordinating updates and responses to these and other comments raised about the project. The application was again continued by the Planning Commission at their January 10, 2023, meeting.

Much of the information in this staff report has not changed since it was originally drafted in August of 2022. Any updates are noted by a gray text box with the header "**JANUARY 2023 UPDATE**".

REQUEST

The applicant wishes to further subdivide Lot 2 and a portion of the Endicott Property into 20 single-family home lots, open space, and right-of-way.

The applicant has submitted a hearing application, associated fees, final plat materials, and other required support materials for this public hearing to the Town. The property and hearing have been noticed and posted by the Town in accordance with RMC §7-3-23(D).

CODE REQUIREMENTS

The purpose of a sketch plan is to understand how a proposed development may impact the community in areas such as utilities, streets, traffic, land use, master plan conformity, zoning regulation conformity, etc. The following are various town documents, plans, studies, standards, and/or regulations which have been reviewed while evaluating the requested Sketch Plan:

- 2019 Town of Ridgway Master Plan
- §7-4-5-(A) Informal Review and Sketch Plan
- §7-3-5 "R" Low Density Residential District
- §7-3-8 "FD" Future Development District



- §7-3-15(A) Dimensional Requirements
- §6-6 Residential Design Standards
- §7-4-6 Required Improvements
- §7-4-7 Design Standards
- Ch. 9 Water and Sewer

ANALYSIS

MASTER PLAN GOALS

This parcel is identified as *Rural Neighborhoods* on the Future Land Use Map of the 2019 Master Plan. This anticipates the following land uses and development patterns:

Maximum Density / Height	0.1 – 1 du/ac; 2.5 stories
Primary Uses:	Single-family homes.
Supporting Uses	Agricultural and ranching uses, parks and recreational facilities, open space conservation
Characteristics	<ul style="list-style-type: none"> • Rural Neighborhoods are intended to preserve the rural character of areas within the UGB but outside of the Town core, or to mitigate the impacts of development in hazardous or environmentally-sensitive areas such as on steep slopes. • Where existing, agricultural and ranching uses are encouraged to continue for as long as the property owner desires. • Undeveloped areas may convert to parks or open space if acquired by the Town or land trust, or if protected through a conservation easement. • Clustering of residential development is encouraged to preserve open land.

- 10) Policy CHR-7.2: Trail Development - Encourage and support trail development within and surrounding Ridgway, particularly trails that fill gaps or key trail linkages in the Town's current system and improve continuity and connectivity. Where feasible, create trails that support walking, hiking, biking, and other non-motorized uses. Trail development should not impede existing agricultural uses and do not cross private property unless arrangements have been made with the property owner.
- 11) Policy GRO-1.5: Design of New Development - Ensure new development and infill/redevelopment is compatible with the surrounding area or neighborhood, particularly in the Historic Town Core where maintaining the historic character of Ridgway is desired.
- 12) Policy GRO-1.6: Encourage clustering of residential development where appropriate to preserve open space, agricultural land, wildlife habitat, visual quality, and other amenities.
- 13) Policy GRO-2.1: Growth Pays for Growth - Ensure that the costs of extending or expanding Town infrastructure and services to support new development are borne by the developer and not the Town or residents. This includes the impacts new development will have on Town facilities and utilities.
- 14) Policy GRO 3.2: On-Site Stormwater Management - Encourage new development to manage stormwater on-site, using low-impact development techniques or other best practices.

The review of these policies did find some inconsistencies between the policies and the proposed project. Those are:

1. The project is located within a winter elk concentration area. As such, a recommended condition is that the applicant coordinate with Colorado Parks and Wildlife (CPW) to ensure the development impacts are mitigated. *(See Figure 3)*

JANUARY 2023 UPDATE:

Colorado Parks and Wildlife (CPW): The application was forwarded to Kelly Crane, with CPW, for review and comment on the potential impact(s) the development may have on the wildlife habitat in the area. The applicant received comments on July 14, 2022 suggesting a variety of measures the Developer could take to minimize impacts on the wildlife in and around the proposed development. Those recommendations are:

- Limit lot development to 10,000sf disturbance areas. *Addressed with #1 on page 3 of the project narrative.*
- Preserve the sagebrush habitat on lots outside of the disturbance envelope. *Addressed with #1 on page 3 of the project narrative.*
- Prohibition of perimeter fencing. *Addressed with #1 on page 3 of the project narrative. This note should have its own listed number to ensure it is clearly stated and understood with the preliminary plat.*
- Contain dogs within fenced yard and/or dog run. *Addressed with #3 on page 3 of the project narrative.*
- Require dogs to be on leashes while walking in subdivision. *Addressed with #3 on page 3 of the project narrative.*
- Require bear proof trash cans. *Addressed with #8 on page 3 of the project narrative.*



Conservation Easement: To further mitigate the impact that this development may have on wildlife, the Developer offered to place other land under the same ownership in the county into a conservation easement ensure adequate wildlife habitat is retained. For tax purposes, the Developer does not want to disclose where such areas are nor how much area they are nor the value of the land as wildlife habitat. However, to be considered a benefit offsetting the loss of sensitive wildlife habitat, the Developer must assure the town, via written agreement or other acceptable means, that the conservation easement will come to fruition and provide the intended benefit and mitigation.

The project impacts environmentally sensitive areas and prime wildlife habitats. Staff are supportive, and in fact appreciative, of the concept that the developer will mitigate any impacted habitat area with a conservation easement, however, the two cannot be decoupled. If the conservation easement is being offered as mitigation for the impact the development will have, such mitigation must be disclosed and evaluated in connection with the request for which it is mitigating.

Therefore, Staff would like to have additional time to understand and review the proposed mitigation prior to the sketch plan being approved. Since the Applicant and Developer have not disclosed the location, the size, or the proposed conservation easement, Staff cannot provide an appropriate level of review or evaluation to provide an analysis or recommendation to Planning Commission on this item at this time.

2. The property is also encumbered by steep slopes over 20%, however, these steep slopes were not overlaid on the submitted sketch plan materials. Therefore, steep slopes will have to be overlaid on the proposed subdivision layout and disturbance areas and submitted with the preliminary plat to ensure the development is not occurring on the steep slope areas. (See Figure 4)



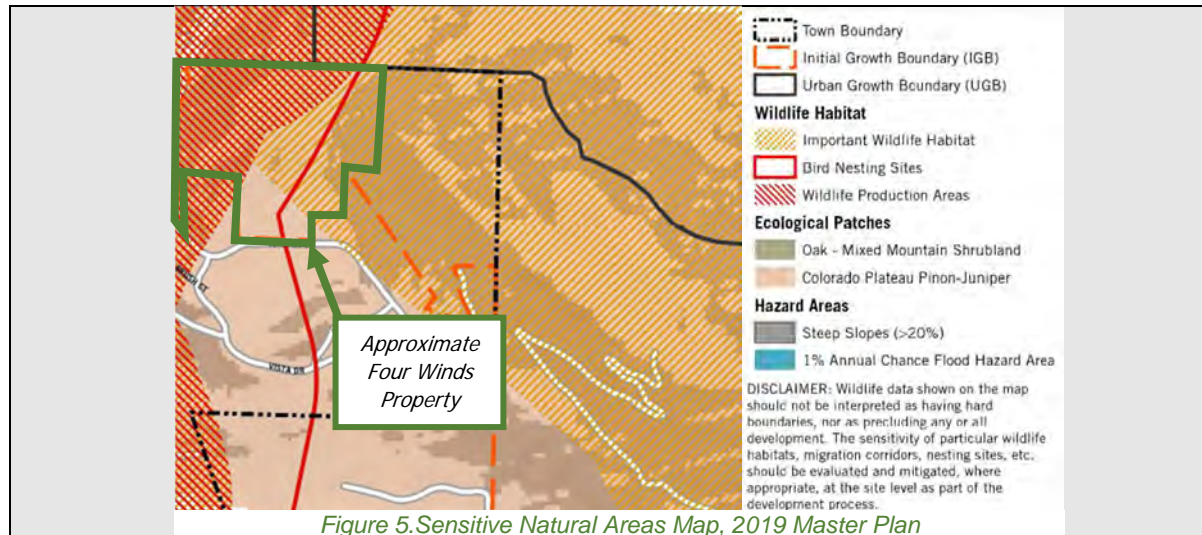
Figure 3. Elk Concentration Area



Figure 4. Steep Slopes

JANUARY 2023 UPDATE:

The Applicant has suggested in the response letter that steep slopes are generally 30% or greater. While this is the generally accepted slope, the 2019 Master Plan specifically identifies slopes of 20% or greater as “environmentally sensitive areas” and Policy ENV-1.1: Environmentally Sensitive Areas states “Limit new development in environmentally sensitive or constrained areas...”. The project is impacted by environmentally sensitive areas as indicated in the 2019 Master Plan. Below is a snip of the Sensitive Natural Areas map which identifies this property as being impacted by these environmentally sensitive areas.



Since the proposed lot lines are not depicted on this map nor are these areas overlaid with the proposed subdivision, staff is unable to fully understand the impact the development will have on environmentally sensitive areas and would request that the applicant provide the town with a map identifying the environmentally sensitive areas identified in the 2019 master Plan overlaid on the proposed subdivision layout for review.

Initial Growth Boundary (IGB): At the August 30th meeting, the Planning Commission brought up concerns about the property being located outside of the Initial Growth Boundary (IGB) and requested the Applicant and Staff further evaluate the meaning of this location.

It is Staff's understanding that the IGB identifies areas where utilities and adequate infrastructure are available to support development within the town. While development is encouraged to occur within the Urban Growth Boundary, staff recognizes that the property is annexed to the town, zoned within the town limits, and therefore, the provisions of the zoning and subdivision regulations do apply to the property.

The provisions of adequate public services and infrastructure also apply and may be a limiting factor in determining an appropriate level of development in certain areas of the town. While simply being outside of the IGB is not a reasonable cause for denial of a project, it is a consideration when evaluating the provision of public services and the cost to the town or future property owners as well as the hazard or risk that development in that area may cause. For these reasons, it is within the Town's right to limit development to ensure the public health, safety and welfare of current and future residents. Therefore, such limitations are not believed to prevent the property owner from reasonable use of the property.

The Applicant continues to state that there are "no specific and objective Master Plan goals" based on the IGB. While we do agree with this observation, the IGB is simply another consideration and identifies areas that may be more difficult to provide necessary public services and, therefore, decision makers should apply greater scrutiny to the impacts development in such areas may have.

LAND USES

Lot 2 and the portion of the Endicott Property included in this request are currently vacant. The remainder of the Endicott Property, east of the proposed Sketch Plan, has one single-family residential unit on it.

The sketch plan proposes to subdivide Lot 2 and a portion of the Endicott Property into 20 single-family home lots, open space, and right-of-way. The gross density of the application is 0.46 dwelling units per acre with an average single-family lot size of 1.17 acres. Lot sizes range from the largest being 2.97 acres and the smallest being 0.99 acres. The proposed Sketch Plan includes 12.74 acres of open space along the western portion of Lot 2. These are all land uses allowed within the R Residential District.

JANUARY 2023 UPDATE:

Accessory Dwelling Units (ADU): While ADUs are encouraged to increase housing affordability and availability in Ridgway, the Applicant, due to the impacts that additional density would cause to other infrastructure and development standards, has decided to prohibit ADUs and limit the subdivision to 20 single-family homes.

To ensure this is clear for future homeowners in the Four Winds Subdivision and town staff, this shall be memorialized with a plat note prohibiting ADUs in Four Winds Subdivision. This note shall clearly state that the plat note supersedes any town regulation pertaining to ADUs now or in the future and that this limitation is deliberate to preserve the health, safety, and welfare of the current and future residents of Four Winds Subdivision and Vista Terrace Subdivision.

Open Space: The two open space tracts should be dedicated to the Town as Open Space or can kept in private ownership with a plat note restricting the development and further subdivision of the tract(s) in perpetuity. The Applicant and Developer should evaluate the option of putting that property in a conservation easement to preserve the environmentally sensitive areas.

Mountain Bike Trail: The trail is presented as a community and public benefit to allow a mountain biking experience on this hillside. While staff understands and appreciates the desire of the Developer to provide such an amenity, staff is concerned that the proposed single-track trail will encourage additional pedestrian and bike traffic at a known dangerous intersection/area of HWY 550. (See Comment #19 in applicants August 17th response letter.) The Applicant states that the Developer will contribute to an over/under pass; however, this amenity is not in any plan and may not be feasible (see TIS Section below for discussion on over/underpass).

Density of the Development: When evaluated by itself, and not accounting for the various other constraints on this property in this location, it is clear the density of 0.46 dwelling units per acre is within the 2019 Master Plan classification of between 0.1 and 1 dwelling unit per acre. However, all constraints are stressed further through increased density. While the raw calculation is within the threshold, more analysis and justification will be necessary for Staff to fully support the proposed density and the impacts that density has on service, infrastructure, and public utilities in this location. While most of these elements could be further evaluated with the preliminary plat, the cumulative impact should be evaluated and understood with this sketch plan before extensive time and money is spent on designing infrastructure.



DIMENSIONAL STANDARDS

Section §7-3-15(A) sets forth the required dimensional standards which shall be met for various uses within each zone district. For the R Residential District, the following standards apply to all uses:

<i>Standard</i>	<i>Requirement</i>	<i>Provided</i>
Min. Lot Width	50'	Unknown*
Min. Lot Size	6,000sf	Min. lot size is 0.99ac.
Max. Lot Coverage*	50%	Max Disturbance Area of 10,000sf, roughly 23% max coverage (1ac lot size)
Min. Front Setback*	15'	20'
Min. Rear Setback*	8'	20'
Min. Side Setback*	5'	20'
Max. Side on Corner Lot*	7.5'	20'
Structure Height*	27'	N/A – height would be reviewed with individual building permits.

*While there appears to be ample area for the minimum lot width, the lot width was not provided within the sketch plan materials. Specifically, Lots 4, 7, 10, and 14 have reduced lot widths which must be confirmed on the preliminary plat.

The proposed sketch allows ample lot area to meet applicable dimensional standards which are unable to be verified at this time.

INTERNAL CIRCULATION NETWORK

The development is proposing one access point off of Terrace Drive in a “lollipop” design. RMC §7-4-5-(A) prohibits cul-de-sacs over 500 feet long and dead-end streets, respectively. Also, secondary access is required for emergency ingress and egress which is not provided in the current layout. As proposed the sketch plan does not meet these road standards. Additional clarity and information will need to be provided in connection with the preliminary plat to ensure these life/safety standards are being adequately met with the proposed development. Further compounded by the reduced fire flows in this area, access will have to be reviewed and approved by the fire protection district before it can be approved by the Town. The Preliminary Plat will be referred to the Ridgway Fire Department for their review. Moreover, in April of 2005, Town staff drafted a white paper on Lot 2 in an effort to offer a summary of what infrastructure and land use considerations would be necessary at such time Lot 2 develops. The white paper is provided for this staff report as Attachment J.

JANUARY 2023 UPDATE:

Road Layout: Based on the subdivision design, the interior road design is viewed as a cul-de-sac because there is only one point of ingress and egress. While an emergency access easement was added to provide a secondary point of egress, further analysis and evaluation of the proposed roadway design and layout will be necessary in conjunction with the preliminary plat and, if needed, the applicant must request approval of variations, deviations, and/or waivers of applicable standards at that time. The Sketch Plan does not include adequate information for Town staff to evaluate the proposed design against applicable standards at this

time. Staff will complete these detailed reviews when engineering and construction documents are submitted in conjunction with the preliminary plat.

Construction Standards: Internal roads must be designed to meet the town's street standards. The roads would be classified as a local road requiring a 60' ROW. The gravel lane width and design shall meet the minimum specifications and standards of the Street Design and Construction Standards and conform to the Town's typical gravel road cross section. (there's confusion on the typical drawing). The Sketch Plan Set, sheet SP-6 in particular, should be updated to indicate the correct standards and specifications.

Street Grades: RMC Sec. 7-4-7(C)(13) limits the maximum grade of a local street to 7%. This standard shall be met by the proposed internal roadways and shall be demonstrated with the preliminary plat submittal materials. Specifically, a road grading plan will be developed in collaboration with Town staff and the fire department to ensure compliance with applicable standards.

Sidewalks: The Applicant's response letter states that the road is intended to function as a sidewalk given the low number of vehicles anticipated on the internal road. While Staff is supportive of deviation from street standards to allow a gravel road in the subdivision, Staff requests that a safe and efficient pedestrian connection not be waived. Staff would like to evaluate alternative locations for off-street options for pedestrian connections through the neighborhood with the applicant.

Staff requests Planning Commission feedback on whether or not they agree with roads as sidewalks or if Staff and the Development Team should evaluate options for making such connections.

Existing Easements: The existing easements in the SE corner of Lot 2 (Rec#188717 and B208 P002) are intended to be vacated. Written authorization from the Grantee's acknowledging that the vacation of the easement will not be detrimental and that there are no current utilities in the easements which will require continued use of the easement.

Easement on Lot 2 McChesney Minor Subdivision

A 80' wide Nonexclusive Road and Utility Right-of-Way Easement over Lot 2 McChesney Minor Subdivision located in the SW¼SE¼ Section 9, T45N, R8W, N.M.P.M., Town of Ridgway, Ouray County, Colorado, described as follows: Beginning at the southeast corner of said Lot 2 and said SW¼SE¼ Thence N 88°02'32"W 80 Ft. along the South line of said Lot 2 and said SW¼SE¼; Thence N 01°25'56"E 305.00 Ft.; Thence 209.59 Ft. along the Arc of a Tangent curve right, said curve having a radius of 260.00 Ft. and central angle of 46°11'09" to the east line of said Lot 2 and said SW¼SE¼; Thence S 01°25'56"W 493.35 Ft. to the Point of Beginning.

INTERSECTION WITH HWY 550

With respect to highway access, it's worth noting that development of Lot 2 will trigger the need for improvements to the intersection of Highway 550 and Terrace Drive. In order to bring the access into compliance with State Access Regulations, it is likely that the intersection will need to include acceleration, deceleration, and center turn lanes of lengths appropriate to the highway traffic speed in that area. Additional coordination will be necessary between the applicant, the Town, and CDOT.

JANUARY 2023 UPDATE:

Traffic Impact Statement (TIS) (January 18, 2023): Staff recommends that with the magnitude of the concerns raised regarding the intersection of Terrace Drive and HWY 550, the proposed solutions must be further refined and understood in conjunction with the Sketch Plan approval. The TIS was sent to CDOT for their review. Stolfus and Associates, CDOT's contracted review engineers, provided review comments on the TIS on 12/28/2022 (included in packet). The applicant has updated the TIS and resubmitted to CDOT on 1/18/2023. We are awaiting updated review comments from Stolfus/CDOT. The outcome of this review will dictate what infrastructure is required for this project.

While the Developer has committed to contribute to an over/under pass, this offer seems a bit unrealistic because the current master plan does not identify a highway crossing at this location. Furthermore, this project is not very likely to move forward or receive funding through the Region 5 Regional Transportation Plan without an extensive amount of planning and lobbying, if at all. It is currently not a project in the RTP's Transportation Improvement Program (TIP) or the Statewide Transportation Improvement Program (STIP). This is the first step to receiving state funding for transportation projects.

Secondary Emergency Access:

Four Winds Subdivision: The revised Sketch Plans show a 15' emergency access easement connecting the internal road to Terrace Drive through Lots 15 and 16.

Vista Terrace Subdivision: The Applicant has submitted a proposed alignment for a secondary emergency access for Vista Terrace Subdivision along with a draft emergency access easement with the property owner who, through their legal representation, agreed in concept to the alignment and easement. The proposed alignment is included in the Applicant Response Letter (Attachment A). Upon review of the alignment and the submitted draft easement document, Staff will need additional information pertaining to feasibility of the proposed alignment, and written confirmation and authorization that the property owner(s) agree to dedicate the access easement.

Staff still have concerns as to whether or not this emergency alignment would be passable year-round. If it currently is not, it is unknown how much design, engineering, and/or construction would be necessary to make this a viable emergency access which is passable year-round. Similarly, town staff does not want to allow a proposal that is not feasible to move forward, therefore, staff would like to better understand the applicant's intentions for this alignment, the property owners' understanding of the easement, and the applicant's understanding of any anticipated or foreseeable improvements which may be necessary for this alignment to become passable year-round. This doesn't warrant a survey, but at least an analysis and assessment of the road and confirmation that the road will be maintained to be passable year-round by passenger vehicles without four-wheel drive or high clearance.

PARKING

The RMC requires single-family homes to provide a minimum of two off-street parking spaces. While there appears to be adequate space on each lot to provide such minimum standards, parking will be reviewed in conjunction with each individual building permit application.



UTILITIES

As proposed, the project will be served by Town of Ridgway water system through an extension of the water line within the roadway right-of-way and individual On-Site Wastewater Treatment Systems (OWTS). These improvements are consistent with notes on the McChesney Minor Subdivision plat and the white paper drafted by the Town on April 26, 2005. However, they are not consistent with Town standards as currently written.

JANUARY 2023 UPDATE:

Utility Easements: The applicant, in response to comment #23 in the Applicant response letter (Attachment B), suggests that utility easements along property lines are not necessary. Sec 7-4-7(D) requires a minimum of 20' utility easements centered on rear and side lot lines and 10' on either side of a street and outside of the ROW. These easements must be indicated on the Preliminary Plat submittal.

Stormwater Management and Drainage: A stormwater plan, grading plan, and drainage study will be submitted with the preliminary plat and may alter the layout, design, location, or function of the ROW, easements, lot lines, or stormwater management facilities.

Water Service: There is an existing water main line in Terrace Drive. The home on Lot 1 of McChesney Minor Subdivision is served by this water line. However, note 4 of the McChesney Minor Subdivision states:

Due to the added maintenance and operation cost associated with the water system to serve this subdivision, water rates may be higher than for other parts of the Town of Ridgway.

If required by the Town of Ridgway, the owners of Lots 1 and 2 will participate in a Special Improvement District for the purpose of expanding the water storage capacity which serves these lots as well as the adjacent properties.

The Town does not have adequate information at this time to determine the best means to serve this subdivision. However, Staff is in agreement that a significant amount of engineering and design is going to be required to address this need, therefore, this work can be completed if the sketch plan is approved. This item will have to be reviewed in detail in conjunction with the preliminary plat.

JANUARY 2023 UPDATE:

Water Tank Improvement: The application does not include a proposal on how the water lines will connect to the existing water tank, the conceptual layout of a new water tank, nor how that site will function and if there is adequate legal access and authority to expand that tank. Because of the extensive improvements necessary to complete this vital public improvement, additional conceptual alignments and design on the feasibility of expanding the water tank will be needed for Staff to recommend that the project is able to proceed with construction documents and engineering plans as required with the preliminary plat.

Furthermore, the Applicant identifies an agreement that was entered into in 1981 pertaining to the water and sewer improvements for Vista Park Subdivision entitled "Vista Terrace Water and Sewer Agreement". This agreement apparently lays out requirements for design, installation, and inspection of public improvements throughout the Vista Park Subdivision. The applicant has indicated that this agreement will be included in the Preliminary Plat submission materials, however, given the large amount of public improvements needed to serve the proposed development, Staff would once again like to understand what, if any, obligations remain unmet



in that agreement before expanding the water and sewer infrastructure to ensure all impacts and results are known.

Sewer Service: The application proposes that each lot within the subdivision will provide its own OWTS. RMC §7-4-6-(A)(2) requires sanitary sewer systems to be connected to the Town's system. Additional infrastructure improvements have been made and planned for since the original plat notes were added. Therefore, the option of connecting this proposed subdivision to the Town's sanitary sewer collection system should be further explored.

JANUARY 2023 UPDATE:

Since the last review, a new note was added to the Sketch Plan (SP-5) requiring participation in General Improvement District (GID) or Special District (SD) for sewer services if the Town creates one.

Since it is the Town's standard policy to require connection to public sanitary sewer system, the Planning Commission requested additional analysis be completed by the Development Team to determine feasibility of connecting. The Development Team evaluated the cost to extend sewer mains north through HWY 550 and up Terrace Drive. This analysis is included as an attachment to the Applicant's response letter (Attachment A).

Another potential alignment has been identified by extending the existing sewer lines from Mall Road up the hillside and running within the 10' utility easements that straddle each lot in Vista Terrace (see image to the right). The Development Team implied that there were regulations in place that would prohibit the ability to utilize these platted easements for the extension of sewer lines. Documentation to this effect has not been provided to Staff as of the drafting of the staff report. Upon evaluation of the plat notes for Vista Terrace Sub. Filing No. One, there aren't notes that further limit the specific use of the platted utility easements.

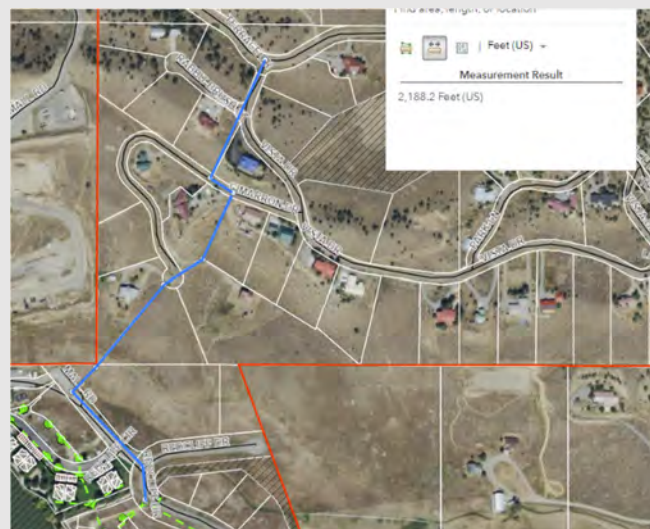


Figure 6. Alternative Sanitary Sewer Alignment

Additional evaluation to better understand this alignment should be provided. Again, the concern here is that if connecting this project to sanitary sewer is in fact financially infeasible, the costs of all alternatives need to be fully understood prior to the Town fully supporting a waiver of public health, safety, and welfare standards.

If the event the properties within Four Winds subdivision are unable to connect to public sewer prior to development, the following shall apply:

- Ouray County OWTS standards shall apply to any OWTS proposed within Four Winds Subdivision.

- At such time sanitary sewer are available, all OWTS shall be properly abandoned, and all dwelling units shall be connected to the public sewer system.
- The preliminary plat application materials shall include a conceptual design of the future sewer main lines through the subdivision to ensure adequate separation distances and design requirements can be met.

JANUARY 2023 UPDATE:

The following comments and findings are the result of further review of additional submittal materials since August.

General Review Findings: Based on the various reviews, the following are general comments and findings which should be adequately addressed prior to the Sketch Plan being approved to remove any ambiguity or confusion on what version of documents was approved.

1. Update revised date of Four Winds Sketch Plan narrative. Currently dated July 27, 2022, but last known update is August 23, 2022.
2. Given the scope and magnitude of the amendments to the project since August 2022, an updated Four Winds Subdivision Sketch Plan Narrative is requested to ensure that there are no contradictions or conflicts between iterations which will only cause confusion and delay at future stages of this project.
3. There are numerous references to sketch plan sheets (Revision date 8/15/2022) in the latest version of the narrative (submitted 8/23/2022) which are not correct. All references to sketch plan sheets (SP-X) must be updated to reflect the correct sheet references.

Visual Impact: The Planning Commission requested the Development Team provide further analysis of the visual impact of the development as proposed.

The Applicant used a 35' tall pole and took pictures from various locations to assess visual impact. The resulting analysis concluded that Lots 7, 8, 9, and 10 do not break the ridgeline and that Lots 4-7 will have design guidelines to minimize impact of ridgeline development. While Staff supports and appreciates the willingness of the Applicant to create design guidelines for at least a portion of the project, the means of administering and enforcing those regulations will need to be clarified by the application narrative and sketch plan set prior to approval and memorialized with the submittal of the preliminary plat.

The updated application materials do include the results of the visual impact analysis, however, the photos provided in the updated project narrative (Attachment E) don't include a site plan indicating where the pole is and where the photos are taken from. A few of the photos indicate the homes will be very visible from the point of the photos, but those locations are not noted. Because of this, Staff has not been able to find the visual impacts brought up by the Planning Commission have been adequately addressed at this time and request additional time to continue working with the Development Team to address this concern.

Estimated Infrastructure Costs: The Project Information Table on page 10 of the narrative identifies infrastructure costs at \$840,000. Because of the many recent conversations related to costs of required improvements and the developer's concerns about the financial feasibility of the project, this cost should be adjusted to include all improvements necessary for the project (i.e., water line/tank extension, emergency access easement, sanitary sewer extension, HWY 550



improvements, and any other on- or off-site improvements either proposed, or required). An itemized list of these improvements will be needed and, if able, the developer's proposed contribution to improvements which may not be fully borne by the developer. Other sources of funding should also be provided.

Water Conservation: The Applicant has stated that the project will implement water conservation measures. The proposed water conservation measures shall be submitted with the Preliminary Plat application materials. These provisions must consider the water supply constraints of developing in this location.

Subdivision design standards: The Developer intends to develop design standards pertaining to the development of property within the subdivision. These standards are intended to be administered by the HOA. Based on the review of these standards on page 3 of the project narrative (Attachment E), the following changes must be made to be consistent with updated submissions and representations by the Applicant and Development Team:

- Amend #7 to prohibit ADUs
- Amend #9 to require design standards for Lots 4-7 to preserve ridgeline view corridors.

Add a new provision that the HOA or other acceptable entity will ensure the prohibition of short-term rentals in the Four Winds Subdivision. This shall also be a note added to the Preliminary and Final Plats.

Subsequent Processes:

- Preliminary Plat
 - The full Endicott property (9.95ac proposed as part of Four Winds and 36.47ac remaining property) must be included in the preliminary plat and final plat boundaries.
- Rezoning
 - The Endicott property is currently zoned FD Future Development and in order to receive an approved Preliminary Plat, the rezoning of that property must be approved.
- Construction of Public Improvement
 - This includes on- and off-site improvements as required by the RMC and the review findings and conditions of the Sketch Plan.
- Final Plat (Recording of Plat)
- Building Permits

STAFF REVIEW COMMENTS

JANUARY 2023 UPDATE:

Review findings, comments, and recommendations have been included in all the various topics through the staff report and culminate with the recommendation in the January 2023 Staff Recommendation.



PUBLIC COMMENTS

The property has been posted and proper notification has been completed by the Town in accordance with RMC §7-4-13.

As of the drafting of this staff report, the Town has received sixteen (16) written public comments. The written comments received are attached to this staff report in Attachment B.

Written comments were received:

Prior to the May 31, 2022 Planning Commission Meeting:

- 1) Kathy & Charles Ewert dated May 20, 2022
- 2) Kevin Chismire dated May 24, 2022 and May 26, 2022
- 3) Nicole Moorman dated May 24, 2022
- 4) Connie and Glen Anderson dated May 25, 2022
- 5) Fred and Margaret Quist dated May 24, 2022
- 6) Anthony Gegauff dated May 25, 2022
- 7) Dan Brillon dated May 25, 2022
- 8) Jeanne Smith dated May 24, 2022
- 9) Michelle and Mark Smail dated May 25, 2022
- 10) David Burger dated May 25, 2022
- 11) Joan Chismire dated May 25, 2022
- 12) Stephen McComb dated May 25, 2022
- 13) Audra Duke dated May 25, 2022
- 14) Bob Tesch dated May 25, 2022
- 15) Jack and Karen Fay dated May 25, 2022

Prior to the August 30, 2022 Planning Commission Meeting:

- 1) Matt Gawlowski dated August 25, 2022
- 2) Dan Brillon dated August 25, 2022
- 3) Clint Estes dated August 25, 2022
- 4) Pam Foyster dated August 26, 2022
- 5) Anthony Geugauff dated August 30, 2022

Prior to the January 10, 2023 Planning Commission Meeting:

- 1) Pam Foyster dated December 29, 2022
- 2) Steve McComb dated December 30, 2022
- 3) Matt Gawlowski dated December 31, 2022
- 4) Steve McComb dated December 31, 2022
- 5) Jack and Karen Fay dated January 4, 2023

Prior to the January 31, 2023 Planning Commission Meeting:

- 1) Matt Gawlowski dated January 22, 2023
- 2) Dan Brillon dated January 23, 2023
- 3) Kelly Drake dated January 24, 2023
- 4) Steve McComb dated January 24, 2023
- 5) Ann Mellick dated January 25, 2023 (Movie)
- 6) Michelle Smail dated January 25, 2023



- 7) Clint Estes dated January 26, 2023
- 8) Audra Duke dated January 26, 2023
- 9) Connie Anderson dated January 25, 2023
- 10) Chaucey Edwards dated January 26, 2023
- 11) Jill Wodluk dated January 27, 2023
- 12) Joe Wodluk dated January 27, 2023

JANUARY 2023 STAFF RECOMMENDATION

Based on the analysis provided in the preceding staff report and the criteria necessary to approve a Sketch Plan, staff recommends the Planning Commission continue the application for a minimum of two months to allow adequate time for all items pertinent to the review and consideration of the Sketch Plan to be resolved. The intent of a continuance would allow the Development Team and Town Staff to refine expectations moving forward prior to extensive costs being paid for design work on this project and the various public improvements necessary to serve the development including, but not limited to, water system improvements, sanitary sewer system extension, OWTS requirements, internal road standards, HWY 550 improvements, trail connections and improvements, secondary emergency access easement and alignment, and impacts to identified environmentally sensitive areas.

ATTACHMENTS

- A. Applicant response letter dated January 18, 2023
- B. Applicant comment response letter dated August 17, 2022
- C. Town Review Letter dated December 29, 2022
- D. Planning Commission Action Letter dated September 6, 2022
- E. Four Winds Sketch Plan Narrative submitted September 22, 2022
- F. Four Winds Sketch Plan Set revision date September 16, 2022
- G. Stolfus and Associates / CDOT TIS Review Letter dated December 28, 2022
- H. Application Materials
- I. Public Comments
- J. Lot 2, McChesney Subdivision Memo dated April 26, 2005

Attachment A:
Four Winds Applicant Response Letter
Dated January 18, 2023

Alpine Planning, LLC

P.O. Box 654 | Ridgway, CO 81432 | 970.964.7927 | chris@alpineplanningllc.com



Town of Ridgway Planning Commission

Sent via email to: pneill@town.ridgway.co.us

January 18, 2023

Dear Planning Commission Members,

The Four Winds Subdivision Sketch Plan application was continued from the August 30, 2022 and January 10, 2023 Planning Commission meetings to the January 31, 2023 meeting to allow time for the Four Winds team to further address the following topics, with our comments on how addressed shown in blue text:

1. **Safety concerns at the intersection of Terrace Drive and HWY 550 for vehicles, pedestrians, and cyclists.** An updated Traffic Impact Study is included as Exhibit A that was provided to CDOT. CDOT has jurisdiction over the highway access and safety pursuant to Ridgway Municipal Code ("**RMC**") Section 7-4-7(C)(3) as follows:

"(3) Access to any public highway under the jurisdiction of the State Department of Highways shall be subject to the provisions of the State Highway Access Code."

CDOT requested additional traffic counts and revisions to the Traffic Impact Study, with the new traffic counts completed in January and the revised study submitted to CDOT. We are respectfully requesting that the Four Winds Sketch Plan approval include a condition that CDOT will issue an access permit for the subdivision prior to submitting for the Preliminary Plat. The Four Winds developer understands that he is responsible for any required CDOT improvements that may include a CDOT requirement for a center turning lane. The developer is also supportive of public-private efforts to request CDOT to reduce the speed limit along the highway to ease pedestrian and bicycle crossing to the existing trail leading to the River Park. The developer is also willing to make a significant financial contribution to either an overpass or underpass of Highway 550 where it makes sense for trail/sidewalk users based on a sidewalk/trails plan for the area. If the Town does not want the proposed new trail on private open space leading to the current highway crossing, the trail will be removed from the plans.

2. **Lack of secondary access to Vista Terrace Subdivision.** The developer has negotiated an emergency only access easement agreement for all of Vista Terrace as shown in Exhibit B. Also as part of Exhibit B and attached thereto is an email confirmation from the Grantors' attorney acknowledging the Grantors' approval of the easement. This easement crosses land owned by the Estate of Bernadine Endicott as well as land owned by Four Winds Ranch I LLLP and Four Winds Ranch II LLLP. This emergency access easement will not be executed, recorded nor become effective until the Town's approval and recordation of the final plat. As an aside but important to the process is to note that this huge community benefit could not have been accomplished but for the applicant's expenditure of great effort and resources.
3. **Reduce the proposed density and number of accessory dwelling units.** Four Winds, LLC has decided to completely prohibit all accessory dwelling units in the proposed subdivision to mitigate traffic and density concerns. The proposed number of free market lots cannot be reduced since that would make the subdivision financially infeasible, especially in light of the potential CDOT requirement for a center turning lane on Highway 550.

The proposed density is one unit per 2.2 acres while the existing density in Vista Terrace Filing No. 1 is one unit per 1.6 acres. Therefore, the proposed density is less than existing Vista Terrace density. The proposed density is also clustered on the Property with over twice the amount of open space found in Vista Terrace Filing No. 1 with 12.74 acres of open space compared to only 5.37 acres of open space currently platted in Vista Terrace. The proposed density is also in line with the density range envisioned in the Ridgway Master Plan that allows from 0.1 to 1 dwelling unit per acre that translates to a density range of 4 units to 43 units total on the 43.04 acres. The 20 proposed lots lie right in the middle of the Master Plan's envisioned density. The proposed density was also the Vista Terrace Homeowners Association desired density under the past subdivision proposed by Robert Savath. The subdivision as designed with 20 lots is marginally profitable with CDOT potentially requiring a center turn lane on Highway 550.

The proposed subdivision density will be done in a very sensitive manner with the measures described in the Sketch Plan narrative, including 10,000 sq. ft. disturbance envelopes, preservation of sage habitat, minimum solar energy, wildlife mitigation provisions, and modern design guidelines to ensure homes sensitively fit into each lot. The project engineer evaluated septic feasibility and found that the soils conditions easily accommodate an On-site Wastewater System that will meet State and County regulations. Each homesite will require connection to central sewer service if and when the Town is able to extend sewer to the area. The water system will be upgraded to accommodate the required storage and delivery for the proposed subdivision. The Town has indicated that it has water capacity for the intended development via the recent water study, and water conserving measures will be included in the subdivision design requirements via design standards, covenants and plat notes. Secondary emergency access is provided out of the subdivision if the short road segment is blocked or if Terrace Drive is blocked. Electric and natural gas services are available to serve the proposed density. One unit per 2.2 acres is a rural level of density, with development clustered into 30.3 acres and 12.74 acres of open space that also functions as wildlife habitat.

4. **Visual impact of development along the ridgeline.** A visual analysis was completed for the subdivision using poles that were 35 feet tall as shown in Exhibit C. Lots 7, 8, 9 and 10 do not break the skyline above the mountain backdrop and do project over the geographic ridge. Out of 20 lots, only four lots will have homes that are visible over the geographic ridge but not over the mountain backdrop with blue skies maintained. Development within the Town is not subject to the County's Visual Impact Regulations; the RMC does not regulate development on ridgelines. The proposed subdivision complies with CHR-6.3 as follows:

"POLICY CHR-6.3: Ridgeline Protection

Encourage the use of clustering, flexible setbacks, height limitations, and other site planning techniques to minimize the visual impact of ridgeline development when viewed from public rights of way."

The Four Winds Subdivision is clustered at the rear of the property away from Highway 550 with two open space tracts containing 12.74 acres designed as buffers. The development lots are significantly setback from the Highway 550 corridor with the closest lot line approximately 346 feet from the highway right-of-way, and a range of up to approximately 414 feet. The developer will create design guidelines for Lots 4-7 to minimize visual impacts with the Preliminary Plat submittal, such as the use of natural colors and materials that blend with the ridgeline. The Town's Intergovernmental Agreement with Ouray County on the Urban Growth Boundary was created to focus development in the Town of Ridgway and to "protect visual corridors and in so doing retain community identity", with areas outside of the Town maintained in a more natural or agrarian nature. It is clearly recognized that there will be visual impacts along Highway 550 and 62 through the Town and the Urban Growth Area in order to protect views outside of it in the agricultural areas.

5. **Preference to connect to sanitary sewer services to serve this project rather than OWTS.** Buckhorn Engineering conducted soils testing and found the soils are well suited to the design of septic systems as shown in Exhibit D. Buckhorn Engineering also analyzed the feasibility of connecting to the central sewer service as shown in Exhibit E. In summary, the use of septic systems is very feasible, and it is very infeasible, based on the size of this

development versus the cost to connect to the current Town sewer system. The economics of such a requirement simply do not work and will prohibit the development of this otherwise outstanding project and make null and void the other community benefits that will be realized if this development is approved. Town staff also recommended the use of septic systems for the subdivision. The current plat for the property also allows for the use of septic systems for the development of the property by a specific platted plat note that states:

“A Town sewer system is not available to serve Lots 1 and 2 of this subdivision. No building permit or other development permit shall be issued for any Lot until Individual Sewage Disposal System Permit (ISDSP) has been issued. In order for an ISDSP to be issued, the applicable requirements of Colorado statutes and regulations, and Town Regulations, if any, as in effect from time to time, must be met. The Town shall have no responsibility on account of its denial of an ISDSP for any lot which cannot meet the requirements and applicable law.

It shall be the responsibility of the owner of any lot to maintain any permitted individual sewage disposal system in good operating order in accordance with State law. Failure to maintain a system can result in civil and criminal penalties.

The owner of each lot shall be aware that the property within this subdivision may be included within the boundaries of a sewer system improvement district and assessed for the cost of connection for each lot, and applicable tap fees, at such time as the Town, in its discretion, deems it advisable to cause the creation for such district.”

Concurrent with the review of the annexation petition that included the Four Winds Subdivision property, the Town and the underlying property owners entered into a Water and Sewer Agreement for the Vista Terrace Addition dated May 4, 1981 (“**Vista Terrace Water and Sewer Agreement**”) that remains effective that includes the following policy:

“The Town has no present plans to extend a sewer main to Developers’ property [Vista Terrace Addition] and development on Town sewer is presently unfeasible. Developers may utilize individual sewage disposal systems subject to applicable State regulations and Ouray County regulations. Whenever a Town sewer main is installed within 400 feet of any individual building on Developers property, such building, upon request by the Town, shall be connected to the sewer line and the owner of the building shall pay any connection and tape fees and other costs as required by applicable Town ordinances and regulations as amended from time to time.”

Connection to sewer remains unfeasible 42 years later with this policy still in effect.

6. **The project is located outside of the Initial Growth Boundary (“IGB”) as identified in the 2019 Master Plan.** The Ridgway Master Plan’s (“**Master Plan**”) Initial Growth Boundary policy is found under the Growth Framework and states:

“Initial Growth Boundary (IGB)

The IGB delineates the area within which the Town will encourage urban levels of development in the next ten to twenty years. The boundary includes areas that are contiguous to established parts of Ridgway that are already served by Town services, and to which utility extensions could logically and efficiently be provided. The purpose of the IGB is to support the community’s desire to grow in an orderly, logical and sequential pattern outward from the existing town core. In general, urban levels of development outside the IGB would be considered premature until substantial development has occurred within the boundary.”

Encouraging development does not mean that the Town can prohibit any development applications outside of the IGB. While the community desires to grow from the existing town core outward, there is no specific and objective Master Plan policy, goals or actions that states no subdivision applications can be submitted outside of

the IGB. Policies such as that would be a takings of property rights, with the Property annexed and zoned by the Town to allow for development based on the underlying permitted uses and dimensional standards. The Town approved the annexation and zoning of the property with the understanding that it would someday be subdivided, and arbitrarily placing it outside the IGB cannot prevent its development with reasonable uses as envisioned by the Master Plan. Property owners may propose development consistent with the zoning that is also in general conformance with most of the master plan policies.

The Four Winds' property is also located within the Town's Urban Growth Boundary ("UGB") that was established to "...direct growth...in the Urban Growth Management Area..." The Four Winds site is located within the incorporated area of the Town and the Residential Zone District. The underlying zoning allows for the development of the Property with landowners expecting reasonable use of the property.

A review of the prior 2011 Town of Ridgway Land Use Plan showed the establishment of the first IGB that had it as an actual goal as follows:

"Promote a sustainable and complementary development pattern within the rural landscape outside of the Initial Growth Boundary, but within the Urban Growth Boundary/Urban Growth Management Area and Area of Influence."

We only include this to show that the prior plan allowed for reasonable use of properties outside of the IGB with specific goals and objectives for such development focused on rural type development. The current Master Plan policy reiterates this desire for rural development outside of the IGB by focusing urban development within the IGB. We assert that rural development outside of the IGB is allowed by the Master Plan IGB section that is reinforced by the Master Plan's Future Land Use Map. There are also no specific and objective Master Plan goals or actions for the IGB like the 2011 Land Use Plan.

The Town has allowed for rural development outside of the IGB with the River Sage Addition development that was approved and recorded in January of 2020, and after the adoption of the 2011 Land Use Plan. We are seeking a similar approval for a rural density on zoned land that was annexed, zoned and platted long before River Sage was contemplated by the town with an understanding that the property would be someday subdivided.

7. **CPW's concerns with the impact the development could have on wildlife habitat.** The concluding statement of the CPW's referral follows:

"We feel that the proposed Four Winds subdivision will have impacts to big game wildlife by reducing the amount of available winter range. However, CPW supports development within city limits rather than ex-urban development. We feel that the following measures within your development plan will help reduce the impacts to wildlife:

- Limiting lot development to 10,000 sq. ft.
- Preserving the sagebrush habitat on lots outside of the disturbance envelope
- Prohibiting perimeter lot fencing; while we don't recommend perimeter lot
- fencing, especially in big game winter range, if it were ever allowed it should
- follow CPW's *Fencing with Wildlife in Mind* guidelines
- Containing dogs within fenced yard and / or dog run and requiring dogs to kept
- on leashes while walking on subdivision roads
- Requiring bear proof trash can or solid trash enclosures

There is no way to truly mitigate the loss of the winter range habitat but improving and/or conserving similar winter range habitat in Ouray County would be highly beneficial to wintering ungulates and would offset the negative impacts from the Four Winds Subdivision."

The developer has 500 acres of prime elk habitat and is planning on placing a conservation easement on the Property. He does not want to be tied to this as a part of the subdivision given the CPW's support of the project; the property is located within the UGMA that was established to protect wildlife habitat outside of the Town boundary; and the Town has approved a similar project in winter habitat with the River Sage Subdivision and its recent 2020 addition.

We look forward to further discussing the Four Winds Subdivision with Town staff and the Planning Commission at its January 31, 2023 meeting.

The Planning Commission should also refer to the originally submitted sketch plan narrative and plan set that provides more details and foundation in support of the proposed subdivision.

Respectfully Submitted,

Chris Hawkins, AICP
Alpine Planning, LLC

Traffic Impact Study

To: Buckhorn Engineering
222 S. Park Ave., Montrose, CO
81401

Date: Jan 18, 2023

Project No.: 1122121

From: Nicholas J. Westphal, PE
Dibble
2696 S. Colorado Blvd., Ste 330
Denver, CO 80222

Subject: Four Winds Subdivision



1. Introduction and Background

Four Winds Subdivision is proposed along Terrace Drive, accessed from State Highway 550 (SH-550) near milepost 105, approximately one mile north of Sherman Street and the Town of Ridgeway. The proposed subdivision is part of Ouray County parcel number 430509400146 and the western portion of parcel 430516101001 as depicted in Figure 1.

Vista Terrace Estates is an existing subdivision also along Terrace Drive. This subdivision consists of 59-lots, of which 48 have been developed and 11 are undeveloped. The proposed Four Winds Subdivision is designed to have 20 lots.

The purpose of this Study is to analyze the potential traffic impact to the intersection of SH-550 and Terrace Drive and to provide recommended roadway improvements for mitigation if any are determined to be warranted.

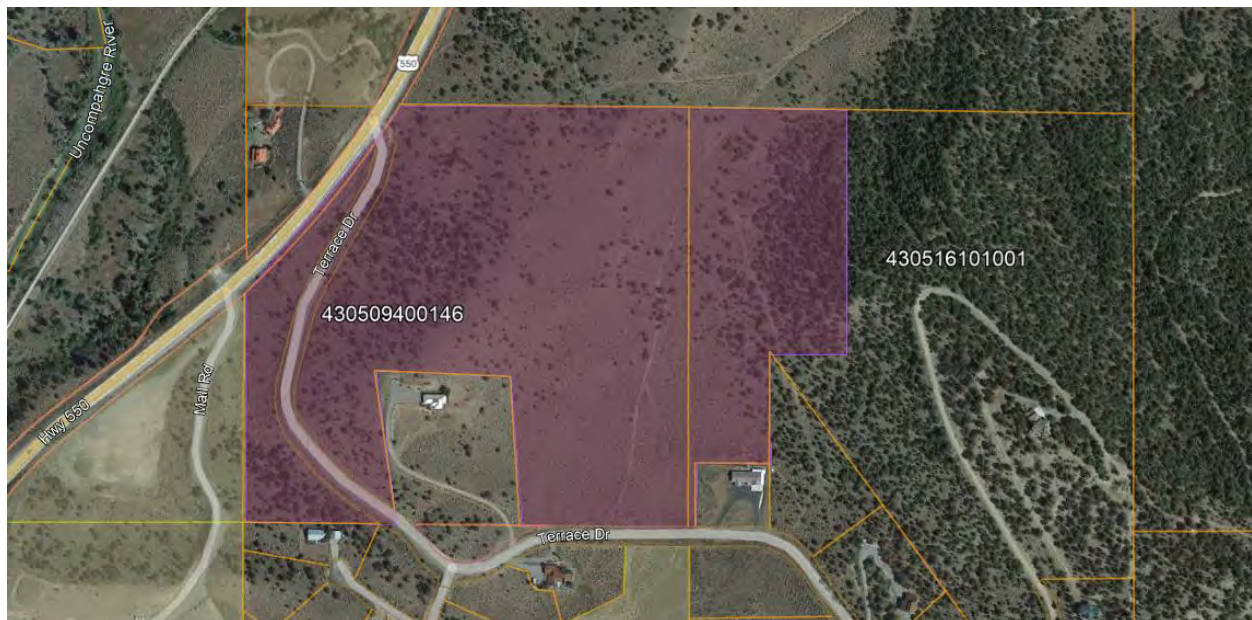


Figure 1 – Four Winds Subdivision Boundary

2. Study Area/Site Access

The Study Area for this analysis is the intersection of SH-550 and Terrace Drive. SH-550 is a regional two-lane undivided highway running north/south, classified as a Principal Arterial. The posted speed limit is 60 miles per hour. The Town of Ridgeway is approximately one mile south of the intersection. There is an existing deceleration lane for northbound traffic turning right from SH-550 to Terrace Drive. There is also an existing northbound acceleration lane for traffic turning right onto northbound SH-550 from Terrace Drive. SH-550 information from CDOT's Straight Line Diagram (SLD) can be found in Appendix A.

Terrace Drive is a local gravel roadway which turns right and increases in elevation immediately after accessing the roadway from SH-550. Terrace Drive is stop controlled at SH-550. Images from the intersection can be seen in Figures 2 through 4 below.



Figure 2 – SH-550 at Terrace Drive, Looking South



Figure 3 – SH-550 at Terrace Drive, Looking North



Figure 4 – SH-550 at Terrace Drive, Looking Southeast

3. Background Traffic

Traffic data was obtained from the CDOT Online Transportation Information System (OTIS). 24-hour counts were conducted by CDOT in June 2020. Buckhorn Engineering conducted peak hour (PH) traffic counts from 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM on June 22, 2022 and on January 10, 2023. The traffic data from the June Buckhorn counts was similar to the traffic data from OTIS. Traffic data can be found in Appendix B.

The June 22, 2022 traffic counts were provided in two-hour blocks and the peak hour traffic was assumed to be 60 percent of the 2-hour traffic. The January 10, 2023 traffic counts were provided in 15-minute blocks and the peak hour was determined to be from 7:30 to 8:30 in the AM and 4:30 to 5:30 in the PM. The peak hour traffic for 2022 and 2023 is shown in Figure 5 and Figure 6, respectively. The 2022 peak hour traffic was used for this analysis since it shows higher traffic volumes.

It is noted that the traffic volumes for Terrace Drive in the peak hour is significantly less than expected. The expected trips during the peak hour for 48 Single-Family Detached Housing lots per the ITE Trip Generation Manual, 11th Edition is 38 (10 entering and 28 exiting) in the AM peak hour and 50 (31 entering and 19 exiting) in the PM peak hour.

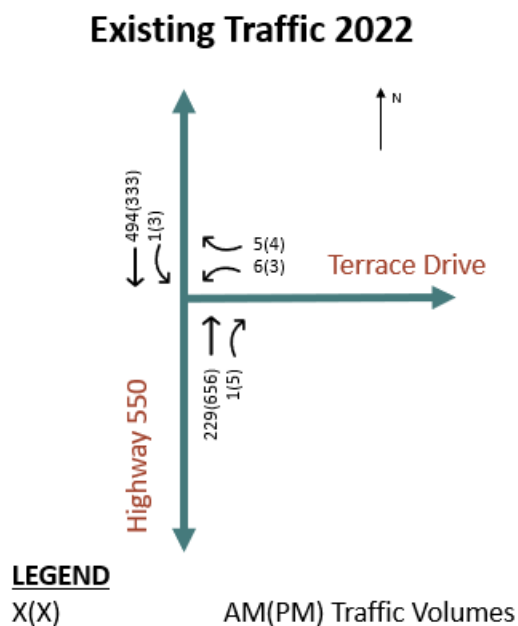


Figure 5 – Existing PH Traffic 2022

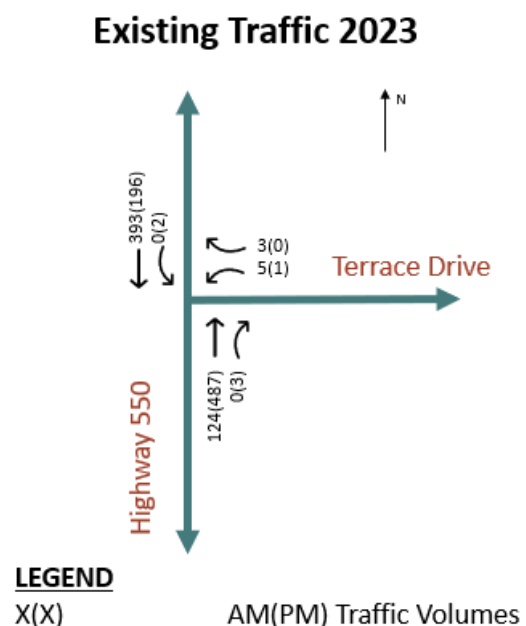


Figure 6 – Existing PH Traffic 2023

4. Trip Generation and Distribution

Trip generation was determined using the ITE Trip Generation Manual, 11th Edition. The land use used for this trip generation calculation is Single-Family Detached Housing and the trips were calculated using the fitted-curve equation. The proposed subdivision has 20 dwelling units, and the resulting generated trips are summarized in Table 1.

Vista Terrace Subdivision has 11 undeveloped lots. The 11 lots will generate traffic once developed and therefore need to be accounted for in future traffic modeling. The trip generation was calculated for 11 lots using the fitted-curve equation for Single-Family Detached Housing dwelling units and is shown in Table 2.

Table 1 – Trip Generation Summary for Four Winds Subdivision

General Suburban - Fitted Curve												
LUC	Description	Units	Quant	Weekday			AM Peak			PM Peak		
				Total	Ingress	Egress	Total	Ingress	Egress	Total	Ingress	Egress
210	Single-Family Detached Housing	Dwelling Units	20	230	115	115	17	4	13	22	14	8

Table 2 – Trip Generation Summary for Vista Terrace Subdivision Undeveloped Lots

General Suburban - Fitted Curve												
LUC	Description	Units	Quant	Weekday			AM Peak			PM Peak		
				Total	Ingress	Egress	Total	Ingress	Egress	Total	Ingress	Egress
210	Single-Family Detached Housing	Dwelling Units	11	132	66	66	10	2	8	12	8	4

The Town of Ridgeway is located south of this intersection, is the closest service center, and is where schools are located. However, most major shopping and destinations are north of the intersection in the City of Montrose. Based on this, and the existing trip distribution from Terrace Drive, it was assumed that 50% of the traffic would enter and exit from the south while the remaining 50% would enter and exit from the north. The estimated generated trips were added to the current background traffic. Combined traffic is depicted in Figure 7.

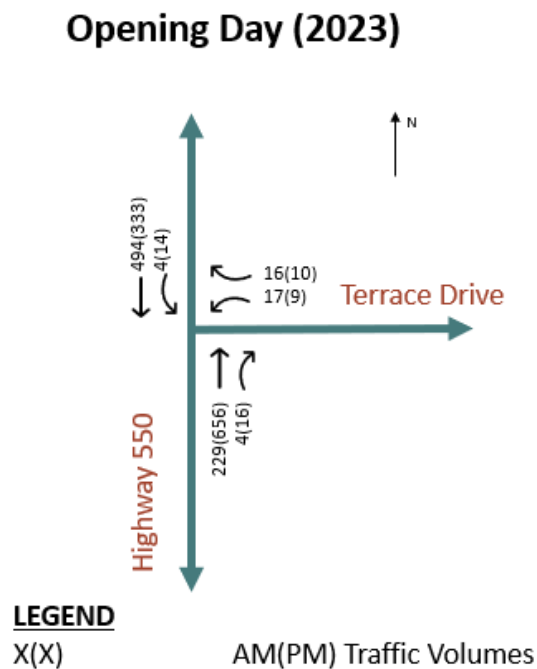


Figure 7 – Combined Existing (2022) PH Traffic and Development Generated Trips

5. Future Traffic

A growth factor of 1.18 was applied to the existing traffic volumes to project the 20-year traffic. The 1.18 value was obtained from OTIS. These results were combined with the generated trips from the proposed Four Winds subdivision and the Vista Terrace subdivision and are depicted in Figure 8.

Future Total Traffic (2042)

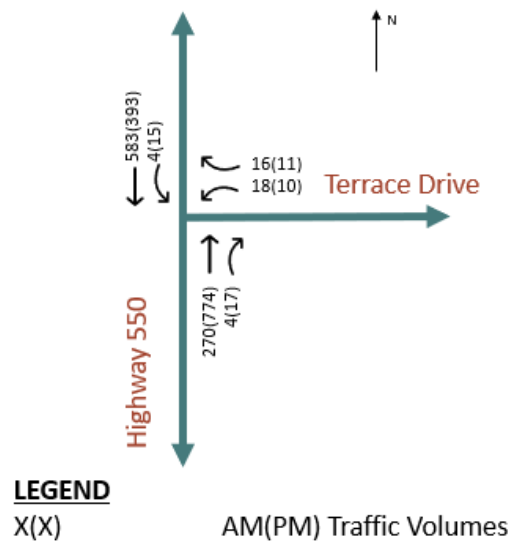


Figure 8 – Combined Future (2042) PH Traffic and Development Generated Trips

6. Level of Service Analysis

Capacity analysis was conducted using the Synchro 11 software. The resulting level of service (LOS) and delay for each scenario is shown in Tables 3 through 6. Level of service A is maintained on SH-550 and level of service B/C is maintained on Terrace Drive.

Table 3 – Existing (2022) PH Traffic LOS

Intersection	Peak Hour	WBL		WBR		NBT		NBR		SBL		SBT	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
SH-550 & Terrace Dr	AM	12.2	B	12.2	B	0.0	A	0.0	A	7.7	A	0.0	A
	PM	15.3	C	15.3	C	0.0	A	0.0	A	9.1	A	0.0	A

Table 4 – Existing (2022) PH with Full Development Traffic LOS

Intersection	Peak Hour	WBL		WBR		NBT		NBR		SBL		SBT	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
SH-550 & Terrace Dr	AM	13.0	B	13.0	B	0.0	A	0.0	A	7.8	A	0.0	A
	PM	16.8	C	16.8	C	0.0	A	0.0	A	9.2	A	0.0	A

Table 5 – Future (2042) PH with no New Development Traffic LOS

Intersection	Peak Hour	WBL		WBR		NBT		NBR		SBL		SBT	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
SH-550 & Terrace Dr	AM	14.2	B	14.2	B	0.0	A	0.0	A	7.9	A	0.0	A
	PM	19.2	C	19.2	C	0.0	A	0.0	A	9.6	A	0.0	A

Table 6 – Future (2042) PH with Full Development Traffic LOS

Intersection	Peak Hour	WBL		WBR		NBT		NBR		SBL		SBT	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
SH-550 & Terrace Dr	AM	14.7	B	14.7	B	0.0	A	0.0	A	7.9	A	0.0	A
	PM	20.4	C	20.4	C	0.0	A	0.0	A	9.7	A	0.0	A

7. Auxiliary Lanes

Section 3.8(5) of the of the State of Colorado State Highway Access Code provides guidance for auxiliary lanes at accesses along Regional Highways. A right turn deceleration lane and acceleration lane have already been constructed.

Per the Access Code, “a left turn deceleration lane with taper and storage length is required for any access with a projected peak hour left ingress turning volume greater than 10 vph. The taper length will be included within the required deceleration length.” The proposed traffic is projected to have 14 southbound vehicles turning left in the peak hour after full build out and 15 during the 20-year horizon year. Therefore, a left turn deceleration lane is required.

Per the Access Code, “a left turn acceleration lane may be required if it would be a benefit to the safety and operation of the roadway or as determined by subsection 3.5. A left turn acceleration lane is generally not required where; the posted speed is less than 45 mph, or the intersection is signalized, or the acceleration lane would interfere with the left turn ingress movements to any other access.” An access to a Ouray County Road and Bridge facility exists approximately 680-feet south of Terrace Drive which would conflict with an acceleration lane; therefore, a left-turn acceleration lane is not recommended at this intersection.

The level of service was analyzed in the 2042 horizon year with the southbound left-turn deceleration lane. The delay is reduced slightly in the PM peak hour for westbound traffic and all other delays remain the same as shown in Table 7.

Table 7 – Future (2042) PH with Full Development Traffic LOS and SB Left-Turn Lane

Intersection	Peak Hour	WBL		WBR		NBT		NBR		SBL		SBT	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
SH-550 & Terrace Dr	AM	14.7	B	14.7	B	0.0	A	0.0	A	7.9	A	0.0	A
	PM	20.2	C	20.2	C	0.0	A	0.0	A	9.7	A	0.0	A

8. Traffic Crash Analysis

Traffic crash data was obtained from CDOT's Crash Data Dashboard. The data reviewed included years 2016 through 2020.

- There were 24 crashes between mileposts 104 and 105 during the five-year period.
- Three of the 24 crashes appear to be at the study area intersection and are animal related.
- Three of the 24 crashes involved more than one vehicle. Two of those were sideswipes by vehicles traveling in opposite directions, and one was a rear end south of the study intersection.

There does not appear to be an existing safety issue at the intersection based on crash data. A summary of the crash data between mileposts 104 and 105 can be found in Appendix C.

9. Conclusion and Recommendations

Vista Terrace Subdivision has 59 single-family lots, 48 of which have been developed and 11 remain to be developed. Four Winds Subdivision will add 20 additional single-family lots. Both subdivisions use Terrace Drive as an access to SH-550. Section 3.8(5) of the of the State of Colorado State Highway Access Code requires a southbound left-turn lane based on the expected trips generated by the Four Winds subdivision and the remaining Vista Terrace subdivision.

Per the ITE Trip Generation Manual, 11th Edition, the following trips should be expected for each subdivision.

- Vista Terrace Subdivision (59-lots)
 - 48 AM Trips (12 Entering and 36 Exiting)
 - 62 PM Trips (39 Entering and 23 Exiting)
- Four Winds Subdivision (20-lots)
 - 17 AM Trips (4 Entering and 13 Existing)
 - 22 PM Trips (14 Entering and 8 Existing)

Assuming 50 percent of the traffic is arriving from the north, then the expected southbound left turns generated during the PM peak hour by Vista Terrace is 19 and by Four Winds is 7. It is noted that the existing traffic does not reflect the volume of traffic expected per the ITE Trip Generation Manual; however, the Colorado State Highway Access Code requires the use of the ITE Trip Generation Manual to determine the need for auxiliary lanes. Based on this analysis, a southbound left-turn lane should have been recommended when Vista Terrace was developed since it generates more than 10 expected trips.

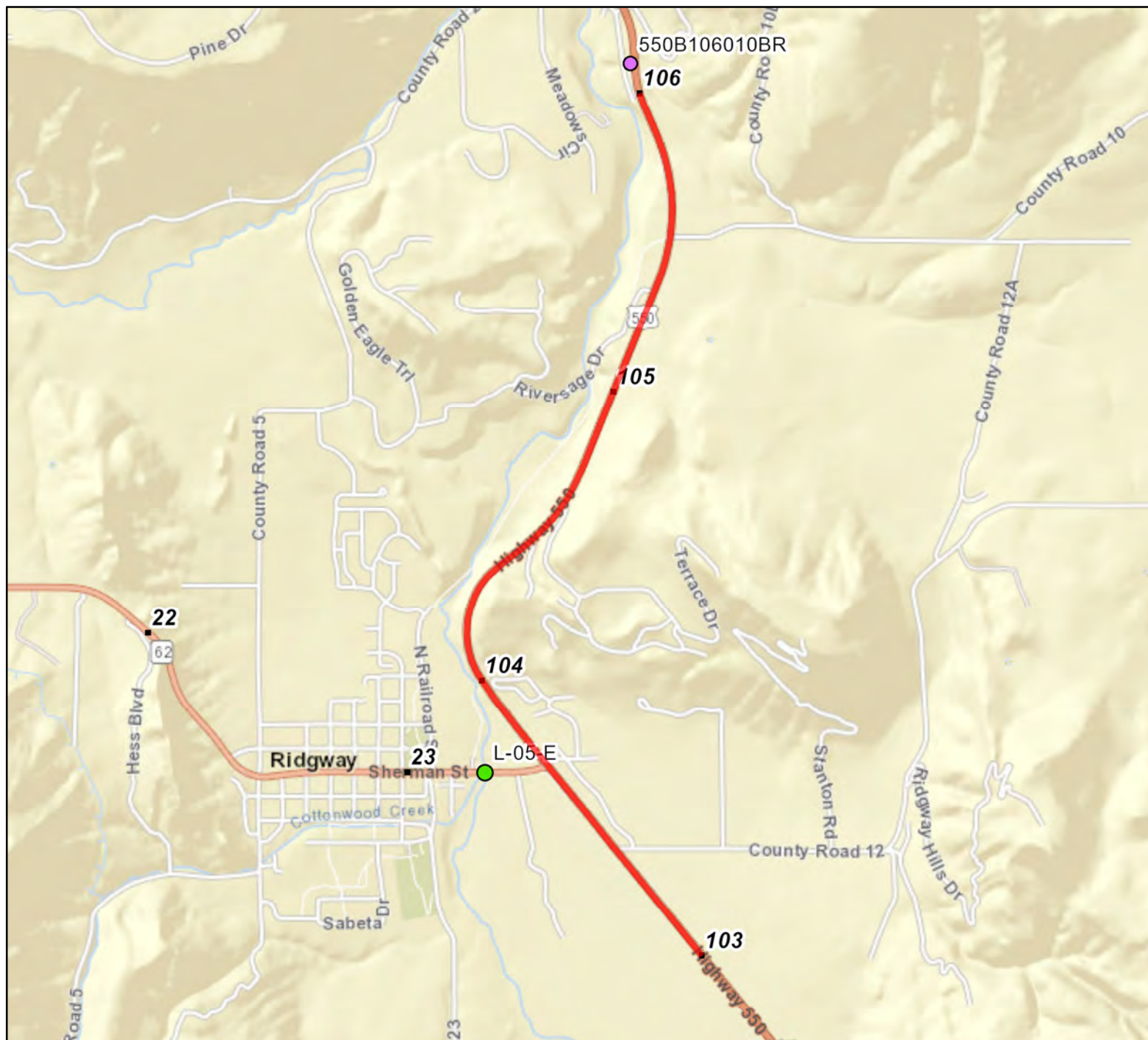
The level of service is maintained for all directions at the intersection with the additional development traffic and there does not appear to be any existing safety issues based on crash data between 2016 and 2020.

Recommendation: Construct a southbound left-turn deceleration lane with taper and storage length per the requirements of the Colorado State Highway Access Code.

Appendix A

CDOT Straight Line Diagram (MP 104-105)

Route 550B From 103 to 106



Legend

Route

Milepoint

Structures

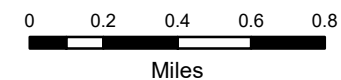
Major Structure

Minor Structure

Created:

Date: 7/5/2022

Time: 9:49:19 PM



The information contained in this map is based on the most currently available data and has been checked for accuracy. CDOT does not guarantee the accuracy of any information presented, is not liable in any respect for any errors or omissions, and is not responsible for determining "fitness for use".



CLASSIFICATION	
Access Control	R-A: Regional HighwayNR-B: Non-Rural Arterial
Functional Class	3 Principal Arterial - Other
Highway Designation	U.S.

SAFETY	
Primary Speed Limit	604560
Secondary Speed Limit	604560

TRAFFIC	
AADT	480056008700
DHV	15.511.5
Off Peak Truck Percentage	5.106.205.30
Peak Truck Percentage	0.260.680.54
V/C Ratio	0.350.380.42
V/C Ratio 20	0.360.440.49
VMT	25339174115451
Year 20 Factor	1.041.171.18

It may appear that information is missing from the straight line diagram. If so, reduce the number of miles/page and re-submit the request.

Route 550B
From 104 To 105



Ramps



Overpass



Underpass

- Structures

CLASSIFICATION

Access Control	NR-A: Non-Rural Principal Highway
Functional Class	3 Principal Arterial - Other
Highway Designation	U.S.

SAFETY

Primary Speed Limit	60
Secondary Speed Limit	60

TRAFFIC

AADT	8700
DHV	11.5
Off Peak Truck Percentage	5.30
Peak Truck Percentage	0.54
V/C Ratio	0.42
V/C Ratio 20	0.49
VMT	15451
Year 20 Factor	1.18

It may appear that information is missing from the straight line diagram. If so, reduce the number of miles/page and re-submit the request.

Route 550B
From 105 To 106



Ramps



Overpass



Underpass

- Structures

CLASSIFICATION

Access Control	R-A: Regional Highway
Functional Class	3 Principal Arterial - Other
Highway Designation	U.S.

SAFETY

Primary Speed Limit	60
Secondary Speed Limit	60

TRAFFIC

AADT	8700	8500
DHV	11.5	
Off Peak Truck Percentage	5.30	5.60
Peak Truck Percentage	0.54	0.67
V/C Ratio	0.42	
V/C Ratio 20	0.49	
VMT	15451	4700
Year 20 Factor	1.18	

It may appear that information is missing from the straight line diagram. If so, reduce the number of miles/page and re-submit the request.

Co Rd 10

Appendix B

Traffic Counts

Four Winds Traffic Counts June 22, 2022

SH 550 - NB	SH 550 SB	VT- LTI	VT - LTO	VT - RTI	VT -RTO
AM Peak Hour Count (7:00-9:00AM):					
381	823	1	9	1	8
PM Peak Hour Count (4:00-6:00PM):					
1092	555	5	5	8	6
Total Count for AM and PM Peak Hours:					
1473	1378	6	14	9	14

Four Winds Traffic Counts					
January 10, 2023 - 7AM -9AM					
NB SH 550	SB SH 550	WB LT	SB LT	WB RT	NB RT
29	81	1			
18	88				1
16	115			1	
24	109	3		1	
38	88	1			
46	81	1		1	
37	74	1			1
45	78		1	1	

Four Winds Traffic Counts					
January 10,2023 - 4PM-6PM					
NB SH 550	SB SH 550	WB LT	SB LT	WB RT	NB RT
102	41			1	1
104	45	1			1
156	61	1	1		
109	54		1		1
113	41				
109	40				2
110	49				2
91	30	3	1		2

CDOT Traffic Count Data June 2020

Direction	HOUR0	HOUR1	HOUR2	HOUR3	HOUR4	HOUR5
P	14	4	1	5	8	20
S	8	4	5	15	14	77
	HOUR6	HOUR7	HOUR8	HOUR9	HOUR10	HOUR11
P	61	188	268	325	442	335
S	328	429	402	390	373	393
	HOUR12	HOUR13	HOUR14	HOUR15	HOUR16	HOUR17
P	477	426	466	471	563	542
S	401	404	401	458	386	330
	HOUR18	HOUR19	HOUR20	HOUR21	HOUR22	HOUR23
P	354	197	122	71	37	23
S	282	202	114	72	41	14

Appendix C

Traffic Crash Data

Legend
Wildlife related
Not wildlife related
At intersection

Notes:

- 1) Table data obtained from the CDOT Crash Data Listings.
- 2) The study area intersection (SH-550 at Terrace Drive) is located at mile post 104.62 along SH-550.
- 3) The "at intersection" crash in 2016, listed at mile post 104.50 is located at Mall Road.

	Mile Post	Road Description	Vehicles	Type	Vehicle 1	Vehicle 2	Driver 1	Driver 2
2016	104.9	INTERSECTION RELATED	1	CURB/RAISED MEDIAN	CHANGING LANES			
	104.62	INTERSECTION RELATED	1	WILD ANIMAL	GOING STRAIGHT		NON-INCAPACITATING INJURY	
	104.7	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
2017	104.5	AT INTERSECTION	2	REAR-END	SLOWING	STOPPED IN TRAFFIC	NO INJURY	NO INJURY
	103.98	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
2018	104	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104	NON-INTERSECTION	1	OVERTURNING	MAKING LEFT TURN		NO INJURY	
	104.3	NON-INTERSECTION	2	SIDESWIPE (OPPOSITE DIRECTION)	GOING STRAIGHT	GOING STRAIGHT	NO INJURY	NO INJURY
	104.4	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104.3	NON-INTERSECTION	2	SIDESWIPE (OPPOSITE DIRECTION)	GOING STRAIGHT	GOING STRAIGHT	NO INJURY	NO INJURY
	104	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
2019	104	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104.2	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104.62	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104.7	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
2020	104.5	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104.5	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104	NON-INTERSECTION	1	CULVERT/HEADWALL	GOING STRAIGHT		NO INJURY	
	104.5	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104	NON-INTERSECTION	1	OVERTURNING	OTHER		INCAPACITATING INJURY	
	104.5	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	
	104.5	NON-INTERSECTION	1	OTHER NON-COLLISION	AVOIDING OBJECT/VEHICLE IN ROAD		NO INJURY	
	104.62	NON-INTERSECTION	1	WILD ANIMAL	GOING STRAIGHT		NO INJURY	

EXHIBIT B

From: [David Reed](#)
To: [Christopher Hawkins](#)
Subject: FW: Secondary Emergency Access Easement - Proposed Final Version
Date: Wednesday, January 18, 2023 10:54:01 AM
Attachments: [Secondary Emergency Access Easement - Final Version - January 17, 2023 - Clean.docx](#)
[Secondary Emergency Access Easement - Final Version - \[WHM edits January 16, 2023\] Redlined.docx](#)



J. David Reed
Of Counsel
510 S. Cascade Ave. Montrose, CO 81401
(970) 650-2240
reed@dwmk.com
www.dwmk.com

From: Herb McHarg <hmcharg@telluridelaw.net>
Sent: Tuesday, January 17, 2023 8:43 AM
To: David Reed <reed@dwmk.com>
Subject: Secondary Emergency Access Easement - Proposed Final Version

Good morning, David – Attached please find the redlined and clean versions of the Secondary Emergency Access Easement that Ms. Endicott has approved. Once approved by your client, we can ask Tim to draft an A/E stating the parties agreement to this version of the agreement and attach same to the A/E for execution in the event of Closing.

Thanks,

Herb McHarg

SECONDARY EMERGENCY ACCESS EASEMENT AGREEMENT

THIS SECONDARY EMERGENCY ACCESS EASEMENT AGREEMENT (“**Agreement**”) is entered into and made effective as of _____, 2023 (“**Effective Date**”) by and between Estate of Bernadine Endicott (“**Endicott**”), Four Winds Ranch I, L.L.L.P., a Colorado limited liability limited partnership (“**Four Winds I**”) and Four Winds Ranch II, L.L.L.P., a Colorado limited liability limited partnership (“**Four Winds II**”) whose address is 741 Terrace Drive, Ridgway, CO 81432 (Endicott, Four Winds I and Four Winds II may be referred to herein collectively as “**Grantors**”) and Four Winds at Ridgway, LLC, a Colorado limited liability company whose address is 257 Sherman Street, Unit A, Ridgway, CO 81432 (“**Grantee**”). Grantors and Grantee are sometimes each individually referred to as a “**Party**” and sometimes collectively as the “**Parties**”.

RECITALS

A. Endicott is the current fee simple owner of certain real property located in Ouray County, Colorado (“**Endicott Property**”), more particularly described on attached Exhibit “A”.

B. Four Winds I is the current fee simple owner of certain real property located in Ouray County, Colorado, more particularly described on attached Exhibit “B” (“**Four Winds I Property**”).

C. Four Winds II is the current fee simple owner of certain real property located in Ouray County, Colorado, more particularly described on attached Exhibit “C” (“**Four Winds II Property**”). The Endicott Property the Four Winds I Property and the Four Winds II Property may be referred to herein collectively as the “**Grantors’ Property**”. Any reference in this Agreement to the Grantors or the Grantors’ Property and/or any requirement to notice Grantors or obtain written consent of Grantors, means each and every Grantor and any successor Grantor, as well as all the Grantors’ Property regardless of the then-current configuration.

D. Grantee is the current fee simple owner of certain real property located in Ouray County, Colorado (“**Grantee Property**”), more particularly described and depicted on attached Exhibit “D”.

E. Grantee has a pending application to the Town of Ridgway (“**Town**”) to subdivide the Grantee Property and create the Four Winds Subdivision (the “**Subdivision**”), and at a meeting held August 30, 2022, the Town Planning Commission voted to continue consideration of the sketch plan for the Subdivision and, among other things, required Grantee to acquire secondary emergency access as a necessary element of potential approval of the Subdivision.

F. Accordingly, conditioned upon the approval of the Subdivision, Grantee seeks and Grantors are willing to grant and convey to Grantee for the use and benefit of Grantee Property a twenty-six-foot (26’) wide secondary emergency access easement (“**Secondary Emergency Access Easement**”) extending twelve-feet on either side of the centerline of an existing route that is approximately ten feet (10’) to thirteen feet (13’) wide (“**Existing Route**”) located on a portion of the Grantors’ Property, as the same is depicted on attached Exhibit “E” and legally described on attached Exhibit “F” (“**Secondary Emergency Access Easement Area**”) in consideration of certain monetary payments, hereby acknowledged and agreed to as of the Effective Date of this Agreement, along with the terms, conditions and obligations set forth in this Agreement represent the consideration for granting the Secondary Emergency Access Easement (“**Secondary Emergency Access Easement Grant Consideration**”).

AGREEMENT

NOW, THEREFORE, in consideration of the payment of the Secondary Emergency Access Easement Grant Consideration, as well as the above recited premises and the mutual covenants set forth herein, and

other good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged and accepted, the Parties hereby agree, as follows:

1. **Grant of Secondary Emergency Access Easement.**

1.1. **Authorized Users.** Conditioned upon the approval of the Subdivision and subject to the terms and conditions set forth herein, Grantors hereby grant and convey the Secondary Emergency Access Easement, which is deemed to be a perpetual, non-exclusive Secondary Emergency Access Easement on, over and across a portion of the Grantors' Property designated as the Secondary Emergency Access Easement Area, for the use and benefit of the Grantee Property, to the following persons or entities ("**Authorized Users**"):

1.1.1. Grantee and each of its successors, assigns, owners, occupants, guests, invitees, delivery persons and other persons in connection with their entry upon and/or use of the Grantee Property and Subdivision;

1.1.2. Contractors, subcontractors, consultants and agents retained by Grantee to undertake the Authorized Uses allowed by this Agreement (the "**Contractors**");

1.1.3. Owners, occupants, guests, invitees, delivery persons and other persons in connection with their entry upon and/or use of that certain Vista Terrace Subdivision ("**Vista Terrace**") located adjacent to the Grantee Property and Subdivision and sharing certain roads that serve both Vista Terrace and the Grantee Property and Subdivision; and

1.1.4. Emergency personnel in the performance of their official duties.

1.2. **Authorized Uses.** The Secondary Emergency Access Easement authorizes the Authorized Users or a subset of the Authorized Users as indicated below to use the Secondary Emergency Access Easement Area for the following uses (each, an "**Authorized Use**"):

1.2.1. The Contractors may: upgrade, improve, maintain (including snow plowing), and repair the Secondary Emergency Access Easement Area in strict compliance with the provisions of Section 2 below, and only within the Secondary Emergency Access Easement Area and not otherwise on the Grantor Property.

1.2.2. The remaining Authorized Users may use the Secondary Emergency Access Easement as emergency ingress or egress to escape from the Grantee Property and Subdivision, and Vista Terrace in the event (and only during such event) of a fire or such other catastrophic event that prevents the Authorized Users from escaping the Grantee Property and Subdivision, and Vista Terrace on the primary access road west to Highway 550.

1.3. The Secondary Emergency Access Easement is granted for the specific and limited purposes specified herein and neither the Authorized Users nor any other person shall have a right to use the Secondary Emergency Access Easement or the Secondary Emergency Access Area for any other or additional use or purpose. For clarification and example, other than the periodic minimal maintenance performed by the Contractors as set forth in Section 2 below, the Parties acknowledge and expect that the Secondary Emergency Access Easement will never be used by the Authorized Users, except in the remote event of a catastrophic fire located within the Grantee Property and Subdivision, and/or Vista Terrace.

1.4. Grantors expressly reserves unto themselves the right to: (A) use and enjoy the land covered by the Secondary Emergency Access Easement Area for all lawful purposes that will not unreasonably interfere with the rights hereby granted to Grantee; (B) grant additional licenses, easements, and/or rights-of-way upon or across the Secondary Emergency Access Easement Area to other persons or

entities that will not unreasonably interfere with the rights hereby granted to Grantee; and (C) to improve and maintain the Secondary Emergency Access Easement Area subject to Sections 2.5 and 2.7 below.

1.5. Grantors represent and warrant that the grant of this Secondary Emergency Access Easement is made free and clear of any liens or encumbrances, except those of record.

1.6. Grantee acknowledges and agrees that Grantee, its members or principals or any entity related to Grantee or Grantee's members or principals, has no other right of access across Grantors' Property, except for those specific rights granted pursuant to this Agreement. For and in consideration of this Secondary Emergency Access Easement, the Grantee, for itself, its heirs, successors in interest, subsequent grantees and assigns at law or equity, agrees that it does not have, nor shall it assert and hereby waives and disclaims any claim to title or other ownership, access, easement or other interest to any portion of the Grantors' Property through adverse possession or otherwise, because of the Secondary Emergency Access Easement or for any other reason whatsoever as against the Grantors (or any entity related to Grantors or Grantors' members or principals, respectively), their respective heirs, successors in interest, subsequent grantees and assigns at law or equity. Grantee hereby expressly disclaims any right, title or interest in, on, over, under or across Grantors' Property and Grantee shall not dispute Grantors' ability to install a locked gate(s) anywhere on Grantors' Property including within the Secondary Emergency Access Easement Area as set forth in Section 2.8 below.

2. Review of the Existing Route Improvements Plan.

2.1. The Parties recognize and agree that: (a) the Existing Route is a private road owned by Grantor; (b) the Town and/or County may require certain minimal improvements to the Existing Route (including without limitation minimal widening in certain narrow areas, clearing, grading, tree limb removal where limbs extend over Existing Route, drainage mitigation and limited culvert installation perpendicular to the Existing Route to prevent runoff water from cutting the surface of the Existing Route (without materially impacting the overall existing drainage patterns) ("**Required Existing Route Improvements**") as well as a certain minimum level of ongoing maintenance (including without limitation, clearing, grading, tree limb removal where limbs are growing over Existing Route, drainage mitigation, repair or replacement of culverts, and snow removal) on the Existing Route ("**Required Maintenance**") as part of the Subdivision Approval as may be mandated by, but not to exceed, certain applicable code requirements for the purpose of secondary emergency access ("**Required Standards**"); and (c) nothing herein is intended to, nor shall it presume or require that the Existing Route become a public road, and Grantee shall not request that the Town or County make the Existing Route a public road.

2.2. Grantee acknowledges and agrees that Grantee intends to use the Existing Route Road as currently constructed and located within the Secondary Emergency Access Easement Area for the Authorized Uses set forth herein.

2.3. Grantee further acknowledges and agrees that without the prior written consent of Grantor, Grantee shall not modify the Existing Route, except as specifically required by the Town and/or County for any Required Existing Route Improvements and to the minimum extent necessary to comply with Required Standards as reasonably determined by the Town and/or County ("**Minimum Required Route Improvements Determination**"); *provided however* that Grantee understands, acknowledges and agrees that any such Required Existing Route Improvements and/or any Required Maintenance as required by the Minimum Required Route Improvements Determination shall not include or require: (1) pavement or asphalt resurfacing of the Existing Route; (2) any substantive increase in the width of the Existing Route including without limitation widening that would result in any material slope cuts; or (3) any major grade adjustments to the Existing Route that result in any material slope cuts.

2.4. Grantee, at its sole cost and expense, shall prepare a plan ("**Proposed Existing**

Route Improvements Plan”), indicating the design of the Required Existing Route Improvements being required by the Town and/or County consistent with the Minimum Required Route Improvements Determination for any improvements or upgrades to the Existing Route. The Required Existing Route Improvements must be located within the Secondary Emergency Access Easement Area. In preparing the Proposed Existing Route Improvements Plan, Grantee shall take reasonable steps to cause the plans to meet the minimum degree of improvements and upgrades to the Existing Route as reasonably believed to be possible to meet the requirements of the Required Standards to best retain the rural “ranch road” character of the Existing Route. Prior to submitting the Proposed Existing Route Improvements Plan to the Town and/or County, Grantee shall send Grantors a copy of the Proposed Existing Route Improvements Plan for Grantors’ reasonable review and comment. Should Grantors desire to provide any comments to this Proposed Existing Route Improvements Plan, Grantors shall do so in writing within 30 days after the date the Proposed Existing Route Improvements Plan is received by Grantors. Failure to provide such comments within that 30 day period shall cause such right for Grantors to comment to be waived. Thereafter Grantee shall make every effort to modify those sections of the Proposed Existing Route Improvements Plan affecting the Grantors’ Property to reflect the reasonable comments of Grantors, provided that any such comments offered by Grantors: (a) enable Grantee to construct and maintain Required Existing Route Improvements that comply in the least intrusive manner possible with the Minimum Required Route Improvements Determination; (b) rely on layback areas located entirely within the Secondary Emergency Access Easement Area (rather than retaining walls, except to the degree needed to keep all Required Existing Route Improvements within the Secondary Emergency Access Easement Area) to address slope cutting and drainage; and (c) not result in any material increase in Grantee’s cost of constructing and maintaining the Required Existing Route Improvements; notwithstanding the above, Grantee acknowledges and accepts a reasonable increase in such costs as a result of implementing Grantors’ comments. The Parties promptly shall meet and confer and cooperate in a commercially reasonable and good faith manner to address issues and concerns identified by Grantor and Grantee relative to the Required Existing Route Improvements (as reflected in the Proposed Existing Route Improvements Plan) and to modify the Proposed Existing Route Improvements Plan in a mutually acceptable manner. If the Proposed Existing Access Road Improvements Plan has not been mutually agreed upon (after good faith attempts by the Parties pursuant to this Section 2.4), Grantee shall submit to the Town and/or County the Proposed Existing Route Improvements Plan that Grantee would like the Town and/or County to review and act upon, and Grantors may submit to the Town and/or County the Proposed Existing Route Improvements Plan that Grantors would like the Town and/or County to review and approve. In either event, each Party shall notify the other Party of any meetings with the Town and/or County to review the respective Proposed Existing Route Improvements Plan and the other Party or its representative may attend and participate in such meetings to address the nature and extent of any impacts on it resulting from the Required Existing Route Improvements, which attendance and participation each Party shall elect to undertake without cost or expense to the other Party. The Parties acknowledge and agree that Grantee is authorized to construct and shall construct at Grantee’s sole cost and expense any and all Required Existing Route Improvements mandated by the Town and/or County after these procedures and only within the Secondary Emergency Access Easement Area (“**Approved Existing Route Improvements Plans**”), and Grantors shall neither be responsible for nor bear any cost or expense for any such Required Existing Route Improvements constructed, performed and maintained under the Approved Existing Route Improvements Plans now or in the future; and Grantors shall not request nor shall Grantors be entitled to receive any additional consideration from Grantee other than the consideration set forth in Recital E of this Agreement.

2.5. Nothing herein shall prevent or preclude Grantors from improving the Existing Route at its sole discretion beyond the Required Existing Route Improvements (“**Additional Improvements**”); *provided however* that any such Additional Improvements shall be at Grantors’ sole cost and expense unless otherwise agreed to by the Parties in writing, and shall not unreasonably interfere with Grantee’s use and enjoyment of the Secondary Emergency Access Easement.

2.6. Grantee, at Grantee’s sole cost and expense, shall be responsible for all Required Maintenance required by the Town and/or County according to the Required Standards and Subdivision

approval, and Grantors shall neither be responsible for nor bear any cost or expense for any such Required Maintenance now or in the future.

2.7. Nothing herein shall prevent or preclude Grantors from performing, at its sole discretion, any maintenance beyond the Required Maintenance (“**Additional Maintenance**”); *provided however* that any such Additional Maintenance shall be at Grantors’ sole cost and expense unless otherwise agreed to by the Parties in writing, and shall not unreasonably interfere with the Grantee’s use and enjoyment of the Secondary Emergency Access Easement.

2.8. Nothing herein shall prevent or preclude Grantors from locking existing gates or installing new gates within the Secondary Emergency Access Easement Area, and Grantee hereby understands and acknowledges that Grantors intend to (but are in no way obligated to) install such locking gate(s) and/or remove same, at any time now or in the future; *provided however* that there be a reasonable means for the Contractors to access through the gates (e.g. key or code), and for the remaining Authorized Users to access through the gates in the event of an emergency as described in Section 1.2.2 above (e.g. emergency code). Grantors may provide access through the locked gates to any other persons at Grantors’ discretion. Notwithstanding the foregoing, the installation of any locked gates shall in no way unreasonably interfere with or otherwise frustrate the specific purposes of the Secondary Emergency Access Easement which is to provide secondary emergency ingress/egress in accordance with Section 1.2 above.

2.9. Notwithstanding any contrary term or condition in this Agreement, in undertaking the Required Existing Route Improvements approved within the Approved Existing Route Improvements Plans and the Required Maintenance, all construction and maintenance access to the Secondary Emergency Access Easement Area that is allowed as an Authorized Use shall be made from County Road 12/12A located at the east-end of the Secondary Emergency Access Easement Area, rather than from the west-end of the Secondary Emergency Access Easement Area. Grantee understands, acknowledges and agrees that the intent of this provision is to reduce construction and maintenance traffic at the west-end of the Secondary Emergency Access Easement Area and otherwise through the Endicott Property. Further, the Secondary Emergency Access Easement Area shall not be used for any construction, reconstruction, improvement or maintenance of any roads or properties including without limitation Terrace Drive, the Subdivision and Vista Terrace at any time (including without limitation following a fire or other catastrophic event), and Grantee understands and acknowledges that such use is not an Authorized Use under this Agreement.

3. Construction of Required Existing Route Improvements and Performance of Required Maintenance.

3.1. Grantee shall cause all Authorized Uses to be undertaken in strict compliance with the terms and conditions of this Agreement and Grantor shall not be responsible for any costs or expenses arising in connection with such undertaking.

3.2. In undertaking the Authorized Uses, Grantee shall: (a) carry out and complete all activities in a good, workmanlike and professional manner and in accordance with applicable law; and (b) minimize, to the extent practical, disturbance to the Grantors’ Property, including access to the Grantors’ Property, and reasonably shall return the Grantors’ Property to the condition that pre-existed prior to such site disturbance activities (including restoration, reseeding and/or re-contouring the Grantors’ Property). Nothing herein is intended to modify the provision at paragraph 1.2.1 above that limits the Authorized Uses to the Secondary Emergency Access Easement Area and not otherwise on the Grantors’ Property. Further, Grantee shall not permit any staging or storage of materials, or parking of vehicles or equipment overnight within the Secondary Emergency Access Easement Area.

3.3. In undertaking the Authorized Uses, Grantee shall not permit or allow to be recorded or attached to the Grantors’ Property any mechanics’ or materialmen’s liens.

3.4. Grantee understands, acknowledges and agrees that all Required Existing Route Improvements undertaken according to the Approved Existing Route Improvements Plans shall be completed within 18 months of the date of the Town/County approval of the Approved Existing Route Improvements Plans, and prior to the end of such 18-month period Grantee shall provide Grantors with a certificate or other instrument from the Town/County to Grantor's reasonable satisfaction memorializing that the Required Existing Route Improvements have been completed consistent with the Approved Existing Route Improvements Plans.

4. Miscellaneous

4.1. **Runs with the Land, Successors and Assigns.** The easements, benefits and rights granted and agreed to herein, as well as the burdens, duties and obligations imposed and agreed to herein, all shall run with the land and shall both benefit and burden the Grantors' Property, on the one hand, and the Grantee Property, on the other hand, as applicable, during the term of this Agreement. Further, the easements, benefits and rights granted and agreed to herein, as well as the burdens, duties and obligations imposed and agreed to herein, all shall be binding upon and shall inure to the benefit of, and be a burden upon, the designees, successors, and assigns of the Parties during the term of this Agreement (including without limitation any owners' association established by Grantee as part of Subdivision approval).

4.2. **Indemnification.** Grantee does hereby, for itself and all Authorized Users, agree and commit to indemnify, defend, release, hold and save harmless Grantors and Grantors' heirs, successors, assigns, designees and agents ("**Grantee's Indemnifications**") from and against any and all mechanics' lien(s), expenses, claims, third-party claims, actions, liabilities, losses, injuries to persons or property, damages (including attorney's fees and costs), and costs and/or liabilities of any kind whatsoever including arising out of, or in any way connected with Grantee's and the Authorized Users' use of the Secondary Emergency Access Easement and the Secondary Emergency Access Easement Area including without limitation the Authorized Uses (except in instances where the claims asserted against Grantors are attributable in whole or in part to the gross negligence or willful misconduct of Grantors, in which case the Grantee's Indemnifications shall be allocated in a comparative manner between Grantors and Grantee).

4.3. **Insurance.** Grantee shall keep and maintain, at their sole cost and expense, a commercial general liability insurance coverage for themselves and each Authorized User who are undertaking some or all of the Authorized Uses at the direction of Grantee, containing minimum limits per occurrence of \$2,000,000 and \$5,000,000 in the aggregate ("Policy"). Within seven (7) days of the Effective Date, Grantee shall provide Grantors with certificates of insurance naming Grantors as an additional insured. The Policy shall include a provision requiring a minimum of thirty (30) days-notice to Grantors of any change or cancellation. Said insurance coverage shall commence and continue for the full term of the easement. The amount of the coverage shall be reviewed as necessary and any changes mutually agreed upon, at least every five years, and adjusted to keep pace with the market for similar coverages, but in no event will the amount of the coverage be less than the amount stated above.

4.4. **Limitations on Grantee's Liabilities Under Sections 4.2 and 4.3.** The Parties understand and agree that Grantee, or any successor owner of the Grantee Property, intends to be the "declarant" (as that term is defined in C.R.S. § 38-33.3-103(12)) in relation to the Subdivision. Following: (i) the creation and filing of the Articles of Incorporation of the Subdivision's Homeowners Association (the "**Association**") with the Colorado Secretary of State, (ii) the recordation of the General Declaration of the Subdivision (the "**Declaration**") that includes the Indemnification and Obligation Provisions as defined below, and (iii) the date that is sixty days after conveyance of seventy-five percent of the units that may be created to unit owners other than the Grantee/declarant, regardless of any earlier termination of the Grantee/declarant control of the Association provided by the Declaration or pursuant to C.R.S. § 38-33.3-303(5)(a) Grantee's Indemnifications under Section 4.2 as well as Grantee's obligations under Section 4.3

(“**Grantee’s Indemnifications and Obligations**”) shall transfer to the Association. Grantee shall incorporate the essential provisions of Grantee’s Indemnifications and Obligations into the Declaration of the Subdivision including provisions acknowledging this Agreement, stating that any modification or amendment to such Declaration provisions made without Grantor’s prior written consent shall be null, void and of no force or effect, and requiring a minimum of sixty (60) days-notice to Grantor prior to any proposed modification or amendment of same (the “**Indemnification and Obligation Provisions**”). Grantor shall have the right to review the proposed Indemnification and Obligation Provisions and same must be approved, to Grantor’s reasonable discretion, in writing prior to Grantee finalizing and recording the Declaration. Upon transfer of Grantee’s Indemnifications and Obligations, Grantee’s individual responsibilities and liabilities under Section 4.2 and 4.3 shall cease and shall no longer be enforceable against Grantee individually, however such responsibilities and liabilities under Section 4.2 and 4.3 thereafter shall be in full force and effect and enforceable against the Association, its successor, assigns, and transferees. For clarification, the intent of the parties is for Grantor to benefit from the terms and conditions of Section 4.2 and 4.3, unaltered and without interruption. If the Grantee or Association modifies or amends the previously approved Indemnification and Obligation Provisions without the Grantor’s prior written consent, such event shall be considered a “Default” (as defined in Section 4.5 below) under this Agreement, and any such effort by the Grantee/Association shall be prima facie evidence of real, immediate and irreparable harm to Grantor with no speedy and adequate remedy at law, and shall establish the basis for injunctive relief.

4.5 **Default, Notice and Cure.** In all instances under this Agreement, at such time as a Party (“**Claiming Party**”) claims that the other Party (“**Responding Party**”) has violated or breached any of the terms, conditions or provisions of this Agreement (“**Default**”), the Claiming Party promptly shall prepare and deliver to the Responding Party a written notice claiming or asserting that the Responding Party is in such default (“**Notice of Default**”), which Notice of Default clearly shall state and describe: (a) each section(s) of the Agreement that the Responding Party has allegedly violated, (b) a summary of the facts and circumstances being relied upon to establish the alleged violation, (c) the specific steps that must be undertaken to cure the alleged default (“**Cure Events**”), and (d) the reasonable timeframe (not less than ten days for a monetary default and not less than 30 days for a non-monetary default, unless emergency circumstances require a shorter response time) within which the alleged violation needs to be cured (“**Cure Completion Date**”). In the event that the Responding Party fails to effect the Cure Events specified in the Notice of Default by the Cure Completion Date, then the Claiming Party shall have the right to pursue all remedies at law and/or in equity (specifically including injunctive relief and/or specific performance) and to recover all costs and expenses (including legal fees) related thereto.

4.6 **Governing Law, Remedies, Costs and Expenses.** This Agreement shall be construed under and governed by the laws of Colorado, with jurisdiction and venue restricted to a court of competent jurisdiction in Ouray County, Colorado. All of the rights and remedies of the Parties under this Agreement including, without limitation, injunctive relief and specific performance, shall be cumulative and shall be binding upon, and inure to the benefit of, each of their respective successors, heirs, and assigns. Time is of the essence to the performance of any undertakings required by this Agreement. In any action to enforce or construe the terms of this Agreement, the substantially prevailing Party shall recover all legal and related court costs, including all reasonable attorneys’ fees and expert witness fees. Wherever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law.

4.7 **Severability.** If any provision of this Agreement shall be found invalid or unenforceable, this shall not affect the validity of the remaining provisions of this Agreement, and the remaining provisions shall remain in full force and effect.

4.8 **Parties Representations.** In entering into this Agreement, the Parties acknowledge and agree that they will perform their duties and obligations in a commercially reasonable and good faith manner and that this commitment is being relied upon by the other Party. The Parties hereto

warrant that, as may be applicable, each Party: (a) is a duly qualified and existing entity, capable of doing business in the state of Colorado, (b) that the person(s) executing this Agreement are duly authorized to execute this Agreement, (c) that each Party has taken all actions necessary to obtain any and all authorizations and consents for the placement of the Secondary Emergency Access Easement from any person or party having an interest in the Grantors' Property or Grantee Property, including a lender, sufficient to encumber the Grantors' Property and Grantee Property in perpetuity to the terms and conditions stated herein, and (d) that the terms and conditions of this Agreement constitute an enforceable agreement against such Party.

4.9 **Recording.** This Agreement will be recorded in the Official Records of the Ouray County Clerk and Recorder.

4.10 **Entire Agreement.** This Agreement contains the entire agreement and understanding of the Parties with respect to the subject matter hereof, and no other representations, promises, agreements, understandings or obligations with respect to the payment of consideration or agreements to undertake other actions regarding the subject matter hereof shall be of any force or effect unless in writing, executed by the Parties, and dated after the Effective Date.

4.11 **Modifications and Waiver.** No amendment, modification or termination of this Agreement or any portion thereof shall be valid or binding unless it is in writing, dated subsequent to the Effective Date, and signed by the Parties. No waiver of any breach, term or condition of this Agreement by any Party shall constitute a subsequent waiver of the same or any other breach, term or condition.

4.12 **Counterparts and Facsimile Copies.** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. Facsimile copies of any Party's signature hereon shall be deemed an original for all purposes of this Agreement.

4.13 **Notice.** All notices, demands or writings in this Agreement provided to be given or made or sent that may be given or made or sent by either Party to the other shall be deemed to have been fully given or made or sent when made in writing and delivered by United States Mail (certified, return receipt requested and postage pre-paid), and addressed to the Party at the address of record as set forth in the records of the Ouray County Treasurer's Office.

4.14 **Mediation.** In the event of any dispute regarding any matter set forth in this Agreement, the Parties agree to first proceed in good faith to submit the matter to mediation prior proceeding with any court action. Mediation is a process in which the Parties meet with an impartial person who helps to resolve the dispute informally and confidentially. Mediators cannot impose binding decisions. The Parties will jointly appoint a mediator reasonably acceptable to the Parties and will share equally in the cost of such mediation. The mediation, unless otherwise agreed, shall terminate in the event the entire dispute is not resolved within 30 calendar days from the date written notice requesting mediation is sent by one Party to the other at the Party's last known address.

IN WITNESS WHEREOF, the Parties have executed this Agreement, intending it to be effective as of the Effective Date.

GRANTORS:

Estate of Bernadine Endicott

By: _____
Cheryl Endicott, Personal Representative

STATE OF _____)
) ss.
COUNTY OF _____)

Subscribed to and acknowledged before me this ____ day of _____, 202__, by
_____ as the _____ of the Estate of Bernadine
Endicott.

Witness my hand and official seal.

Notary Public

My commission expires: _____

(Grantor Signature Continued on Following Page)

Four Winds Ranch I, LLLP

By: _____
Cheryl Endicott, Limited Partner

STATE OF _____)
) ss.
COUNTY OF _____)

Subscribed to and acknowledged before me this ____ day of _____, 202__, by
_____ as the _____ of Four Winds Ranch I,
LLLP.

Witness my hand and official seal.

Notary Public

My commission expires: _____

DRAFT
(Grantor Signature Continued on Following Page)

Four Winds Ranch II, LLLP

By: _____
Cheryl Endicott, Limited Partner

STATE OF _____)
) ss.
COUNTY OF _____)

Subscribed to and acknowledged before me this ____ day of _____, 202__, by
_____ as the _____ of Four Winds Ranch II,
LLLP.

Witness my hand and official seal.

Notary Public

My commission expires: _____

DRAFT
(Grantee Signature on Following Page)

GRANTEE:

Four Winds at Ridgway, LLC

By: _____
Tim Currin, Manager

STATE OF _____)
) ss.
COUNTY OF _____)

Subscribed to and acknowledged before me this ____ day of _____, 202__, by Tim Currin, Manager, Four Winds Ranch at Ridgway, LLC.

Witness my hand and official seal.

Notary Public

My commission expires: _____

DRAFT

By: _____
Eric Faust, Member

STATE OF _____)
) ss.
COUNTY OF _____)

Subscribed to and acknowledged before me this ____ day of _____, 202__, by Eric Faust, Member, Four Winds at Ridgway, LLC.

Witness my hand and official seal.

Notary Public

My commission expires: _____

EXHIBIT “A”
(Description of Endicott Property)

DRAFT

EXHIBIT “B”
(Description of Four Winds Ranch I, LLLP Property)

DRAFT

EXHIBIT “C”
(Description of Four Winds Ranch II, LLLP Property)

DRAFT

EXHIBIT “D”
(Description of Grantee Property)

DRAFT

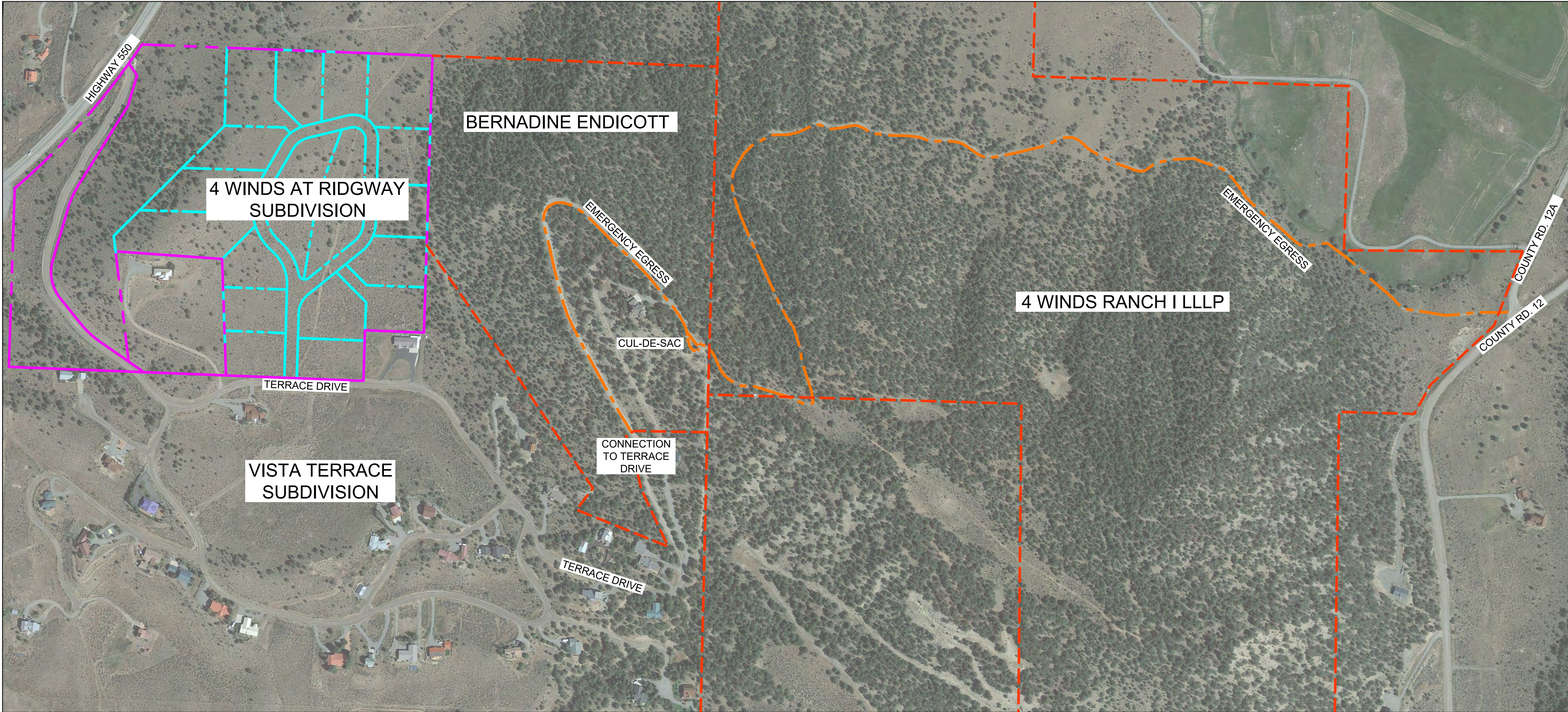
EXHIBIT “E”
(Depiction of Secondary Emergency Access Easement)

DRAFT

EXHIBIT “F”
(Description of Secondary Emergency Access Easement Area)

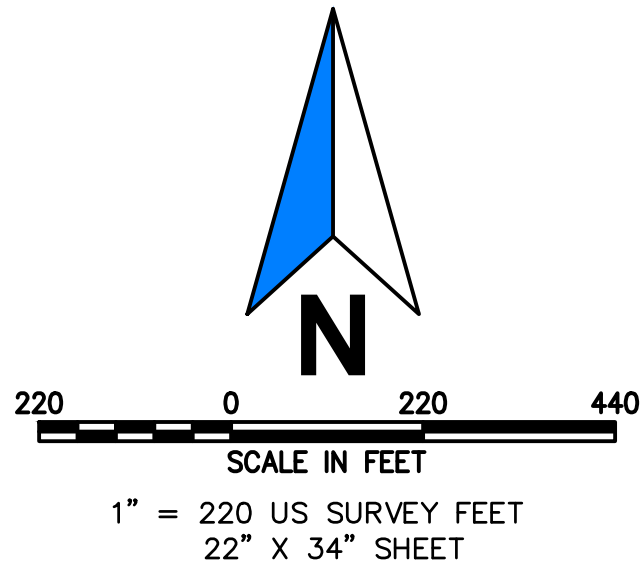
DRAFT

T:\CIVIL\2022\2022-018-CIV-Four Winds Subdivision\700survey\Draw\2022-018-CIV-4 Winds Emergency Egress Exhibit.dwg PLOT DATE 2023-1-4 15:53 SAVED DATE 2023-01-04 15:43 USER: jharness



4 WINDS SUBDIVISION
EMERGENCY ACCESS EXHIBIT

DRAFT



LEGEND

- PROPERTY LINE
- APPROXIMATE PROPERTY LINE
- CENTERLINE ROAD

EMERGENCY EGRESS:
LENGTH FROM TRERRACE DR. TO C.R. 12: 6996' ±
ROAD WIDTH VARIES: 10' - 13' ±
ROAD ACREAGE: 1.73 ACRES ±

REVISIONS		DESCRIPTION	BY
REV	DATE		WL

BUCKHORN

ENGINEERING

222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

FOUR WINDS AT RIDGWAY
EMERGENCY EGRESS
RIDGWAY, CO

PROJECT	2022-018-CIV
DATE	1/4/2022
DRAFTER	JDH
CHECKED	JDH
FIELD-CREW	JDH
FIELD-DATE	12/06/2022

EX-1
SHEET-1-OF-1

EXHIBIT C







November 9, 2022

Mr. Tim Currin
c/o Ouray Brokers
257 Sherman Street, Unit A
Ridgway, CO 81432

RE: FOUR WINDS SUBDIVISION

SUBJ: OWTS FEASIBILITY REPORT

Dear Mr. Currin:

This letter is to summarize the feasibility of On-Site Wastewater Treatment System (OWTS) design and installation for the proposed 20-lot Four Winds subdivision in Ridgway, Colorado. As you know, we observed the excavation of four (4) representative test pits on the property on September 28, 2022. In addition to the visual/tactile observation of the soils in these pits, we also performed laboratory hydrometer testing, per ASTM D-7928, to confirm the soil type on the USDA soil triangle. All four soil samples are considered "Loam" which corresponds to soil types 2 and 3 in Table 10 of the 2018 CDPHE OWTS Regulation 43 specifications. These soil types should provide long term acceptance rates (LTAR) from 0.5 to 0.6 gallons per square foot per day and should be considered acceptable for OWTS installation. The soils in Test Pit #4 contained greater than 35% rock which would probably require installation of 2-feet of imported sand and pressure dosing per Table 10A of Regulation 43 for Type R-1 soils if those conditions were consistent for that lot. All other soils examined contained less than 35% rock and would generally not require replacement sand media or pressure dosing if those conditions remained constant for that particular lot. Detailed test pit logs, laboratory test results and a reference map are appended to this report.

Please note, this report does not constitute design of an OWTS system. Per current Regulation 43 and Ouray County standards, each of the 20 lots would require design of an OWTS system, by a registered Colorado professional engineer, per the design criteria for a proposed residence and using soils data generated specifically from that lot. This report is intended to indicate the feasibility of OWTS design and installation and the apparent capability of the site soils to provide adequate long term acceptance rates and percolation for sewage effluent treatment and distribution.

If you have any questions or need additional information, please contact me by phone at (970) 497-8852 or e-mail at dquigley@buckhornengineering.com

Sincerely,

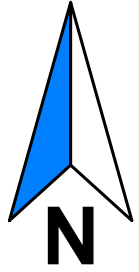
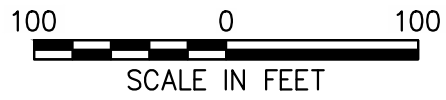
A handwritten signature in blue ink that reads "Daniel C. Quigley".

Daniel C. Quigley, P.E.
Project Engineer

Attachments: Test pit location map, test pit logs, laboratory test results



T:\CIVIL\2022\018-CIV Four Winds Subdivision\65CAD\CB-FOUR WINDS.dwg PLOT DATE 2022-10-21 08:24 SAVED DATE 2022-10-21 08:24 USER: sjackson



LEGEND

- GRAVEL ROAD
- 100' X 150' DISTURBANCE ENVELOPE. SEE NOTE 1 ABOVE
- ASSUMED PRIMARY AND SECONDARY STA BEDS, 12' X 88' EACH. SEE NOTE 7 ABOVE
- TP#1 OWTs FEASIBILITY TEST PIT

REVISIONS		DESCRIPTION	DATE	BY

BUCKHORN

ENGINEERING

222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

FOUR WINDS AT RIDGWAY

O.W.T.S. FEASIBILITY EXHIBIT

PROJECT 2022-018-CIV

DATE 10/20/2022

DRAFTER SJ

CHECKED DCQ

BUCKHORN ENGINEERING

SHEET

EX-1

SHEET 1 OF 1

TEST PIT LOG - TEST PIT #1 (TP#1)

TEST PIT LOCATION: North end between Lots 9 and 10


EXCAVATION COMPANY:

SURFACE ELEVATION:

OPERATOR: Dan LaPoint

NOTES:

EQUIPMENT: CAT 304 mini ex.

DEPTH (ft.)	Water Level 	GRAPHIC	SAMPLE TYPE	SAMPLE NUMBER	SUBSURFACE DESCRIPTION	FIELD AND LABORATORY TEST RESULTS
0					dark brown, dry, TOPSOIL with roots (0-1')	
1					tan, dry, sandy LOAM with <30% rock (rounded cobbles); soil type 2 (1-8')	
2			X	GS-01		GS-01 @1.5-2' gravel=17.9% sand=39.9% silt=31.0% clay=11.2%
3						
4						
5						
6						
7						
8					stopped excavation at 8' no groundwater or bedrock encountered	

TEST PIT
LOG
1
of 4

FIELD STAFF	DCQ
DRAFTING STAFF	ML
FIELD DATE	9/28/2022
PROJECT #	2022-018-CIV

FOUR WINDS AT
RIDGWAY SUBDIVISION
RIDGWAY, CO

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TEST PIT LOG - TEST PIT #2 (TP#2)

TEST PIT LOCATION: 120' East of Lots 17/18/19/20 corner

EXCAVATION COMPANY:

SURFACE ELEVATION:

OPERATOR: Dan LaPoint

NOTES:

EQUIPMENT: CAT 304 mini ex.

DEPTH (ft.)	Water Level	GRAPHIC	SAMPLE TYPE	SAMPLE NUMBER	SUBSURFACE DESCRIPTION	FIELD AND LABORATORY TEST RESULTS
0					dark brown, dry, TOPSOIL with roots (0-1')	
1					tan, dry, clay LOAM with <30% rock ; soil type 3 (1-7')	
2			X	GS-02		<u>GS-02 @1.5-2'</u> gravel=22.3% sand=36.1% silt=26.4% clay=15.2%
3					Caliche at 3-4'	
4						
5						
6						
7					stopped excavation at 7' in rock; mini ex couldn't excavate no groundwater encountered	
8						

TEST PIT LOG	FIELD STAFF	DCQ
2	DRAFTING STAFF	ML
of 4	FIELD DATE	9/28/2022
	PROJECT #	2022-018-CIV

FOUR WINDS AT
RIDGWAY SUBDIVISION
RIDGWAY, CO

BUCKHORN
ENGINEERING
222 South Park Avenue Montrose, Colorado 81401 970-249-6828

TEST PIT LOG - TEST PIT #3 (TP#3)

TEST PIT LOCATION: Centerline of road between Lots 6 and 7











EXCAVATION COMPANY:

SURFACE ELEVATION:

OPERATOR: Dan LaPoint

NOTES:

EQUIPMENT: CAT 304 mini ex.

DEPTH (ft.)	Water Level 	GRAPHIC	SAMPLE TYPE	SAMPLE NUMBER	SUBSURFACE DESCRIPTION	FIELD AND LABORATORY TEST RESULTS
0					dark brown, dry, TOPSOIL with roots (0-1')	
1					tan, dry, sandy LOAM with >35% rock (in caliche) ; soil type 1 (1-8')	
2						
3				GS-03		GS-03 @2.5-3' gravel=16.1% sand=39.5% silt=28.8% clay=15.6%
4						
5						
6						
7						
8					stopped excavation at 8' no groundwater or bedrock encountered	

TEST PIT LOG	FIELD STAFF	DCQ
3	DRAFTING STAFF	ML
of 4	FIELD DATE	9/28/2022
	PROJECT #	2022-018-CIV

FOUR WINDS AT
RIDGWAY SUBDIVISION
RIDGWAY, CO

BUCKHORN
ENGINEERING

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970-249-6828

TEST PIT LOG - TEST PIT #4 (TP#4)

TEST PIT LOCATION: Future road centerline between lots


EXCAVATION COMPANY:

SURFACE ELEVATION:

OPERATOR: Dan LaPoint

NOTES:

EQUIPMENT: CAT 304 mini ex.

DEPTH (ft.)	Water Level 	GRAPHIC	SAMPLE TYPE	SAMPLE NUMBER	SUBSURFACE DESCRIPTION	FIELD AND LABORATORY TEST RESULTS
0					dark brown, TOPSOIL with roots (0-1')	
1					tan, sandy, clay LOAM with >35% rock (in caliche) ; soil type R1 (1-3')	
2			X	GS-04		<u>GS-04 @1.5-2'</u> gravel=20.3% sand=35.2% silt=25.6% clay=18.9%
3					tan, dry, sandy LOAM with >35% rock ; soil type R1 (3-8') More difficult digging	
4						
5						
6						
7						
8					stopped excavation at 8' no groundwater or bedrock encountered	

TEST PIT
LOG
4
of 4

FIELD STAFF	DCQ
DRAFTING STAFF	ML
FIELD DATE	9/28/2022
PROJECT #	2022-018-CIV

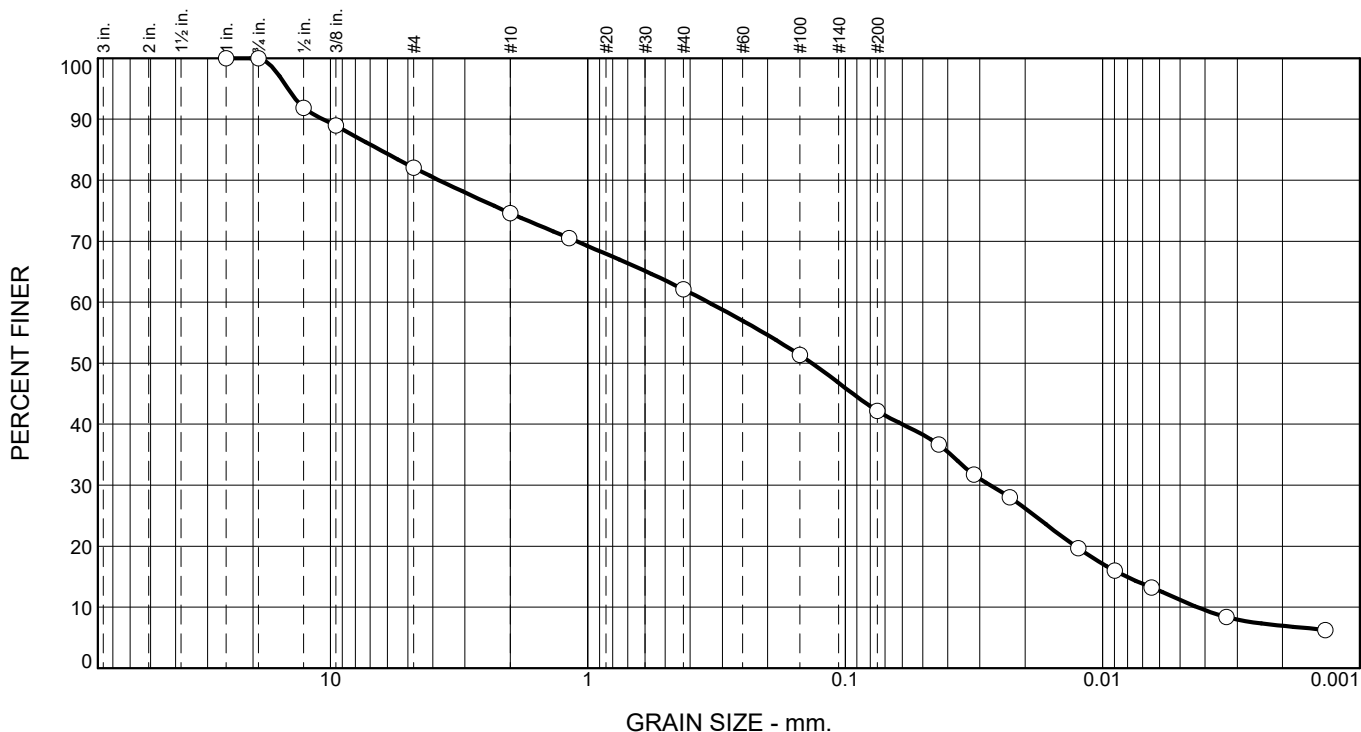
FOUR WINDS AT
RIDGWAY SUBDIVISION
RIDGWAY, CO

BUCKHORN
ENGINEERING

222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

Results are for the exclusive use of the client and apply only to the samples tested and are not indicative of apparently identical samples.

Particle Size Distribution



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	0.0	17.9	7.5	12.5	19.9	31.0	11.2

Test Results (ASTM D6913 & D1140,			
Sieve Size or Diam. (mm.)	Finer (%)	Spec.* (%)	Out of Spec. (%)
1"	100.0		
3/4"	100.0		
1/2"	91.9		
3/8"	88.9		
#4	82.1		
#10	74.6		
#16	70.5		
#40	62.1		
#100	51.3		
#200	42.2		
0.0433 mm.	36.7		
0.0316 mm.	31.7		
0.0229 mm.	28.0		
0.0124 mm.	19.7		
0.0090 mm.	16.0		
0.0064 mm.	13.2		
0.0033 mm.	8.4		
0.0014 mm.	6.2		

· (no specification provided)

Material Description

brown clayey SAND with gravel (ASTM D2488)

Atterberg (ASTM D4318)

PL= NR LL= NR PI= NR

Sieve Test (ASTM D6913 & D1140)

Test Date: 10/3/2022 Technician: SJ

Test Notes

NR = Not Requested

Coefficients

D₉₀= 10.7193 D₈₅= 6.4411

D₆₀= 0.3403 D₅₀= 0.1347

D₃₀= 0.0274 D₁₅= 0.0081

D₁₀= 0.0043

C_u= 79.39 C_c= 0.51

Hydrometer Test (ASTM D7928)

Test Date: 10/4/2022 Technician: SJ

Test Notes

USCS (ASTM D2487)

Date Sampled: 9/28/2022

Date Received: 9/28/2022

Checked By: JLH

Title: CMT Manager

Source of Sample: TP#1
Sample Number: GS-01

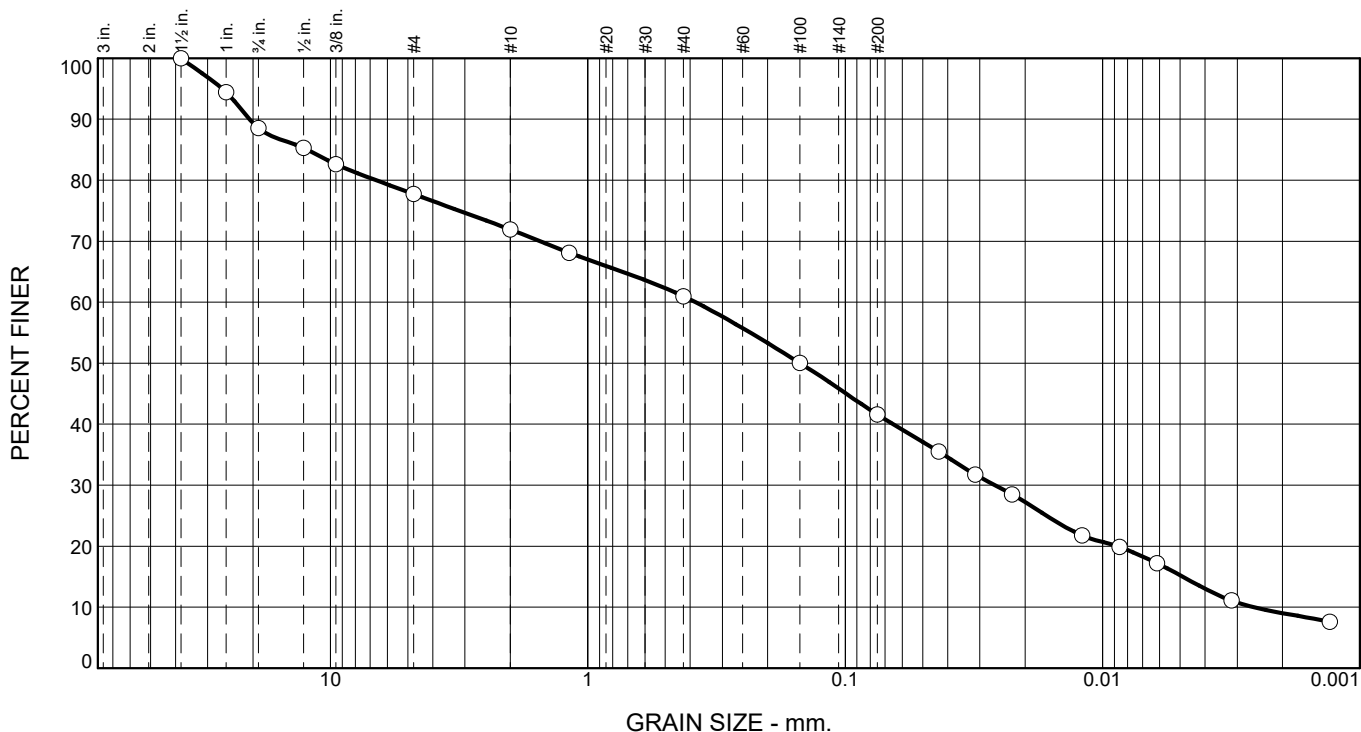
Depth: 1.5-2'



Client: Four Winds at Ridgway LLC
Project: Four Winds at Ridgway Subdivision
Ridgway, CO
Project No: 2022-018-CIV

Results are for the exclusive use of the client and apply only to the samples tested and are not indicative of apparently identical samples.

Particle Size Distribution



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	11.5	10.8	5.8	10.9	19.4	26.4	15.2

Test Results (ASTM D6913 & D1140,			
Sieve Size or Diam. (mm.)	Finer (%)	Spec.* (%)	Out of Spec. (%)
1.5"	100.0		
1"	94.4		
3/4"	88.5		
1/2"	85.3		
3/8"	82.6		
#4	77.7		
#10	71.9		
#16	68.1		
#40	61.0		
#100	50.0		
#200	41.6		
0.0433 mm.	35.5		
0.0312 mm.	31.7		
0.0225 mm.	28.5		
0.0120 mm.	21.8		
0.0086 mm.	19.9		
0.0061 mm.	17.2		
0.0032 mm.	11.1		
0.0013 mm.	7.6		

· (no specification provided)

Material Description

brown clayey SAND with gravel (ASTM D2488)

Atterberg (ASTM D4318)

PL= NR LL= NR PI= NR

Sieve Test (ASTM D6913 & D1140)

Test Date: 10/3/2022 Technician: SJ

Test Notes

NR = Not Requested

Hydrometer Test (ASTM D7928)

Test Date: 10/4/2022 Technician: SJ

Test Notes

Coefficients

D₉₀= 20.6768 D₈₅= 12.2820

D₆₀= 0.3819 D₅₀= 0.1496

D₃₀= 0.0262 D₁₅= 0.0049

D₁₀= 0.0026

C_u= 147.17 C_c= 0.70

USCS (ASTM D2487)

Date Sampled: 9/28/2022

Date Received: 9/28/2022

Checked By: JLH

Title: CMT Manager

Source of Sample: TP#2
Sample Number: GS-02

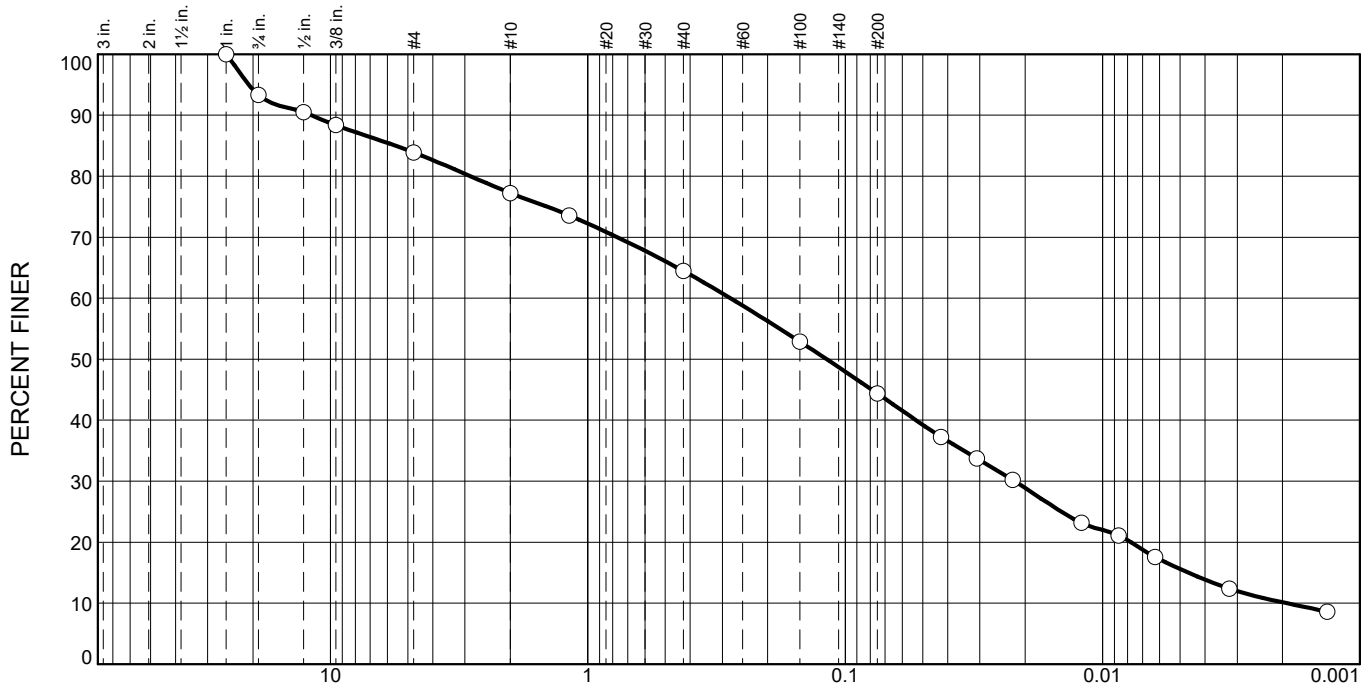
Depth: 1.5-2'



Client: Four Winds at Ridgway LLC
Project: Four Winds at Ridgway Subdivision
Ridgway, CO
Project No: 2022-018-CIV

Results are for the exclusive use of the client and apply only to the samples tested and are not indicative of apparently identical samples.

Particle Size Distribution



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	6.7	9.4	6.7	12.7	20.1	28.8	15.6

Test Results (ASTM D6913 & D1140,			
Sieve Size or Diam. (mm.)	Finer (%)	Spec.* (%)	Out of Spec. (%)
1"	100.0		
3/4"	93.3		
1/2"	90.5		
3/8"	88.4		
#4	83.9		
#10	77.2		
#16	73.6		
#40	64.5		
#100	52.9		
#200	44.4		
0.0424 mm.	37.2		
0.0308 mm.	33.7		
0.0223 mm.	30.2		
0.0121 mm.	23.1		
0.0087 mm.	21.1		
0.0063 mm.	17.6		
0.0032 mm.	12.4		
0.0013 mm.	8.6		

· (no specification provided)

Material Description

brown clayey SAND with gravel (ASTM D2488)

Atterberg (ASTM D4318)

PL= NR LL= NR PI= NR

Sieve Test (ASTM D6913 & D1140)

Test Date: 10/3/2022 Technician: SJ

Test Notes

NR = Not Requested

Hydrometer Test (ASTM D7928)

Test Date: 10/4/2022 Technician: SJ

Test Notes

Coefficients

D₉₀= 11.9112 D₈₅= 5.5984

D₆₀= 0.2790 D₅₀= 0.1181

D₃₀= 0.0219 D₁₅= 0.0047

D₁₀= 0.0019

C_u= 144.92 C_c= 0.89

USCS (ASTM D2487)

Date Sampled: 9/28/2022

Date Received: 9/28/2022

Checked By: JLH

Title: CMT Manager

Source of Sample: TP#3
Sample Number: GS-03

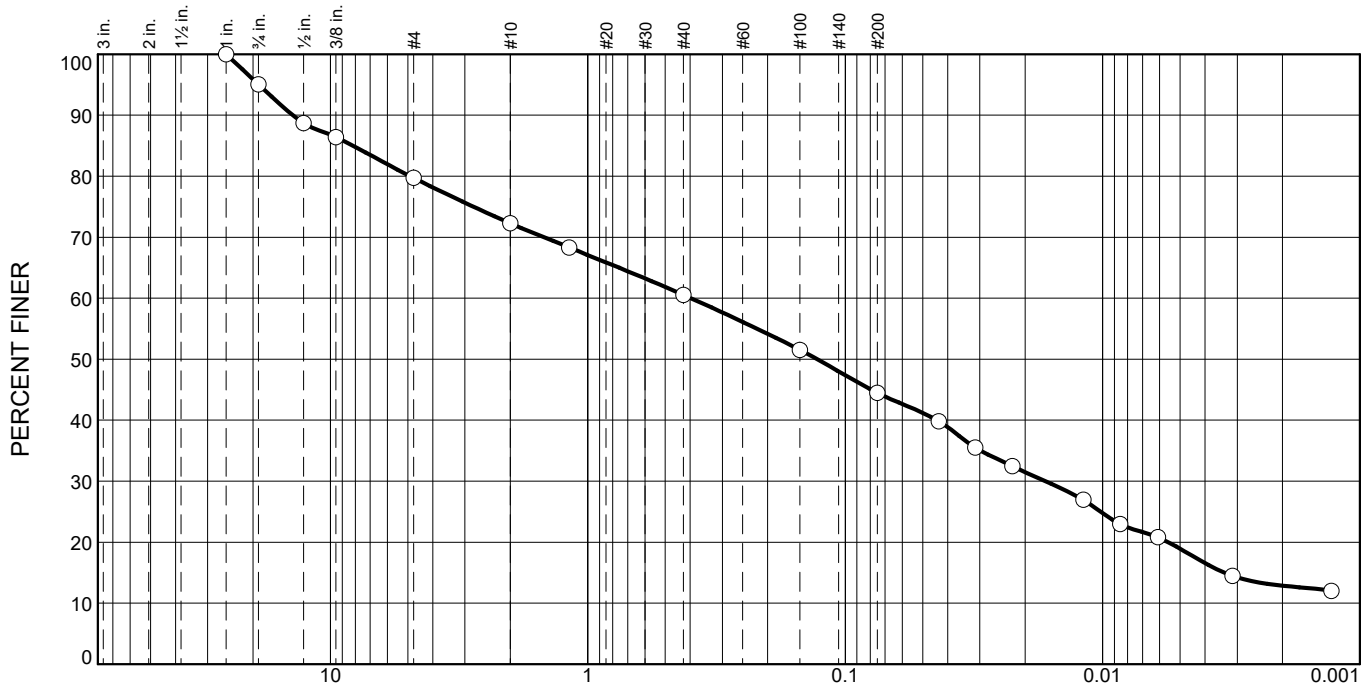
Depth: 2.5-3'



Client: Four Winds at Ridgway LLC
Project: Four Winds at Ridgway Subdivision
Ridgway, CO
Project No: 2022-018-CIV

Results are for the exclusive use of the client and apply only to the samples tested and are not indicative of apparently identical samples.

Particle Size Distribution



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	4.9	15.4	7.4	11.8	16.0	25.6	18.9

Test Results (ASTM D6913 & D1140,			
Sieve Size or Diam. (mm.)	Finer (%)	Spec.* (%)	Out of Spec. (%)
1"	100.0		
3/4"	95.1		
1/2"	88.7		
3/8"	86.4		
#4	79.7		
#10	72.3		
#16	68.3		
#40	60.5		
#100	51.5		
#200	44.5		
0.0433 mm.	39.8		
0.0313 mm.	35.5		
0.0224 mm.	32.5		
0.0119 mm.	26.9		
0.0086 mm.	23.0		
0.0061 mm.	20.8		
0.0031 mm.	14.5		
0.0013 mm.	12.0		

· (no specification provided)

Material Description

brown clayey SAND with gravel (ASTM D2488)

Atterberg (ASTM D4318)

PL= NR LL= NR PI= NR

Sieve Test (ASTM D6913 & D1140)

Test Date: 10/3/2022 Technician: SJ

Test Notes

NR = Not Requested

Coefficients

D₉₀= 13.9906 D₈₅= 8.1804

D₆₀= 0.3981 D₅₀= 0.1286

D₃₀= 0.0167 D₁₅= 0.0034

D₁₀=

C_u=

C_c=

Hydrometer Test (ASTM D7928)

Test Date: 10/4/2022 Technician: SJ

Test Notes

USCS (ASTM D2487)

Date Sampled: 9/28/2022

Date Received: 9/28/2022

Checked By: JLH

Title: CMT Manager

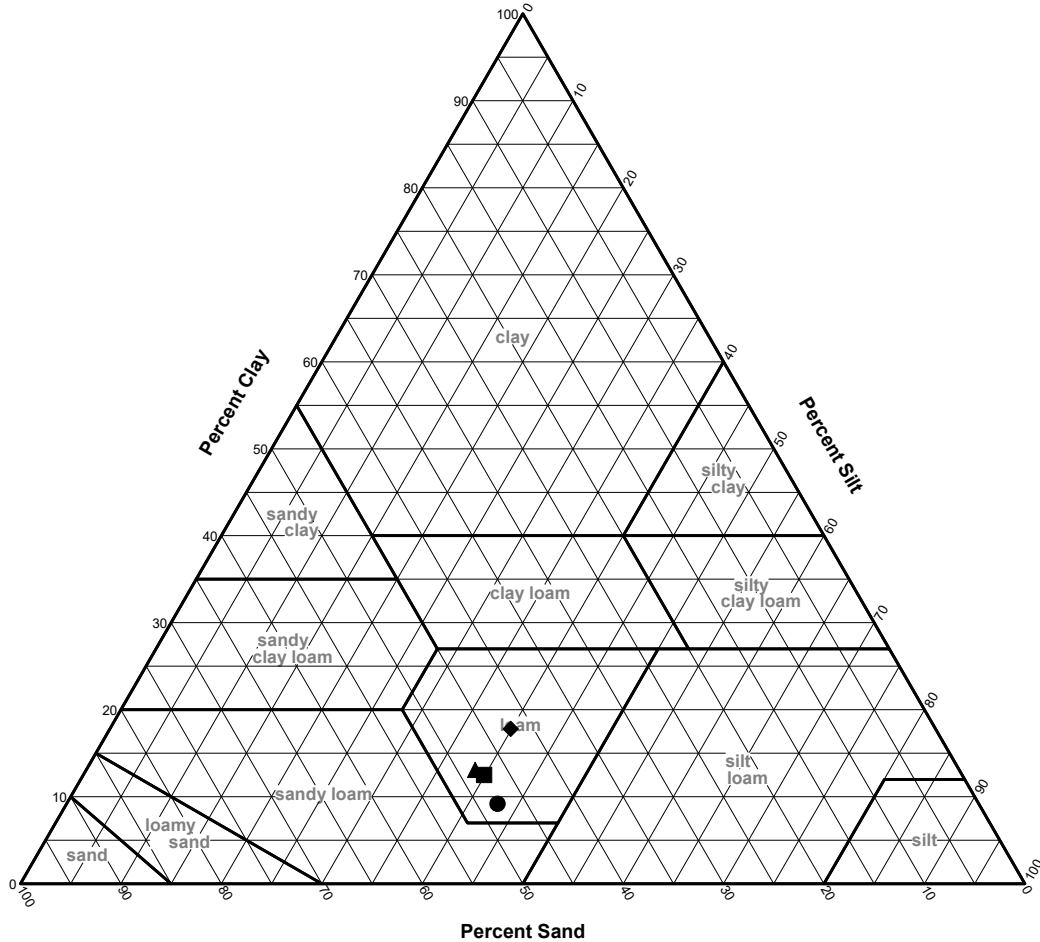
Source of Sample: TP#4
Sample Number: GS-04

Depth: 1.5-2'

BUCKHORN
ENGINEERING

Client: Four Winds at Ridgway LLC
Project: Four Winds at Ridgway Subdivision
Ridgway, CO
Project No: 2022-018-CIV

USDA Soil Classification



SOIL DATA

	Source	Sample No.	Depth	Percentages From Material Passing a #10 Sieve			Classification
				Sand	Silt	Clay	
●	TP#1	GS-01	1.5-2'	47.9	42.9	9.2	Loam
■	TP#2	GS-02	1.5-2'	47.6	39.9	12.5	Loam
▲	TP#3	GS-03	2.5-3'	48.2	38.7	13.1	Loam
◆	TP#4	GS-04	1.5-2'	42.3	39.8	17.8	Loam



Client: Four Winds at Ridgway LLC

Project: Four Winds at Ridgway Subdivision
Ridgway, CO

Project No.: 2022-018-CIV

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January 17, 2023

Mr. Tim Currin
c/o Ouray Brokers
257 Sherman Street, Unit A
Ridgway, CO 81432

RE: FOUR WINDS SUBDIVISION

SUBJ: SANITARY SEWER FEASIBILITY REPORT

Dear Mr. Currin:

This letter is to summarize the feasibility of designing and constructing a sanitary sewer connection from the proposed Four Winds subdivision to the closest Town of Ridgway connection point east on Redcliff Drive of the XX condominiums. It is our understanding that this study was requested by Town of Ridgway in Item 5 of their December 29, 2022 letter to Chris Hawkins, AICP.

1.0 Assumptions for Analysis

The following assumptions were made in analyzing a potential sanitary sewer alignment from the proposed Four Winds subdivision to the Town's connection point on Redcliff Drive:

- That Vista Terrace will not allow or provide utility easements to route a sanitary sewer system to an adjoining property no in the Vista Terrace subdivision. (Section 11.2 of the Vista Terrace CCR's, Ouray County Reception No. 132891)
- That CDOT will allow a linear sanitary sewer collection system with a lift station within the SH 550 right-of-way. An IGA with the Town would be required to operate and maintain the sewer system in the state highway right-of-way.
- That the Town of Ridgway will accept a lift station which will be required by topographic constraints to connect to the Town's existing collection system
- That a bore under SH 550 and the Uncompahgre River to connect though public and private properties between the highway and the Town's Wastewater Treatment Plant (WWTP) was infeasible for numerous reasons including easement acquisition, environmental clearances, costs and desirability on the part of the Town to accept that alternative.

2.0 Proposed Sanitary Sewer Alignment

Based on the assumptions presented in section 1.0 above, the most logical route for a sanitary sewer collection line is to utilize the Terrace Drive right-of-way west from the Four Winds subdivision to the SH 550 right-of-way. From there the line would continue south adjacent to SH 550 on the east side to a connection in Redcliff Drive. Challenges of this route are: proximity to SH 550 and installing the line 5-7 feet deep per Town construction standards; traffic control during construction to maintain worker and motorist safety, topographic elevations that will require construction of a lift station since open trenching is impractical to maintain gravity flow conditions; subsurface bedrock conditions that could limit or slow installation and inconvenience to Vista Terrace residents for noise and traffic impacts from construction in Terrace Drive. Figure 1. presents a schematic view of this route in plan and profile. Total length of this route is approximately 7,000 linear feet of which 500 feet would be force main and 6,500 linear feet would be 8-inch SDR 35 gravity sewer pipe. We estimate eighteen (18) standard manholes and five (5)

drop manholes will be required to comply with Town design standard of 400 foot maximum spacing between manholes. A 20 gpm duplex pump lift station would be required for the force main portion of the route.

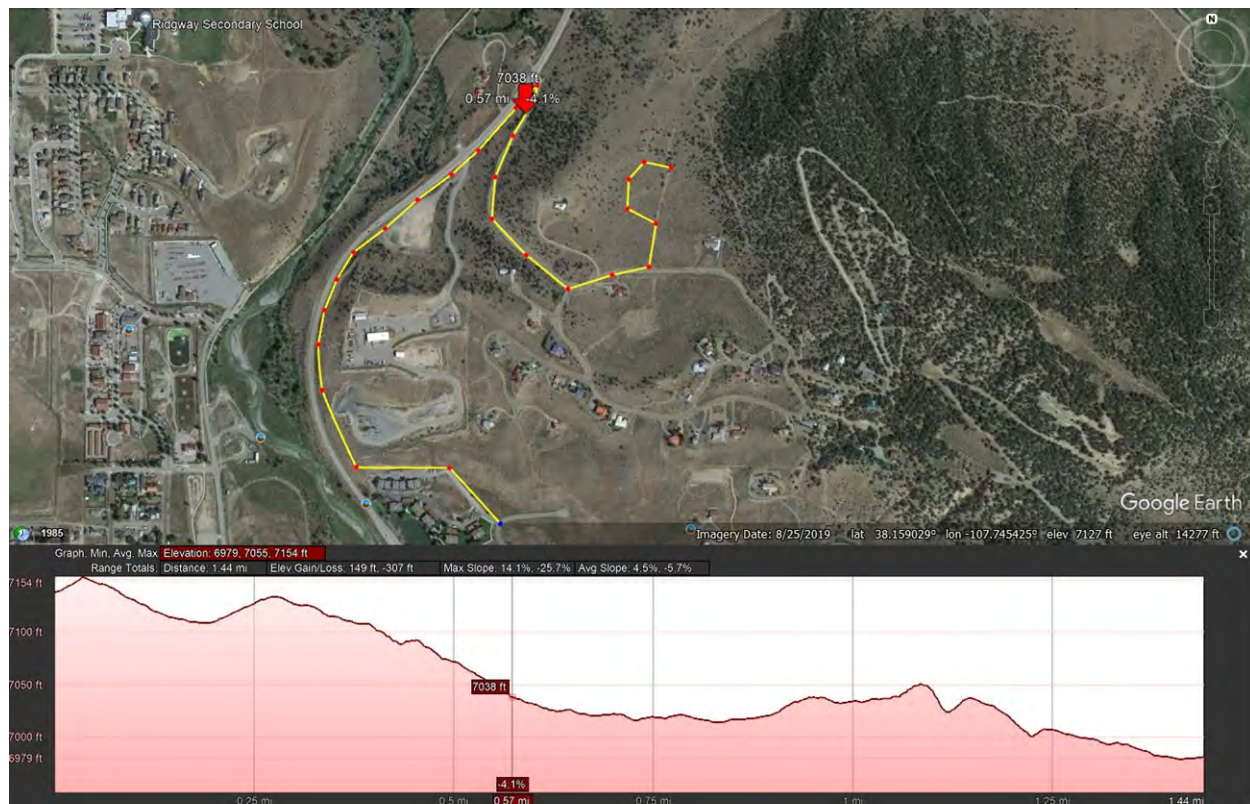


Figure 1. Plan and profile of route from Four Winds subdivision to Town connection in Redcliff Drive.

3.0 Estimated Cost of Design and Construction

Based on the preliminary alignment presented above, the pre-design estimated cost of the sanitary sewer connection is over \$1.698 million. That includes a 20% contingency since this is a conceptual design and material/labor costs remain volatile. The estimated cost also includes an engineering design fee of \$90,000 and Town engineer inspection fee of \$40,000 based on similar Town projects constructed in 2022. A detailed cost estimate is presented in Appendix A of this letter. Life cycle costs to the Town for the operation and maintenance of this system, including the lift station, were not considered in this design and construction cost analysis.

4.0 Conclusion

The per lot cost to design and construct the sanitary sewer connection presented herein is approximately \$85,000 which is, in our opinion, prohibitively expensive for the development. Therefore, based on our previous analysis of the feasibility of an individual OWTS system on each lot (Buckhorn Engineering letter report dated November 9, 2022), we conclude that installation of a sanitary sewer connection is infeasible, and that OWTS installations should be allowed for the Four Winds development.

If you have any questions or need additional information, please contact me by phone at (970) 497-8852 or e-mail at dquigley@buckhornengineering.com

Sincerely,



Daniel C. Quigley, P.E.
Project Engineer

Attachments: Appendix A: Pre-Design Estimate of Probable Cost



APPENDIX A

PRE-DESIGN ESTIMATE OF PROBABLE COST

Four Winds Subdivision**Sanitary Sewer Extension Feasibility - Pre-Design Estimate of Probable Cost**

1/17/2023

All Items are installed, complete-in-place per Town of Ridgway standards

Item Number	Description	Units	Quantity	Unit Price	Total Price
1	Mobilization/Demobilization	LS	1	\$ 50,000.00	\$ 50,000.00
2	Erosion Control Management	LS	1	\$ 15,000.00	\$ 15,000.00
3	8-inch SDR 35 PVC gravity sewer pipe	LF	6,500	\$ 90.00	\$ 585,000.00
4	4-inch C900 DR14 PVC force main pipe	LF	500	\$ 125.00	\$ 62,500.00
5	48" Dia. Standard Manhole	EACH	18	\$ 7,500.00	\$ 135,000.00
6	48" Dia. Drop Manhole	EACH	5	\$ 10,000.00	\$ 50,000.00
7	4" SDR 35 PVC Sanitary Sewer Service Connection	EACH	20	\$ 2,500.00	\$ 50,000.00
8	Lift Station (20 gpm duplex pumps in 4-foot Dia. Basin)	EACH	1	\$ 150,000.00	\$ 150,000.00
9	3-phase electrical service to lift station	LF	3,500	\$ 20.00	\$ 70,000.00
10	SCADA controls for lift station	LS	1	\$ 30,000.00	\$ 30,000.00
11	Sanitary Facility	EACH	2	\$ 1,500.00	\$ 3,000.00
12	Construction Surveying	LS	1	\$ 15,000.00	\$ 15,000.00
13	Traffic Control	DAYS	120	\$ 500.00	\$ 60,000.00
14	Pay and Performance Bond (2.5%)	LS	1	\$ 31,887.50	\$ 31,887.50

Subtotal \$ 1,307,387.50

20% Contingency \$ 261,477.50

Engineering Design Fee \$90,000

Town Engineer Inspection Fee \$40,000

Total Estimated Cost **\$ 1,698,865.00**

Assumptions:

1. Manhole Spacing at maximum 400 feet per Town Standards
2. Includes estimated infrastructure within Four Winds subdivision
3. No ROW or Easements within Vista Terrace per CCR's
4. CDOT accepts linear sewer installation within SH 550 ROW
5. Town accepts lift station into their system

Attachment B:
Applicant Comment Response Letter
Dated August 17, 2022

Alpine Planning, LLC

P.O. Box 654 | Ridgway, CO 81432 | 970.964.7927 | chris@alpineplanningllc.com



Town of Ridgway, Colorado
Preston Neil, Town Manager
TJ Dlubac, Contracted Town Planner
Joanne Fagan, Contracted Town Engineer

Sent via email to: pneill@town.ridgway.co.us
tdlubac@planstrategize.com
jfagan@town.ridgway.co.us

RE: Applicant Responses to Four Winds Sketch Plan, 2nd Review Comments

August 17, 2022

Preston, TJ, and Joanne,

Thank you for the Four Winds Subdivision review comments sent via email on August 10, 2022. Please see our responses to the review comments below with our responses shown in [blue text](#).

GENERAL COMMENTS:

Based on discussions with you and your team, we understand concessions and waivers are being requested for a variety of standards which are difficult and/or costly to meet with this project. Therefore, staff has discussed our comfort with various waivers and offer the following guidance:

- A. Staff is agreeable to allowing gravel roads; however, all other Town design standards shall be met. [Great. Please confirm that this staff position prevails over Engineering comment No. 15 so there are not conflicting positions presented to the Planning Commission or Town Council.](#)
- B. Safe and effective pedestrian connections within the development as well as to adjacent development(s) will be needed. [Please clarify if this comment is seeking sidewalks. If so, we believe that sidewalks are not needed on this rural road due to low traffic volumes and the ability to walk on the roads. We are asking for the roads to act as sidewalks the same as was allowed for River Sage Subdivision.](#)
- C. The developer shall agree to participate in a General Improvement District (GID) or similar financing entity at such time one is formed to complete needed public improvements. [Agreed. This will be a Preliminary Plat note and included in the subdivision's general declaration.](#)
- D. Staff is agreeable to not require the project to connect to sewer at this time and the project not providing paved streets at this time; however, the Sketch Plan submittal shall include an exhibit map that identifies an adequate site for the initial leach field as well as a replacement field that is designed for the maximum number of bedrooms the lot may have. [Agreed. Please refer to Note 7 on Sheet SP-5, and the leach fields shown within the disturbance envelopes. This matter will be addressed in the subdivision's design regulations that are submitted with the Preliminary Plat.](#)
- E. All other design standards and public improvements required by the Ridgway Municipal Code should be met by this project. [Agreed.](#)

PLANNING COMMENTS:

The following items must be addressed and resubmitted to the Town to be reviewed and evaluated:

1. Identify disturbance areas on an exhibit provided with the preliminary plat and provide adequate measures to ensure such disturbance areas are enforceable in perpetuity with the submittal of the preliminary plat.
 - a. Consider adding the “disturbance area” to the preliminary plat and notes limiting development to that area.

Agreed. Please refer to Note 1 on the Sketch Plan set. The subdivision’s design regulations will also address disturbance envelopes.
2. Clarify on the preliminary plat that the open space will be preserved in perpetuity and cannot be developed beyond a biking/hiking trail. Further clarify that the open space will be privately owned and maintained, but that a public access easement is granted to allow the general public to utilize the proposed trail system. *Agreed. Please see Note 3 on Sheet SP-5.*
3. Provide additional analysis on the proposed water conservation measures and landscaping restrictions and how they compare to the Town’s landscape regulations with the preliminary plat. *Agreed. It is likely that the Four Winds water conservation measures will be more restrictive than the Town’s with prohibitions on formal lawn areas and limits, fire mitigation requirements, and limits on new trees and shrubs.*
4. Consider requiring wildlife-friendly trash enclosures and measures to reduce conflicts between wildlife and residents. Address this item further with the submittal of the preliminary plat. *Agreed. Please see Note 4 on Sheet SP-5.*
5. The entire 44.4 +/- acres of the Endicott Property shall be included in this request to legally subdivide the parcel to allow the 9.95 acres to be included in the Four Winds Subdivision. This adjustment shall be reflected on the Preliminary Plat. *Agreed.*
6. At a minimum, the 9.95 acres portion of the Endicott Property to be included in the development of this subdivision shall be rezoned to Residential in conjunction with the preliminary plat. Approval of a rezoning request shall be contingent upon the approval of a final plat. In no way does any one approval or required approval guarantee or bind the Planning Commission or Town Council to approve any other request. Each application shall be reviewed and evaluated on its own merits and be determined to meet the standards applicable to the specific request. *Agreed. We consider the rezoning request initiated with the Sketch Plan application as a part of the process and therefore is an exception to the moratorium ordinance pursuant to Section 3(a) of the moratorium regarding pending applications.*
7. Add Note 1 from McChesney Minor Subdivision regarding Sewage Disposal to the Preliminary Plat. *Already added. Please see Note 5 on Sheet SP-5.*
8. Add Note 3 from McChesney Minor Subdivision regarding costs of improvements to the access to HWY 550 to the Preliminary Plat. *Already added. Please see Note 6 on Sheet SP-5.*
9. Further analysis and design shall be provided by the applicant related to water system improvements as required by Note 4 on the McChesney Minor Subdivision plat. *Agreed. Buckhorn Engineering provided high level Sketch Plan analysis of the water system improvements as required by Note 4 on Sheet SP-6. Detailed analysis and water system design will be provided with the Preliminary Plat in accordance with Note 4 and applicable Town regulations.*
10. Steep slopes over 20% and elk winter concentration areas shall be depicted in relation to the proposed development in conjunction with the preliminary plat. *Slopes that are less than 30% are not considered steep slopes in most Colorado mountain communities, and the Town has not adopted a definition of steep slopes. Please refer to Sheet SP-2 that maps slopes that are 30% or greater. The CPW wildlife impact report addresses the type of habitat.*
11. The applicant shall reach out to Colorado Parks and Wildlife and address recommended mitigation of this wildlife sensitive area prior to submittal of the preliminary plat. *Please refer to the Colorado Parks and Wildlife impact report shown in Exhibit A. The Town is in an urban growth boundary with areas outside in the unincorporated county protected for wildlife through large lot requirements.*

12. The Sketch Plan identifies an easement to be vacated at the southeast corner of Lot 2, however, no additional information was provided. The reception number, grantee, and authorization to vacate by the grantee shall be provided with the preliminary plat. [Agreed.](#)
13. The Project Information Table (pg. 10) shall be amended to account for Accessory Dwelling Units (ADUs) being developed within the subdivision to ensure all RMC performance standards of Sec. 7-3-18(G) of the RMC are being accounted for. [Agreed. The Town encourages ADUs for housing.](#)

ENGINEERING COMMENTS:

From the white paper:

14. The subdivision should have two access points. It was expressed that a second access point was feasible through the Endicott Property earlier in the project, but this is not shown or discussed in the narrative. Either provide a second point of access or provide justification as to why a second access is not feasible in order for staff to adequately evaluate the proposal. [An emergency only access road is now proposed that would utilize the driveway to Lot 14 and then run down the east side of Lots 15 and 16 should the main drive become blocked. Please refer to Sheet SP-5.](#)
15. Road should be paved and have ADA compliant sidewalk. [This conflicts with the staff position outlined under No. A above. We are asking for the roads to act as sidewalks the same as was allowed for River Sage.](#)
16. Connection to sewer: The challenges to connecting to sewer are understood and appreciated. However, from a long-term service standpoint, every time the town allows septic systems, the harder it is to extend sewer and provide adequate services. While staff is agreeable to septic systems on these properties, Ouray County standards shall be met and an agreement to participate in a possible future GID and connect to future town sewer system shall be required for this project. [Agree to plat note requiring GID and connection to any central sewer system that is extended by the Town along Vista Terrace Drive. Plat note and design regulations will require each lot to meet Ouray County OWTs requirements.](#)

Sketch Plan

17. Pg 5 of revised sketch plan shows several lots that are less than one acre. Please confirm all lots meet the minimum lot size for On-Site Wastewater Treatment System (OWTS) in Ouray County. [There is no minimum lot size for Ouray County OWTs. Septic systems must fit within the platted lots and required OWTS setbacks.](#)
18. The Preliminary Plat should include the dedication of adequate right-of-way and/or easements to accommodate future sewer installation. [The Town required 60-foot right-of-way is adequate for all required infrastructure, including sewer lines, water lines, electric lines, natural gas lines and telecommunications lines.](#)
19. Pg 5 of revised sketch plan shows a proposed single track bike trail that starts on a state highway with a 60 MPH speed limit and terminates on the steep section of Terrace Drive. Is that an asset or liability? [We believe it is an asset and can add a common sense stop sign at the bottom of the trail if needed. An existing trail connection to the River Park Trail already exists in this location.](#)
20. Pg 6 of the revised sketch plan shows 10' utility easements within the 60 ft ROW. Those should be on the private property not in Town ROW. ROW does not need easements. [Sheet SP-6 is a copy of the Town specification for Rural Road Section that includes the easements. We agree easements are not needed in a right-of-way.](#)
21. The new water line needs to be connected to the existing water line in at least two places which are located so as to facilitate circulation and minimize the number of units out of service during any maintenance of the water lines. The current plans show two points of connection to the town main in Terrace Dr about 100 ft apart, not enough to facilitate either. The plans propose to add a new storage tank that would just address the domestic needs of the project and a small amount of fire flow, then the existing tank volume is being deducted from what they need. The storage tank for Vista Terrace needs to be a comprehensive solution rather than several small tanks that will be exhausted quickly.

- a. Note the town requires 2 hours at 500 gpm for fire storage vs the proposed 1 hour at 750 gpm. Lines need to be sized for 750 gpm in this area per town standards. The new water lines should be designed as 6" lines. Calculations demonstrating that the project will carry 750 gpm shall be provided with the Preliminary Plat.

Agree with most of the design comments except that Plat Note 4 of the McChesney Minor Subdivision only requires "...the owners of Lot 1 and 2 to participate in a Special Improvement District for the purpose of expanding the water storage capacity which serves these lots as well as adjacent properties". If the design of the current Vista Terrace Filing No. 1 water system is inadequate based on current Town standards, the residents of that subdivision should equally participate in an improvements district. The Four Winds water system will be designed to meet Town standards for the lots proposed within the development that has the benefit of providing additional fire flow that can be used by Vista Terrace Filing No. 1.

22. Demonstrate how does water get to the new tank? What measures are in place to ensure the water turns over?
The design of the water system will be provided with the Preliminary Plat.
23. Are easements included on the lots? Are the dotted lines, setbacks or easements? Please clarify with the Preliminary Plat that all minimum easement widths and uses required in the RMC are being provided. Setbacks are shown with a dashed line on the Sketch Plan. We do not believe any easements are needed outside of the right-of-way.

Sketch Plan Narrative

24. Pg 2 of the narrative says 11% slope is suitable for development. The max slope for a town street is 7%. Leach fields are typically supposed to be level. Not sure of the basis for the concluding 11% is suitable. Plowing icy or snow packed roads steeper than 7% is challenging and a bit hazardous. Provide further explanation in the narrative as to why this was concluded? We live in the mountains so any land with less than 30% slopes is generally seen as suitable for some level of development. An overall 11% grade across the site represents relatively gentle slopes, similar to Solar Ranches or River Sage.
 - a. Before the Town can agree to the current road configuration or to taking on long-term maintenance responsibilities, the proposed slopes of the roadways shall be provided or, at a minimum, provide a maximum slope the roads within the subdivision will not exceed. Anything steeper than 7% should be given very careful consideration.A road grading plan will be provided with the Preliminary Plat with plans prepared in consultation with the Town and Fire District.
25. Pg 2: Very little of Lots 7, 10 and 14 are shown within the 300 ft radius of a fire hydrant. This hydrant layout is a bit different from the original sketch plan. Is this revised version the correct version? A new hydrant was added to capture Lot 14. Please refer to Sheet SP-5.
26. Pg 3: Bullet #7 says to they want to encourage ADU's. That will further increase the necessary size of the sewage disposal system, put more usage on their rural road, and more demand on the water system. All calculations (water, sewer, fire flows/hydrant locations, roadway design, traffic counts, etc.) must account for all potential development, including ADU's. The Town encourages ADUs to help provide housing. Agreed. Calculations will be adjusted.
27. What are the remaining obligations of the Town under the water and sewer agreement quoted on page 4 of the narrative? A copy of the agreement will be provided to the Town with the Preliminary Plat application.
28. Pg 4 notes the applicant intends to limit total disturbance to 10,000 sf. This area needs to include appropriate space for the original leach field and a replacement field. Please refer to General Comment No. D.
29. Pg 5, states that roads are low density and people can walk in the roadway insinuating that off-street pedestrian connections and/or ADA sidewalks are unnecessary. If ADU's are encouraged, the overall density will be close to one dwelling per acre. Town regulations require sidewalk which seems appropriate at that level of development. If on-street sidewalks are not provided, it is recommended that the road be widened by at least 5 ft to better accommodated pedestrians and bikes. The level of traffic on this road will be very low and allow for pedestrians

and bikes to use the road without additional site grading and disturbance. No sidewalks were required for River Sage.

30. Pg 6 states the applicant believes they meet the intent of plat note 4 of the McChesney plat for storage by provide another small tank. Staff's interpretation of this is that the intent of this note was for the developer to provide a comprehensive solution. Smaller water tanks to serve only this development is not a comprehensive solution. (see comment #21 above) [Please see response under No. 21. Above.](#)
31. Pg 8 of the narrative – CDOT permit: The Town, County, and CDOT worked to get the added lanes referenced here. That was intended as a band-aid. The narrative says the developer will pay their prorata share of improvements. The Town has already made improvements, if additional improvements are required, they should be paid for by the development that is triggering the need. Please clarify the intent of these statements. [A traffic impact analysis is in process and will be submitted to CDOT for review. We will comply with any CDOT access requirements for the development.](#)
32. Pg 8 – Cul de sac: The entire road is viewed as a cul-de-sac, therefore, the applicable rules, regulations, and standards of the RMC and other adopted standards shall be met. Please confirm these are all met with how the project is being viewed. [We do not view the street design as a cul-du-sac since there is no dead-end circle at the end. We have designed a looped access road that also has a new emergency access planned as discussed above. We would like to continue discussing the road design with the Preliminary Plat.](#)
33. Pg 8-9: The narrative makes an argument that a second access to the development is not needed. At least since the mid 2000's the Town has required two access points, although in several cases one has been emergency only. Town staff shared this requirement with Mr Quigley who indicated that an emergency access was practical. This second access shall be shown on the Sketch Plan to understand other impacts on the layout and design when that access point is added. [Please refer to No. 14 above.](#)
34. While the zoning does allow for a minimum lot size of 6,000 sf, this would only be allowed with the connection to municipal sewer which is not preferred by the applicant. Therefore, the standard should not be evaluated on the zoning allowances, but rather the OWTS standards for minimum lot size, separation, setbacks, and other siting and design criteria. [The zone district dimensional standards will be met or exceeded. Ouray County OWTS standards will be met including required setbacks.](#)
35. Pg 6 mentions that a storm water system will protect water quality but no provisions for storm water management have been included in the sketch plan materials. The project shall provide for a comprehensive solution to storm water management and not leave it to individual lots. [Agreed. We will reference the Stormwater Master Plan and Stormwater Regulations in preparing the Preliminary Plat civil plans.](#)

We sincerely appreciate the open dialogue and communication on this project!

Respectfully,

Chris Hawkins, AICP
Alpine Planning, LLC



COLORADO

Parks and Wildlife

Department of Natural Resources

Unit Name (optional)
555 Street Address, Room 555
Denver, CO 55555-5555
P 111.222.2222 | F 111.222.2222

EXHIBIT A

Chris Hawkins, AICP
Alpine Planning, LLC
PO Box 654
Ridgway, CO 81432
July 14, 2022

Dear Mr. Hawkins,

I receive the information you emailed to me regarding the proposed Four Winds Subdivision and I spoke with Eric Faust about the development. It is our understanding that the proposed subdivision will include 20 lots on 43 acres with 12.74 acres remaining in open space. The proposed subdivision is within Ridgway city limits and zoned as residential and future development.

This property lies within Colorado Parks and Wildlife (CPW) mapped elk and mule deer severe winter range and winter concentration area and adjacent to a black bear summer concentration area. The predominant habitat types on the property are pinon-juniper forest and sagebrush. The mule deer in the area of the proposed subdivision are managed by CPW as part of the Cimarron Mule Deer Herd (Data Analysis Unit or DAU D24) and the elk are managed as part of the Cimarron Elk Herd (DAU E35). Significant issues identified in the herd management plans include the diminishment of suitable winter range habitat due to land conversions and human development.

The following is directly from the Cimarron Mule Deer Management Plan: "Development fragments habitat in many ways. The addition of homes, out buildings, roads, artificial lights, and excess noise and traffic all reduce habitat connectivity for wildlife and limit effective habitat and carrying capacity for deer. Deer are better adapted to urban environments than other ungulate species, but studies have shown housing density (Vogel 1989) and human activity (Lewis et al. 2021) can alter deer behavior and avoidance, creating a loss of effective habitat, even if the habitat is not directly destroyed. Unfortunately, the majority of development in D-40 occurs in the lower elevations and valley bottoms, which is predominantly deer winter range."

In 2020, CPW released the Big Game Winter Range and Migration Corridors Status Report which identified development, including housing, urban, and ex-urban development (suburbs, villages, PUDs, condos, ranchettes) as a threat to big game winter range and migration corridors. Winter range the most important seasonal range that mule deer and elk occupy throughout the year but is often the range that is most limited in size of all the seasonal ranges (Vore 2012). While being the most important range for elk it is also the most heavily impacted by human development and recreation of all seasonal ranges due to its proximity to foothills, valley floors, and ultimately cities and towns

We feel that the proposed Four Winds subdivision will have impacts to big game wildlife by reducing the amount of available winter range. However, CPW supports development within



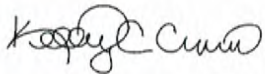
city limits rather than ex-urban development. We feel that the following measures within your development plan will help reduce the impacts to wildlife:

- Limiting lot development to 10,000 sq. ft.
- Preserving the sagebrush habitat on lots outside of the disturbance envelope
- Prohibiting perimeter lot fencing; while we don't recommend perimeter lot fencing, especially in big game winter range, if it were ever allowed it should follow CPW's *Fencing with Wildlife in Mind* guidelines
- Containing dogs within fenced yard and/or dog run and requiring dogs to be kept on leashes while walking on subdivision roads
- Requiring bear proof trash can or solid trash enclosures

There is no way to truly mitigate the loss of the winter range habitat but improving and/or conserving similar winter range habitat in Ouray County would be highly beneficial to wintering ungulates and would offset the negative impacts from the Four Winds Subdivision.

Thank you for providing us an opportunity to comment. If you have any questions, you can reach me at 970-209-2369 or Rachel Sralla, Area Wildlife Manager, at 970-252-6000.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Crane". The signature is fluid and cursive, with the first name "Kelly" and last name "Crane" clearly distinguishable.

Kelly Crane
District Wildlife Manager

LITERATURE CITED

Big Game Winter Range and Migration Corridors (Colorado Parks and Wildlife). 2020 Status Report.

Lewis, J. S., S. Spaulding, H. Swanson, W. Keeley, A. R. Gramza, S. VandeWoude, and K. R. Crooks. 2021. Human activity influences wildlife populations and activity patterns: implications for spatial and temporal refuges. *Ecosphere* 12: e03487.

Southwest Terrestrial Section (Colorado Parks and Wildlife). 2022. Cimarron Elk Herd Management Plan (DAU E35). Montrose, Colorado, USA.

Southwest Terrestrial Section (Colorado Parks and Wildlife). 2022. Cimarron Mule Deer Herd Management Plan (DAU D40). Montrose, Colorado, USA.

Vogel, W. O. 1989. Response of deer to density and distribution of housing in Montana. *Wildlife Society Bulletin* 17:406-413.

Vore, John. 2012. Big Game Winter Range Recommendations for Subdivision Development in Montana: Justification and Rationale. Montana Fish, Wildlife and Parks.

Attachment C:
Town Review Letter
Dated December 29, 2022

December 29, 2022

Alpine Planning, LLC
c/o Chris Hawkins, AICP
PO Box 6542
Ridgway, CO 81432

SENT VIA E-MAIL TO chris@alpineplanningllc.com

RE: Four Winds Sketch Plan, Planning Commission Response Review Comments.

Dear Mr. Hawkins:

Town staff has reviewed the responses you submitted on November 20, 2022, to concerns raised by Planning Commission at their August 30, 2022 meeting. The comments below are Ridgway Town Staff and Consultant responses and the request for additional information and clarity prior to the application being placed on a Planning Commission's agenda for further consideration.

Once you have had the chance to review these responses and coordinate with your team, we would be happy to meet with you and your team to discuss the items which may need additional discussion, clarify, or coordination.

1. SAFETY CONCERNS AT THE INTERSECTION OF TERRACE DR AND HWY 550:

The Town was contacted by Dan Roussin, CDOT Access Management Unit, regarding initial feedback on the Traffic Impact Study and this project in general. While the project has not been formally referred to CDOT through the review process, based on the concerns that Mr. Roussin brought up, the Town would like to provide the application materials to CDOT for their review. Upon initial review, Mr. Roussin was concerned that the traffic counts used seemed to be low and that increasing the trips to existing conditions may alter warrants based on the assessment. We also find it imperative to have their comments and recommendations prior to presenting the application to the Planning Commission for their consideration. This referral will be sent next week and we will coordinate with CDOT on their review timeline.

Furthermore, while the submitted traffic study was not analyzed in extensive detail, some of the assumptions made (i.e., most vehicles turn south out of Vista Terrace, reducing trip counts for ADUs, and the length of the proposed acceleration lane) raised concerns by the review team and will need additional justification or analysis.

Additionally, we are happy to hear that the developer will make a significant contribution to improvements to make this intersection safer for pedestrians and cyclists. However, we have additional questions about how much is "significant", what the recommended improvement would be and the cost of that improvement, who the contribution would be made to, and what is the triggering event or action.

In short, while we appreciate the response, staff does not feel the responses have not adequately addressed the concerns raised and additional discussion and consideration is needed to address the safety concerns at the intersection of Terrace Drive and HWY 550. Given the magnitude of these concerns, the proposed solutions must be further refined and understood in conjunction with the Sketch Plan approval.

2. LACK OF SECONDARY ACCESS TO VISTA TERRACE SUBDIVISION:

Thank you for providing the possible alignment of a secondary access. While the response letter requests to postpone further evaluation of this to be considered with the Preliminary Plat, the Town will need additional information pertaining to feasibility of the proposed alignment, and written confirmation and authorization that the property owner(s) agree to dedicate the access easement. Also, additional discussion between the development team and Town Staff will be needed on the timing of that dedication and on the proper dedication procedures prior to the Sketch Plan proceeding to the Planning Commission since this may affect the Sketch Plan application to include the entirety of the Endicott Property to plat that emergency access.

3. REDUCE THE PROPOSED DENSITY AND ADUS

This property is identified as Rural Neighborhood in the Master Plan. This classification contemplates between 0.1 and 1 dwelling unit per acre. This is a significant range which equates to between 4 and 42 dwelling units on this property. Further, the master plan identifies the following characteristics pertaining to Rural Neighborhoods: preserve rural areas, mitigate impacts to environmentally sensitive areas, continuation of agricultural or ranching activities, protect open spaces, and cluster residential development. Given the extensive number of constraints on this property related to access, wastewater, fire protection, and environmentally sensitive areas, the high end of the permitted density should not be anticipated. All of these constraints manifest themselves through the density. Much more analysis and justification will be needed by the applicant to support the proposed density and the impacts that density has on services, infrastructure, and public utilities.

4. VISUAL IMPACT OF DEVELOPMENT ALONG THE RIDGELINE:

The results of the story pole analysis will be helpful in understanding the visual impacts. While we appreciate the four photos of the story pole being submitted, they do not fully indicate the impacts as there is no indication of where they were taken from and where the pole is located in relation to the development.

Another option to address these impacts would be to include additional architectural design guidelines or limitations on building height or building envelopes (as proposed) to address these impacts. While the impacts may well be addressed adequately, the means of administering and enforcing those impacts will need to be clarified by the application narrative and sketch plan set and memorialized with the submittal of the Preliminary Plat.

5. REFERENCE FOR DEVELOPMENT TO CONNECT TO SANITARY SEWER

The response provided does not further address the concern, but rather seems to reiterate that since OWTS was allowed per the plat note, that the development doesn't need to further evaluate the feasibility in connecting to sanitary sewer. This is not the position the Town has on this development. OWTS should only be allowed if connecting is not an option. Furthermore, staff is not supportive of waiving town standards without due diligence and evaluation. This position is exacerbated given the extensive number of constraints and waivers from town standards necessary to develop this property. Public health is of the utmost importance and a development of the proposed density should be on public sewer.

Furthermore, upon an initial cursory review of the OWTS Feasibility Report, concerns about the location of test pits and consistency between the cover letter and the test pit logs were identified. Staff would like to understand why the test pits were only done in the roadway rather than in additional areas where leach fields will be located.

6. PROJECT IS LOCATED OUTSIDE OF IGB

Staff has not been able to dive into the assertions made that other developments have been approved outside of the IGB. While we are not suggesting the assertion is not correct, we believe

there are contextual considerations which applied in those cases which may or may not be applicable in this situation. Staff will further evaluate the projects identified to understand the context of those projects and present those in the Planning Commission staff report. However, we do not believe that this is an item that we as staff can give much additional guidance to as this would be a consideration in the discretion of the Planning Commission.

7. CPW IS CONCERNED WITH THE IMPACT THE DEVELOPMENT WILL HAVE ON WILDLIFE HABITAT

We appreciate the developer's willingness to place a conservation easement on prime elk habitat in exchange of lost habitat due to this development, however, to be considered as a benefit or mitigation of this project, the Town will need to be made assured, via written agreements or other acceptable means, that the conservation easement will come to fruition and provide the intended benefit and mitigation. Therefore, we don't see how this proposal can be decoupled from the consideration of this development application.

PREVIOUS COMMENTS IN LETTER DATED AUGUST 10TH NOT ADDRESSED

While we understand the staff review comment letter from August 10th was not explicitly identified as a concern of the Planning Commission, the numbered items addressed in the November 20th response letter only addressed the non-exhaustive, summary list included in the Action Letter dated September 6th. This letter identifies comments made in the second review letter which is the August 10th letter. Through the course of addressing the broader topics raised by the Planning Commission, the staff review comments should also be addressed to the best ability of the applicant.

Please review these comments and provide written responses to each. Where necessary, please update the various Sketch Plan materials and resubmit them to the Town for further review and evaluation. Please reach out if you have any questions regarding these review comments at tdlubac@planstrategize.com or 970-744-0623

Sincerely,

COMMUNITY PLANNING STRATEGIES, LLC



TJ Dlubac, AICP
Contracted Town Planner

Encl: 2nd Review Letter dated August 10, 2022

Cc: David Reed, Legal Representative for Owners
Preston Neill, Town of Ridgway Town Manager
Joanne Fagan, Town of Ridgway Town Engineer
Bo Nerlin, Town of Ridgway Town Attorney

August 10, 2022

Alpine Planning, LLC
c/o Chris Hawkins
PO Box 6542
Ridgway, CO 81432

SENT VIA E-MAIL TO *chris@alpineplanningllc.com*

RE: Four Winds Sketch Plan, 2nd Review Comments.

Dear Mr. Hawkins:

The above-mentioned application and supplemental materials were reviewed by the Town of Ridgway staff. The enclosed comments represent the findings of the review against applicable Town of Ridgway (Town) development and land use regulations.

The following comments are provided based on the 2nd review of the application and require additional action or response.

GENERAL COMMENTS:

Based on discussions with you and your team, we understand concessions and waivers are being requested for a variety of standards which are difficult and/or costly to meet with this project. Therefore, staff has discussed our comfort with various waivers and offer the following guidance:

- A. Staff is agreeable to allowing gravel roads; however, all other Town design standards shall be met.
- B. Safe and effective pedestrian connections within the development as well as to adjacent development(s) will be needed.
- C. The developer shall agree to participate in a General Improvement District (GID) or similar financing entity at such time one is formed to complete needed public improvements.
- D. Staff is agreeable to not require the project to connect to sewer at this time and the project not providing paved streets at this time; however, the Sketch Plan submittal shall include an exhibit map that identifies an adequate site for the initial leach field as well as a replacement field that is designed for the maximum number of bedrooms the lot may have.
- E. All other design standards and public improvements required by the Ridgway Municipal Code should be met by this project.

PLANNING COMMENTS:

The following items must be addressed and resubmitted to the Town to be reviewed and evaluated:

- 1. Identify disturbance areas on an exhibit provided with the preliminary plat and provide adequate measures to ensure such disturbance areas are enforceable in perpetuity with the submittal of the preliminary plat.
 - a. Consider adding the "disturbance area" to the preliminary plat and notes limiting development to that area.
- 2. Clarify on the preliminary plat that the open space will be preserved in perpetuity and cannot be developed beyond a biking/hiking trail. Further clarify that the open space will be privately owned and maintained, but that a public access easement is granted to allow the general public to utilize the proposed trail system.

3. Provide additional analysis on the proposed water conservation measures and landscaping restrictions and how they compare to the Town's landscape regulations with the preliminary plat.
4. Consider requiring wildlife-friendly trash enclosures and measures to reduce conflicts between wildlife and residents. Address this item further with the submittal of the preliminary plat.
5. The entire 44.4 +/- acres of the Endicott Property shall be included in this request to legally subdivide the parcel to allow the 9.95 acres to be included in the Four Winds Subdivision. This adjustment shall be reflected on the Preliminary Plat.
6. At a minimum, the 9.95 acres portion of the Endicott Property to be included in the development of this subdivision shall be rezoned to Residential in conjunction with the preliminary plat. Approval of a rezoning request shall be contingent upon the approval of a final plat. In no way does any one approval or required approval guarantee or bind the Planning Commission or Town Council to approve any other request. Each application shall be reviewed and evaluated on its own merits and be determined to meet the standards applicable to the specific request.
7. Add Note 1 from McChesney Minor Subdivision regarding Sewage Disposal to the Preliminary Plat.
8. Add Note 3 from McChesney Minor Subdivision regarding costs of improvements to the access to HWY 550 to the Preliminary Plat.
9. Further analysis and design shall be provided by the applicant related to water system improvements as required by Note 4 on the McChesney Minor Subdivision plat.
10. Steep slopes over 20% and elk winter concentration areas shall be depicted in relation to the proposed development in conjunction with the preliminary plat.
11. The applicant shall reach out to Colorado Parks and Wildlife and address recommended mitigation of this wildlife sensitive area prior to submittal of the preliminary plat.
12. The Sketch Plan identifies an easement to be vacated at the southeast corner of Lot 2, however, no additional information was provided. The reception number, grantee, and authorization to vacate by the grantee shall be provided with the preliminary plat.
13. The Project Information Table (pg. 10) shall be amended to account for Accessory Dwelling Units (ADUs) being developed within the subdivision to ensure all RMC performance standards of Sec. 7-3-18(G) of the RMC are being accounted for.

ENGINEERING COMMENTS:

From the white paper:

14. The subdivision should have two access points. It was expressed that a second access point was feasible through the Endicott Property earlier in the project, but this is not shown or discussed in the narrative. Either provide a second point of access or provide justification as to why a second access is not feasible in order for staff to adequately evaluate the proposal.
15. Road should be paved and have ADA compliant sidewalk.
16. Connection to sewer: The challenges to connecting to sewer are understood and appreciated. However, from a long-term service standpoint, every time the town allows septic systems, the harder it is to extend sewer and provide adequate services. While staff is agreeable to septic systems on these properties, Ouray County standards shall be met and an agreement to participate in a possible future GID and connect to future town sewer system shall be required for this project.

Sketch Plan

17. Pg 5 of revised sketch plan shows several lots that are less than one acre. Please confirm all lots meet the minimum lot size for On-Site Wastewater Treatment System (OWTS) in Ouray County.

18. The Preliminary Plat should include the dedication of adequate right-of-way and/or easements to accommodate future sewer installation.
19. Pg 5 of revised sketch plan shows a proposed single track bike trail that starts on a state highway with a 60 MPH speed limit and terminates on the steep section of Terrace Drive. Is that an asset or liability?
20. Pg 6 of the revised sketch plan shows 10' utility easements within the 60 ft ROW. Those should be on the private property not in Town ROW. ROW does not need easements.
21. The new water line needs to be connected to the existing water line in at least two places which are located so as to facilitate circulation and minimize the number of units out of service during any maintenance of the water lines. The current plans show two points of connection to the town main in Terrace Dr about 100 ft apart, not enough to facilitate either. The plans propose to add a new storage tank that would just address the domestic needs of the project and a small amount of fire flow, then the existing tank volume is being deducted from what they need. The storage tank for Vista Terrace needs to be a comprehensive solution rather than several small tanks that will be exhausted quickly.
 - a. Note the town requires 2 hours at 500 gpm for fire storage vs the proposed 1 hour at 750 gpm. Lines need to be sized for 750 gpm in this area per town standards. The new water lines should be designed as 6" lines. Calculations demonstrating that the project will carry 750 gpm shall be provided with the Preliminary Plat.
22. Demonstrate how does water get to the new tank? What measures are in place to ensure the water turns over?
23. Are easements included on the lots? Are the dotted lines, setbacks or easements? Please clarify with the Preliminary Plat that all minimum easement widths and uses required in the RMC are being provided.

Sketch Plan Narrative

24. Pg 2 of the narrative says 11% slope is suitable for development. The max slope for a town street is 7%. Leach fields are typically supposed to be level. Not sure of the basis for the concluding 11% is suitable. Plowing icy or snow packed roads steeper than 7% is challenging and a bit hazardous. Provide further explanation in the narrative as to why this was concluded?
 - a. Before the Town can agree to the current road configuration or to taking on long-term maintenance responsibilities, the proposed slopes of the roadways shall be provided or, at a minimum, provide a maximum slope the roads within the subdivision will not exceed. Anything steeper than 7% should be given very careful consideration.
25. Pg 2: Very little of Lots 7, 10 and 14 are shown within the 300 ft radius of a fire hydrant. This hydrant layout is a bit different from the original sketch plan. Is this revised version the correct version?
26. Pg 3: Bullet #7 says to they want to encourage ADU's. That will further increase the necessary size of the sewage disposal system, put more usage on their rural road, and more demand on the water system. All calculations (water, sewer, fire flows/hydrant locations, roadway design, traffic counts, etc.) must account for all potential development, including ADU's.
27. What are the remaining obligations of the Town under the water and sewer agreement quoted on page 4 of the narrative?
28. Pg 4 notes the applicant intends to limit total disturbance to 10,000 sf. This area needs to include appropriate space for the original leach field and a replacement field.
29. Pg 5, states that roads are low density and people can walk in the roadway insinuating that off-street pedestrian connections and/or ADA sidewalks are unnecessary. If ADU's are encouraged, the overall

density will be close to one dwelling per acre. Town regulations require sidewalk which seems appropriate at that level of development. If on-street sidewalks are not provided, it is recommended that the road be widened by at least 5 ft to better accommodated pedestrians and bikes.

30. Pg 6 states the applicant believes they meet the intent of plat note 4 of the McChesney plat for storage by provide another small tank. Staff's interpretation of this is that the intent of this note was for the developer to provide a comprehensive solution. Smaller water tanks to serve only this development is not a comprehensive solution. (see comment #21 above)
31. Pg 8 of the narrative – CDOT permit: The Town, County, and CDOT worked to get the added lanes referenced here. That was intended as a band-aid. The narrative says the developer will pay their prorata share of improvements. The Town has already made improvements, if additional improvements are required, they should be paid for by the development that is triggering the need. Please clarify the intent of these statements.
32. Pg 8 – Cul de sac: The entire road is viewed as a cul-de-sac, therefore, the applicable rules, regulations, and standards of the RMC and other adopted standards shall be met. Please confirm these are all met with how the project is being viewed.
33. Pg 8-9: The narrative makes an argument that a second access to the development is not needed. At least since the mid 2000's the Town has required two access points, although in several cases one has been emergency only. Town staff shared this requirement with Mr Quigley who indicated that an emergency access was practical. This second access shall be shown on the Sketch Plan to understand other impacts on the layout and design when that access point is added.
34. While the zoning does allow for a minimum lot size of 6,000 sf, this would only be allowed with the connection to municipal sewer which is not preferred by the applicant. Therefore, the standard should not be evaluated on the zoning allowances, but rather the OWTS standards for minimum lot size, separation, setbacks, and other siting and design criteria.
35. Pg 6 mentions that a storm water system will protect water quality but no provisions for storm water management have been included in the sketch plan materials. The project shall provide for a comprehensive solution to storm water management and not leave it to individual lots.

Please review these comments and provide written responses to each. Where necessary, please update the various Sketch Plan materials and resubmit them to the Town for further review and evaluation. Please reach out if you have any questions regarding these review comments at tdlubac@planstrategize.com or 970-744-0623

Sincerely,

COMMUNITY PLANNING STRATEGIES, LLC



TJ Dlubac, AICP
Contracted Town Planner

Cc: David Reed, Legal Representative for Owners
Preston Neill, Town of Ridgway Town Manager
Joanne Fagan, Town of Ridgway Town Engineer

Attachment D:
Planning Commission Action Letter
Dated September 6, 2022

September 6, 2022

Alpine Planning, LLC
c/o Chris Hawkins
PO Box 6542
Ridgway, CO 81432

E-Mail: chris@alpineplanningllc.com

RE: Four Winds Sketch Plan, Planning Commission Action Letter.

Dear Mr. Hawkins:

At its regularly scheduled meeting on August 30, 2022, the Town of Ridgway Planning Commission voted to continue the Sketch Plan for the Four Winds Subdivision to the December Planning Commission meeting (which may be held in January 2023 due to holidays) at your request as the applicant's representative. The vote passed 6-0. The Commissioners continued the application to allow time for the development team to further address the comments and topics discussed in the meeting in coordination with town staff. A summary of those topics is below:

- Safety concerns at the intersection of Terrace Drive and HWY 550 for vehicles, pedestrians, and cyclists.
- Lack of secondary access to Vista Terrace Subdivision.
- Reduce the proposed density and number of accessory dwelling units.
- Visual impact of development along the ridgeline.
- Preference to connect to sanitary sewer services to serve this project rather than OWTS.
- The project is located outside of the Initial Growth Boundary (IGB) as identified in the 2019 Master Plan.
- CPW's concerns with the impact the development could have on wildlife habitat.
- Concerns brought up in the Four Winds Sketch Plan, 2nd Review Comments letter.
- Other topics and discussions that were brought up and identified in the hearing.

Please prepare responses to these items, and others discussed in the staff review letter and brought up in the hearing and reach out to me to coordinate a follow-up meeting with Town Staff and consultants to discuss the application.

If you have any questions regarding any of this information, please feel free to reach out to me at 970-744-0623 or TDLubac@PlanStrategize.com.

Sincerely,

COMMUNITY PLANNING STRATEGIES, LLC



TJ Dlubac, AICP
Contracted Town Planner

Cc: Preston Neill, Town Manager, Town of Ridgway
Eric Faust, Four Winds Ranch 1, LLLP

Attachment E:
Four Winds Sketch Plan Narrative
Submitted September 22, 2022

Four Winds Subdivision Sketch Review



June 27, 2022



Four Winds at Ridgway Subdivision Overview

Four Winds Ranch 1 LLLP is under contract to purchase Lot 2 McChesney Subdivision (“**Lot 2**”) from the estate of Bernadine Endicott that is also of property that is legally described as the SE 1/4 of SE 1/4 of Section 9 and the NE 1/4 of the NE 1/4 of Section 16 all in T45N, R8W of the N.M.P.M. except that portion being described as Lots 25 - 48 and the common ground of Vista Terrace Subdivision, Filing No. 1 (“**Endicott Property**”). Lot 2 and the Endicott Property are shown in Figure 1. Lot 2 is located in the Residential Low Density District and the Endicott Property is in the Future Development District (Figure 2). Four Winds at Ridgway, LLC (“**Applicant**”) is under contract to purchase Lot 2 and 9.95 acres from the Endicott Property from the estate of Bernadine Endicott.

The proposed subdivision includes Lot 2 of the McChesney Subdivision that contains 33.09 acres and approximately 9.95 acres from the Endicott Property for a total subdivision area of 43.04 acres. The proposed subdivision includes 20 lots that range in size from 0.96 to 2.97 acres in size with an average lot size of 1.4 acres; two open space tracts that contain a total of 12.74 acres (29.6% of subdivision area); and a dedicated public right-of-way that contains 3.01 acres as shown in Figure 3. The overall density is one unit per 2.15 acres. Access to the proposed subdivision is from the Terrace Drive Right-of-Way.

The Four Winds at Ridgway Subdivision (“**Four Winds Subdivision**”) proposes the concurrent rezoning of the 9.95 acres from the Endicott Property to the Residential Low Density District. The Applicant is seeking to include the 9.95 acres into the subdivision because Lot 2 provides the only access to this area due to the steep slopes above the proposed subdivision within the Endicott Property; the approximate 11% topographic grade makes it very suitable for development; and the Town of Ridgway Master Plan (“**Master Plan**”) envisions this area developed as a Rural Neighborhood.

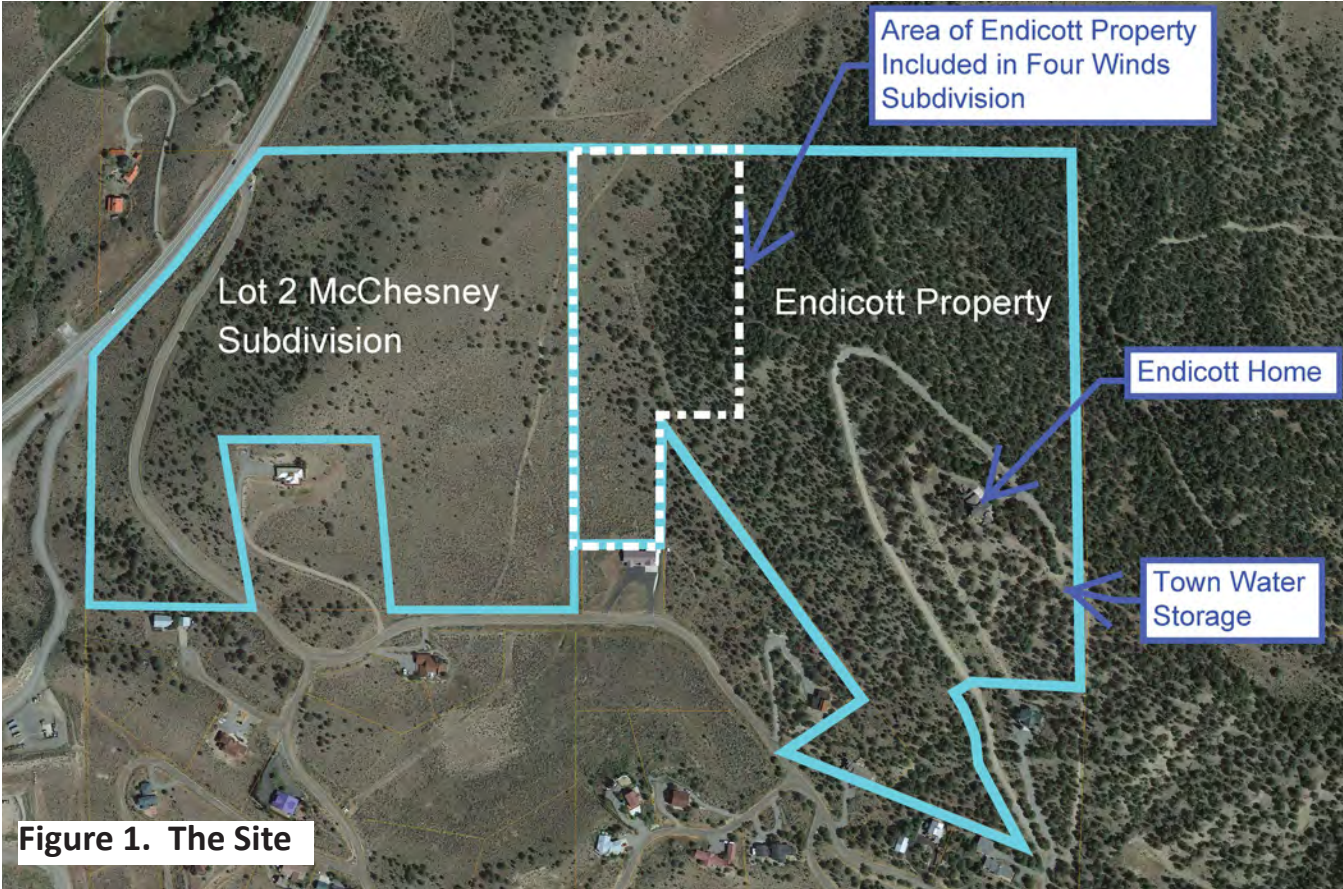


Figure 1. The Site

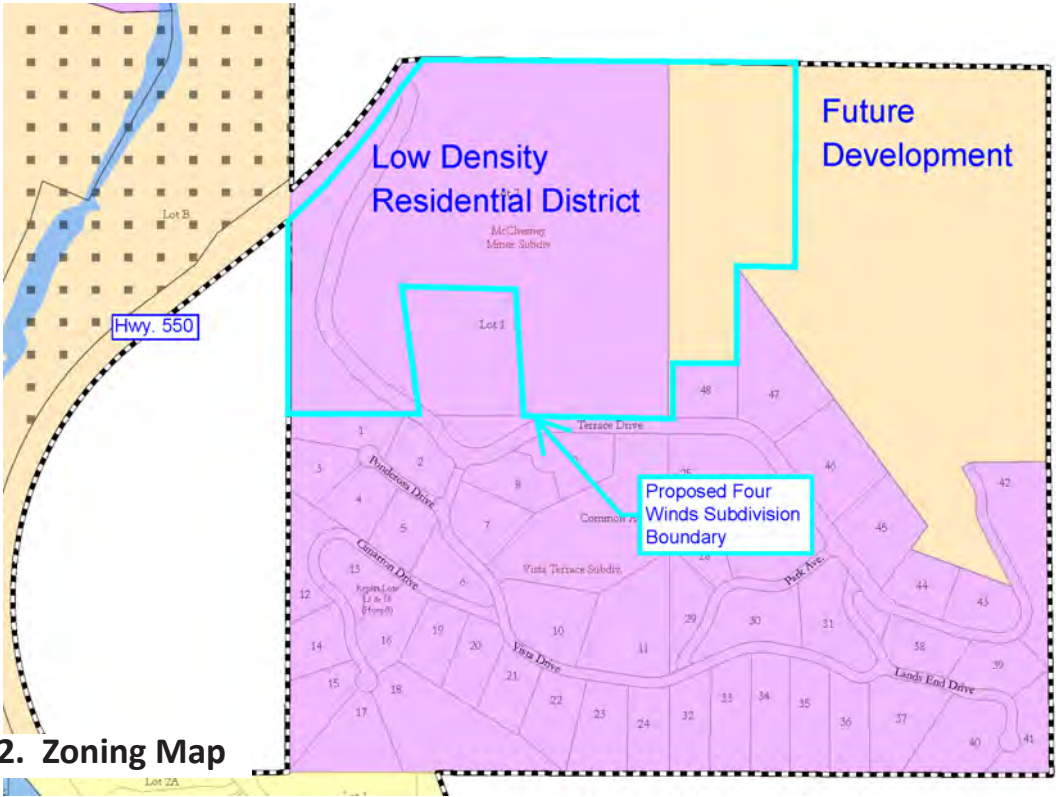


Figure 2. Zoning Map

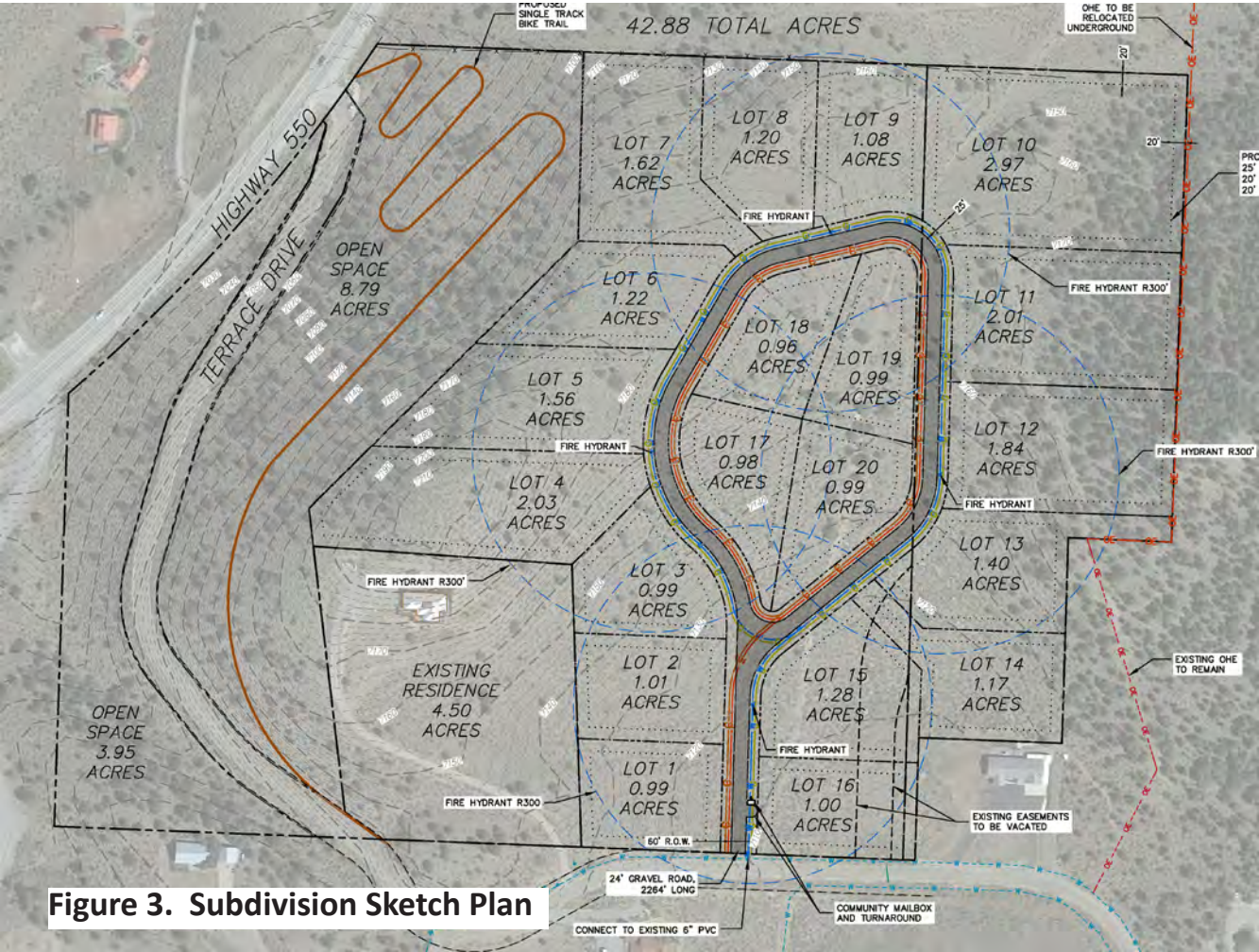


Figure 3. Subdivision Sketch Plan

The intent of the Four Winds Subdivision is to provide 20 lots that are sensitively developed with homes that minimize impacts and maximize views. The Applicant proposes to create subdivision design standards administered by a homeowners association that will require:

1. Development to be located within disturbance envelopes that have a 10,000 sq. ft. maximum size in which all improvements must be placed (except driveways, utilities, address monuments, etc.). Perimeter fencing of a lot will be prohibited to allow for wildlife movement through the Property.
2. Protection and preservation of the current sage habitat outside of the disturbance envelopes.
3. Fenced dog run or yard that is located within the disturbance envelope. Leashes will be required even when walking pets on the subdivision roads.
4. A minimum amount of solar power for each home.
5. Conduit for electric vehicle charging and solar hot water heating.
6. Limit the areas allowed for formal irrigated yards.
7. Encourage accessory dwelling units to provide additional housing.
8. Trash & recycling rooms or enclosures that are built into the primary home that are bear proof.
9. Design standards for the new homes to have a consistent design.
10. Lighting to be limited to required building egress doors, patios, decks or garage doors. No architectural lighting will be allowed.

The proposed subdivision density is one unit per 2.15 acres.

Vista Terrace Development History

The Town annexed Vista Terrace Addition in 1981 that included approximately 160 acres consisting of four 40-acre parcels that included the area in Vista Terrace Filing No. 1, Lot 2 and the Endicott Property (“**Vista Terrace Addition**”). The Town annexation originally applied the old, extant R1 Zone District to the Vista Terrace Addition that allowed one unit per acre.

Concurrent with the review of the annexation petition, the Town and the underlying property owners (“**Developers**”) entered into a Water and Sewer Agreement for the Vista Terrace Addition dated May 4, 1981 (“**Vista Terrace Water and Sewer Agreement**”) that remains effective. This agreement required:

1. Developers to construct an 8” and 6” water mains to serve the Vista Terrace Addition in accordance with Town standards.
2. The preferred route for the water main extension; Town assistance to Developers in obtaining necessary easements and a contribution from benefited properties, or for reimbursement at a set rate per tap.
3. Town inspection of the water main lines.
4. Any connections to the water main only allowed after Town authorization of the tap.
5. Town ownership and maintenance of the water main with any needed easements granted by the Developers.
6. A one-year warranty for the water lines and repair as needed during this term.
7. A requirement for the Developers to annex Vista Terrace Addition.
8. Developers to pay for all connections, related service lines and meters.

9. All users to be subject to Town water rates, terms and conditions as set forth by Town ordinances.
10. A \$10,000 sewer tap pre-payment towards sewer tap fees for Vista Terrace Additions Nos. 1 through 4 [Clear acknowledgment of future development].
11. Connection to Town provided sewer:

“The Town has no present plans to extend a sewer main to Developers’ property [Vista Terrace Addition] and development on Town sewer is presently unfeasible. Developers may utilize individual sewage disposal systems subject to applicable State regulations and Ouray County regulations. Whenever a Town sewer main is installed within 400 feet of any individual building on Developers property, such building, upon request by the Town, shall be connected to the sewer line and the owner of the building shall pay any connection and tape fees and other costs as required by applicable Town ordinances and regulations as amended from time to time.”
(“**Town-Vista Terrace Sewer Policy**”)

The Town approved the Vista Terrace Filing No. 1 Subdivision in 1982 with 48 lots on 75.541 acres that includes one 5.369 acres of common open space (7% of subdivision area). The overall Filing No. 1 density is one unit per 1.6 acres. The “Future Development” of the remaining Vista Terrace Addition is recognized on the Vista Terrace Filing No. 1 Plat as shown in Figure 4.

A June 16, 1994 letter to the Ridgway Town Council indicated that the Town had rezoned the north half of Vista Terrace Addition to Future Development. The McChesney family was one of the original Vista Terrace Addition Developers under the name of Aventura LLP. The Town rezoned the area in the McChesney Minor Subdivision back to the R1 Zone District in 1994 that included conditions for a minor subdivision and also that any development above a single family dwelling would require a binding overall development plan. The Town approved the second subdivision of Vista Terrace Addition with the McChesney Minor Subdivision in 1998 with Lot 1 and Lot 2 containing 4.5 acres and 33.09 acres, respectively, including several plat notes as cited in this narrative and Note 2 that requires a binding PUD or overall development plan to further subdivide Lot 1 or Lot 2. A letter to the City Council dated June 16, 1994 indicates that a sale was pending for Lot 2 so the primary reason for the subdivision was to split off Lot 2 for sale and development.

Sketch Plan Criteria

Subdivision Regulations Section 7-4-5(A)(1) requires that subdivision proposals be consistent with the town standards and be reviewed on the following criteria:

Conformance with the Master Plan and Zoning Regulations

The Master Plan’s envisions Lot 2 and the Endicott Property as a Rural Neighborhood with a maximum density of 0.1 to 1 dwelling unit per acre. The proposed subdivision density at one unit per 2.15 acres is 115% less than the maximum density envisioned by the Master Plan. Residential density will be limited to disturbance envelopes of 10,000 sq. ft. that will maintain the rural character, vegetation and natural habitat (Policy ENV-1.2). The 12.74 acres of open space, which represents approximately 30% of the subdivision area, will further maintain the rural character and natural habitat. Environmentally sensitive and natural hazard areas will be avoided (Policy ENV-1.1). The proposed gravel road and subdivision design will avoid excessive concentrations of stormwater and minimize the need for storm sewer infrastructure (ENV-3.4).

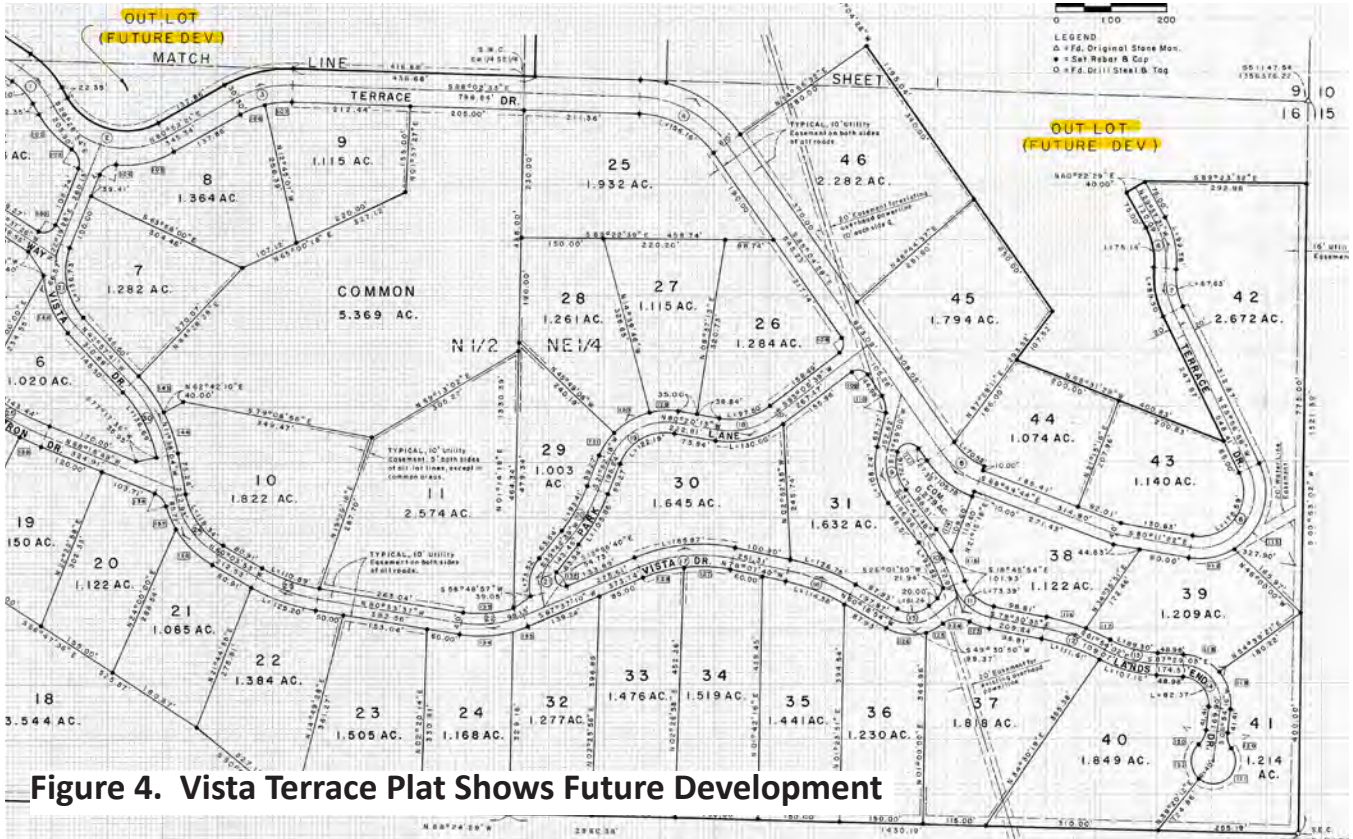


Figure 4. Vista Terrace Plat Shows Future Development

The limitation on formal irrigated yards will conserve water for the Town (ENV-3.6). The subdivision required minimum solar energy and the requirement to provide conduit for electric vehicle charging will require and encourage the use of renewable energy. The great solar access to each lot will further reduce energy use during the winter months. The subdivision will provide additional single-family residential housing opportunities in the town including accessory dwelling units and single-family homes (COM-2.1, COM-2.2). The subdivision design standards combined with the Town single-family design and dimensional standards will ensure the character of the Vista Terrace area and the Town are protected (CHR-1.1, GRO-1.5). The low density roadway allows for it to also be used for pedestrian use and a new trail is proposed across open space to the Highway 550 crossing and river trail access (CHR-1.2, CHR-7.2). The proposed subdivision open space will maintain the northern scenic Highway 550 corridor and gateway into the town preserving mountain vistas and natural character (CHR-6.1). The proposed disturbance envelopes and open space cluster development to preserve habitat and visual quality (GRO-1.6). The proposed subdivision development will pay for all the required infrastructure including installing electric, natural gas and telecommunications lines, and also pay for increased water storage needed to support the development (GRO-2.1). The proposed development will avoid hazardous areas including floodplains and steep slopes (GRO-3.1). Steep slopes have not been defined in the Municipal Code by the Town per Master Plan Action GRO-3b, while the Master Plan's Sensitive Areas Map states that hazard areas include slopes that are 20% or greater which is not the case in most Colorado mountain communities where slopes 30% or greater are considered potential hazard areas. Most Colorado communities allow for development of slopes that are 30% or less and allow even on steep slope areas if you provide a geotechnical report and engineered plans. More importantly, Ridgway has not defined steep slopes or established any steep slope regulations. On-site stormwater management will be provided per the Town's regulations and plans (GRO-3.2).

Environmentally sensitive such as wetlands, riparian areas will be avoided (ENV-1.1). **Wildlife per ENV-**

1.2 [Reserved pending wildlife impact report from CPW]. Noxious weeds will be managed and eliminated from the Property if present per the Ouray County Weed Plan (ENV-1.1). The subdivision stormwater system will ensure that drainage does not negatively impact local water quality (ENV-3.3). The looped gravel access road is designed for low impact development (ENV-3.4). The subdivision will require a minimum amount of solar energy, electric vehicle charging and similar green building measures (ENV-4.1 and ENV-4.2). The proposed open space and disturbance envelope will protect and preserve a big portion of the pinyon and juniper forest unless tree removal is needed for fire mitigation (ENV-5.1).

The proposed subdivision meets and exceeds the Residential Low Density District dimensional standards including the minimum lot width of 50 feet. The proposed setbacks of 25-foot front, 20-foot side and 20-foot rear setbacks far exceed the Town required setbacks of 15-foot front, 5-foot sides and 8-foot rear setbacks. Disturbance envelopes, which are also intended to provide view corridors along with other community benefits, will increase these setbacks in some instances. The smallest lot size of 0.96 acre or 42,688.8 sq. ft. significantly exceeds the minimum 6,000 sq. ft. Residential District lot size which is appropriate for this rural area.

Relationship of Development to Topography, Soils, Drainage, Flooding, Potential Natural Hazard Areas and Other Physical Characteristics

Most of the subdivision lots have gentle sloping topography with slopes less than 30%. A soils/geotechnical report will be provided with a future Preliminary Plat application as required by the Subdivision Regulations. Buckhorn Engineering will design the civil plans in accordance with Town regulations, including the required drainage and utilities plans. The site is not located in any mapped floodplain or other natural hazard areas. The sage habitat of the subdivision will be preserved through open space and disturbance envelopes.

Availability of Water, Sewer, Access and Other Utilities and Services

Water

Town staff indicated that adequate water supply is available for the lots in proposed subdivision from the Town water treatment system. Buckhorn Engineering calculates that the water storage requirement for the subdivision is 38,200 gallons plus the 18,000 gallons in the existing tank for a total of 56,200 gallons of peak day and fire flow of 750 gpm for 60 minutes. The Applicant, working in coordination with Buckhorn Engineering and the Town's consulting engineer, will design and install a new tank next to and attached to the existing tank along with associated water lines and system design. The added water tank storage capacity and associated benefits will be available to all of Vista Terrace Addition.

The Applicant believes that the construction of added water storage and the associated water lines will meet the following Note No. 4 on the McChesney Subdivision Plat relative to Lot 2:

"If required by the Town of Ridgway, the owners of Lots 1 and 2 will participate in a Special Improvement District for the purpose of expanding water storage capacity which serves these lots as well as the adjacent properties."

Plat Note 2 related to Lot 2 can be eliminated from the replat since the required water storage will be provided.

The proposed water system design for the subdivision is shown on Sheet SP-4 except for the water tank and connecting lines to such tank that will be provided with the engineered civil plans submitted with the future Preliminary Plat application. It is Buckhorn Engineering’s understanding that the current Town owned and operated water delivery system is adequate to serve Vista Terrace and the proposed subdivision. We will confirm this with the Town consulting engineer when preparing the civil engineered plans for the Four Winds Subdivision.

[Sewer](#)

The McChesney Subdivision Plat Note 1 states:

“A Town sewer system is not available to serve Lots 1 and 2 of this subdivision. No building permit or other development permit shall be issued for any Lot until Individual Sewage Disposal System Permit (ISDSP) has been issued. In order for an ISDSP to be issued, the applicable requirements of Colorado statutes and regulations, and Town Regulations, if any, as in effect from time to time, must be met. The Town shall have no responsibility on account of its denial of an ISDSP for any lot which cannot meet the requirements and applicable law.

It shall be the responsibility of the owner of any lot to maintain any permitted individual sewage disposal system in good operating order in accordance with State law. Failure to maintain a system can result in civil and criminal penalties.

The owner of each lot shall be aware that the property within this subdivision may be included within the boundaries of a sewer system improvement district and assessed for the cost of connection for each lot, and applicable tap fees, at such time as the Town, in its discretion, deems it advisable to cause the creation for such district.”

The Town specifically permits septic systems for Lot 2 pursuant to Plat Note 1 that was approved by the Town in 1998, and pursuant to the Town-Vista Terrace Sewer Policy. It has been 28 years since the Town permitted septic systems for Lot 2 and a Town sewer system is still not available to serve the Vista Terrace area. The Town also contemplates allowing septic systems per Subdivision Regulations Section 7-4-3(C) that does not allow a septic tank permit or other permits to be issued for a property that is in violation of the regulations.

Likewise the Vista Terrace Water and Sewer Agreement specifically states in Paragraph 11 that, “The Town has no present plans to extend a sewer main to Developers’ property and development on Town sewer is presently unfeasible. Developers may utilize individual sewage disposal systems subject to applicable State regulations and Ouray County regulations.” To Applicants knowledge, this Agreement has never been terminated nor amended and thus is still in full force and effect. Certainly, conditions have not materially changed in the intervening years. The Applicant understands that there should be a plat note for the Four Winds Subdivision plat that recognizes the Property may be included into a sewer system improvement district per Plat Note 1 or require properties to connect if a sewer line is extended within 400 feet of home per the Vista Terrace Water and Sewer Agreement.

[Highway 550 Access](#)

The Town approved Vista Terrace Drive as the main access for Vista Terrace Addition and the Vista Terrace Filing No. 1 plat in 1982. The Colorado Department of Transportation (“CDOT”) and the Town did not require any improvements to Highway 550 at that time with the CDOT access permit issued on September 17, 1981. The CDOT access permit included several conditions including one that required

acceleration and deceleration lanes to be constructed to Terrace Drive when required by CDOT.

The 1998 McChesney Subdivision Plat Note 1 states:

“This subdivision and/or development of the lots shown hereon may trigger requirements of the Colorado Department of Transportation for improvements to the intersection of U.S. Highway 550 and Terrace Drive. Any subdivider or developer of the property will be responsible for some or all of the costs of these improvements which are not assumed by the State as determined by the Town Council and this responsibility may be a condition of further subdivision or development approval. Lots created hereon may also be subject to costs and assessments for the costs associated for such improvements. The Ridgway Town Clerk is hereby appointed as the attorney-in-fact of the owners of the lots shown hereon for the proposes of executing petitions for the creation of improvement districts to pay for the costs of such improvements and to vote in any election which may be required to approve financial obligations in order to finance the costs of such improvements.”

CDOT constructed the acceleration and deceleration lanes in 2008 in conjunction with similar lanes to the County shop/office area.

The Applicant is preparing a traffic impact analysis that will be submitted to CDOT for review and determination if any additional highway improvements are needed. The Applicant agrees to pay for its proportional share of any needed improvements. We are respectfully requesting that the Planning Commission’s approval of the Four Winds Subdivision Sketch Plan include a condition that the Applicant obtain the written approval or access permit from CDOT consistent with Subdivision Regulation Section 7-4-7(C)(3):

“Access to any public highway under the jurisdiction of the State Department of Highways shall be subject to the provisions of the State Highway Access Code.”

[Town Access](#)

The Town approval of Vista Terrace Addition annexation, Vista Terrace Filing No.1 and the McChesney Minor Subdivision (“**Prior Town Approvals**”) did not require any secondary access to Highway 550 or the Ridgway USA development (Ridgway Village). Vista Terrace Filing No. 1 does not have any public rights-of-ways that could access Ridgway Village, and the sketch plans approved by the Town for Vista Terrace Addition did not show any secondary access. Thus, the Town approved Vista Terrace as a dead end subdivision without secondary access knowing the only viable, platted and planned route for access is Vista Terrace Drive. It appears that CDOT and the Town understood that there would be several cul-de-sacs within Vista Terrace Addition based on plans that were presented to CDOT and we presume the Town and as shown in Exhibit A.

Subdivision Regulation 7-4-7(C)(7)-(8) state:

“(7) Cul-de-sacs shall be permitted, provided they are not more than 500 feet in length and have a turn-around diameter of at least 100 feet. Surface drainage shall be toward the intersecting street, or if this is not possible, a drainage easement shall be required through the cul-de-sac.

(8) Dead-end streets, with the exception of cul-de-sacs, shall be prohibited unless they are designed to connect with future streets in adjacent land that has not been platted, in which cases

a temporary turn-around easement of 80 feet shall be required.”

The Prior Town Approvals of the Vista Terrace Addition annexion, Vista Terrace Filing No. 1 and the McChesney Minor Subdivision were all predicated upon this development having only one access route in and out of the subdivision via Terrace Drive. There is no way to provide secondary access through Ridgway Village to the south, and lands to the north and east of Vista Terrace Addition are located outside of the Town and the Urban Growth Boundary.

The proposed Four Winds Subdivision access is not a cul-de-sac access that ends in a turning circle. It is designed as a looped road that is 24 feet in width. There is not an express Subdivision Regulation prohibition on this type of looped road. The proposed looped access road is not specifically permitted by the Subdivision Regulation Design Standards so the Applicant is seeking approval of the looped road design pursuant to 7-4-7(A):

“All subdivisions shall conform to the minimum design standards of, this Section. The Town Council may allow deviation from these standards if it determines that unusual topography or a hardship exists, or that alternative standards will more effectively protect the quality of the subdivision and the public welfare, or more effectively achieve the purposes of these Subdivision Regulations.”

The looped road design is a function of the current Lot 2 platted configuration, community desired density, reasonable use, and topography. The Lot 2 frontage onto Terrace Drive is 538.5 feet; however, approximately 122.54 feet is encumbered by a road, access and utility easement to Lot 1 that can also be subdivided in the future. This leaves approximately 417 feet of frontage that can be used for subdivision access. The Town Subdivision Regulations require 60 feet for a right-of-way that leaves 357 feet for subdivision access and platting one-acre or greater lots. The Sketch Plan shows that you can only create 1 acre lots along the entry drive if it is a looped access design. Requiring dual access with a U-shaped road would only result in smaller lots along the frontage road while also causing significant, avoidable disturbance to the natural environment and wildlife habitat.

The underlying Residential zoning permits lots that are 6,000 sq. ft. in size and the development team knows that this level of density is not acceptable in Vista Terrace Addition. That is why the development has been planned at a density of one unit per approximately 2 acres. This large lot development is only possible with the looped access road as designed. In 1982, the expected density was one unit per acre based on the original R1 zoning that would be approximately 40 lots in the Property. The Applicant is only seeking 20 units that it believes represents reasonable use of the property based on the current underlying zoning that allows over 250 units based on the minimum lot size of 6,000 sq. ft.

The looped access road design is also a function of the topography that rises to the west of the planned access road. Creating a U-shaped road more into the hillside would result in more cut and fill than the current location, and also remove more natural vegetation and habitat due to such slopes.

A new emergency access route is now proposed that would utilize the driveway to Lot 14 and then run down the east side of Lots 15 and 16 should the main drive become blocked. Please refer to Sheet SP-5.

Subdivision Regulation Section 7-4-6(A)(6) states: “Streets shall be paved in circumstances where required by Town street specifications.” The subdivision road is planned as a gravel road for this rural subdivision. Gravel roads are a permitted street surface material per the Town of Ridgway Standards

and Specifications and Typical Drawings for Infrastructure Construction (“**Specifications**”). The Specifications include a “Typical Drawing” for a “Typical Gravel Street”. A gravel street is proposed because it is permitted in the Specifications, there is no paving within the Vista Terrace Addition, the cost of the paving, the Town cost for maintaining the paving versus gravel, added stormwater discharge due to paving, added carbon footprint of paving, and due to the rural nature of the subdivision.

[Other Infrastructure](#)

Electric, natural gas and telecommunications infrastructure are available in the Terrace Drive Right-of-Way.

Compatibility with the Natural Environment, Wildlife, Vegetation and Unique Natural Features

The proposed open space, disturbance envelopes, dog control measures and normal Town construction mitigation requirements will ensure the natural environment, vegetation and wildlife are protected. Other sections in this narrative document how the natural environment, wildlife and vegetation are being protected.

Public Costs, Inefficiencies and Tax Hardships

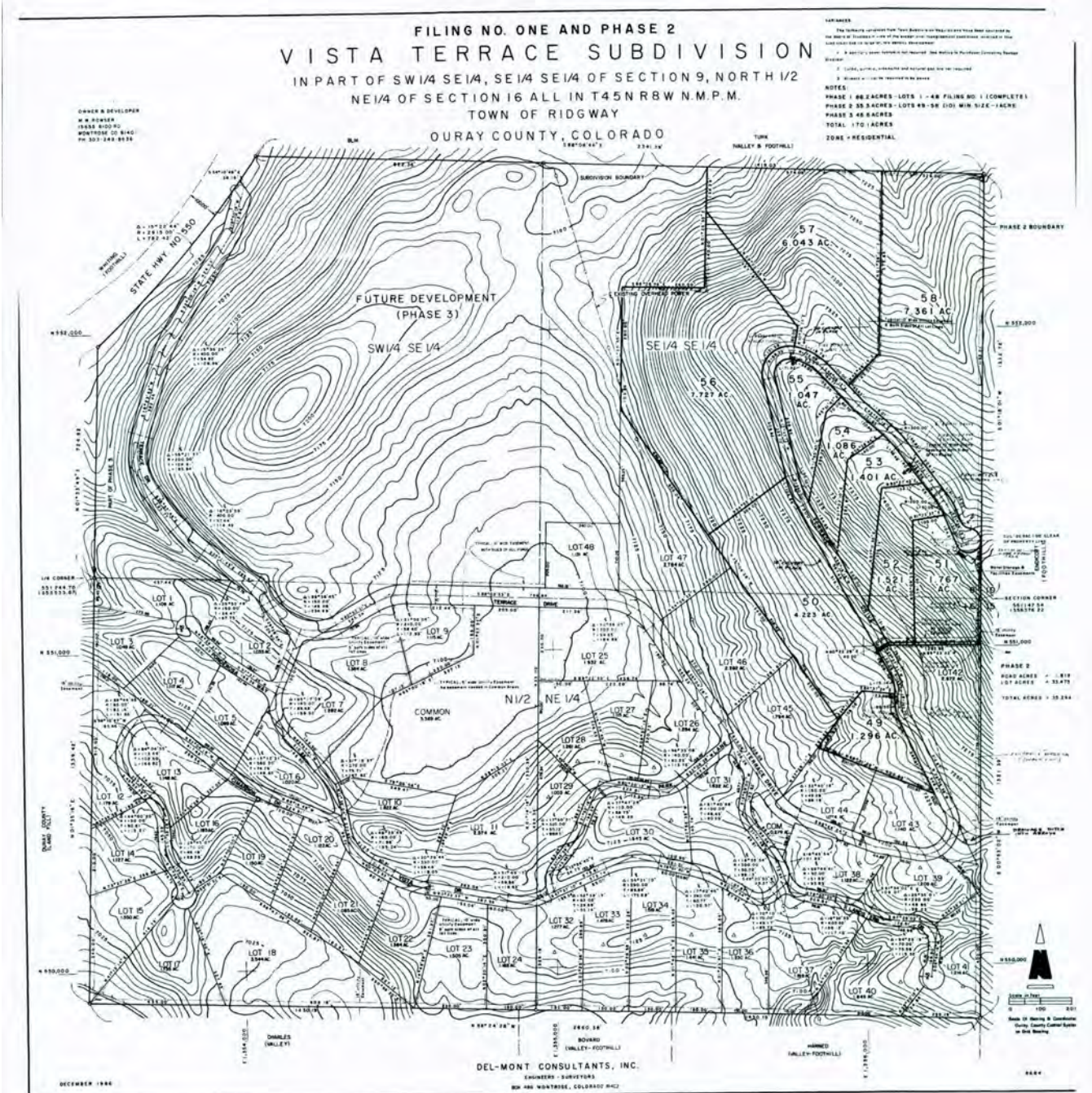
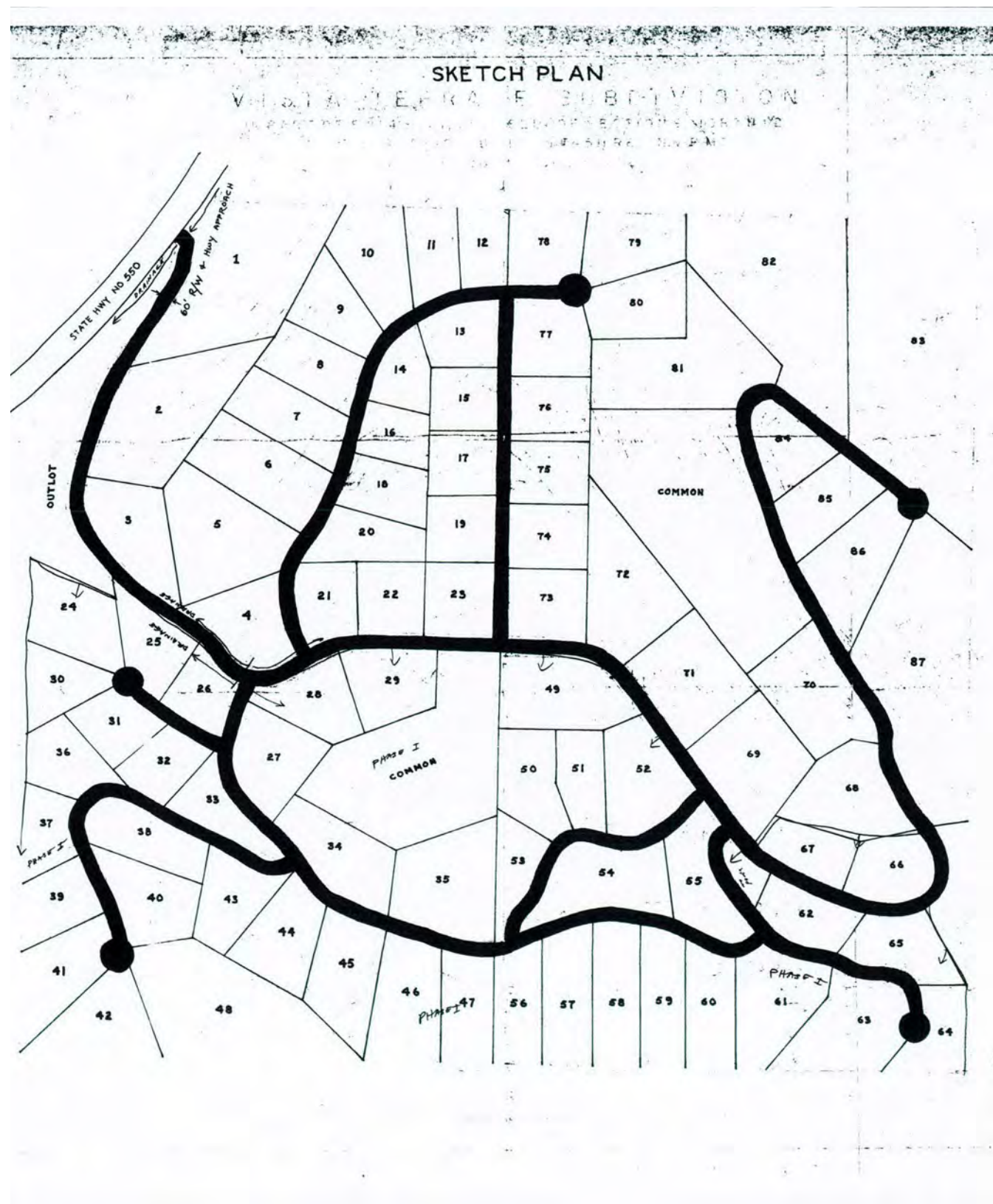
The proposed development will pay for all required subdivision improvements including connections to existing infrastructure in the Terrace Drive Right-of-Way, and for the required water storage generated by this development.

Project Information Table

Number of Single-family Lots	20
Estimated Water and Sewer Use Per Lot	450 GPD
Estimated Maximum Water and Sewer Use	9,000 GPD
Number of Bedrooms Per Unit	3
Total Bedrooms	60
Estimated Maximum Population	120 (2 persons per bedroom)
Parking Spaces Per Lot	2
Amount of Parking Provided in Garage Parking	2 garage spaces required by design guidelines
Amount of Required Parking (2 space per Lot)	40 spaces
Extra Parking	10 spaces
Estimated Subdivision Infrastructure Cost	\$840,000*
General Land Use Divisions	Single-family homes
Dedication of Water Rights	No water rights are assigned to Lot 2
Public Use Areas	Open space with public trail per sketch plan

*Includes 20% contingency. Civil engineer will provide refined costs for the preliminary plat application.

EXHIBIT A. Vista Terrace Addition Sketch Plans



Attachment F:
Four Winds Sketch Plan Set
Revision Date September 16, 2022

FOUR WINDS AT RIDGWAY SKETCH PLAN

SITUATED IN SECTION 9, TOWNSHIP 45 NORTH, RANGE 8 WEST,
NEW MEXICO PRINCIPAL MERIDIAN,
COUNTY OF OURAY, STATE OF COLORADO



VICINITY MAP
NOT TO SCALE

SKETCH PLAN INDEX

- SP-1 COVER SHEET
- SP-2 EXISTING CONDITIONS
- SP-3 SKETCH PLAT
- SP-4 ZONING PLAN
- SP-5 PROPOSED IMPROVEMENTS
- SP-6 DETAILS

LEGEND

PROPOSED	EXISTING	
-----	-----	RIGHT-OF-WAY LINE
-----	-----	ROAD CENTERLINE
-----	-----	EASEMENT
.....	SETBACK
-----	-----	PROPERTY LINE
-----8475-----	-----8455-----	CONTOURS MAJOR
-----	-----	CONTOURS MINOR
⬢	⬢	MAIL BOX
○	○	POST
●	●	SIGN
x x	x x	FENCE
→	→	DITCH
→	→	SANITARY SEWER SERVICE (DYNAMIC)
□	□	SANITARY CLEANOUT
└	└	SANITARY LINE END CAP
⊙	⊙	SANITARY SEWER MANHOLE
—S—S—	—S—S—	SANITARY SEWER LINE
	⊙	WATER MANHOLE
	⊙	WATER VAULT
	⊙	WATER VALVE
	⊙	FIRE HYDRANT
	⊙	FIRE DEPARTMENT CONNECT
	⊙	WATER METER
	⊙	WATER SERVICE OR CURB STOP
—W—W—	—W—W—	WATER LINE
⊙	⊙	IRRIGATION CONTROL BOX
⊙	⊙	IRRIGATION VALVE
—IR—	—IR—	IRRIGATION LINE
-----	-----	IRRIGATION SLEEVE
⊙	⊙	STORM DRAIN MANHOLE
⊙	⊙	STORM DRAIN CATCH BASIN AT CENTER
⊙	⊙	STORM DRAIN CATCH BASIN TOP INLET
—SD—SD—	—SD—SD—	STORM DRAIN LINE
		CULVERT
>	>	CULVERT END
⊙	⊙	TRANSFORMER
⊙	⊙	ELECTRIC PED
●	●	UTILITY POLE
←	←	GUY WIRE
—OE—OE—	—OE—OE—	ELECTRIC LINE OVERHEAD
—E—E—	—E—E—	ELECTRIC LINE UNDERGROUND
⊙	⊙	COMMUNICATIONS BOX
—C—C—	—C—C—	COMMUNICATIONS LINE
⊙	⊙	GAS METER
—G—G—	—G—G—	GAS LINE
		GRAVEL ROAD

REVISIONS		BY
REV	DATE	DESCRIPTION
1	6/27/22	REVISED PER TOWN COMMENT
2	8/15/22	REVISED PER TOWN COMMENT

BUCKHORN

ENGINEERING

222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

FOUR WINDS AT RIDGWAY

SKETCH PLAN
COVER SHEET

PROJECT	2022-018-CIV
DATE	04/26/2022
DRAFTER	WL
CHECKED	DCQ
BUCKHORN ENGINEERING	

SHEET

SP-1

SHEET 1 OF 6



REV	DATE	DESCRIPTION	BY
1	6/27/22	REVISED PER TOWN COMMENT	DQ
2	8/15/22	REVISED PER TOWN COMMENT	DQ

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Montrose, Colorado 81401
970-249-6828

FOUR WINDS AT RIDGWAY
SKETCH PLAN
SKETCH PLAT

PROJECT	2022-018-CIV
DATE	04/26/2022
DRAFTER	WL
CHECKED	DCQ

SHEET
SP-3
SHEET 3 OF 6

FOUR WINDS RANCH I, LLLP
741 TERRACE DRIVE, RIDGWAY, CO 81432

33.09
ACRES

BERNADINE C ENDICOTT
741 TERRACE DRIVE, RIDGWAY, CO 81432

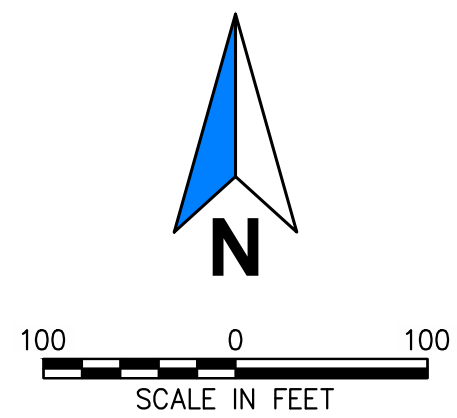
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ACRES

KATHLEEN J. & STEPHEN R. MCCOMB
PO BOX 1247, RIDGWAY CO 81432

JACK WILLIAM FAY
475 TERRACE DR, RIDGWAY CO 81432

RESIDENTIAL

FUTURE DEVELOPMENT



FOUR WINDS AT RIDGWAY

SKETCH PLAN

ZONING PLAN

BUCKHORN

ENGINEERING

222 South Park Avenue

Montrose, Colorado 81401

970-249-6828

REV		DATE	DESCRIPTION	BY
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2		8/15/22	REVISED PER TOWN COMMENT	DQ

PROJECT2022—018—CIV

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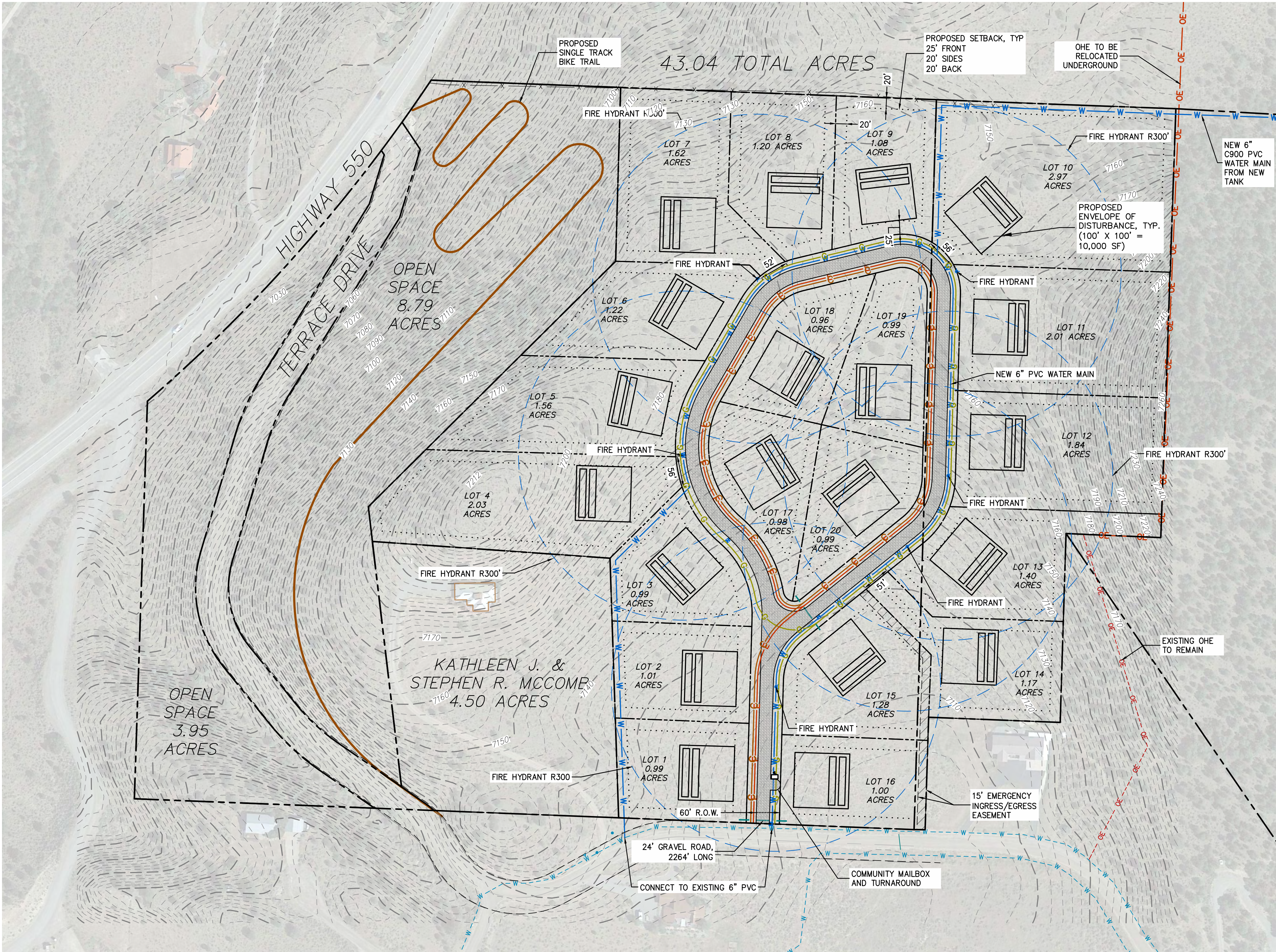
BUCKHORN ENGINEERING

SHEET

SP-4

SHEET 4 OF 6

T:\CIVIL\2022\018-CIV Four Winds Subdivision\65CAD\CB-FOUR WINDS.dwg PLOT DATE 2022-8-16 17:09 SAVED DATE 2022-08-16 17:04 USER: wildgate



NOTE 1. DEVELOPMENT ON EACH LOT, INCLUDING BUT NOT LIMITED TO FENCING, LANDSCAPING, GRADING, DRAINAGE, PERMITTED BUILDINGS, INCLUDING ROOF DRILLINES, PATIOS, DECKS AND SEPTIC SYSTEMS SHALL BE LOCATED ENTIRELY WITHIN THE 100' X 100' DISTURBANCE ENVELOPES SHOWN ON THE PLAT EXCEPT FOR DRIVEWAYS AND ASSOCIATED GRADING, TREE REMOVAL FOR FIRE MITIGATION, DRAINAGE, SNOW STORAGE, ADDRESS MONUMENTS, AND UTILITIES. THE NATURAL HABITAT OUTSIDE OF THE DISTURBANCE ENVELOPES WILL BE PRESERVED IN ITS NATURAL STATE.

NOTE 2. SURVEY TIE-INS WITH BEARINGS AND DISTANCE WILL BE PROVIDED FOR EACH DISTURBANCE ENVELOPE WITH THE PRELIMINARY PLAT.

NOTE 3. THE OPEN SPACE SHOWN ON THIS PLAN WILL BE PRESERVED IN PERPETUITY AND IS ONLY ALLOWED TO HAVE PASSIVE OPEN SPACE USES APPROVED BY THE TOWN. THE OPEN SPACE WILL BE PRIVATELY OWNED, MANAGED AND MAINTAINED BY THE FOUR WINDS AT RIDGWAY HOMEOWNERS ASSOCIATED. A PUBLIC TRAIL EASEMENT WILL BE DEDICATED ON THE TOWN ON THE PRELIMINARY PLAT FOR ANY APPROVED TRAIL THROUGH THE OPEN SPACE.

NOTE 4. WILDLIFE RESISTANT TRASH AND RECYCLING STORAGE ROOMS OR ENCLOSURES WILL BE REQUIRED FOR EACH HOME.

NOTE 5. A TOWN SEWER SYSTEM IS NOT AVAILABLE TO SERVE THE FOUR WINDS AT RIDGWAY SUBDIVISION. NO BUILDING PERMIT OR OTHER DEVELOPMENT PERMIT SHALL BE ISSUED FOR ANY LOT UNTIL INDIVIDUAL SEWAGE DISPOSAL SYSTEM PERMIT (ISDSP) HAS BEEN ISSUED. IN ORDER FOR AN ISDSP TO BE ISSUED, THE APPLICABLE REQUIREMENTS OF COLORADO STATUTES AND REGULATIONS, AND TOWN REGULATIONS, IF ANY, AS IN EFFECT FROM TIME TO TIME, MUST BE MET. THE TOWN SHALL HAVE NO RESPONSIBILITY ON ACCOUNT OF ITS DENIAL OF AN ISDSP FOR ANY LOT WHICH CANNOT MEET THE REQUIREMENTS AND APPLICABLE LAW. IT SHALL BE THE RESPONSIBILITY OF THE OWNER OF ANY LOT TO MAINTAIN ANY PERMITTED INDIVIDUAL SEWAGE DISPOSAL SYSTEM IN GOOD OPERATING ORDER IN ACCORDANCE WITH STATE LAW. FAILURE TO MAINTAIN A SYSTEM CAN RESULT IN CIVIL AND CRIMINAL PENALTIES. THE OWNER OF EACH LOT SHALL BE AWARE THAT THE PROPERTY WITHIN THIS SUBDIVISION MAY BE INCLUDED WITHIN THE BOUNDARIES OF A SEWER SYSTEM IMPROVEMENT DISTRICT AND ASSESSED FOR THE COST OF CONNECTION FOR EACH LOT, AND APPLICABLE TAP FEES, AT SUCH TIME AS THE TOWN, IN ITS DISCRETIONS, DEEMS IT ADVISABLE TO CAUSE THE CREATION FOR SUCH DISTRICT.

NOTE 6. RESERVED NOTE REGARDING CDOT ACCESS PERMIT REQUIREMENTS. FOUR WINDS AT RIDGWAY, LLC IS COMPLETING A TRAFFIC ANALYSIS THAT WILL BE SUBMITTED TO CDOT FOR REVIEW AND COMMENT. SUBDIVISION REGULATIONS SECTION 7-4-7(C) ESTABLISHES THAT "ACCESS TO ANY PUBLIC HIGHWAY UNDER THE JURISDICTION OF THE STATE DEPARTMENT OF HIGHWAYS SHALL BE SUBJECT TO THE PROVISIONS OF THE STATE HIGHWAY ACCESS CODE".

- NOTE 7.
- ASSUMPTIONS FOR OWTS LAYOUT
 - TYPE 2A SOILS, LTAR = 0.5
 - 5 BEDROOMS PER LOT
 - INFILTRATORS W/ PRESSURE DOSING STA BEDS
 - TYPICAL OWTS CALCULATIONS
 - 5 X 2 X 75 = 750 GPD
 - 750/0.5 = 1500 SQ. FT.
 - 1500 X 1.0 (PRESSURE Dosed BED FACTOR) = 1500 SQ. FT.
 - 1500 X 0.7 = 1050 SQ. FT
 - AVERAGE BED = 12' X 88'

SETBACKS		
	REQUIRED	PROPOSED
FRONT	15'	25'
SIDES	8'	20'
BACK	5'	20'

LEGEND

- GRAVEL ROAD
- 100' X 100' DISTURBANCE ENVELOPE. SEE NOTE 1 ABOVE
- ASSUMED PRIMARY AND SECONDARY STA BEDS, 12' X 88' EACH. SEE NOTE 7 ABOVE

REV	DATE	REVISIONS	
		DESCRIPTION	BY
1	6/27/22	REVISED PER TOWN COMMENT	DQ
2	8/15/22	REVISED PER TOWN COMMENT	DQ

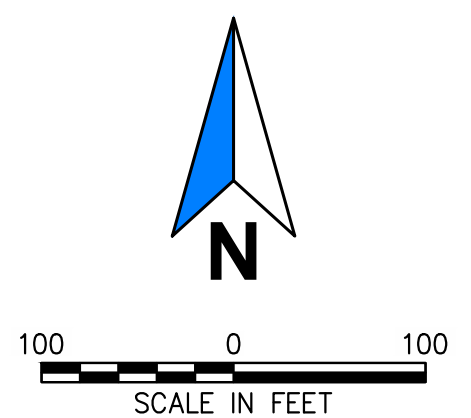
BUCKHORN
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222 South Park Avenue
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970-249-6828

FOUR WINDS AT RIDGWAY
SKETCH PLAN
PROPOSED IMPROVEMENTS

PROJECT 2022-018-CIV
DATE 04/26/2022
DRAFTER WL
CHECKED DCQ
BUCKHORN ENGINEERING
SHEET
SP-5
SHEET 5 OF 6



20 LOTS x 350 GPD x 1.6 PEAK DAY FACTOR = 11,200 GPD
 11,200 GPD + 750 GPM x 60 MINUTES = 56,200 GALLONS
 56,200 GALLONS - 18,000 GALLONS OF EXISTING TOWN STORAGE = 38,200 GALLONS REQUIRED
 ACTUAL TANK CONFIGURATION TO BE DETERMINED



BUCKHORN
ENGINEERING
222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

FOUR WINDS AT RIDGWAY

SKETCH PLAN DETAILS

PROJECT	2022-018-CIV
DATE	04/26/2022
DRAFTER	WL
CHECKED	DCQ
BUCKHORN ENGINEERING	

SHEET

SP-6
SHEET 6 OF 6

Attachment G:
Stolfus and Associates / CDOT TIS Review Letter
December 28, 2022



Memorandum

To: Randee Reider, R5 Access Manager
From: Matt Brown, PE, PTOE
Date: 12/28/2022
Re: Four Winds TIS Access Review

Based on State Highway Access Code (SHAC) requirements, the Four Winds development requires a state highway access permit application at the Terrace Drive access to CO-550:

Highway:	Access:	Milepost:	Side:
550B	Terrace Drive	104.62	Right

Project: Four Winds

Submittal Type: ☒ Traffic Impact Analysis ☐ Variance Request
☒ Turn Lane Analysis ☐
Document date: 10/6/2022 ☒ Original ☐ Revision
Consultant: Dibble
Engineer of Record: Nicholas J. Westphal, PE

TIS Review Comments

After reviewing the traffic study and discussing it with you, I recommend that the Applicant be asked to resubmit the traffic study to address the following issues:

1. Traffic Data Collection

The traffic data was collected in two-hour blocks which is not conducive to performing a peak hour analysis as required by the State Highway Access Code. Intersection turning movement counts should be collected in 15-minute intervals to enable the peak 60-minute interval and corresponding peak hour factor to be determined. In addition, the amount of existing traffic using the access is less than expected given the level of existing development and applying rates from the ITE Trip Generation Manual. A recount is requested to provide the additional detail needed for the study and to confirm current traffic activity at the driveway.

2. Trip Generation

The study assumes the correct number of accessory dwelling units allowed by the current entitlements. However, given that accessory dwelling units may consist of stand-alone dwelling units (e.g., tiny homes) it is reasonable to apply single-family detached trip generation rates to them. By my calculation, using the fitted curve (recommended) rather than the average rate and including the 11 units for the neighboring development, I estimate

30 site-generated trips during the a.m. peak hour and 38 site-generated trips during the p.m. peak hour. The study calculated 25 trips during the a.m. and 33 trips during the p.m. peak hour.

3. Trip Distribution

In this case, how trips approach and depart the access is best estimated based upon existing traffic count data. Directional trips along CO-550 reflect 230 (32%) northbound and 495(68%) southbound during the a.m. peak hour and 661(66%) northbound and 336(34%) southbound during the p.m. peak hour. In light of this data, a directional split of 2/3 (66.6%) to and from the south and 1/3 (33.3%) to and from the north seems reasonable.

In addition, the applicant's traffic engineer has requested that CDOT consider reducing the posted speed limit at this location from 60MPH to 45MPH. Doing so would extend the 45MPH zone from Ridgway approximately $\frac{3}{4}$ mile further north. Absent a speed study that supports such a change, modifying the speed limit is not recommended.

Submittal review status

- ☒ Submittal reviewed. Additional information requested. See comments above.
☐ Submittal reviewed and found acceptable. See special terms and conditions, if any, below.

Traffic Volume Summary for 550B MP 104.62 Right (Terrace Drive)

	2042 Background Traffic	Project Traffic	Project/Existing
PM Peak Hour	TBD	TBD	>20%
AM Peak Hour	TBD	TBD	>20%

Total count of all vehicles (peak hour): **TBD**

Access Category: R-A, speed limit (primary) 60MPH, (secondary) 60MPH

Terms and Conditions

TBD

Attachment H:
Application Materials



Official Use Only

Receipt # _____

Date Received: _____

Initials: _____

Planning Commission Hearing Request

General Information

Applicant Name	Chris Hawkins dba Alpine Planning, LLC	Application Date	04/21/22
Mailing Address	P.O. Box 654, Ridgway, CO 81432		
Phone Number	(970) 964-7927	Email	chris@alpineplanningllc.com
Owner Name	Four Winds Ranch I LLLP & Estate of Bernadine C. Endicott - David Reed, Represe		
Phone Number	(970) 249-3806	Email	jdreed@martinlawfirmmpc.com
Address of Property for Hearing	741 Terrace Drive		
Zoning District	Residential Low Density & Future Development		

Brief Description of Requested Action

Subdivision Sketch Plan for 20 lots on 42.49 acres

Action Requested and Required Fee Payable to the Town of Ridgway

<input type="checkbox"/> Temporary Use Permit per 7-3-18(C)	\$150.00	Subdivisions per 7-4 unless noted	
<input type="checkbox"/> Conditional Use per 7-3-19	\$250.00	<input checked="" type="checkbox"/> Sketch Plan	\$300.00 (+ \$10.00/lot or unit)
<input type="checkbox"/> Change in Nonconforming Use per 7-3-20	\$150.00	<input type="checkbox"/> Preliminary Plat	\$1,500.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Variances & Appeals per 7-3-21	\$250.00	<input type="checkbox"/> Preliminary Plat resubmittal	\$750.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Rezoning per 7-3-22	\$250.00	<input type="checkbox"/> Final Plat	\$600.00
<input type="checkbox"/> Other Reviews Pursuant to 7-3-23	\$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 7-3-117	\$150.00	<input type="checkbox"/> Replat	\$150.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Deviations from Residential Design	\$175.00	<input type="checkbox"/> Plat Amendment	\$250.00
Standards per 6-6		<input type="checkbox"/> Planned Unit Dev. per 7-3-16	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. 7-3-25(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), this may include a narrative, site plans, and/or architectural drawings drawn to scale.

For Conditional Uses

- ☐ 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 Rezonings

- ☐ 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. Contact with a Planning Commission or Town Council member regarding your application constitutes ex parte communication and could disqualify that Commissioner or Councilor from participating in your hearing. Please contact staff with any questions.

04/22/2022

Applicant Signature

Date

Owner Signature Four Winds Ranch I, LLLP, by Bernadine C. Endicott as General Partner,
by J. David Reed as Attorney for Cheryl Endicott as Personal Representative
of the Estate of Bernadine C. Endicott, deceased

Date

Bernadine C. Endicott, by J. David Reed as Attorney for Cheryl Endicott as Personal Representative of the Estate of Bernadine C. Endicott, deceased.



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

**TOWN OF RIDGWAY, COLORADO
ACKNOWLEDGMENT OF FEES AND COSTS**

Four Winds at Ridgway, LLC ("Applicant") and Four Winds Ranch I LLLP and Bernadine C. Endicott ("Owner") do hereby acknowledge that with the filing of an application, or seeking Town review under Chapter 7, Section 3 or Section 4 of the Town of Ridgway Municipal Code, that it is subject to the requisite fees and costs associated with such action, in accordance with 7-3-20 and 7-4-12, including out-of-pocket legal fees and/or engineering fees.

Applicant and Owner acknowledge that no plat shall be recorded, improvement accepted, lien released, building permit issued, tap approved or final approval action taken until all fees then due are paid to the Town.

Applicant and Owner acknowledge that the Town may suspend review of submittals, inspection of improvements, and processing of a subdivision, as it deems appropriate, unless all amounts are paid as due.

Applicant and Owner further acknowledges that unpaid fees may be certified to the Ouray County Treasurer for collection as delinquent charges against the property concerned.

Acknowledged this 22nd day of April, 2022.

APPLICANT:

FOUR WINDS AT RIDGWAY, LLC
By: Tim Currin, MANAGER
Tim CURRIN, authorized signer
(print name)

PROPERTY OWNER:

By: J. David Reed

Four Winds Ranch I, LLLP, by Bernadine C. Endicott as General Partner,
by J. David Reed as Attorney for Cheryl Endicott as Personal Representative of the
Estate of Bernadine C. Endicott, deceased.

By: J. David Reed

Bernadine C. Endicott, by J. David Reed as Attorney for Cheryl Endicott as Personal
Representative of the Estate of Bernadine C. Endicott, deceased.



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

AUTHORIZATION OF AGENT

I/we, the undersigned owner/s of the following described real property located in the Town of Ridgway, Ridgway, Colorado, hereby authorize:

Four Winds at Ridgway, LLC, Chris Hawkins dba Alpine Planning, LLC & Buckhorn Engineering

(Name of Authorized Agent)

To act in my /our behalf in applying for the following permits from the Town of Ridgway, as required by existing Town of Ridgway regulations pertaining to zoning, building, encroachment, excavation, and/or utilities.

Legal property description *(include: lot, block, subdivision, physical address)*:

Lot 2 McChesney Subdivison and Portion of the Endicott Property(9.95 acres)

Signature: 

Date: 4-22-2022

Four Winds Ranch I, LLLP, by Bernadine C. Endicott as General Partner, by J. David Reed as Attorney for Cheryl Endicott as Personal Representative of the Estate of Bernadine C. Endicott, deceased.

Signature: 

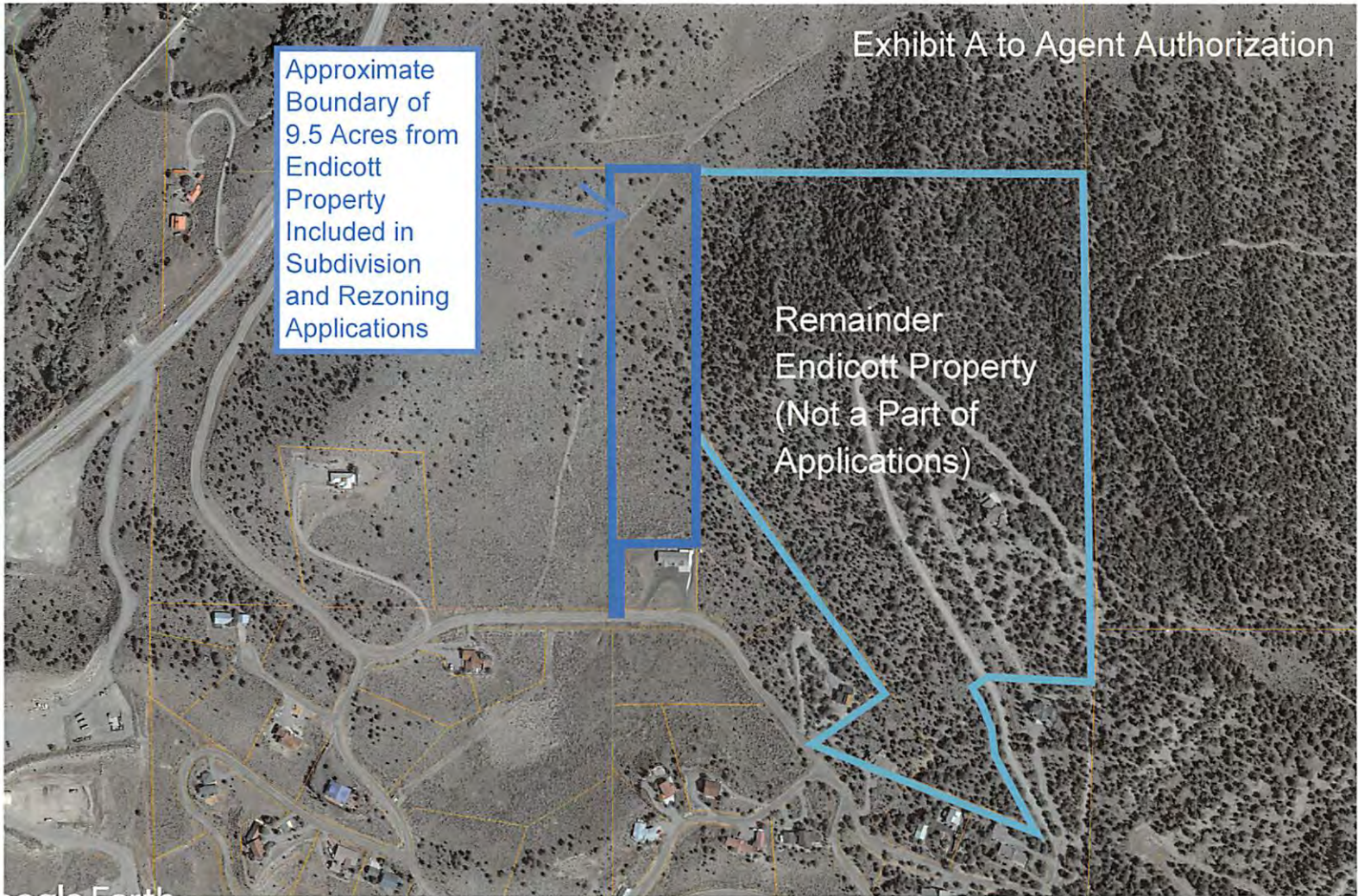
Date: 4-22-2022

Bernadine C. Endicott, by J. David Reed as Attorney for Cheryl Endicott as Personal Representative of the Estate of Bernadine C. Endicott, deceased.

Exhibit A to Agent Authorization

Approximate
Boundary of
9.5 Acres from
Endicott
Property
Included in
Subdivision
and Rezoning
Applications

Remainder
Endicott Property
(Not a Part of
Applications)





THE MARTIN
LAW FIRM

Brent A. Martin
J. David Reed, Of Counsel

April 22, 2022

Town of Ridgway
Planning Commission
P O Box 10
Ridgway, CO 81432

Re: Four Winds Ranch I, LLLP & Estate of Bernadine C. Endicott

To Whom It May Concern:

The office of J. David Reed, P.C. has, for many years, served as legal representative and attorney for Bernadine C. Endicott. Ms. Bernadine C. Endicott recently died. This office has now been retained by Cheryl Endicott to represent the Estate of Bernadine C. Endicott and to represent Cheryl Endicott, as Personal Representative of the Estate. A probate action has been filed in the Ouray District Court and Letters Testamentary have been issued appointing Cheryl Endicott as Personal Representative of the Estate of Bernadine C. Endicott. A copy of the certified Letters is attached. The Estate includes the Ouray County real property which was owned by Bernadine C. Endicott, as well as the general and limited partnership interests which were owned by Ms. Endicott in Four Winds Ranch I, LLLP.

As Ms. Cheryl Endicott's attorney and legal representative, J. David Reed is authorized to execute documents on behalf of Cheryl Endicott, as Personal Representative of the Estate of Bernadine C. Endicott.

Sincerely,

J. David Reed

121 North Park Avenue, Montrose, Colorado 81401

Phone (970) 249-1237 Fax (970) 249-3650

bmartin@martinlawfirmnpc.com

jdreed@martinlawfirmnpc.com

www.martinlawfirmnpc.com

DISTRICT COURT, OURAY COUNTY, STATE OF COLORADO Court Address: P O Box 643 Ouray, CO 81427 Phone Number: (970) 325-4405		DATE FILED: April 6, 2022 3:27 PM
In the Matter of the Estate of: BERNADINE C. ENDICOTT, Deceased.		▲ COURT USE ONLY ▲
Attorneys for Applicant: The Martin Law Firm J. David Reed, Reg. No. 9491 121 N. Park Ave. Montrose, CO 81401 Phone Number: (970) 249-1237 jdreed@martinlawfirmpe.com		Case Number: 2022 PR <u>30004</u> Div./Ctrm: <u>P</u>
LETTERS TESTAMENTARY		

Cheryl L. Endicott was appointed or qualified by this Court or its Registrar on April 6, 2022 as Personal Representative.

The Decedent died on February 17, 2022.

These Letters are proof of the Personal Representative's authority to act pursuant to §15-12-701, et. seq., C.R.S.

- ☒ The Personal Representative's authority is unrestricted; or
 The Personal Representative's authority is restricted as follows:

DATED: April 6, 2022

[Signature]
 Probate Registrar/(Deputy) Clerk of Court

CERTIFICATION

Certified to be a true copy of the original in my custody and to be in full force and effect as of 4/6/22 (date).

[Signature]
 Probate Registrar/(Deputy) Clerk of Court



CERTIFICATE OF TAXES DUE

Account Number R000294
Parcel 430509400146
Assessed To
FOUR WINDS RANCH I LLLP
741 TERRACE DRIVE
RIDGWAY, CO 81432

Certificate Number 2021-004350
Order Number 85007709
Vendor ID LAND_TITLE
JEANNE BOOTS
1561 OXBOW DRIVE
SUITE 2
MONTROSE, CO 81401

Legal Description				Situs Address	
Subd: MCCHESENEY MINOR Lot: 2 S: 9 T: 45 R: 8				TBD Ridgway	
Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2020	\$2,849.84	\$0.00	\$0.00	(\$2,849.84)	\$0.00
Total Tax Charge					\$0.00
Grand Total Due as of 12/27/2021					\$0.00

Tax Billed at 2020 Rates for Tax Area 201 - 201 - 201

Authority	Mill Levy	Amount	Values	Actual	Assessed
OURAY COUNTY (GENERAL FUND)	9.1410000	\$444.07	VACANT-10 AC BUT LESS THAN 35 AC	\$167,520	\$48,580
OURAY COUNTY (ROAD & BRIDGE)	1.5110000	\$73.40			
OURAY COUNTY (SOCIAL SERVIC	0.5560000	\$27.01	Total	\$167,520	\$48,580
SCHOOL DISTRICT R-2 (RIDGWA	13.1690000	\$639.75			
SCHOOL DISTRICT R-2 BOND (R	7.4530000	\$362.07			
TOWN OF RIDGWAY	8.6510000	\$420.26			
DALLAS PARK CEMETERY DISTRI	0.2050000	\$9.96			
COLORADO RIVER WATER CONSER	0.5020000	\$24.39			
RIDGWAY FIRE PROTECTION DIS	3.5910000	\$174.45			
TRI-COUNTY WATER CONSERVANC	1.9060000*	\$92.59			
RIDGWAY LIBRARY DISTRICT	2.8260000	\$137.29			
REGIONAL SERVICE AUTHORITY	0.3750000	\$18.22			
SCHOOL DISTRICT R-2 SALARIE	6.1450000	\$298.52			
OURAY COUNTY (EMS FUND)	2.0150000	\$97.89			
TOWN OF RIDGWAY RAMP BOND	0.6170000	\$29.97			
Taxes Billed 2020	58.6630000	\$2,849.84			
* Credit Levy					

ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRAINT WARRANT FEES. CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE AFTER THE FOLLOWING DATES: PERSONAL PROPERTY AND MOBILE HOMES - SEPTEMBER 1, REAL PROPERTY - OCTOBER 1. **TAX LIEN SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIERS CHECK.**

SPECIAL TAXING DISTRICTS AND THE BOUNDARIES OF SUCH DISTRICTS MAY BE ON FILE WITH THE BOARD OF COUNTY COMMISSIONERS, THE COUNTY CLERK, OR THE COUNTY ASSESSOR.

This certificate does not include land or improvements assessed under a separate account number, personal property taxes, transfer tax or misc. tax collected on behalf of other entities, special or local improvement district assessments or mobile homes, unless specifically mentioned.

I, the undersigned, do hereby certify that the entire amount of taxes due upon the above described parcels of real property and all outstanding sales for unpaid taxes as shown by the records in my office from which the same may still be redeemed with the amount required for redemption are as noted herein. In witness whereof, I have hereunto set my hand and seal.

CERTIFICATE OF TAXES DUE

Ouray County Treasurer, Jill Mihelich, BY
P.O. Box 149
541 4th St
Ouray, CO 81427-0149
(970) 325-4487





Land Title Guarantee Company Customer Distribution



PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.

Order Number: **OU85007709**

Date: **12/27/2021**

Property Address: **TBD TERRACE DRIVE, RIDGWAY, CO 81432**

PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS

For Closing Assistance

Sherri Tompkins
218 SHERMAN
RIDGWAY, CO 81432
PO BOX 276
(970) 248-3895 (Work)
(800) 830-1774 (Work Fax)
stompkins@ltgc.com
Contact License: CO567893
Company License: CO44565

Closing Associate

Beth Perkovich
218 SHERMAN
RIDGWAY, CO 81432
PO BOX 276
(970) 626-3157 (Work)
(877) 346-4104 (Work Fax)
bperkovich@ltgc.com
Contact License: CO495682
Company License: CO44565

Closing Processor

Jamie Henson
218 SHERMAN
RIDGWAY, CO 81432
PO BOX 276
(970) 626-3157 (Work)
(877) 346-4104 (Work Fax)
jhenson@ltgc.com
Contact License: CO497677
Company License: CO44565

For Title Assistance

Land Title Ouray County Title Team
218 SHERMAN
RIDGWAY, CO 81432
PO BOX 276
(970) 626-7001 (Work)
(877) 375-5025 (Work Fax)
ourayresponse@ltgc.com

Buyer/Borrower

ERIC FAUST
Delivered via: Electronic Mail

Agent for Buyer

OURAY BROKERS
Attention: TIM CURRIN
257 SHERMAN STREET
UNIT A
RIDGWAY, CO 81432
(970) 325-0300 (Work)
(970) 325-0302 (Work Fax)
tim@ouraybrokers.com
Delivered via: Electronic Mail

Seller/Owner

FOUR WINDS RANCH I, L.L.L.P.
Attention: BERNADINE ENDICOTT
Delivered via: Electronic Mail

Agent for Seller

OURAY BROKERS
Attention: TIM CURRIN
257 SHERMAN STREET
UNIT A
RIDGWAY, CO 81432
(970) 325-0300 (Work)
(970) 325-0302 (Work Fax)
tim@ouraybrokers.com
Delivered via: Electronic Mail



Land Title Guarantee Company Estimate of Title Fees

Order Number: **OU85007709** Date: **12/27/2021**
Property Address: **TBD TERRACE DRIVE, RIDGWAY, CO
81432**
Parties: **ERIC FAUST
FOUR WINDS RANCH I, L.L.L.P.**

Visit Land Title's Website at www.ltgc.com for directions to any of our offices.

Estimate of Title insurance Fees	
"ALTA" Owner's Policy 06-17-06	\$2,292.00
Deletion of Standard Exception(s)	\$75.00
Tax Certificate	\$27.00
Total \$2,394.00	
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
Thank you for your order!	

Note: The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

Chain of Title Documents:

[Ouray county recorded 12/31/1996 under reception no. 163386](#)

[Ouray county recorded 11/08/1994 at book 231 page 205](#)

Plat Map(s):

[Ouray county recorded 10/26/1994 under reception no. 157917](#)

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: OU85007709

Property Address:

TBD TERRACE DRIVE, RIDGWAY, CO 81432

1. Effective Date:

12/20/2021 at 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

"ALTA" Owner's Policy 06-17-06

\$895,000.00

Proposed Insured:

ERIC FAUST

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

A FEE SIMPLE

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

FOUR WINDS RANCH I, L.L.L.P.

5. The Land referred to in this Commitment is described as follows:

LOT 2, MCCHESENEY MINOR SUBDIVISION, AS SHOWN ON THE PLAT RECORDED OCTOBER 26, 1994 AT
RECEPTION NO. [157917](#), COUNTY OF OURAY, STATE OF COLORADO.

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ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: OU85007709

All of the following Requirements must be met:

This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

1. PARTIAL RELEASE OF DEED OF TRUST DATED OCTOBER 09, 2013 FROM FOUR WINDS RANCH I, L.L.L.P. TO THE PUBLIC TRUSTEE OF OURAY COUNTY FOR THE USE OF THE CITIZENS STATE BANK OF OURAY TO SECURE THE SUM OF \$200,000.00 RECORDED OCTOBER 09, 2013, UNDER RECEPTION NO. [210932](#).
2. PROVIDE LAND TITLE GUARANTEE COMPANY WITH A CURRENT IMPROVEMENT LOCATION CERTIFICATE OF SUBJECT PROPERTY. THIS REQUIREMENT IS NECESSARY TO DELETE STANDARD EXCEPTIONS 1-3 AND MUST DISCLOSE THE LOCATION OF FENCE LINES ALONG THE SUBJECT PROPERTY BOUNDARIES, IF ANY. (IF NO FENCE IMPROVEMENTS EXIST ALONG THE PROPERTY PERIMETERS, THE CERTIFICATE MUST AFFIRMATIVELY STATE SUCH). UPON REVIEW, ADDITIONAL REQUIREMENTS AND/OR EXCEPTIONS MAY BE NECESSARY.

NOTE: ANY MATTERS DISCLOSED BY SAID IMPROVEMENT LOCATION CERTIFICATE WILL BE REFLECTED ON SAID POLICY(S) TO BE ISSUED HEREUNDER.

NOTE: LAND TITLE IS NOT RESPONSIBLE FOR ORDERING SAID IMPROVEMENT LOCATION CERTIFICATE.

3. WRITTEN CONFIRMATION THAT THE INFORMATION CONTAINED IN STATEMENT OF AUTHORITY FOR FOUR WINDS RANCH I, L.L.L.P. RECORDED JULY 09, 2003 UNDER RECEPTION NO. [181613](#) IS CURRENT.

NOTE: SAID INSTRUMENT DISCLOSES BERNADINE C. ENDICOTT AS THE GENERAL PARTNER AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF SAID ENTITY. IF THIS INFORMATION IS NOT ACCURATE, A CURRENT STATEMENT OF AUTHORITY MUST BE RECORDED.

4. A FULL COPY OF THE FULLY EXECUTED PARTNERSHIP AGREEMENT AND ANY AND ALL AMENDMENTS THERETO FOR FOUR WINDS RANCH I, L.L.L.P. MUST BE FURNISHED TO LAND TITLE GUARANTEE COMPANY. SAID AGREEMENT MUST DISCLOSE WHO MAY CONVEY, ACQUIRE, ENCUMBER, LEASE OR OTHERWISE DEAL WITH INTERESTS IN REAL PROPERTY FOR SAID ENTITY.

NOTE: ADDITIONAL REQUIREMENTS MAY BE NECESSARY UPON REVIEW OF THIS DOCUMENTATION.

5. WARRANTY DEED FROM FOUR WINDS RANCH I, L.L.L.P. TO ERIC FAUST CONVEYING SUBJECT PROPERTY.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: OU85007709

All of the following Requirements must be met:

REQUIREMENTS TO DELETE THE PRE-PRINTED EXCEPTIONS IN THE OWNER'S POLICY TO BE ISSUED:

A. UPON RECEIPT BY THE COMPANY OF A SATISFACTORY FINAL AFFIDAVIT AND AGREEMENT FROM THE SELLER AND PROPOSED INSURED, AND A IMPROVEMENT LOCATION CERTIFICATE OF THE LAND, ITEMS 1-4 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED. ANY ADVERSE MATTERS DISCLOSED BY THE FINAL AFFIDAVIT AND AGREEMENT AND IMPROVEMENT LOCATION CERTIFICATE WILL BE ADDED AS EXCEPTIONS.

B. IF LAND TITLE GUARANTEE COMPANY CONDUCTS THE CLOSING OF THE CONTEMPLATED TRANSACTIONS AND RECORDS THE DOCUMENTS IN CONNECTION THEREWITH, ITEM 5 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED.

C. UPON RECEIPT OF PROOF OF PAYMENT OF ALL PRIOR YEARS' TAXES AND ASSESSMENTS, ITEM 6 OF THE PRE-PRINTED EXCEPTIONS WILL BE AMENDED TO READ:

TAXES AND ASSESSMENTS FOR THE YEAR 2021 AND SUBSEQUENT YEARS.

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: OU85007709

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

- 1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.**
- 2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.**
- 3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and 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. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.**
- 6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.**
- 7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.**
- 8. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES, AND SUBJECT TO A RIGHT OF WAY FOR DITCHES AND CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED MARCH 03, 1893, IN BOOK 8 AT PAGE [510](#).**
- 9. EASEMENT GRANTED TO THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH CO., FOR TELEPHONE TELEGRAPH, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED SEPTEMBER 30, 1937, IN BOOK 132 AT PAGE [496](#).**
- 10. NON-EXCLUSIVE RIGHT OF WAY EASEMENT 50 FEET WIDE, GRANTED TO MARY A. ROWSER BY JOHN MCCHESENEY, IN DEED RECORDED MAY 18, 1979 IN BOOK 169 AT PAGE [996](#).**
- 11. ROAD AND UTILITY RIGHT-OF-WAY EASEMENT GRANTED IN QUIT CLAIM DEED RECORDED APRIL 8, 1985 IN BOOK 193 AT PAGE [875](#).**
- 12. NON-EXCLUSIVE ROAD AND UTILITY EASEMENT, WITH ACCESS TO AND USE OF SAID ROADS AND UTILITIES UPON SAID EASEMENT, AS RESERVED BY AVENTURA, A COLORADO LIMITED PARTNERSHIP AS SHOWN IN DEED RECORDED AUGUST 17, 1986 IN BOOK 208 AT PAGE [2](#), SUBJECT TO THE TERMS, CONDITIONS AND PROVISIONS CONTAINED THEREIN.**

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: OU85007709

13. THE EFFECT OF NOTICE CONCERNING UNDERGROUND FACILITIES OF SAN MIGUEL POWER ASSOCIATION, INC. RECORDED JUNE 22, 1993 IN BOOK 227 AT PAGE [145](#).
14. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF MCCHESENEY MINOR RECORDED OCTOBER 26, 1994 AT RECEPTION NO. [157917](#)
15. TERMS, CONDITIONS, PROVISIONS AND RESTRICTIONS SET FORTH IN DECLARATION OF RESTRICTIVE COVENANTS AND CONDITIONS RECORDED NOVEMBER 8, 1994 IN BOOK 230 AT PAGE [581](#).
16. TERMS, CONDITIONS PROVISIONS AND OBLIGATIONS SET FORTH IN THE OURAY COUNTY WEED MANAGEMENT RESOLUTION NO. 1997-039 RECORDED AUGUST 8, 1997 UNDER RECEPTION NO. [164857](#).
17. EASEMENT CONVEYED TO JOHN THOMAS ENDICOTT AND BERNADINE C. ENDICOTT IN QUITCLAIM DEED RECORDED JULY 25, 2005 UNDER RECEPTION NO. [188717](#).



LAND TITLE GUARANTEE COMPANY DISCLOSURE STATEMENTS

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.

Note: Pursuant to CRS 10-1-11(4)(a)(1), Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.



**JOINT NOTICE OF PRIVACY POLICY OF
LAND TITLE GUARANTEE COMPANY,
LAND TITLE GUARANTEE COMPANY OF SUMMIT COUNTY
LAND TITLE INSURANCE CORPORATION AND
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
 - your transactions with, or from the services being performed by us, our affiliates, or others;
 - a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



Commitment For Title Insurance

Issued by Old Republic National Title Insurance Company

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.

- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:
Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880



Craig B. Rants, Senior Vice President



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By



President

Attest



Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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Attachment I:
Public Comment

Charles & Kathy Ewert
PO Box 373
Ridgway, CO 81432

The Honorable John Clark
Mayor of Ridgway
PO Box 10
Ridgway, CO 81432

RE: Proposed Four Winds Subdivision

Dear Mayor Clark and
Ridgway Planning Commission,

My husband and I are landowners in the Vista Terrace Subdivision (VT) and would like to contribute our queries and thoughts about the proposed Four Winds Subdivision. Unfortunately, we will not be in Ridgway on the date of the appointed Planning Commission meeting. Please accept the following as our testimony.

That said, we hope some of the following issues may be addressed by the Commission.

1) Roadways

- a) Will the Town increase maintenance in proportion to the added traffic on Terrace Drive?
- b) Will the developer coordinate and fund improvements for safer access on/off Highway 550? Namely, will the developer work with CDOT to reduce the speed limit from 60 MPH from about River Sage Drive to Terrace Drive or add a turn lane on southbound Hwy 550 at Terrace Drive for safer ingress and egress? And will these improvements be in place and completed prior to development of at least $\frac{1}{4}$ of the total proposed lots?
- c) Will the developer in conjunction with the Town fund and bring all VT roads up to code and platted design specifications for fire safety purposes? Sadly, there are several sections of the roads in Vista Terrace that do not meet the required width or turn-around size for cul-de-sacs.
- d) Will the developer establish a secondary ingress/egress for the new development in addition to connecting with existing VT roads? If so required, where and must the developer, or in conjunction with the Town, fund such separate ingress/egress?
- e) Shall the developer be required to provide a secondary ingress/egress into the VT/Four Winds area if and when the Endicott property is subdivided?

2) CCRs

- a) Will this development have separate CCRs or adopt VT CCRs? If the later...
- b) Will the CCRs be required to be updated for all phases of VT and the new development to reflect today's codes, customs and building trends?

3) Common area

- a) Will the new development have full access and use of VT common area? And will VT have full access and use of the Four Winds common areas? If so...
- b) Will the Four Winds Subdivision and VT be required to help finance maintenance and insurance of the common area lands?
- c) Will Four Winds Subdivision in conjunction with CDOT provide safe crossing methods across Hwy 550, such as cross-walk, pedestrian flashing lights, signage, to connect the new common area proposed bike/pedestrian path with "access to River Trail."

4) Domestic Water Supply

- a) Will the Four Winds Subdivision share domestic water supply lines and interlinked storage tanks with VT? If so...
- b) Will the new subdivision increase the system volume, capacity and pressure for a full build-out of both VT and Four Winds?
- c) Will Four Winds have any multi-family units per lot and will the water supply calculations be amended to reflect this increased consumption?
- d) Will the water supply system provide adequate firefighting volume and pressure for both VT and Four Winds?
- e) What "adjacent properties" does the Four Winds Subdivision proposal intend to include in a public improvement district (PID) for water storage capacity? If VT homeowners are involved, will VT homeowners be voting to decide if they will participate in a PID?

5) Septic and subterranean water absorption

- a) Will septic drainage be contained within each lot and collectively all lots without negatively impacting surrounding glacial-till lands?
- b) Will the subterranean water levels be impacted by the added septic drain fields?

We hope these issues may be clarified and addressed by the Town of Ridgway Planning Commission.

Sincerely,

Kathy Ewert

Charles Ewert

970 776 0384



TJ Dlubac <tdlubac@planstrategize.com>

FW: Proposed 4-Winds Development

1 message

Preston Neill <pneill@town.ridgway.co.us>
To: TJ Dlubac <tdlubac@planstrategize.com>
Cc: Karen Christian <kchristian@town.ridgway.co.us>

Tue, May 24, 2022 at 2:12 PM

TJ, Karen,

See below.

Preston Neill, Town Manager

970-626-5308 ext. 212 (O) | 970-318-0081 (C)

pneill@town.ridgway.co.us

www.colorado.gov/ridgway



From: kchismire@gmail.com <kchismire@gmail.com>
Sent: Tuesday, May 24, 2022 12:41 PM
To: Preston Neill <pneill@town.ridgway.co.us>
Cc: Joan Chismire <jchismire@gmail.com>
Subject: Proposed 4-Winds Development

Preston:....

RE; PROPOSED 4 WINDS DEVELOPMENT near Vista Terrace Estates

I am writing to express my concerns over the newly proposed residential housing development envisioned directly north of the current Vista Terrace Estates sub-division

I have issue with the following:

1. The proposal by the developer has usage data based on the average occupancy of the 30 lots upon full residential home build-out of the 4-Winds sub-division. The data they cite relates to the traffic, the water usage, wildlife migration etc. What they don't tell you is that they also propose to allow ADU's on every lot in the development. Should all lots have a ADU with a minimum of 2 occupants per ADU, the increase of another 60

individuals, 60 automobiles, 60 or more people using water etc.... all would further increase the already limited resources of the area, and, in my opinion, significantly reduce the "quality of life" in our suburban setting. The developers did not include this potential increase in population of ADU's in their usage data, which is a grave over-site.

2. The water issue is another major hindrance to the development of such a new sub-division adjacent to Vista Terrace. We already have our own water tank with a "multi-phase" pumping system that delivers the domestic water to the tank via an infusion piping system of a limited diameter. The 4-Winds development will need to have their own dedicated water tank, but the real issue is whether they intend to use our infusion lines and pump (s) to deliver water to their community tank. I don't believe the delivery system, as it exists, is sufficient to deliver enough water at a rate that would exceed the draw-down of all residential water users from both sub-divisions during peak usage times. Therefore, the 4-Winds developer will need to enhance the water delivery system by either increasing the infusion capacity of the lines, the pump, or both.

3. The third issue I have relates to the traffic at the Highway 550 entrance to Vista Terrace. The 4-Winds development is proposing to use the existing entry road to Vista Terrace (Terrace Drive) as their access road as well. This will place additional stresses on the safety at the intersection with Hwy 550 as well as the graveled, inclined roadbed up to the 2 sub-divisions. Even though a de-acceleration lane exists on 550 for the northbound traffic turning right into Vista Terrace, we have no safety measures in place for southbound traffic on Hwy 550 turning left into Vista Terrace. Over the years several accidents have occurred at this intersection. I believe, if the 4-Winds development is approved, it must contain requirements for increased safety at this intersection in the form of a safe left turn lane for southbound traffic and possibly paving of the inclined road up to the 2 sub-divisions.

Respectfully Submitted,

Kevin Chismire

445 Park Lane

Vista Terrace



Virus-free. www.avg.com



TJ Dlubac <tdlubac@planstrategize.com>

FW: Four Winds development

1 message

Preston Neill <pneill@town.ridgway.co.us>

Thu, May 26, 2022 at 5:08 PM

To: TJ Dlubac <tdlubac@planstrategize.com>, Karen Christian <kchristian@town.ridgway.co.us>

TJ,

See below. Please include this (and the photo) with the packet materials. Thank you, sir!

Preston Neill, Town Manager

970-626-5308 ext. 212 (O) | 970-318-0081 (C)

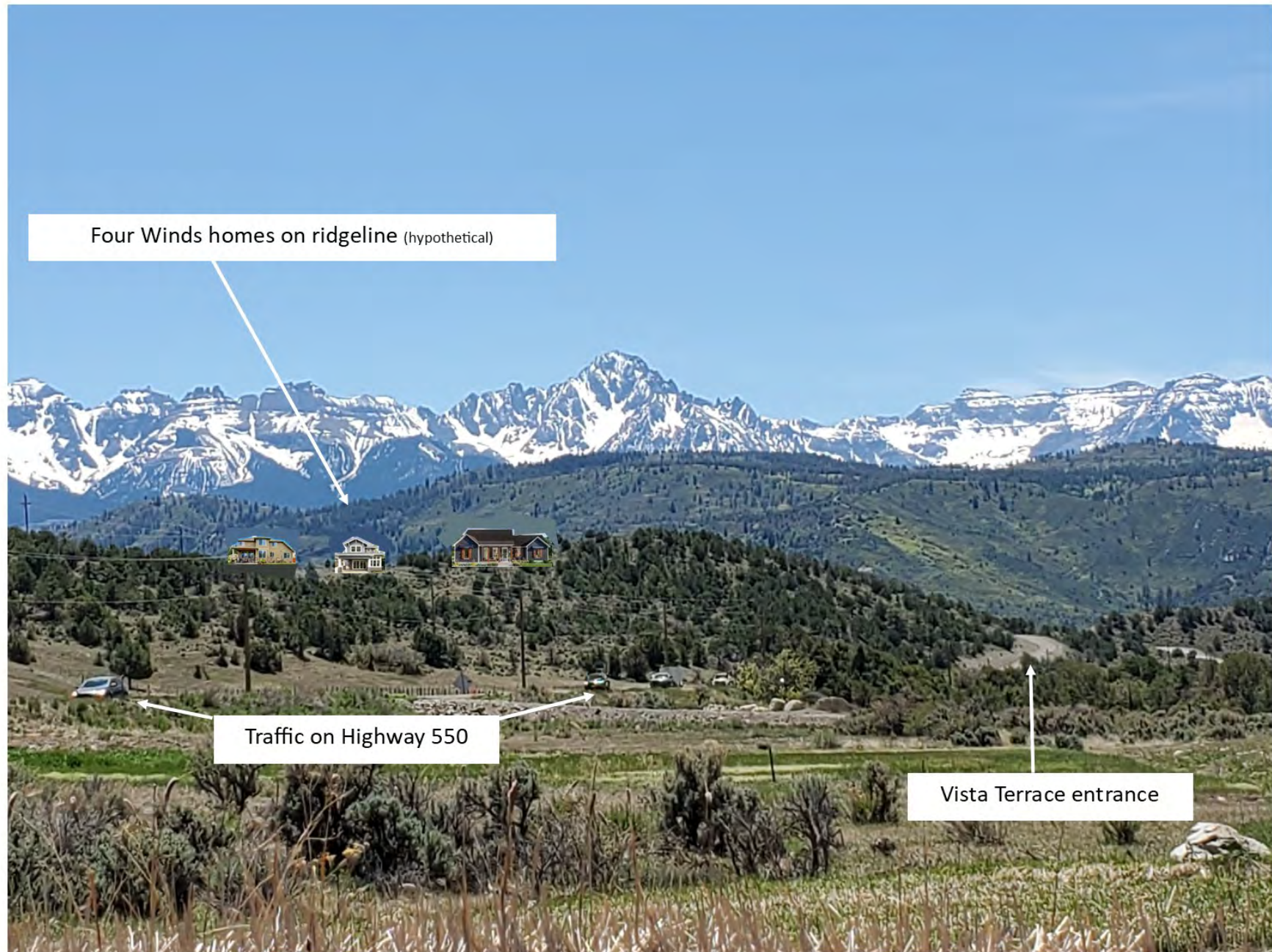
pneill@town.ridgway.co.uswww.colorado.gov/ridgway

From: kchismire@gmail.com <kchismire@gmail.com>**Sent:** Thursday, May 26, 2022 3:52 PM**To:** Preston Neill <pneill@town.ridgway.co.us>**Cc:** Joan Chismire <jchismire@gmail.com>; Stephen R. McComb <smccomb63@gmail.com>; Pam F <pjfoyster257@gmail.com>; Kraftpam@gmail.com; kcforrester@icloud.com; fquist42@gmail.com; pplienissprint9@earthlink.net**Subject:** Four Winds development

Preston,

Although I did not include this picture (hypothetical) in my prior email to you, I believe the visual impact of Four Winds homes on the Vista Terrace ridge line is of prime importance and concern. I believe the Town of Ridgway should adopt their own statute of ridge line obscuration or modify the county's ordinance to suit our town needs. I don't want an image such as this to be the first thing people see as they enter our town on Highway 550 coming from the north.

Kevin Chismire



Nichole Moorman
169 Cimarron Dr.
Ridgway, CO 81432
970 318 0529

5/22/22

Dear Mr. Neill and Ridgway Town Planning Commission,

I am reaching out as a resident and owner in Vista Terrace subdivision in regards to the planned development of Four Winds. I welcome smart growth that creates quality, affordable housing for families and those who make this town and county the vibrant community that I love living and working in. The following are my concerns about the Four Winds subdivision:

- With 30-60 more vehicles using the one road to access Four Winds via the Vista Terrace entrance, I am very concerned about safety on the highway entering and exiting the neighborhood, as well as the wear and tear and safety of Terrace Rd- in particular in the winter. I am concerned about vehicle, pedestrian, and bicycle safety.
- Part of Vista Terrace's water service is via a pump station. I am concerned about how the Four Winds development will impact water pressure and delivery in our neighborhood and how necessary upgrades will be funded.
- The sage brush, planned open space, and acre and larger lots are a part of the character of Vista Terrace. Will Four winds landscaping, density, and space planning match the established character of our existing neighborhood?

I look forward to staying informed about how these and the concerns of my neighbors are being considered and addressed by the developer and the Town of Ridgway.

Respectfully,

Nichole Moorman
nichole.moorman@gmail.com



TJ Dlubac <tdlubac@planstrategize.com>

FW: Four Winds Subdivision

1 message

Preston Neill <pneill@town.ridgway.co.us>

Wed, May 25, 2022 at 9:30 AM

To: TJ Dlubac <tdlubac@planstrategize.com>, Karen Christian <kchristian@town.ridgway.co.us>

TJ, Karen,
See below.

Preston Neill, Town Manager
970-626-5308 ext. 212 (O) | 970-318-0081 (C)
pneill@town.ridgway.co.us
www.colorado.gov/ridgway

-----Original Message-----

From: Connie Anderson <connielu99@icloud.com>
Sent: Wednesday, May 25, 2022 9:09 AM
To: Preston Neill <pneill@town.ridgway.co.us>
Subject: Four Winds Subdivision

Dear Preston, Please disregard any previous message, my iPad seem to drop mail for no apparent reason. I am writing to address concerns regarding the subdivision adjacent to Vista Terrace.

Water: The developer says that he will pay to build a water tank for his property, but there is no mention of the subject of getting the water to the tank from town. We know that 17 years ago when we bought here there has never been enough pressure of the water pumped uphill to fight a fire. The current method of pumping the water from town will need to be updated with an expensive pumping system to serve this development. I know this will get tricky as to who pays for what, etc. but really needs to be looked at this time. Some residents here have already noticed a drop in pressure as new homes are built in Vista Terrace.

Road entrance: This is already a problem. Pulling out onto the highway during the peak season has become more and more dangerous. There could be 80 to 100 more cars using this intersection after full build out of the Four Winds subdivision. And also for fire safety, they really do need another road into their property. Where would they put this? Would the town require such a secondary road. We were told when we bought here that we needed one, but nothing ever happened with that. Now this is a big issue in my mind.

Wildlife: This used to be a place that I would walk from my house. About a year and a half ago I went up there and found a huge herd of elk, so I just turn around and left. I went back about two weeks later and they were still there. I don't know the exact timing of their movement, but I know that they have already been severely impacted by building. Vista Terrace and the proposed subdivision is on the migration route of the deer and the elk. I think a study should be done to determine the correct way to mitigate our impact on the wildlife. The developer has addressed this somewhat, but I don't think his efforts are complete. There is a development near Telluride with a similar problem. They are exactly on the migration route of the herds of deer. Their solution was to prohibit dogs entirely. Of course, we can't do that here as people in Vista Terrace already have dogs. But we can look at how to best address this issue.

Infrastructure: I don't really know all the facts about this issue, but I would like to see what the impact of connecting into existing utilities would have on the residents in Vista Terrace. And should the developer be required to pay and somehow mitigate the impact?

Thank you for your consideration.

Regards,

Connie and Glen Anderson

Sent from my iPad

Fred and Margaret Quist
560 Park Lane
Ridgway, CO 81432
(970) 626-4335
fquist42@gmail.com

May 24, 2022

Preston Neill
Ridgway Town Manager
201 N. Railroad St.
Ridgway, CO 81432

Subject: Four Winds Subdivision



Dear Mr. Neill,

We are residents of Vista Terrace Subdivision and have some concerns about the proposed Four Winds Subdivision:

- **Water** – Will the town have the capacity to supply water for another 20 homes (plus the additional 11 homes that can still be built in Vista Terrace) and still maintain the water tank level at or above 90% as is required for fire fighting? Will the Four Winds Subdivision have their own water tank and pumps necessary to provide sufficient water pressure for their houses?
- **Road entrance (from 550)** – Will improvements be made to provide safe ingress and egress to Terrace Drive? Currently, this area of 550 is a 60 mph zone and approaching the entrance to Terrace Drive from the north or exiting to travel south is challenging and will only be exacerbated by additional vehicles from the Four Winds homes. This is probably the purview of CDOT but I'm sure the town will need to contact them about this.
- **Emergency exit from Vista Terrace/Four Winds** – This is an issue that currently exists but will be even more important with the addition of the Four Winds families. If there is fire in the area of Terrace Drive immediately above 550, all the residents will be trapped. This will also impact the ability of firefighters to access the area. Some residents with high clearance/4WD vehicles may be able to exit at the south end of Cimmaron Drive but this is certainly not a suitable option for everyone.
- **Utilities** – Will the Four Winds Subdivision be tapping into the current gas lines and internet and if so, how will this impact the existing customers?

Please make sure these issues are addressed when working with the Four Winds developers.

Sincerely,



TJ Dlubac <tdlubac@planstrategize.com>

FW: Four Winds Development oversight

1 message

Preston Neill <pneill@town.ridgway.co.us>

Wed, May 25, 2022 at 2:28 PM

To: TJ Dlubac <tdlubac@planstrategize.com>, Karen Christian <kchristian@town.ridgway.co.us>

TJ, Karen,
See below.

Preston

-----Original Message-----

From: Anthony Gegauff <gegauff5@gmail.com>

Sent: Wednesday, May 25, 2022 1:30 PM

To: Preston Neill <pneill@town.ridgway.co.us>

Subject: Four Winds Development oversight

Hello Preston,

I am submitting this email to document my concerns regarding the proposed development of the McChesney 2 parcel by Four Winds Developers. For clarity and brevity I am using a list of items in no particular order of importance.

a) In view of climate change and the likelihood that little will be done to mitigate it, I am concerned about the future water supply for the Town of Ridgway. The recent water study looks at past long-term average water flows, which obscures the sharply declining flows of the most recent three years ... clearly a more important predictor of future water availability.

b) Water needed for 20 additional families will not be within the current capacity of the Vista Terrace subdivision. Additional storage and pumping capacity will be needed. I am not in favor of Vista Terrace property owners bearing any of those costs or suffering diminished water pressures as a result of the proposed Four Winds Project.

c) Access to the subdivision from the southbound lane of Hwy 550 is treacherous. There is no center lane from which a left turn can be made and there is little or no shoulder to accommodate southbound traffic intent on proceeding south. This is a danger which will only be exacerbated by significantly more traffic onto Terrace Drive.

d) Terrace Drive is often washboarded and muddy, especially after rains or melting snow. The addition of 20 to 30 more vehicles using this dirt road to access more properties will put an undue burden on the Town's Public Works Department, as well as the present inhabitants of Vista Terrace.

e) I have concerns about the esthetics of future dwellings breaking the ridge line of the McChesney parcel ridge, especially the view visible by southbound traffic on Hwy 550 from north of Vista Terrace.

f) There is a significant number of mule deer deaths on Hwy 550, as it is necessary for deer and other wildlife to cross the highway to access the Uncompahgre River. Closing off corridors to animal migration may cause more concentrated pathways across Hwy 550 and reduce the speed with which wildlife can navigate that dangerous movement.

g) The removal of tens of acres of sage and other vegetation will adversely impact food sources for deer and other wildlife.

h) Storm drainage from the McChesney parcel naturally will be directed to the Vista Terrace Subdivision. These flows have no pathway from what is essentially an isolated basin. A containment reservoir will promote the presence of mosquitos, as there is no flow within or from it.

i) In the Vista Terrace subdivision there is only one entry/exit. This poses a danger to the community, especially with the increasing threat of wildfires brought about by climate change. Adding a minimum of 20 or more vehicles attempting an escape from imminent danger is a situation that must be avoided. At the very least another emergency exit is direly needed.

Thank you for the opportunity to express my concerns regarding the beautiful space I live in and for my neighbors' and my quality of life.

Sincerely,
Anthony Gegauff
615 Terrace Dr
Ridgway, CO
(970) 626-9742

Dan Brillon
550 Vista Dr
Ridgway, CO 81432

May 25th, 2022

Re: Four Winds Subdivision

Via Email jclark@town.ridgway.co.us and PNeill@town.ridgway.co.us

Dear Ridgway Mayor and Town Manager:

Below please find my comments and concerns related to the proposed development adjacent to Vista Terrace:

1. While the current development deals primarily with the 33 acres that is Lot 2 of the McChesney subdivision, I think it's important to consider the stated position of the developer which is to develop the adjacent 200+ acres known as the Endicott property (he has a right of first refusal on it), especially when evaluating infrastructure needs for this area of town.
2. Who is Eric Faust? What other developments has he done? Why is he not making himself available to the public? As the person who is going to take on the single largest development in our town we should be able to hear from and question him directly. All we know now is that the entrance to his "Infinity Ranch" at the top of CR5 sure looks and feels more like Telluride than Ridgway. The character of our town matters.
3. The US 550 / Terrace Drive interface is already a dicey proposition, especially as one heads from Montrose south trying to turn left into Vista Terrace. Many times while sitting there waiting for oncoming traffic to pass cars approaching from behind do not realize a car is stopped and you then have to accelerate and turn onto Mall Road in order to avoid being rear-ended. I assume people are looking at the views, not the road. This is especially problematic if there are two cars stopped trying to take a left into Vista Terrace as the first car can't see approaching cars from the rear. Adding more homes to this interchange without dealing with this issue is just asking for a deadly accident. And now imagine during construction heavy, slow trucks trying to make this turn. I believe it is critical that at a minimum a left turn lane be installed PRIOR to any construction beginning. CDOT should also consider reducing the speed limit in this area (from CR 10 to town) as this is a heavy wildlife corridor as animals cross the highway to get water from the river and RAT users cross at CR 10 on foot and bike.

4. There is significant concern around the pump/water tank dedicated to Vista Terrace and how this new development will affect that. What about the prior costs that our community has paid for this infrastructure – will we be reimbursed by the new development? And what about the monthly water surcharge we pay the town – how will that be affected?
5. The developer touts that fact of the high ratio of open space to development, and yet conveniently doesn't point out that 12.3 of the 33 acres are the steep slope between US 550 and the above ridge which are not buildable. So in truth the 20 proposed homes are located in a relatively dense area of the property which starts to have the feel of tract housing. The Vista Terrace lots vary dramatically in size and shape by contrast.
6. Likewise the developer touts that they will encourage ADU's, and yet at the expected \$1.5M price point few home buyers are likely to want ADU's on their property. This is clearly an attempt to "grease the wheels" when it comes to town approval rather than creating any meaningful affordable housing options. In contrast Vista Terrace has no ADU's.
7. New developments require paved roads. Vista Terrace is dirt. A consistent approach should be applied to both.
8. Vista Terrace only has one entry/exit point. How can a second emergency access route be added, especially in the context of the larger long-term stated development goals of the developer related to the Endicott property?
9. Homes on proposed lots 5,6,7 and 8 will all be clearly visible on the ridge line when viewed from US 550 southbound which is 1 mile away in violation of Ouray County code.
10. The proposed development and Vista Terrace are a significant wildlife corridor, with a large (50+head) deer population that winters here each year. What impact will the proposed development have on wildlife?
11. The prior attempt to develop this 33 acre property failed because of inadequate capacity for septic fields. What has changed such that this is now not an issue?

Thank you for taking the time to consider these items.

Sincerely,

Dan

Jeannemarie Smith
651 Terrace Drive ♦ Ridgway ♦ CO ♦ 81432

May 24, 2022

Mr. Preston Neill
Planning Commissioner
Town of Ridgway
Ridgway, CO

Dear Preston,

I am writing to the Planning Commission as a resident of the Vista Terrace development since 2017 and having recently become aware of a new development project being proposed and overseen for approval by the Commission.

Aside from unintended property value issues that tend to result from new large, long-term residential real estate development on your front door-step, I am asking for the Commission's insight and guidance to meter the rapid increase in the size of the residential population in the Vista Terrace area and the impacts that will need to be addressed in advance of approving the developer's plan; in my mind these include the following critical categories:

- **Safety.** Measures to address the existing roads and intersection to the Vista Terrace development. As it stands the existing roadways do not provide for safe ingress for an increased volume of cars turning on/off from Route 550 (a 60mph speed zone) NOR adequate egress, especially under emergency conditions with Four Winds proposed development of 20 homes plus 11 unbuilt lots already existing in Vista Terrace. With rapidly changing climate conditions, fire safety issues are at the top of mind and ingress/egress infrastructure will need to be addressed in detail by the Planning Commission and as a condition precedent to an approval process.
- **Water.** The focus on water availability, volume and power for, both consumption and fire mitigation I also see as a critical issue that the Planning Commission can not get wrong and fix at a later time, once a problem has resulted. The existing residents of Vista Terrace current pay a surcharge for the supplemental water requirements (pumping) to get water to the households of existing residents. It is unclear and frankly,

and unacceptable if a new development of this size tap into and utilize Vista Terrace's existing infrastructure (tank, pipe tie-ins, hook-ups) and create reduced capacity and increased cost to the existing residents. That would appear to be both unsatisfactory and unfair.

I should have begun by saying I rarely speak up in instances like this because I feel development is inevitable and, quite candidly I would not have had the opportunity to live in such a wonderful place if no prior development had occurred. But I do think *continued rapid* development with all that is happening in climate, drought, and traffic bears thinking through whether additional restraints or conditions precedent need to be imposed on future developments to ensure the pace of growth harmonized with what is occurring around us in our environment.

I appreciate the venue to be heard and hopefully, influence the Commission's next steps.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne Smith", with a stylized flourish extending from the end.

Jeanne Smith
651 Terrace Drive
917-821-1944



TJ Dlubac <tdlubac@planstrategize.com>

FW: Four Winds Development Concerns

1 message

Preston Neill <pneill@town.ridgway.co.us>

Wed, May 25, 2022 at 4:32 PM

To: TJ Dlubac <tdlubac@planstrategize.com>, Karen Christian <kchristian@town.ridgway.co.us>

TJ, Karen,
See below.

Preston

-----Original Message-----

From: Michelle Smail <mtsvtlove@gmail.com>

Sent: Wednesday, May 25, 2022 2:59 PM

To: Preston Neill <pneill@town.ridgway.co.us>

Subject: Four Winds Development Concerns

Good afternoon Preston,

My husband Mark and I have lived in Vista Terrace for the last seven years. I am a local dental hygienist at Ridgway family dentistry and my husband is a local solar designer.

We would like to voice our concern over the proposed development on the 33 acres off terrace. We have all the same concerns as other residents in our subdivision. Water being the largest concern, road, fire, regulations and wildlife. I'm sure you have received many letters from our community, so I will not go into detail. Please let me know if you would like me to go into detail, as I would be happy to. Thank you for hearing our concerns and appreciate that you take them all consideration.

Sincerely,

Michelle and Mark Smail
630 Vista Dr.
Ridgway, Co 81432



TJ Dlubac <tdlubac@planstrategize.com>

FW: Four Winds Planning Meeting

1 message

Preston Neill <pneill@town.ridgway.co.us>

Wed, May 25, 2022 at 4:34 PM

To: TJ Dlubac <tdlubac@planstrategize.com>, Karen Christian <kchristian@town.ridgway.co.us>

TJ, Karen,

Please see below.

Preston

From: DAVID BURGER <dlbbcg@aol.com>**Sent:** Wednesday, May 25, 2022 3:12 PM**To:** Preston Neill <pneill@town.ridgway.co.us>; Karen Christian <kchristian@town.ridgway.co.us>**Subject:** Four Winds Planning Meeting

MEMO TO: Dear Mr. Preston Neill, Ridgway Town Planning Commission

FROM: Dr. David L. Burger, [651 Terrace Drive, Ridgway](#)

DATE: 24May2022

SUBJECT: The proposed Four Winds Development

I am a resident of Vista Terrace, a Veteran, a father, a tax payer, and a voter who loves this area in terms of culture, natural environment, and community. I appreciate the opportunity to have a voice in proposed development changes/impacts would have on this Blessed Community, as it is not only Democracy in action it is a chance to be engaged in the processes that are capable of causing many costs and benefits for the entire town.

In the 1880s it is reported that waist high grasses, with multiple streams and rivers flowing existed from Grand Junction to Ridgway. I've been coming to this area for the last 45 years for skiing, climbing (ice & rock & mountains), backcountry trips, cycling, a Colorado Outward Bound Course Director, and enjoying good friends in the Interdependence of the community. As it turns out, late 1889, after cattle and sheep were introduced, the height of grasses and number of streams had begun to disappear. Now the amount of dust generated from these deserts stripped of most vegetation provides over 85% of early melting of the snow pack. That increases draught conditions and decreases safety in terms of fire danger, water shortages and financial costs. Sad that 45 years ago this corridor and the surrounding mountains were already over-populated and diminished a great deal of this habitat's carrying capacity. Seems we had already fouled our own nest.

Including all the property value issues that result from having a large, short & long-term residential real estate development in your back yard, I am specifically focused on the impacts on costs and benefits, both positive and negative, of the rapid increase in the size of our already over-populated habitat and in the

magnitude of cultural shifts that will have to be carried by the residential population; not just in the Vista Terrace area but also in the Town of Ridgway and Ouray County. We will all require clarity of Purpose and honest communications so that existing & future residents are able to make conscious choices and enjoy this wonderful ecosystem! More specifically, I am concerned about the following:

SAFETY:

Route 550 (60 mph limit) and Terrace not provide safe ingress or egress for an increased volume of cars turning on/off.

Costs:

-High \$ if CDOT would not cover wider and longer approach and regress on the east side and a passing lane for south bound traffic; and as road bike travel increases a bike lane on both sides of the highway would definitely help keep vulnerable riders safe.

-High traffic costs in accidents, longer travel times, possible loss of income due to lateness, frustrated attitudes, road rage, wild animal road kill increases, etc., all lowering the Town of Ridgway reputation.

-Emergency issues such as fires costs money and potentially lives! Lowers our resale value as well as making the new development less attractive costing the loss of buyers and sellers.

-Our and future Owners are likely to have increases in property taxes in order to accommodate safer ingress and egress.

-Property values will go down during early construction years and then sky rocket as lots are sold.

-All the above costs and more will be incurred due to 20 new families, potentially Ridgway & Ouray

Benefits:

-All would gain higher safety do to less traffic and fewer accidents.

-Our insurance rates would go up without better ingress and egress, down without.

-Most road cyclist have paid more for their bike than an

pay road and bridge taxes.

-No positive benefits

-No positive benefits

-No positive benefits

-No positive benefits

-No positive benefits yet endless negative

benefits to our local and larger culture, including residents of

20 new families in ADUs, and 11 families County and wildlife, plus the ecosystem.
in VT lots not yet sold.

With the continued extreme drought conditions and other rapidly changing climate conditions, fire safety issues are top of mind. Beyond ingress/egress infrastructure issues needing to be addressed in detail by the Planning Commission as part of an approval process; related issues such as fire-fighters access and resident escape plans need to be attended to up front, less we plan to create costly problems.

Costs:

-A wildlife tunnel could double for deer,

cyclists, and pedestrians. In fact two = one
north of Terrace Drive & one near the county
road would be the best; however, the costs
would be prohibitive if the Town and Ouray.
County plus CDOT would not cover the
costs without raising property taxes.

Benefits:

-No positive benefits if these adjustments

are not covered by the Developer or our government agencies.

-Negative benefits would include loss of
life, costs of attorneys, higher taxes, and a
low mood for our culture, especially the
elderly.

UTILITIES:

The focus on water availability including volume, pressure, and power for both 4W & VT developments, consumption – especially during fires, and fire mitigation are a critical issue that the Planning Commission cannot avoid as repairing such problems later are unlikely to succeed once problems have resulted. The existing residents of Vista Terrace currently pay a surcharge for the supplemental water requirements; and paid to have water, gas, and electric main lines brought to the Vista Terrace Development. It would be unethical and uncomfortable if the 4W development utilized our infrastructure (tank, pipe tie-ins, hook-ups, etc.) and created reduced capacity and spread the increased costs to the existing residents.

Costs:

-High costs to VT residents if the Developer
and/or our government would not cover
these issues.

-Our tank has 24,000 gallons capacity yet is
only filled to 18,000 gallons, giving the
existing residents 24 minutes of water for
fire-fighting. To make VT more capable
without charging us to make 4Ws adequate
would cause unbearable costs for most.

-Similar issues arise with all utilities in terms

Benefits:

-All would gain higher fire safety due to
adequate water supply (volume and
pressure)!

-We would also gain adequate water for

landscaping which adds oxygen and removes CO2.

of tapping into existing services and adding additional needs such as pumps, pipes, etc.

COMMUNITY/CULTURE:

A major draw to this area is the whole ecosystem plus the beautifully Interdependent Culture that Ridgway and the surrounding area provides. The costs of adding 4Ws development would foul this beautiful nest further, would not help with the need for low income housing, and would add to a class war with 20 - \$1.5m+ homes in a town where many can not find even low income employment. We will still have heavy traffic as Telluride workers predominantly come from Montrose where workers can afford to live; yet we don't have to allow Ridgway to become another version of Telluride and lose it's community and cultural feel.

Thank you for this opportunity, warm regards,

David

David L. Burger, Ph.D.

President, The Burger Concinnity Group

651 Terrace Drive

Ridgway, Colorado 81432

Office - 970-316-0043

NYC - 696-476-2713

Cell - 303-775-2009

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“The self is not something ready-made, but something in continuous formation through choice of action.”

John Dewey



TJ Dlubac <tdlubac@planstrategize.com>

FW: Proposed Four Winds Subdivision

1 message

Preston Neill <pneill@town.ridgway.co.us>

Wed, May 25, 2022 at 4:35 PM

To: TJ Dlubac <tdlubac@planstrategize.com>, Karen Christian <kchristian@town.ridgway.co.us>

TJ, Karen,

See below.

Preston

From: Joan Chismire <jchismire@gmail.com>

Sent: Wednesday, May 25, 2022 3:53 PM

To: Preston Neill <pneill@town.ridgway.co.us>

Subject: Proposed Four Winds Subdivision

Joan Chismire

[445 Park Lane](#)

[Ridgway, CO 81432](#)

The Honorable John Clark

Mayor of Ridgway

PO Box 10

Ridgway, CO 81432

Re: Proposed Four Winds Subdivision

Dear Mr. Mayor and Planning Commission Board:

I am writing as one of the Vista Terrace residents to discuss a few concerns that have been brought to my attention while reviewing both the proposal from and our VT collective meeting yesterday with the Planner, Realtor, and Engineer of the Four Winds group. They are:

1) I was informed yesterday at the meeting by the subdivision planner that, even though there is a **visual impact in effect for the whole of Ouray County** with regards to breaking the ridgeline with structures, that regulation is not applicable in the town limits of Ridgway. I request that, because Vista Terrace is in the town limits and one of the highest

(elevation-wise) areas with ridgeline concerns, that the Planning Commission and town strongly consider either adopting that countywide rule for town or at least consider applying this county rule to this proposal, as the view south from County Road 10 and Hwy 550 looks directly over the ridgeline to see part of the San Juans and our valley. It will negate the great work Peter Decker did to keep our valley visually pristine- while allowing building to occur.

2) Several years ago another developer looked at the same large parcel and proposed a more densely-populated layout. At that time, Vista Terrace (VT) neighbors discussed some concerns and came up with three potential options for creating **"an emergency-only" egress** from our hillside. All three were proposed to the town and denied for various reasons. Two of those options are now mute since the locations have or will soon have homes built on the areas. The third site, located near the base of Lot 42, could potentially be reconsidered to exit only during an emergency out to CR 12 by utilizing a nearby lane to our east (with permissions needed by several owners both in VT and outside the subdivision area). Fire mitigation, among other emergencies, are even more necessary to prepare for these days.

3) The **ingress/egress** into Vista Terrace has become more dangerous these past few years, even with the grateful north-bound deceleration/ acceleration lanes.

The challenge of turning south onto Hwy 550 even outside of high-traffic times can be harrowing. And when heading south from Montrose, the slowing down and turning L. into Vista Terrace must be strategically choreographed to avoid too long a pause or potential rear-end scenario. Often, I must continue to drive farther south to the turn-out across from Mull Road, take Mull Road, or go down to the light in town to safely head back north to get home. The speed limit of 60(+/-) mpg is too high in this entrance area.

My concerns with adding 20-additional proposed lots on VT's primary ingress/egress location (with 11 lots of VT still yet to be built on) are very strong.

I realize that the northbound lanes added on Hwy 550 helps; they were added after several major accidents and the death of a state patrol officer occurred just near our VT entrance. With the migration of wildlife and vehicles navigating the entrance onto Hwy 550,

I request a traffic study and speed study to be done by CDOT/town to assess this challenging spot.

Thank you for your time.

And thank you, Preston.

Sincerely,

Joan Chismire

(970) 318-1190

Stephen R. McComb
290 Terrace Drive
PO Box 1247
Ridgway, CO 81432

Mr. Preston Neill
Town Manager
Ridgway, CO 81432

RE: Four Winds Proposed Development Issues

Dear Mr. Neill & Planning Commission Members,

I have lived full time in the Vista Terrace neighborhood for approximately 6 years. Ever since I became aware of this proposed development I have been on a mission to uncover the details of the development. I obtained the application details from the Town of Ridgway that showed the location and scope of this proposed development. This information has been shared with the Vista Terrace neighborhood so all those impacted are aware of the details. We have met as a neighborhood group with a large attendance at that meeting where everyone's issues and concerns were discussed. We have also met with the developer (planner, head engineer, and agent), and discussed our concerns and issues for 1.5 hours.

The following is not a complete list of all the issues, but I believe these are the major concerns based on the neighborhood's input:

1. **Terrace Drive – US Highway 550 Intersection**

Currently, there is a single entrance-exit from the Vista Terrace Subdivision. This intersection is already stressful based on entering traffic that is moving in both directions at 60 miles plus per hour. The proposed development plans on using this one entrance-exit, and have no plans to create another entrance-exit from this neighborhood, even though their plans call for an additional 120 people (not including ADUs) to be based in the neighborhood. There are north bound deceleration and acceleration lanes that assist when going in that direction, but the acceleration lane is way too short to really allow you time to feed into traffic traveling so fast. There are no such extra lanes when proceeding southbound toward Ridgway from this intersection. The developer plans on submitting a traffic study to CDOT to get their input. As a bare minimum, I believe both acceleration and deceleration lanes are needed to be installed for south bound traffic. This will assist slow traffic feeding in or out of the main US 550 Highway from creating unsafe and quite dangerous situations. I also believe that the Four Winds developer should pay the entire bill for implementing these safety lanes. CDOT has told me that the state will not pay for a new development's state highway needs. During a fire emergency, how can fire trucks enter this intersection while people are trying to exit in their vehicles?

I cannot over emphasize enough just how concerned the neighborhood is regarding this subject. This intersection will become a nightmare for those that live here if this development goes through as planned. No one wants to have a horrific accident occur at this intersection so I implore you to ensure that this traffic study submitted to CDOT is thorough and accurate.

2. Water Capacity and Pressure

The Vista Terrace neighborhood is on town water, and the proposed development plans on using town water as well. To support the neighborhood, the town pumps town water to a water tank on the top of the ridge NE of the Vista Terrace Subdivision. The developer will enhance the water capacity by building a second water tank up on the ridge that is tied into the original tank. The Four Winds development has stated clearly that all costs associated with this enhanced water capacity will be paid in full by the developer. I believe it is important to analyze water capacity needs for this area by adding in not only current water usage by Vista Terrace and the proposed Four Winds development fully built out, but add in the 11 or 12 lots in Vista Terrace that do not have homes on them currently. The allowance of and developer “encouraged” addition of ADUs must also be added into the equation. There are several issues beyond water storage capacity that need to be addressed:

- a. What about water pressure needed to support the above mentioned full build out? I have been told that the pumping station currently in place uses a 2 phase system, and that it is near capacity supporting current needs. The developer should foot the entire cost to ensure that the current water pressure is not compromised by the addition of his development.
- b. Both water capacity and pressure needs analysis must take into consideration fire emergencies.
- c. The Vista Terrace Subdivision currently pays a 10% surcharge on our water bill for our unique water supply system. Any increases in this surcharge mandated by the Town of Ridgway to support additions and maintenance of this water system should be paid by the developer, not the current residents.

3. Vistas Visual Impact

Ouray County’s Board of Commissioners developed Visual Impact Regulations back in 1986. The document that currently exists was revised in 2019. The purpose of the document is to preserve the scenic beauty, rural setting, and the dominating influence of the natural environment of Ouray County. If this document is upheld, I believe that this proposed development, especially the northwestern lots, will not meet the requirements of this document. The homes on these lots will be easily visible from Highway 550 within 1.5 miles of the ridge. If Ridgway truly considers itself a progressive community, as outlined in the 2019 Master Plan, I do not see how you cannot abide by such a logical document. If not, I can assure you that more “McMansions” will be built to maximize their views, but undermine the beauty of our location. This really seems like a “no brainer” to me!

4. Roads Within Vista Terrace and Four Winds Proposed Development

All of the current roads within this neighborhood and the road to be created to support the cul-de-sac of Four Winds are gravel roads. With the significant increase in road traffic with the new development, several concerns come to mind:

- a. Are the roads wide enough to meet state and Ridgway codes ?
- b. Are the roads graded to code for this amount of traffic?
- c. Do the roads and cul-de-sacs within the area meet state requirements for fire emergency vehicles?

- d. No road paving is being planned. If it does come down to paving the roads, Terrace Drive going down the hill to the Highway 550 intersection can become icy and there are serious drop offs from that road that would become dangerous. Any cost associated with the paving and drop off mitigation should be covered by the developer.

5. **Wildlife**

The proposed development is right in the middle of a major wildlife corridor. I have watched this for 6 years and there is no denying that fact. Deer, elk, wild turkeys, coyotes, and other smaller animals use this corridor consistently to graze, sleep, and make their way across the highway to the river for water. The proposed development states they will not allow perimeter fencing in order to allow wildlife access through the corridor. However, they also are going to mandate dog fences to stop them from chasing wildlife. I do not go along with this concept because animals are afraid of dog barking as well as being chased, and the fences themselves act as a barrier to wildlife traffic. I suggest that the subdivision HOA Covenants mandate the maximum number of dogs allowed at one. I highly encourage the Town of Ridgway to engage the Colorado Department of Parks & Wildlife to analyze the impacts on wildlife that this proposed subdivision will cause.

I very much appreciate the opportunity to give my input to the Town of Ridgway Planning Commission!

Respectfully,

Stephen R. McComb
290 Terrace Drive
602-770-6199
smccomb63@gmail.com

**Audra Duke
205 Cimarron Drive
Ridgway, CO 81432**

May 25th, 2022

Re: Four Winds Development Concerns

Via Email jclark@town.ridgway.co.us and PNeill@town.ridgway.co.us

Dear Ridgway Mayor and Town Manager:

Please find my comments and concerns below related to the proposed development adjacent to Vista Terrace:

1. The proposed Four Winds Development is a huge addition to the rural feel of Vista Terrace. And the culture therein, especially, as per the representative for the developer stated, they are looking to get buyers who can afford million and a half dollar homes in there. This is Ridgway, not Telluride, not San Francisco. Not only 20 new 1.5 million dollar homes, but also these developers are encouraging ADU units. Do the millionaires, who are going to buy / build these homes – are they even the demographic who would want to build an affordable-to-rent ADU on their property for the long-term rental crisis Ridgway has? The mixed message is confusing. The developer and real estate representatives also said they imagine each house will be around 3,000 square feet... again, is this the culture Ridgway is now catering to? What about our affordable housing crisis and the ethos of desiring the people who serve our town can still afford to live here?
2. The interface with VT entrance / exit and Highway 550 is already a scary navigational move. Adding, at a minimum, 20 to 40 or even 60 plus new residents (including ADU renters) to that intersection daily will become a disaster. I believe it is critical that, at a minimum, a left turn lane be installed heading southbound on 550 into the neighborhood PRIOR to any construction beginning. A turn lane south from VT should also be considered. CDOT and / or Ridgway town should also consider reducing the speed limit in this area.
3. Water. There is a significant concern about water in general, as well as the infrastructure to get water to a whole new neighborhood, and, at whose cost and maintenance. Will there be a new tank? And will these one or two tanks always house enough water to be a robust part of any wildfire mitigation / plan? How about the monthly surcharge existing VT residents already pay to the town? Will that increase with more volume of water needed? And if so, who incurs that cost? Hopefully not the existing residents of VT.

4. How much is the beauty and wildlife being considered? VT neighborhood is a huge wildlife through corridor, which brings peace and a sense of calm in a viably changing world and even SW Colorado, to the animals which find refuge there and to the residents who find refuge in both the land and the wildlife.
5. The proposed open space seems minimal for a new development in an outdoor recreational town.
6. Vista Terrace only has one entrance and exit. The addition of 20 new homes and potentially 20 new ADU's with tenants will increase the volume of vehicle traffic dramatically within the neighborhood, including entrance and exit. One entrance / exit seems insufficient, especially with the aforementioned threats of the entrance and exit interface with Highway 550.
7. The visual impact of some of the proposed houses up on the hill from town and from highway 550, especially with 3,000 square foot homes. This will dramatically change the feel and culture of Ridgway and goes against the Ouray county's visual impact code.

Thank you for taking these concerns and questions into consideration.

Warm regards,

Audra Duke, MA, LPC
Psychotherapist



TJ Dlubac <tdlubac@planstrategize.com>

FW: Four Winds development concerns

1 message

Preston Neill <pneill@town.ridgway.co.us>

Wed, May 25, 2022 at 5:44 PM

To: TJ Dlubac <tdlubac@planstrategize.com>, Karen Christian <kchristian@town.ridgway.co.us>

TJ, Karen,

See below.

Preston

From: Bob Tesch <btesch@wealthsource.com>
Sent: Wednesday, May 25, 2022 4:58 PM
To: Preston Neill <pneill@town.ridgway.co.us>
Cc: jchismire@gmail.com; smccombs63@gmail.com
Subject: Four Winds development concerns

Hey Preston – I think my two concerns about doubling the number of homes in the Vista Terrace neighborhood focus on #1 water (supply and pressure), and #2 traffic.

#1. I have heard that an additional water tank would be needed to address water supply and fire mitigation. What are potential impacts on existing homeowners?

#2. Southbound homeowners are already having to make quick decisions about when to turn to enter Vista Terrace, because our view of oncoming northbound traffic is restricted until the last minute, especially with speed limits at 60mph. If twice as many people are trying to make that turn and basically creating a traffic block, that could be a real safety concern. Is there any plan to create a left hand turn lane for southbound traffic?

**Bob Tesch, CFP®**

SENIOR WEALTH MANAGER

WealthSource | 1561 Oxbow Dr., Montrose, CO 81401
970-737-4668 | btesch@wealthsource.com

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TJ Dlubac <tdlubac@planstrategize.com>

FW: Four Winds Subdivison

1 message

Preston Neill <pneill@town.ridgway.co.us>

Wed, May 25, 2022 at 5:46 PM

To: TJ Dlubac <tdlubac@planstrategize.com>, Karen Christian <kchristian@town.ridgway.co.us>

TJ, Karen,

See below.

Preston

From: JACK KAREN FAY <jkrfay@msn.com>

Sent: Wednesday, May 25, 2022 5:13 PM

To: Preston Neill <pneill@town.ridgway.co.us>

Subject: Four Winds Subdivison

Preston, In regards to the proposed "Four Winds" Subdivision, We are very concerned about the water, increased traffic and wild life.

Please give these issues your utmost attention.

Thank you,

Jack and Karen Fay

475 Terrace Dr

Ridgway Co

Stephen R. McComb
290 Terrace Drive
PO Box 1247
Ridgway, CO 81432

Mr. Preston Neill
Town Manager
Ridgway, CO 81432

RE: Four Winds Development Major Safety Issue > Highway 550 / Terrace Drive Intersection

Dear Mr. Neill & Planning Commission Members,

Currently, there is a single entrance-exit from the Vista Terrace Subdivision. The proposed Four Winds development plans on using this one entrance-exit, and they have no plans to create another egress from the neighborhood. The developer's plans call for an additional 120 people (including ADUs) to be based in the neighborhood.

In my opinion, which is shared by a majority of Ridgway citizens that live in this neighborhood, the addition of this proposed development without a new egress represents a highly dangerous scenario to those that use this intersection on a daily basis. This lack of common sense planning will create a huge influx of activity at this Highway 550 intersection, even if south bound acceleration-deceleration lanes are added (assuming CDOT will recommend adding them, which is not a forgone conclusion). In addition to an already congested intersection, there is a developer proposed single track bike path, open to the public, exiting at this very same intersection. The idea is that bikers can cross the highway and hook up with a path going down to the river trail. There is no planned parking area for bikers to park their cars, and Terrace Drive is not suitable for parking. This will only exacerbate the intersection activity while cars whiz by in both directions going 60+ mph.

I believe that there is no larger priority that a town government has than the protection and safety of its citizens. As a result, I am making a strong appeal to the Town of Ridgway to do the right thing by the citizens in this neighborhood, and reject this development for safety reasons until a secondary access and egress is added to the development plan.

Below please find links to view a 3 minute video put together of the traffic at this intersection in real time that will illustrate the danger outlined above. Remember, this is current traffic, even before the increased activity that would be brought about by the Four Winds development.

<https://bit.ly/HWY550-Vista-Terrace> >>> You Tube video

<https://bit.ly/HWY550-Download> >>> Download video to your computer to view

I cannot over emphasize enough just how concerned the neighborhood is regarding this subject. This intersection will become a nightmare for those that live here if this development goes through as planned. When Four Winds is fully developed, it is not a matter of if there will be a horrific accident, it is simply a matter of when!

I very much appreciate the opportunity to give my input to the Town of Ridgway Planning Commission!

Respectfully,

Stephen R. McComb
290 Terrace Drive
602-770-6199
smccomb63@gmail.com

Clint Estes
PO Box 5
Ridgway, CO 81432

To: Mayor Clark, Manager Preston Neill, Ridgway Planning Commission

RE: Four Winds Subdivision Proposed Sketch Plan

Dear Mayor Clark, Mr. Neill and Commissioners,

I have lived and worked in Ridgway and Ouray for 19 years. During that time, I have volunteered my skillsets to local causes, non-profits, and municipalities. I also had the privilege to serve as an advisory member for the Town of Ridgway master plan, as well as the recent building code adoption for the Town of Ridgway and Ouray County. I only speak to these things with the hope to garner some credibility regarding my personal concerns over the proposed Four Winds Subdivision. I am also a builder who has worked in the Vista Terrace subdivision consistently for the past 6 years.

I do not imagine that I will be presenting any novel concerns regarding the proposed development, yet I do hope to provide my personal perspective and I hope to have some influence regarding the trajectory of my community. My highlighted items can be summed up as follows:

SAFETY. SUSTAINABILITY. IMPACT

#1- SAFETY-

The 550 intersection is already incredibly dangerous. Adding another 50-90 residents entering and exiting VT at the Terrace Drive intersection without the install of an acceleration (lengthened) and a center turning lane will be catastrophic. I am not being dramatic. I have witnessed many very close calls due to traffic and speeds at that intersection. Recently, there was a short term rental license (accidentally) issued in the neighborhood that has already caused a noticeable increase in traffic. As a long time builder in Vista Terrace, I do have a bit of a unique experience. I probably enter and exit from said intersection 10-20 times a day due to the current work demands. I was even a first responder (OMRT) a couple years ago to an accident involving a near head on collision that was averted when the southbound vehicle swerved and ended up off the western edge of the highway near the river. It wasn't pretty.

Also, I was working on my personal home in VT on a Sunday in July. The property has a great perspective of town. A lightning event rolled through the town and I watched a ground strike happen right in the middle of town. I then saw black smoke billowing through the trees in an area that looked like it was at my current home on Clinton Street. Alarmed, I immediately got in my truck to see if my home or my neighbors home was on fire. I was very concerned as you can imagine. I timed the left hand turn out of VT onto 550. It took over 7 minutes to be able to safely make a left hand turn. All the while I am afraid my home or my neighbors home is burning down.....it was Sunday, no construction traffic, no single lane closures.....just hundreds of cars transporting hundreds of people at high speed. The 3-5 minute left hand turn wait has almost become a standard deal these days and I have made peace with it. However,

it does become an issue in the off chance that a few cars are trying to leave VT at one time. More than 3 vehicles stopped on Terrace drive at 550 begin to line back uphill. The “landing pad” at the bottom of Terrace Drive is really only big enough for 2 vehicles. I point this out because of the danger that it poses in the winter months. This northwestern facing section of Terrace Drive receives very little sun. I believe the gradient to be very steep (6-8%), possibly exceeding the towns current engineering standards. It becomes very icy and slick for much of the winter. Personally, I have slid straight down the hill and into the little plowed pull out at the bottom a number of times. A lot of town resources are already directed at maintaining this problematic, yet critical stretch of road. The existing VT subdivision isn’t even built out yet. Now imagine doubling the potential population at this dangerous intersection. Is this the towns version of “commissioner hill”?

Pedestrian traffic is also a major safety concern. As VT and TOR have both grown significantly over the past few years, so has pedestrian traffic. Vista Terrace residents as well as river trail walkers frequently cross the highway at this intersection. Often, people are having to sprint across the highway in 70mph traffic. That is very scary and dangerous.

SOLUTIONS.....

I do not see an elegant way to thoughtfully address this situation without the following:

- Extremely lower the proposed development density.
- Installation of a lengthened acceleration lane. Add a center turning lane. To be paid for 100% by the developer, and completed before any further site development be allowed to proceed.
- Construction of a secondary access to the new development. Regardless of the rhetoric, it is possible. If the developer is as serious as they pose to be, they need to be able to negotiate access through their “first right of refusal” properties. There is a clear access point near the CR 12 and 12A junction. I also see potential access acquisitions that could be made on CR10 for the area. Regardless of that, I see that it is possible (costly) to at a minimum construct a new access road from the current 550/VT intersection. Yes, It would require some challenging engineering and construction without parceling off part of the “Educate” property, but I believe it to be possible to construct another access road to remove pressure from Terrace Drive.
- Pedestrian underpass possibility? All these things will need to happen eventually. Pedestrian access is unique and definitely a sales tactic vs. an actual safety need for the current town dynamics. But if VT and this “River Sage-esque” proposed development are part of the Town of Ridgway, then I would say pedestrian access is important. And I think the cost falls on the developer given the proposed density. Who paid for all of the River Sage trails? The paved river trail to River Sage? The beautiful and usable open space and park that is part of River Sage? The bridges? Should this proposed development be handled differently from how the town handled the Weaver’s first presentation of the Proposed River Sage?

#2- Sustainability-

Development is inevitable. We can all agree on that. My first life and education was actually in water sciences, yet here I am, building homes in Ridgway. I cannot help project my own scientific

understanding of water resources and environmental impacts on the future growth of Ridgway. How is our existence altering the ecosystems and native habitats? How should our water resources be allocated? How should our worker resources be allocated? I understand that I am an addition myself that is not native. I understand that the VT subdivision itself has already caused negative impact. But how do we wish to proceed? Do we want to just do the same thing again over and over, because it happened 30 years ago? Or have we learned something? What are we going to do differently with the desire of a better long term impact in mind? Does the new development do anything to address our current housing crisis? Worker crisis? Wildlife encroachment? Were these things not addressed in the authoring of a new "Master Plan?"

Water resource is probably in the forefront of everyone's mind, and rightfully so. I trust that the TOR will direct the construction and maintenance of a much expanded water system for the development. Of course to be paid for by the developer... "development pays for infrastructure" is a town mantra I have heard for years. However, what may not be considered by all is sewage management. I have personally seen extreme variation in standards pertaining to septic engineering standards. I would propose a central development septic system to be paid for and maintained by this new subdivision, at the proposed density. One off, site specific septic systems can vary wildly in their engineering design and effectivity. It is the way it was, but that does not mean it is the way it should be. Another 22-40 site specific septic systems will present much more of an environmental risk than a centrally maintained system.

Road maintenance and stormwater management is another issue that comes to mind. How will the developer be required to offset these impacts? Gravel roads, mag chloride, and road graders are all cute and romantic in our small town... but they are not sustainable. Again, I think it necessary for the developer to pave any "steep" road grades. Constant road grading and chemical application has a downhill effect...I also think it prudent to address storm water management as part of this process. How does this affect the watershed? Do we choose to be proactive or reactive in this regard? Can the town sustain the current growth of maintenance needs?

SOLUTIONS....

The Town of Ridgway recently passed a new development moratorium. That happened for a reason.....I'm assuming in order to answer some of these questions. Should this developer get to slide a foot in the door even though months of extensions have been granted? This is such a unique property to fall under town management. Lets treat it as such.

#3 IMPACT

Visual impact. Environmental Impact. Budgetary Impact. Resource impact. Maintenance impact. Public safety impact. Town vision impact. Trajectory of what kind of town we want to be...impact.

I guess that you get what I am getting at. I would like to focus on the visual impact component for this part of my rant....

Im going to reiterate how unique of a property this is to fall under town management. You all understand how much of a burden on resources it is to govern and maintain properties outside of the “town proper”. Now imagine that the Ouray County visual impact guidelines be applied to anything outside of “town”. I think that nearly 98% of the VT and concerned area is surrounded by county management.....while being disconnected from “town.” Hence the “unique” reference.

As a builder, I work diligently with clients and designers to minimize impacts to the landscape and the skyline. Just as our community has adopted a “dark sky” rating, we have also committed to not overwhelming the native skyline with our existence. It would be hypocritical to care about one and not the other. Broken skylines mean beaming lights. Even with dark sky rated light fixtures, a light has to shine somewhere. I know the town does not currently have a “skyline” code, but if it were to consider one, now is the time. This proposed subdivision at the proposed density would dramatically impact the visual impact of the town of Ridgway. The north corridor would begin to take semblance of the outer reaches of Telluride and Crested Bute. Is that the direction we want to go as a community?

SOLUTIONS...

Visual impact is ultimately subjective. However, Ouray County has a fairly good set of rules.....

Don’t break the skyline. Hardship variances can be granted based on need. The “need” of a tall home versus a low, single story home. Is it even possible for 5 homes on this property to not break the skyline.....let alone 20 or 60?

Don’t be reflective. Materials should have a low SRI. No shiny things. Don’t try to stand out amongst the landscape. Who is going to govern that?

FINAL

I don’t have answers. I do have questions... and maybe a few suggestions. Please don’t rush through this. Please don’t be bullied by the bottomless pocket developer at “no matter the cost.” The small town grapevine has reported hearing these developers to say they are going to ramrod this through council and get it approved asap. Wow. This property is special and it should be treated as such. It’s not just a piece of dirt for a wealthy person to purchase and develop however they please. It is the Town Of Ridgways’ last unique property. The development and growth in this town has been off the charts over the past few years. Lets grab the reigns again. Pull ‘em in and slow the heck down for a minute. If this property is destined to be developed in one way or another, lets just make sure its something we can look back on and be proud of.

Respectfully,

Clint Estes

**Dan Brillon
550 Vista Dr
Ridgway, CO 81432**

August 25th, 2022

Re: Four Winds Subdivision

Via Email jclark@town.ridgway.co.us and PNeill@town.ridgway.co.us

Dear Ridgway Mayor and Town Manager:

Below please find my comments and concerns related to the revised development plans for the Four Winds Subdivision adjacent to Vista Terrace:

1. The look and feel of the Four Winds Subdivision is not in character with that of Vista Terrace subdivision. While Vista Terrace lots are all of various sizes and shapes spread out across the entire acreage, the Four Winds Subdivision has basically square lots all concentrated centrally in the acreage. This has the effect of creating the feel of a dense California like subdivision rather than the spacious spread out feeling that is characteristic of Vista Terrace. This not an appropriate transition from town to surrounding area to County agriculture.
2. While the Developer touts the Four Winds at meeting the same density ratio as that of Vista Terrace, what they conveniently don't say is that over 10 of the 33 acres are undevelopable from the West ridgeline down to HWY 550. So if you look at the developable portion and divide by the number of homes you get a drastically different density ratio which speaks directly to point 1 above resulting in an extremely dense cluster of houses inconsistent with the existing neighborhood and transition to County agriculture.
3. With the addition of this many new homes, the HWY 550 interchange will become even more dangerous. This must be addressed and paid for by the developer before any construction begins as heavy and slow construction equipment turning into and out of this interchange will create an unacceptable risk to public safety.

Thank you for taking the time to consider these items.

Sincerely,

Dan

-----Original Message-----

From: Matt Gawlowski <mattgawlowski@icloud.com>

Sent: Thursday, August 25, 2022 5:01 PM

To: Preston Neill <pneill@town.ridgway.co.us>

Subject: Four winds development

Hi Preston,

I live at 495 Park Lane in Vista Terrace, and am writing to express my concerns about the four winds development proposal as I understand it.

It sounds like the water concern has been addressed? I do want to make sure we have water for emergencies if needed, given the fire risk.

- increased traffic and thus erosion on the road...the developer should be made to pave the section from the highway to the development, that will experience dramatically higher usage.

- emergency access? Just one ingress/egress is a safety issue and additional units should not be allowed until a second access is built.

- pedestrian access at the highway is already dangerous...I cross that road often to access the bike path, and rarely if ever can I just walk, I need to run to avoid traffic. Going east is actually much worse as vegetation limits view. And the developer wants to add a bike path and increase pedestrian usage there? That's reckless. We should require either a pedestrian underpass, or a lower speed limit, for pedestrian safety.

- turning left into, or out of, the neighborhood is already dangerous, and adding more traffic will just make that worse. Especially southbound turning into the neighborhood, I often have to remain stopped on the highway, blocking traffic (and praying I don't get rear-ended), waiting for a gap in northbound traffic. Improvements are needed if there are to be more cars using that intersection, and the developer should be the one to pay for this, NOT the current residents here.

I know when VT was originally designed, future development was planned for the area being looked at by Four Winds. It should be noted that whatever traffic studies were done at the time to justify a single ingress/egress point are by now horribly outdated and not at all applicable. Times have changed, the area has gotten more crowded and traffic has increased beyond what I think anyone anticipated. Completing the "build out" of this neighborhood without reevaluating that would be reckless...and given the number of people Four Winds wants to bring to the neighborhood, they should be the only ones paying for any infrastructure improvements needed.

Lastly, please make sure this development complies with all covenants that guided the building of this neighborhood (for example, no ADUs).

Thanks,
Matt Gawlowski

Letter to the Ridgway Planning Commission 8/26/2022

My name is Pam Foyster, and I live at 435 Terrace Drive in the Vista Terrace subdivision, lot #47.

I have lived in multiple mountain towns near ski resorts since 1975: Steamboat Springs, Salt Lake City, Park City, and Jackson Hole. I experienced all these towns as they went through tremendous growth and changes, some with better outcomes than others. All were challenged by the same issues of affordable housing, infrastructure, and rapid change.

I served on the Ridgway Master Plan Steering Committee from 2018-2019; it is hard to believe that was only 3 years ago! It was a year of hard work, and what impressed me most was the level of community engagement in our surveys, work sessions, and feedback. At the end of the project, those who participated felt heard. The subtitle of the Master Plan report is "Our Town, Our Future". We all knew that growth was coming, and the most important thing we could do was to prepare for it and manage it proactively. Of course, no one could have predicted the events of the past two years, and how it would alter our lives and our community.

Before I review the proposed Sketch Plan in the context of our Master Plan, I would like to make an important observation: Vista Terrace is a cul de sac. In the event of a fire, we only have one way out, and that road will be busy with fire trucks and volunteers coming in to help us. A few large trucks might be able to drive out below the last house on Cimmaron Drive over sagebrush, but that is not a solution.

As an introduction to my comments, I note specific words from the Values section of the Master Plan

- ❖ Community Value 1: Healthy Natural Environment
 - • "Preservation of natural habitats and ecosystems • Conservation of open space and ranch lands • Sustainable development practices".
- ❖ Community Value 2: Sense of Community & Inclusivity
 - "Trends like increasing housing costs and a lack of affordable childcare make it difficult for many people to live in Ridgway".
- ❖ Community Value 3: Small Town Character & Identity
 - "Although they may differ on how to define "small town character," residents feel strongly that it's a key part of Ridgway's identity".
 - Goals and policies for this community value seek to retain and enhance key aspects of Ridgway's small town character and identity as the community grows".
- ❖ Community Value 4: Vibrant & Balanced Economy
 - "...service jobs tend to pay low wages that make it even more difficult for those who work in Ridgway to live here as well".
- ❖ Community Value 5: Well-Managed Growth
 - "Based on projections in the Community Profile, Ridgway is expected to add between 150 and 700 new residents by 2050". Where will we be when current projects are completed?
 - "Goals and policies in this area seek to ensure that future growth occurs incrementally in a manner that is consistent with Ridgway's values, minimizes impacts on existing residents, and recognizes the need to balance the community's objectives".

Letter to the Ridgway Planning Commission 8/26/2022

I refer to other components of our Master Plan as the basis for the rest of my comments.

1. The Master Plan map identifies areas for short and long term growth. Vista Terrace is included in the area identified for Initial Growth Boundary and has 11 or 12 lots out of 48 yet to be developed (75% developed). The Initial Growth Boundary (IGB) is defined on page 56 of the Master Plan (*italics added by me*):
 - a. “Initial Growth Boundary (IGB) The IGB delineates the area within which the Town will encourage urban levels of development in the next *ten to twenty years*. The boundary includes areas that are contiguous to established parts of Ridgway that are already served by Town services, and to which utility extensions could logically and efficiently be provided. The purpose of the IGB is to support the community’s desire to grow in an *orderly, logical, and sequential pattern outward from the existing town core*. In general, urban levels of development outside the IGB would be considered premature until substantial development has occurred within the boundary.”
2. By looking at the segments of that definition, I would like to point out several items:
 - a. The Four Winds proposed development is specifically delineated outside of the IGB.
 - b. The definition of the IGB is to encourage urban development in the next 10-20 years, however Vista Terrace is a single-family development by density, and a rural neighborhood by design.
 - c. Vista Terrace is supported by town services, although there are significant concerns regarding current infrastructure and fire egress, as it was designed and coded when Vista Terrace was still outside town boundaries. Extensions or additional Public Improvement Districts are a very complex and expensive undertaking, consuming town staff resources even if the developer states they will pay the full cost.
 - d. The Four Winds development is a leapfrog from the town core, and premature until substantial development has occurred within the IGB boundary. There is development occurring and proposed closer to the highway intersection, which is a logical extension of development from the core.
 - e. The IGB designation is for 10-20 years. We all recognize that the pandemic was like an earthquake to our valley and the resulting building boom was not something we expected to come at us at such a fast rate. This reinforces the importance of the Master Plan, and that we use the document we worked so hard on as a community to manage growth. I strongly encourage you to use the Master Plan. It is a good document, and hundreds of hours of stakeholder effort went into its development.
3. Goal CHR-1 discusses the importance of Character and Identity in keeping the town and future development connected. Policy CHR-1.2 regarding Neighborhood Walkability and Bikeability states: “Enhance walkability and bikeability within existing neighborhoods and between existing neighborhoods and other areas of town”. Vista Terrace does not connect directly to the river pathway, and accessing it requires crossing Hwy. 550. The developer states they would be interested in participating with the town to build an overpass or underpass sometime in the future, however the intersection of 550 and Sherman is a much higher priority as the town develops outside the core.

Letter to the Ridgway Planning Commission 8/26/2022

4. Policy GRO-1.5 is for the purpose of “Ensure[ing] new development and infill/redevelopment is compatible with the surrounding area or neighborhood”. The current proposal supports infill; however, it is outside the Historic Core and the IGB, and the footprint density as well as the visual impact is not compatible with the surrounding neighborhood.
5. POLICY ENV-3.4: Low-Impact Development-Design Street layouts, grades, and site developments to avoid excessive runoff concentrations and minimize the need for storm sewer infrastructure. On-site natural percolation, detention, or retention should incorporate vegetation, vegetated swales, and other low-impact development strategies where possible to minimize the need for off-site infrastructure improvements. Clearing for roads and housing will increase the amount and speed of runoff from rainstorms throughout the development.
6. POLICY CHR-3.3: Conservation Mechanisms - Collaborate with willing property owners and the County on opportunities to establish conservation easements, land trusts, or other mechanisms designed to preserve agricultural [wildlife habitat?] land outside the UGB in perpetuity.
7. POLICY CHR-6.3: Ridgeline Protection - Encourage the use of clustering, flexible setbacks, height limitations, and other site planning techniques to minimize the visual impact of ridgeline development when viewed from public rights of way. The Four Winds proposal cannot meet this policy.
8. POLICY GRO-1.1: Directed Growth - Direct growth to occur in a concentric fashion from the core outward, in order to promote efficient and sustainable Town services, strengthen the Historic Town Core and existing neighborhoods, and preserve the rural character of the surrounding landscape.
9. POLICY GRO-1.5: Design of New Development - Ensure new development and infill/redevelopment is compatible with the surrounding area or neighborhood...
10. POLICY GRO-1.8: Development and Annexation Impacts Evaluate all development and annexation proposals in order to understand the expected economic impacts, demand for services, impact to water resources, as well as if the proposal is compatible with Ridgway’s character, improves connectivity, and provides significant community benefits or enhancements.

We are not the first or the last small mountain town to go through this and there are many examples of towns all over the Intermountain West and western slope to learn from. I was encouraged when you set a moratorium in place and would have encouraged you to consider a twelve month moratorium to give you adequate time to breathe, support the staff, and do the work as stated in the Action Plans listed in the Master Plan. A moratorium is a valuable tool that other towns very much like ours have used to get some perspective and look at what is being built and how it serves and supports the town. The economy continues to change, the pandemic is not over, and we need time to assess what the town looks and feels like after current projects are completed and occupied.

I would like to share my experience with a recent sale of a Redcliff condo. It has 2 bedrooms, 2 baths, and priced at \$350,000. I did not list it, and only advertised it by word of mouth and the Ridgway Facebook page. There was a lot of interest, and one local person bid on it but could not make the financing work. An employer purchased it for their highly valued employee to keep her and her 2 children in the valley. If our workforce cannot afford the lowest priced property in the county, we do not need to rush to build more housing that locals will not be able to afford.

Thank you,

Pam Foyster

Stephen R. McComb
290 Terrace Drive
PO Box 1247
Ridgway, CO 81432

Mr. Preston Neill
Town Manager
Ridgway, CO 81432

RE: Four Winds Proposed Development Water Issues

Dear Mr. Neill,

I would appreciate it if you would add this letter into the packet designated for the January 30th Planning Commission meeting under the Four Winds project agenda item. I realize that I have sent this question to you in the past rather informally, but I wanted to make sure it was included in the project meeting packet.

Water Capacity

Background:

The Vista Terrace neighborhood is on town water, and the proposed development plans on using town water as well. To support the neighborhood, the town pumps town water to a water tank on the top of the ridge NE of the Vista Terrace Subdivision. The developer will enhance the water capacity by building a second water tank up on the ridge that is tied into the original tank.

Issues:

1. In reviewing the Four Winds Subdivision Sketch Review dated June 27, 2022, I think I may have found what looks like a mathematical error regarding the new water storage tank size. On page 6 the following calculation is made regarding the proposed total water tank capacity being proposed:

Water Tank Sizing Calculations

20 lots x 350GPD x 1.6 PeakDayFactor = 11,200 GPD
11,200 GPD + 750 GPM x 60 minutes = 56,200 Gallons
56,200 Gallons - 18,000 Gallons of Existing Town Storage = 38,200 Gallons Required

My questions are:

- a. Why was the estimated water usage per lot per day reduced from 450 GPD (April 2022 Sketch Plan) down to 350 GPD (June 2022 Sketch Plan). This is a 22% reduction.
 - b. Why is the 18,000 gallon existing tank storage taken away from the 56,200 Gallons in this calculation? It seems to me that you would use the 56,200 Gallons as the amount needed on top of the existing 18,000 Gallons.
2. What about water pressure needed to support the above mentioned full build out? I have been told that the pumping station currently in place uses a 2 phase system. Is adding in 120+ people to this system going to overtax the pressure system?
 3. The Vista Terrace Subdivision currently pays a 10% surcharge on our water bill for our unique water supply system. Any increases in this surcharge mandated by the Town of Ridgway to support additions and maintenance of this water system should be paid by the developer, not the current residents.

Respectfully,

Stephen R. McComb
290 Terrace Drive
602-770-6199
smccomb63@gmail.com

Comments to the Planning Commission regarding Four Winds Proposal

To the members of the Planning Commission,

I am writing in regards to the updated proposal for the Four Winds subdivision. I will focus on the Master Plan, and their unfortunate interpretation of the Initial Growth Boundary (IGB).

The IGB is intended to promote “urban levels of development” in the core of Ridgway, with higher density close to roads and amenities. I have witnessed urban and suburban sprawl in other small mountain towns, and it creates increase in traffic and congestion. Growth is inevitable, and the Master Plan is a sound document that many in our community contributed to. We will face additional traffic and infrastructure challenges as our population grows, but we are not ready for that level of complexity.

I do not appreciate the aggressive tone of the developers referring to “takings of property rights”. If they are threatening a lawsuit, that is contrary to the culture of this community, and not welcome here. The developers want to blend the UGB and IGB, in order to give the impression that they are the same thing. I have witnessed multiple developments where developers bulldozed and bullied their way into a town, with profits as their only motive. In most cases, the neighborhood suffers. I submit that the Lena Street project did not meet expectations, and certainly does not blend in with the town, or support workforce housing at an affordable level.

The developers are comparing their project to the River Sage subdivision. That is a completely different design, and not a valid comparison to the Four Winds Project. River Sage homes are spread out, with large amounts of space between houses, allowing for visual impression of open space. While the Four Winds plan shows adequate size and open space on paper, the lots are much smaller, clustered together, and create a high density footprint that is incompatible with the rest of the Vista Terrace neighborhood. Additionally, the number and size of the proposed houses compound the visual disturbance, as well as an increase in traffic on the only road in or out of Vista Terrace.

The property has always been assumed to be future development; that is not in dispute. It is the responsibility and job of the Commission to help Ridgway grow as the citizens have stated their values in the Master Plan. To borrow the developer’s own quote from the 2011 Land Use Plan:

“Promote a sustainable and *complementary* (italics added) development pattern with the rural landscape outside of the Initial Growth Boundary, but within the Urban Growth Boundary/Urban Growth Management Area and Area of Influence.”

The updated Master Plan clarifies this to reflect the needs and values of the residents:

GOAL COM-1:
Maintain
Ridgway as a
community
that is
accessible to a
range of
income levels,
ages, and
households.

POLICY COM-2.3:
Resident-Occupied
Housing Support
strategies that help
maintain resident
occupied housing in
Ridgway, rather
than housing
occupied by second-
home owners.

POLICY CHR-1.1:
Neighborhood Character
Encourage the development
of neighborhoods that
enhance and reflect the
character of Ridgway
through quality design,
cohesive materials, and
integration of natural
features.

GOAL CHR-3:
Promote Ridgway’s
identity as a ranching
and agricultural
community and
preserve the rural
character of
landscapes
surrounding
Ridgway.

Comments to the Planning Commission regarding Four Winds Proposal

The developments currently underway in Ridgway will help the community meet two goals: workforce housing, and development/growth in logical areas that are capable of handling increased density and traffic. I think the Planning Commission should hold off on all multiple dwelling development for another six months, or until the new projects have time to mature and see what needs have been met, and what is needed in the next few years.

An option for the developers would be to purchase a different parcel in the county, or another parcel of the Endicott estate (east or south side) so they could spread out and be less constrained by geography and a small finite space. They would have to install their own infrastructure and would have less impact on town resources.

On a different note, the proposed emergency exit east of Vista Terrace is a joke. It would not be plowed, and no one would be able to get up it in the winter. Many would not have the vehicle to get up and over even in the summer unless it was a maintained road.

Thank you for your consideration on this important project.

Respectfully submitted,

Pam Foyster
435 Terrace Drive
Ridgway, CO 81432



TJ Dlubac <tdlubac@planstrategize.com>

RE: Four Winds subdivision

1 message

Preston Neill <pneill@town.ridgway.co.us>
 To: Matthew Gawlowski <mattgawlowski@icloud.com>
 Cc: TJ Dlubac <tdlubac@planstrategize.com>

Sat, Dec 31, 2022 at 8:10 AM

Hi Matt,

I'm confirming receipt of your email. Thank you for taking the time to pen your thoughts and concerns related to the proposed Four Winds Subdivision. Your letter will be included in the Planning Commission packets for both the January 10th and January 31st Planning Commission meetings.

All the best,

Preston Neill
 Ridgway Town Manager
 970-626-5308 ext. 212 (O) | 970-318-0081 (C)
pneill@town.ridgway.co.us
www.colorado.gov/ridgway

-----Original Message-----

From: Matthew Gawlowski <mattgawlowski@icloud.com>
 Sent: Friday, December 30, 2022 11:29 AM
 To: Preston Neill <pneill@town.ridgway.co.us>
 Subject: Four Winds subdivision

Hi Preston,

I own a house in Vista Terrace, and am writing regarding the latest proposal by Four Winds for development in this neighborhood.

1. Since the development would, for all intents and purposes, be an extension of this neighborhood, it should be required to comply with all covenants and amendments that govern this neighborhood. Any development plan should specifically reference those documents and require compliance.
2. I am concerned about the wildlife impact (I doubt our elk will return if that subdivision is built!) and do not view the proposed conservation easement as a fair tradeoff. However, I recognize the right to develop land, and just ask that above average steps be taken to mitigate any impact.
3. No one is happy with the 550 interchange and this development will surely make that worse. I think lowering the speed limit to 45mph there will go a long ways towards addressing that, though I recognize this is out of the city's hands. I ask that, if this development proceeds, both the city and developer petition CDOT for an urgent review and change of speed limits and additional signage along that section.
4. I am concerned about water pressure, especially in event of emergency, and ask that the city place stringent requirements on the developer on this detail.
5. The proposed emergency egress has the *potential* to address the need of a greatly expanded neighborhood, but I fear as written, it will fall short. There are some specific changes I hope the city would consider requiring:
 - This egress must be built and maintained to accommodate ANY street legal vehicle in the neighborhood (it should not require high clearance or four wheel drive, for example).
 - This egress must be maintained year round (at developer's expense, not the existing Vista Terrace residents) to ensure its function as an emergency egress. I suspect that would entail, at a minimum, grading and snow removal (especially as it appears to be on a forested north-facing slope?).
 - To ensure compliance with maintenance requirements and the road's suitability for use in emergencies, the entirety of the egress should be open to pedestrian traffic at all times. This would allow us to have peace of mind that the road is maintained and ready for use, should an emergency arise.

I fear that without these conditions existing in a legally-binding form, this emergency egress would be a short term solution at best, and not serve the neighborhood in the future if/when it's actually needed. I also feel these conditions would not place an undue burden on the developer, as the future maintenance costs could be shared by the land owners in the Four Winds development and road deterioration would not be excessive for something only open to infrequent pedestrian traffic (just minimal erosion due to precipitation and runoff).

Thanks,
Matt Gawlowski

Stephen R. McComb
290 Terrace Drive
PO Box 1247
Ridgway, CO 81432

Mr. Preston Neill
Town Manager
Ridgway, CO 81432

RE: Four Winds Development Actions Response Letter Dated November 20, 2022

Dear Mr. Neill,

I would appreciate this letter be added to the packet for the upcoming January 31st Planning Commission meeting under the Four Winds agenda item.

I have concerns about the following Four Winds responses to action items generated from the August 30th Planning Commission meeting:

1. **Terrace Drive – US Highway 550 Intersection**

Background:

Currently, there is a single entrance-exit from the Vista Terrace Subdivision. This intersection is already a little tentative based on entering traffic that is moving in both directions at 60 miles plus per hour. The proposed development plans on using this one access/egress, and have no plans to create another entrance-exit from this neighborhood, even though their plans call for an additional 120 people (not including ADUs) to be based in the neighborhood. The developer funded traffic study indicates there is no need for further infrastructure at the highway intersection, but suggests the highway speed be reduced to 45 MPH for safety purposes.

Response Letter Issue:

After attending the August 30th Planning Commission meeting, it was apparent that Four Winds was directed to work on a full secondary access/egress from the neighborhood to relieve the danger and congestion from the current single access/egress. Four Winds has responded to this action with only a “rough, emergency only” egress to be used to offset a fire emergency. This does ***not*** meet the intent of the action from the August 30th meeting where Four Winds was directed to come up with a secondary access/egress that would relieve the serious congestion at the highway intersection brought about by a 30% increase in the number of lots in the neighborhood. The proposed open space bike/walking trail exiting at this very highway intersection only exacerbates the need for a true secondary access/egress. The increased congestion at the highway intersection brought about by the proposed development will put extra pressure on people gaining access or exiting to take chances they wouldn’t normally take in order to not hold up people behind them.

I cannot over emphasize enough just how concerned the neighborhood is regarding this subject. This intersection will become a nightmare for those that live here if this development goes through as planned. No one wants to have a horrific accident occur at this intersection so I implore you to ensure that a true, secondary access/egress requirement is mandated as part of this application. In this regard, I can think of no higher calling a local government has than the protection and safety of its citizens.

Note: See recent accident photo on next page.



Intersection Accident on 12/18/22

2. Use of Septic Systems

The addition of 20 septic systems in the Four Winds development is a concern based on the slope of the terrain and the soil type. The fear is that there will develop unwanted drainage at the bottom (south side) of the project. See the attached picture on the next page. This was taken by Jack Fay at the beginning of October 2022, after a rainstorm. The result of the storm was standing water on the south side of Terrace Drive located at the bottom of the Four Winds proposed development. This standing water lasted for weeks. The question is can you add 20 septic systems to this location and not turn the low point into a large, unwanted swamp? What will this drainage do to the stability of Terrace Drive at this location?



Open Water Caused by Rainfall Only

3. **Vistas Visual Impact**

Background:

Ouray County's Board of Commissioners developed Visual Impact Regulations back in 1986. The document that currently exists was revised in 2019. The purpose of the document is to preserve the scenic beauty, rural setting, and the dominating influence of the natural environment of Ouray County. If this document is upheld, I believe that this proposed development, especially the northwestern lots, will not meet the requirements of this document. The homes on these lots will be easily visible from Highway 550 within 1.5 miles of the ridge.

Response Letter Issue:

Future homes on lots #4-7 will be visible from Highway 550, and as a result do not comply with the intent of the Ouray County's Visual Impact Regulations. They will impact the natural beauty of the ridgeline as one enters Ridgway from the north. The developer's contention that these lots will not break the blue skyline based on a higher ridge to the east does not change the fact that they will ruin that natural ridgeline closer to the highway. The developer also states that because this development is located in the town limits of Ridgway, they are not bound by the Ouray County regulation. If Ridgway truly considers itself a progressive community, as outlined in the 2019 Master Plan, I don't see how we cannot abide by such a logical document. If not, I can assure you that more "McMansions" will be built to maximize their views, but undermine the beauty of our location. The argument that several current homes in Vista Terrace are visible from Highway 550 south of town does not have merit because policies and regulations evolve over time, and you can't rationalize current construction by what was done in the past.

4. **Reducing Number of Lots and ADU's**

The developer has reduced the number of ADU's allowed from 20 down to 5. It is important to note that the adding in ADU's was a recommendation only to lot buyers, and not a requirement. This action item of finding out a way to reduce the overall number of lots in this development to prevent a suburban type clustering of homes, as well as reduce the impacts on this location in general is still open. The developer's response to the action of reducing the number of lots in the development was that this would make it "financially infeasible". In my opinion, this financial infeasibility should not be looked at as the Town's issue to resolve, but as a Planning Commission action request denied by the developer.

5. Wildlife

Background:

The proposed development is right in the middle of a wildlife winter grazing corridor. I have watched this for 6 years and there is no denying that fact. Deer, elk, wild turkeys, coyotes, and other smaller animals use this corridor consistently to graze, sleep, and make their way across the highway to the river for water. The analysis letter from CPW indicates that there is no doubt that this wildlife grazing area will be impacted. The proposed development states they will not allow perimeter fencing in order to allow wildlife access through the corridor. However, they also are going to mandate dog fences to stop them from chasing wildlife.

Response Letter Issue:

Even though CPW indicated that they will not block this development due to wildlife impacts, they also state that wildlife will most certainly be impacted in this corridor. In my opinion, the concept of animal fencing as a mitigation for wildlife disruption is not valid because wild animals are afraid of dog barking as well as being chased, and the fences themselves, as well as the homes, act as a barrier to wildlife traffic through this corridor. There is no indication by the developer of limiting the number of pets per lot, and this is problematic. This neighborhood loves the wildlife we are blessed to see on an ongoing basis. It is one of the aspects of living in this location that makes it so special. Forcing this development into this neighborhood will dramatically impact the feel and flavor of Vista Terrace from a wildlife point of view, as well as general aesthetics. The developer's statement that he plans on turning 500 acres of his land elsewhere into a conservation easement that is highly suitable for elk is admirable. However, he is not willing to tie it to this development so it loses its power to offset losses imposed by the Four Winds development. It is also pertinent to note that the developer would receive financial benefit from such a conservation easement.

6. Initial Growth Boundary (IGB):

This project is outside of the Ridgway IGB, which the town, via the Ridgway Master Plan, encourages housing development for the next 10-20 years. The developer is taking a rather cavalier attitude towards this concern, and attempts to lecture the town on the legalities of property rights, as well as the "arbitrary" placement of this location as outside of the IGB. In my opinion, the town does have the right to evaluate a project on a host of issues including it being outside of the IGB.

+++++

The following personal comments are not directly related to the developer's responses to the August 30th action items, but I feel are applicable to this project in general:

- A. **The Vista Terrace neighborhood overwhelmingly does not want this development to come to fruition.** I base this opinion on the number of letters the town has received from residents of this neighborhood regarding the project, the large attendance at a neighborhood meeting on this subject earlier this year, neighborhood attendance at the Planning Commission meetings on this project, and conversations and email correspondence during 2022. It is a very unpopular project that will change forever the open and rural feel of the neighborhood. The neighborhood also has a number of critical issue concerns associated with safety, water capacity and pressure, density, visual impacts, drainage, road damage, and wildlife.
- B. The developer has stated that this project is "marginally profitable". As a result, he consistently evaluates issues and action items associated with making this project a solid and safe development that is harmonious with the surroundings in this financial light. He has adopted an "I can't because" attitude in order to make the project feasible. Three examples of this are: first, the safety concerns surrounding not supplying a full secondary access/egress from the neighborhood...he can't because the project is surrounded by private land and it would be too expensive. Second, the request to reduce the number of lots...he can't because it is economically infeasible. Third, the project is outside of the IGB...the developer says it doesn't matter because the town doesn't have the right to prohibit this project on those grounds.

In summary, I believe the town has the right to reject this proposed development based on the above issues. In fairness to all concerned, if the full secondary access/egress cannot be included in this application, then it should be rejected to save the town and the developer time and money.

Once again, I very much appreciate the opportunity to give my input to the Town of Ridgway Planning Commission!

Respectfully,

Stephen R. McComb
290 Terrace Drive
602-770-6199 / smccomb63@gmail.com



TJ Dlubac <tdlubac@planstrategize.com>

Re: Four Winds Subdivison

1 message

JACK KAREN FAY <jkrfay@msn.com>
To: Preston Neill <pneill@town.ridgway.co.us>
Cc: TJ Dlubac <tdlubac@planstrategize.com>

Sounds great, thank you!

From: Preston Neill <pneill@town.ridgway.co.us>
Sent: Wednesday, January 4, 2023 5:26 AM
To: JACK KAREN FAY <jkrfay@msn.com>
Cc: TJ Dlubac <tdlubac@planstrategize.com>
Subject: RE: Four Winds Subdivison

Hi Jack and Karen,

I'm confirming receipt of your email and photos. Thank you for taking the time to pen your thoughts and concerns related to the proposed Four Winds Subdivision. Your email and photos will be reviewed and we will respond to you as soon as possible.

All the best,

Preston Neill

Ridgway Town Manager

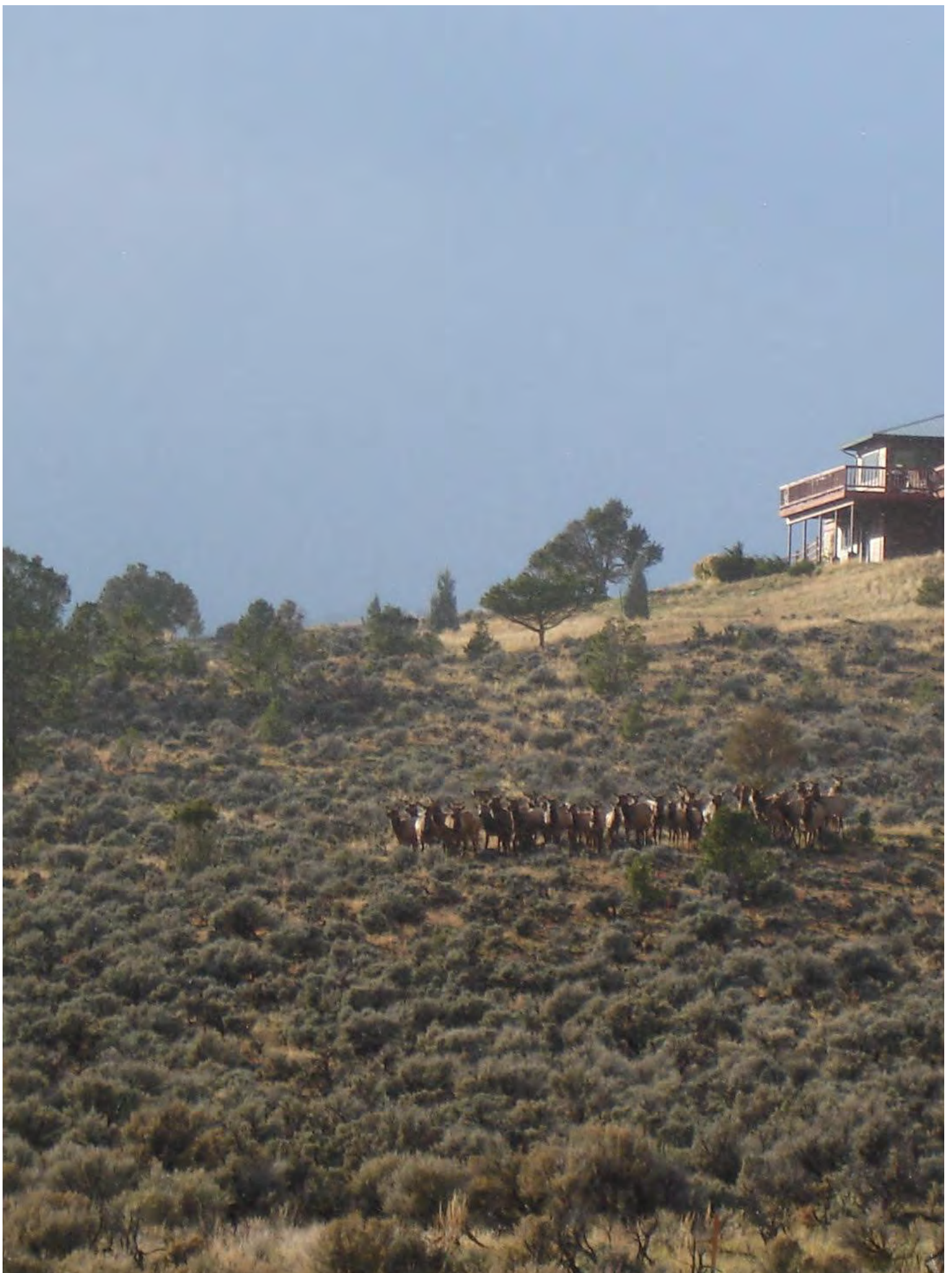
970-626-5308 ext. 212 (O) | 970-318-0081 (C)

pneill@town.ridgway.co.us

www.colorado.gov/ridgway



From: JACK KAREN FAY <jkrfay@msn.com>
Sent: Tuesday, January 3, 2023 2:45 PM
To: Preston Neill <pneill@town.ridgway.co.us>
Subject: Re: Four Winds Subdivison











Hi Preston, Happy New Year,

Here are a few pix of the wildlife as we have enjoyed over the years, here in Vista Terrace.

The herd of elk is just below Steve McCombs house where lot #2 might be, the nice bucks are just north of my home, where lot 14 will be and the other pi
We are hoping that the planning committee will reject this Four Winds subdivision, because of the water issue --the traffic issue and the loss of tranquility.
It is almost the middle of winter now and there is not very much snow on the Sneffles Range,---and we all know that water is the main issue here in Vista 1
This is not the place for a high density development.

Thank you,

Jack and Karen Fay

From: Preston Neill <pneill@town.ridgway.co.us>
Sent: Wednesday, May 25, 2022 11:46 PM
To: JACK KAREN FAY <jkrfay@msn.com>
Subject: RE: Four Winds Subdivision

Jack and Karen,

I'm confirming receipt of your email. Thank you for taking the time to pen your thoughts and concerns as they relate to the proposal for Four Winds Subdivision. Your email will be included in t
website on Friday afternoon.

All the best,

Preston Neill, Town Manager

970-626-5308 ext. 212 (O) | 970-318-0081 (C)

pneill@town.ridgway.co.us

www.colorado.gov/ridgway



From: JACK KAREN FAY <jkrfay@msn.com>
Sent: Wednesday, May 25, 2022 5:13 PM
To: Preston Neill <pneill@town.ridgway.co.us>
Subject: Four Winds Subdivision

Preston, In regards to the proposed "Four Winds" Subdivision, We are very concerned about the water, increased traffic and wild life.

Please give these issues your utmost attention.

Thank you,

Jack and Karen Fay

[475 Terrace Dr](#)

[Ridgway Co](#)

Audra Duke
205 Cimarron Dr.
Ridgway, CO 81432

January 26, 2023

To: Mayor Clark, Manager Preston Neill, Ridgway Planning Commission

RE: Four Winds Development Proposed Sketch Plan

Dear Mayor Clark, Mr. Neill and Commissioners,

I have read many of the letters from Vista Terrace residents asking Ridgway Planning Commission to please take their concerns into deep consideration before signing off on a development that will have mass impact in many areas of that area of Ridgway town. The wildlife, the feel of the existing neighborhood, the intersection with Hwy 550, the wildfire and water issues, the feel of the corridor parts of our valley that link town and urban infill to county and wide swaths of ranchlands. Vista Terrace is in that corridor, and, as others have stated, outside of the Initial growth boundary. I do not have much new to add. My reason for writing this letter is to provide consistency to the concerns. Another person voicing similar concerns. This really cannot be overlooked. Please, do not overlook these concerns.

I echo the confusion as to how putting acreage up CR5 into a conservation easement protects and / or mitigates the impact of the wildlife that will no longer have a habitat should this development, as it is proposed, gets approved.

I have run many miles in the River Sage neighborhood prior to there even being much of a neighborhood there. If there is going to be a Four Winds Development in the Vista Terrace neighborhood, I would point the planning commission in the direction of River Sage. That development, both phase one and phase 2, seem to have as much, if not more, open space allocated from the developers, than housing. In fact, I believe there are less than 20 houses in RS with an abundance of trails and open space. They've done a nice job creating a neighborhood without any urgency of decimating the expansive feel / nature of the, well, nature. Can we please leave the urban infill / high density for the urban part of town? VT is not

that. It is the corridor, the gateway that links the density of town with the open ranchlands of Ouray County. Can't we keep it that way?

I understand growth. I understand we cannot shut down growth. I'm also hoping that Ridgway can maintain the integrity of what makes Ridgway, Ridgway and Vista Terrace, Vista Terrace. Can the developer create a Four Winds neighborhood with markedly less homes?

I will close with a quote from a timely memoir I'm reading on Alaska. In the foreword, written by Terry Tempest Williams, who is a writer, activist and conservationist, she details Mardy Murie's speech on June 5, 1977, in Denver, CO at the hearings conducted by the House Interior Subcommittee on General Oversight and Alaskan Lands. She writes: "Mardy Murie, from Moose, Wyoming, was the first to testify. She stood before the subcommittee and said simply, 'I am testifying as an emotional woman and I would like to ask you, gentlemen, what's wrong with emotion?' She went on to say, 'Beauty is a resource in and of itself. Alaska must be allowed to be Alaska, that is her greatest economy. I hope the United States of America is not so rich that she can afford to let these wildernesses pass by – or so poor she cannot afford to keep them.' The audience spontaneously gave Mrs. Olaus Murie a standing ovation."

I understand there is a difference between public land and private land, and we are talking about the development of private land. AND can we preserve some of that private land to maintain the beauty and space people moved to Ridgway to experience? Can we be rich enough to not destroy the elk, deer and turkey habitat that 20 new (2500 + square foot) homes would impact? Can we support a development that isn't all about money; rather that is about providing housing, making a living for the developer, maintaining some semblance of the wildlife habitat and still leaving quite a bit of land left as land?

Thank you for your time and consideration.

Warm regards,

Audra Duke, LPC



TJ Dlubac <tdlubac@planstrategize.com>

RE: Four Winds proposed development

1 message

Preston Neill <pneill@town.ridgway.co.us>

Wed, Jan 25, 2023 at 3:50 PM

To: Ann Mellick <amellick@yahoo.com>

Cc: John Clark <jclark@town.ridgway.co.us>, TJ Dlubac <tdlubac@planstrategize.com>

Hi Ann,

I'm confirming receipt of your letter, photo and video. Thank you for taking the time to pen your thoughts and concerns related to the proposed Four Winds Subdivision. Your email will be included in the Planning Commission packet for the January 31st Planning Commission meeting.

All the best,

Preston Neill**Ridgway Town Manager**

970-626-5308 ext. 212 (O) | 970-318-0081 (C)

pneill@town.ridgway.co.uswww.colorado.gov/ridgway

From: Ann Mellick <amellick@yahoo.com>**Sent:** Wednesday, January 25, 2023 3:23 PM**To:** John Clark <jclark@town.ridgway.co.us>; Preston Neill <pneill@town.ridgway.co.us>**Subject:** Four Winds proposed development

Hello John and Preston,

Please see attached document regarding concerns about the Four Winds proposed subdivision.

Thank you so much for you time and care of the matter.

Regards,

Ann

3 attachments



IMG_3937.jpg
2053K



Town of Ridgway, January 22.docx
2180K



IMG_3943.m4v
6220K

January 22, 2023

To: Town of Ridgway Planning Department
RE: Proposed Four Winds Development

Dear John, Preston and Ridgway Planning Commission:

I am writing to voice additional concerns with the development of the Four Winds proposed development. I would like to make two main points:

1. I want to highlight the impact this project will have on the local wildlife. The Colorado Parks and Wildlife (CPW) report for the area shows this is a known elk concentration area.

The developer's proposal to set aside 500 acres for elk habitat on Miller Mesa does not actually mitigate the effects of this subdivision on the elk *that actually live here* in the Vista Terrace/Four Winds area.

Please see attached photograph and video of part of the resident elk herd in the Four Winds proposed development taken in October of 2022.

Also, this area of Highway 550 is a known deer migration corridor with weekly vehicle/wildlife collisions. The increased use and impact on this area will only amplify these dangerous and sad interactions. Could wildlife fencing and underpass similar to what is being constructed near Billy Creek be mandated to mitigate these effects should the project move forward?

2. While it has been said, I do feel it is worth mentioning again: Four Winds is outside of the Initial Growth Boundary as outlined in the Town's Master Plan.

"The IGB delineates the area within which the Town will encourage urban levels of development in the next ten to twenty years. The boundary includes areas that are contiguous to established parts of Ridgway that are already served by Town services, and to which utility extensions could logically and efficiently be provided."

Other community members and I have previously voiced our concerns over the impact of this subdivision with regards to lack of **sewer** (need for individual septic systems and their impacts), **water** (use of existing *VISTA TERRACE* water infrastructure without adequately addressing existing water lines/storage) and issues of **road usage** and **fire** concerns. Rather than reiterating the details of these concerns, I respectfully ask that Town staff keep them in mind as paramount when considering the Four Winds development proposal and its impacts to the existing community.

I respectfully urge town planners to thoroughly weigh the impacts of this development on the current residents, both native and otherwise. Thank you for your time and thoughtful consideration of this matter.

Sincerely,

Ann Mellick







TJ Dlubac <tdlubac@planstrategize.com>

FW: Four Winds Subdivision amended proposal

1 message

Preston Neill <pneill@town.ridgway.co.us>
To: TJ Dlubac <tdlubac@planstrategize.com>

Fri, Jan 27, 2023 at 8:12 AM

From: Preston Neill
Sent: Tuesday, January 17, 2023 10:17 AM
To: Connie Anderson <connielu99@icloud.com>
Cc: TJ Dlubac <tdlubac@planstrategize.com>
Subject: RE: Four Winds Subdivision amended proposal

Hi Connie,

I'm confirming receipt of your email. Thank you for taking the time to pen your thoughts and concerns related to the proposed Four Winds Subdivision. Your email will be included in the Planning Commission packet for the January 31st Planning Commission meeting.

All the best,

Preston Neill

Ridgway Town Manager

970-626-5308 ext. 212 (O) | 970-318-0081 (C)

pneill@town.ridgway.co.us

www.colorado.gov/ridgway



-----Original Message-----

From: Connie Anderson <connielu99@icloud.com>
Sent: Monday, January 16, 2023 1:54 PM
To: Preston Neill <pneill@town.ridgway.co.us>
Subject: Four Winds Subdivision amended proposal

Hi Preston, I want to address some of the issues that the developers tried to mitigate in their latest version of their plan.

First, the water tank storage and numbers: I see that they have come up with the number of 56,200 gallons needed for Four Winds when built out. But for some reason they have deducted the 18,000 gallons in the tank meant for Vista Terrace when built out. Why did they even include the VT numbers in their calculations? Are they planning on using our water? To me it appears that they think they can add our water into their proposed needs as if it belongs to them. What is the official reading from the town regarding the status of the 18,000 gallons for Vista Terrace? I don't think that this number is meant for an additional subdivision, as I think it was originally to service Vista Terrace.

Secondly, I thought the "traffic study" was pretty laughable. They took a look at the commuter traffic over a period of 24 hours in June. That's great, but as we all know, our highway sees much more diverse traffic than just the commuters to Telluride. Why don't they do a study including, for example, the Bluegrass weekend, any weekend in July or August, hunting season, etc. It's the steady flow of motor homes and Jeeps that clog up the intersection in addition to the everyday traffic. As far as lowering the speed from 60 down to 45 at our intersection, I don't think people are going to slow down for that. They are already hitting the straight away and heading down the road.

And I know that Vt has never had any egress road and that is really too bad. But their idea of using that old, rough road that they have proposed is actually not a good idea. This should be obvious.

Lastly, I truly hope they don't go through with a pedestrian overpass to the river. What an eyesore that would be. Also, I don't think it would be widely used. I have lived here for about 18 years and there are only about 4 people living here that walk that way.

Thank you for presenting this letter to the Council/Commission.

Regards, Connie Anderson

Sent from my iPad

Chaucey Edwards
150 Cimarron Dr.
Ridgway, CO 81432

January 26, 2023

To: Mayor Clark, Manager Preston Neill, Ridgway Planning Commission
RE: Four Winds Development Proposed Sketch Plan

Dear Mayor Clark, Mr. Neill and Commissioners,

I am writing to voice my concerns with the development of the Four Winds proposed development. There have been many letters submitted from my neighbors here in Vista Terrace that are far more well versed in these issues and the impact they would have on this special neighborhood. I agree with the issues raised and it is very concerning to imagine how the proposed development could be approved and have huge negative impacts on so many key areas, our beloved wildlife, dangerous traffic implications and impacts to the water supply

I want to highlight the impact this project would have on local wildlife. The Colorado Parks and Wildlife (CPW) report for the area shows this is a known elk concentration area. The developer's proposal to set aside 500 acres for elk habitat on Miller Mesa does not actually mitigate the effects of this subdivision on the elk *that actually live here* in Vista Terrace. Also, this area of Highway 550 is a known deer migration corridor with weekly vehicle/wildlife collisions. The increased use and impact on this area will only amplify these dangerous occurrences.

It has been stated in previous letters as well, but the fact is that Four Winds is outside of the Initial Growth Boundary as outlined in the Town's Master Plan.

"The IGB delineates the area within which the Town will encourage urban levels of development in the next ten to twenty years. The boundary includes areas that are contiguous to established parts of Ridgway that are already served by Town services, and to which utility extensions could logically and efficiently be provided."

Other Vista Terrace community members have previously voiced concerns over the impact of this subdivision with regards to lack of sewer (need for individual septic systems and their impacts), water (use of existing *VISTA TERRACE* water infrastructure without adequately addressing existing water lines/storage) and issues of road usage and fire concerns. Rather than reiterating the details, I respectfully ask that Town staff keep them in mind as all these things greatly impact the existing community.

I respectfully urge town planners to thoroughly weigh the impacts of this development on the current residents, both native and otherwise. Thank you for your time and thoughtful consideration of this matter.

Sincerely,
Chaucey Edwards, Vista Terrace Homeowner

Clint Estes
PO Box 5
Ridgway, CO 81432

January 26, 2023

To: Mayor Clark, Manager Preston Neill, Ridgway Planning Commission

RE: Four Winds Subdivision Proposed Sketch Plan

Dear Mayor Clark, Mr. Neill and Commissioners,

I would like to start my latest rant by thanking you all for your commitment to ensuring this town is as great in 20 years as it is today. Its no easy task to balance the desires of community against the legalities of growth. This proposed development is certainly heavy on the scales. I trust that the planning commission as well as town staff is weighing ALL PAST and current public comment equally along with the developers proposed sketch plan. We (the public) are not on retainer in our efforts. The effort is one of genuine concern. Please value and respect each community members comments equally alongside the paid project managers proposal.

I would say that the proverbial elephant in the room is growing thin on consistency and precedent. Aside from the most recent couple years, the powers that be were stalwart in their commitment to thoughtful and manageable growth. I'm not saying the opposite is true currently. These are just different times. Yes, we adopted a new master plan that focuses on high density urban infill a moment before the pandemic tore apart the city dwelling paradigm. It just happened to be that mountains of people wanted to retreat to this valley right as we committed to urban infill and affordable housing. Its no ones fault that the 2019 and 2020 transitions proposed a unit growth rate hundreds of percent beyond what this town has ever experienced. Yet, it might be someone's fault when we look back at some point in the future and hang our heads at what this valley has turned into. This is a beautiful place and there are plenty of people looking to capitalize on that. This valley is not infinite.

I would like to cite the Ridgway Planning Commission agenda and minutes from January 2020. The most relevant and recent precedent to the proposed Four Winds was the phase 2 discussion of River Sage. The "outlot" phase of the River Sage was similar in size to the initial proposed phase of the Four Winds development. By the numbers, the final plat of River Sage phase 2 consisted of roughly 42 acres. Of which, 21 acres allotted to town park open space that is extremely usable and beneficial. The final approval of the plat consisted of 8 building lots. I have memories of sitting in planning commission meetings for the first phase of River Sage. They were open discussions between the developer and the commission on how to cultivate something beneficial to all. I believe the initial proposed phase 1 lot numbers hovered around 15.....and ended with 7 building lots. I think most of us can look at River Sage and feel proud. If profit were the developers only motivation regarding River Sage, we probably would have ended up with something totally different. Luckily, the Weavers are a Ridgway lineage family that had the good interest of the valley in mind.

Why is town staff even entertaining the proposed density of the Four Winds sketch plan? I understand that there was little oversight regarding growth 40 years ago when Vista Terrace was created. I do not believe we would approve the Vista Terrace subdivision as it sits today with the current foresight. I don't totally understand why the Town of Ridgway annexed the properties of River Sage and Vista Terrace and part of the McChesney land years ago. It doesn't really matter why I guess. What does matter is that the properties were delineated outside the IGB as per the most recent TOR master plan. No, that does not preclude the properties from development. But it does leave the type of development a little more open for interpretation and direction. I know that town staff has a job to do. I know that job is grueling. I know part of that job is to assist permit applicants with proposals to put in front of the commission and eventually the council. I know many are afraid of the wealthy guy with all the lawyers. But why has nobody told this developer that these numbers don't fit based on the successful precedent? Why has nobody said to cut the lot numbers in half and we can start the discussion? It seems painfully obvious that 20 building lots on a 32⁺ acre parcel with only 12⁺ barely usable acres allotted to open space does not fit within the precedent and pattern of outlying growth. Maybe that's just me though.

I still echo all the obvious concerns.... Safety, water, wildlife, sustainability, etc. I do appreciate that the "developer funded traffic study" recommends a center turn lane....even stating that it should be in place currently. The willingness to commit to an emergency access easement through the adjoining Endicott property is also another positive check. The 500 acre conservation easement on CR 5 has me a bit perplexed. Surely the value of 500 acres in the mountains of Ouray County would exceed the profit margin of the Four Winds development..?? What is the motive? Why not just put the \$750k 32 acre parcel into a conservation easement and sub divide the 500 acres on CR5? What is really going on here? I guess it doesn't really matter what the motive is, but I would speculate that the waters are being tested to set a precedent for a future PUD with the remaining Endicott properties. Maybe its just a matter of time, but now is the time to direct whether we have dozens of "ranchettes" or hundreds sprawling across the north landscape.

We cant stop development. Yet, we can help steer it. Please consider requesting a much lower density based on the River Sage precedent. I for one could stomach the thought of 5-7 building lots on the parcel.....as well as turning lanes, underpass, emergency access road, etc...And no, I do not have much compassion for the developers profit margin.

Respectfully,

Clint Estes



TJ Dlubac <tdlubac@planstrategize.com>

RE: Four Winds Subdivision Comments

1 message

Preston Neill <pneill@town.ridgway.co.us>

Mon, Jan 23, 2023 at 7:16 AM

To: Dan Brillon <dan.brillon@gmail.com>

Cc: John Clark <jclark@town.ridgway.co.us>, TJ Dlubac <tdlubac@planstrategize.com>

Hi Dan,

I'm confirming receipt of your email. Thank you for taking the time to pen your thoughts and concerns related to the proposed Four Winds Subdivision. Your email will be included in the Planning Commission packet for the January 31st Planning Commission meeting.

All the best,

Preston Neill**Ridgway Town Manager**

970-626-5308 ext. 212 (O) | 970-318-0081 (C)

pneill@town.ridgway.co.us

www.colorado.gov/ridgway



From: Dan Brillon <dan.brillon@gmail.com>**Sent:** Sunday, January 22, 2023 2:38 PM**To:** John Clark <jclark@town.ridgway.co.us>; Preston Neill <pneill@town.ridgway.co.us>**Subject:** Four Winds Subdivision Comments

Dear Mayor Clark and Mr. Neill,

Attached please find my comments about the proposed Four Winds Subdivision for yours and the Planning Commission's consideration on the January 30th meeting.

Thank you in advance for your diligence on this matter.

1/23/23, 8:28 AM

Community Planning Strategies, LLC Mail - RE: Four Winds Subdivision Comments

Sincerely,

Dan



TJ Dlubac <tdlubac@planstrategize.com>

RE: Proposed Four Winds Development

1 message

Preston Neill <pneill@town.ridgway.co.us>
To: jill wodiuk <jillwodiuk@comcast.net>
Cc: TJ Dlubac <tdlubac@planstrategize.com>

Fri, Jan 27, 2023 at 11:17 AM

Joe and Jill,

I'm confirming receipt of your email. Thank you for taking the time to pen your thoughts and concerns related to the proposed Four Winds Subdivision. Your email will be included in the Planning Commission packet for the January 31st Planning Commission meeting.

All the best,

Preston Neill

Ridgway Town Manager

970-626-5308 ext. 212 (O) | 970-318-0081 (C)

pneill@town.ridgway.co.us

www.colorado.gov/ridgway



From: jill wodiuk <jillwodiuk@comcast.net>
Sent: Friday, January 27, 2023 10:50 AM
To: Preston Neill <pneill@town.ridgway.co.us>
Subject: Proposed Four Winds Development

January 26, 2023

Dear Ridgway Planning Commission:

I am writing this in concern of the proposed Four Winds Development in the Vista Terrace subdivision. To save valuable time for everyone, I will not mention the valid concerns and the negative impact that the residence have already spoken

about. Just note that I agree with all of their concerns

One concern I believe that has not been addressed and could have a catastrophic impact on this area is the topic of land stability. The amount of the stacked homes that are proposed along with leach fields for each of those homes puts distress on the land and could cause a landslide. If this would happen, it would have negative, life lasting effects on the people and the land. It is known that leach fields put in a dense area like that can cause landslides or least attribute to that happening. The gradient of this area falls within the USGS concern for landslides with the use of leach fields in the development. Landslides are not uncommon for the western slope of Colorado. In the studies it is known that the slope of the bedrock if equal to the gradient of the top soil can be a major problem if leach fields are used as the sewage system in a populated hillside development. Attached is the USGS report regarding areas that are generally prone to landslide hazards.

I have not seen or heard of Four Winds Development having completed an analysis of the soils and potential landslides hazards that their project could cause. I would strongly suggest that is this board complete its due diligence and require the proper USGS stability soils analysis of this and add this concern to the long list of other concerns that were previously brought up before allowing this project to go through.

Thank you for your time and consideration.

Sincerely,

Joe and Jill Wodiuk

<http://www.usgs.gov/programs/landslide-preparedness>

Sent from [Mail](#) for Windows



TJ Dlubac <tdlubac@planstrategize.com>

RE: Four Winds Development project

1 message

Preston Neill <pneill@town.ridgway.co.us>
To: Joseph Wodiuk <jwconst@comcast.net>
Cc: TJ Dlubac <tdlubac@planstrategize.com>

Fri, Jan 27, 2023 at 11:18 AM

Joe and Jill,

I'm confirming receipt of your email. Thank you for taking the time to pen your thoughts and concerns related to the proposed Four Winds Subdivision. Your email will be included in the Planning Commission packet for the January 31st Planning Commission meeting.

All the best,

Preston Neill

Ridgway Town Manager

970-626-5308 ext. 212 (O) | 970-318-0081 (C)

pneill@town.ridgway.co.us

www.colorado.gov/ridgway



From: Joseph Wodiuk <jwconst@comcast.net>
Sent: Friday, January 27, 2023 10:57 AM
To: Preston Neill <pneill@town.ridgway.co.us>
Subject: Four Winds Development project

Sent from [Mail](#) for Windows

January 26, 20203

Dear Ridgway Planning Commission:

I am writing this in concern of the proposed Four Winds Development in the Vista Terrace subdivision. To save valuable time for everyone, I will not mention the valid concerns and the negative impact that the residence have already spoken about. Just note that I agree with all of their concerns

One concern I believe that has not been addressed and could have a catastrophic impact on this area is the topic of land stability. The amount of the stacked homes that are proposed along with leach fields for each of those homes puts distress on the land and could cause a landslide. If this would happen, it would have negative, life lasting effects on the people and the land. It is known that leach fields put in a dense area like that can cause landslides or least attribute to that happening. The gradient of this area falls within the USGS concern for landslides with the use of leach fields in the development. Landslides are not uncommon for the western slope of Colorado. In the studies it is known that the slope of the bedrock if equal to the gradient of the top soil can be a major problem if leach fields are used as the sewage system in a populated hillside development. Attached is the USGS report regarding areas that are generally prone to landslide hazards.

I have not seen or heard of Four Winds Development having completed an analysis of the soils and potential landslides hazards that their project could cause. I would strongly suggest that is this board complete its due diligence and require the proper USGS stability soils analysis of this and add this concern to the long list of other concerns that were previously brought up before allowing this project to go through.

Thank you for your time and consideration.

Sincerely,

Joe and Jill Wodiuk

<http://www.usgs.gov/programs/landslide-preparedness>



TJ Dlubac <tdlubac@planstrategize.com>

RE: Four Winds Subdivision proposal

1 message

Preston Neill <pneill@town.ridgway.co.us>
To: Kelly Drake <drakeski89@gmail.com>
Cc: TJ Dlubac <tdlubac@planstrategize.com>

Tue, Jan 24, 2023 at 12:12 PM

Hi Kelly,

I'm confirming receipt of your email. Thank you for taking the time to pen your thoughts and concerns related to the proposed Four Winds Subdivision. Your email will be included in the Planning Commission packet for the January 31st Planning Commission meeting.

All the best,

Preston Neill

Ridgway Town Manager

970-626-5308 ext. 212 (O) | 970-318-0081 (C)

pneill@town.ridgway.co.us

www.colorado.gov/ridgway



From: Kelly Drake <drakeski89@gmail.com>
Sent: Tuesday, January 24, 2023 11:54 AM
To: Preston Neill <pneill@town.ridgway.co.us>
Subject: Four Winds Subdivision proposal

Dear Mayor and Town Manager,

Below, please see my comments regarding the proposed Four Winds Subdivision submittal.

I recently bought a lot in the Vista Terrace subdivision and plan to build a primary residence there in the near future. One of the reasons I chose to buy this lot is the abundance of wildlife, views and serenity that Ouray County provides to the residences of this amazing community. I understand that growth is going to happen and it is the responsibility of the town

planners to review and make the best decisions for the town and its residents on how these plans take place. Here are a few of my concerns on this recent development plan that may affect this subdivision and surrounding areas.

The character of the Vista Terrace subdivision is quite different from the proposed development of Four Winds development and will add substantial impact to the wildlife, traffic, safety of the residence, water concerns, fire district hiring, tax consequences, added septic impact of 20 homes and additional ADU units, lack of secondary egress, etc.

Stephen McComb and several of the residents that live in Vista Terrace are spot on how they have broken down the concerns that this project would entail. Especially the concerns of the impact of the traffic coming in and out of the 550/Vista Terrace road intersection. Not only during construction but for the large amount of residence added to the proposed subdivision. The impact that this development would have on wildlife in the area. Water and sewer concerns. The fact that the developer would add a conservation easement but not in his own development?? The fact that this plan is outside the initial growth plan as defined in the town Master Plan. (more density at the town core and less density as you move out of the town limits).

I believe a developers mindset is to make as much money obviously as possible and will go to any extreme to build as many units that they can feasibly fit into a acreage area without the concern of the residents that live in that area. They do not have to live there... and based on their latest submission are still being very cavalier about thinking this plan will get your approval.

Thanks for your consideration.

Sincerely,

Kelly Drake



TJ Dlubac <tdlubac@planstrategize.com>

RE: Four Winds / Emergency egress maintenance

1 message

Preston Neill <pneill@town.ridgway.co.us>
To: Matthew Gawlowski <mattgawlowski@me.com>
Cc: TJ Dlubac <tdlubac@planstrategize.com>

Sun, Jan 22, 2023 at 7:02 AM

Hi Matt,

I'm confirming receipt of your email. Thank you for taking the time to pen your thoughts and concerns related to the proposed Four Winds Subdivision. Your email will be included in the Planning Commission packet for the January 31st Planning Commission meeting.

All the best,

Preston Neill

Ridgway Town Manager

970-626-5308 ext. 212 (O) | 970-318-0081 (C)

pneill@town.ridgway.co.us

www.colorado.gov/ridgway



-----Original Message-----

From: Matthew Gawlowski <mattgawlowski@me.com>
Sent: Sunday, January 22, 2023 6:21 AM
To: Preston Neill <pneill@town.ridgway.co.us>
Subject: Four Winds / Emergency egress maintenance

Hi Preston,

I read the latest proposal from Four Winds, and wanted to comment on their proposed emergency egress. For it to be a reliable solution, I believe there needs to be a legally binding requirement for basic year round maintenance, to ensure it is passable at all times of year by any vehicle in the neighborhood. I also believe public oversight is necessary, and the reasonable compromise there, I think, would be to make the egress open to pedestrian use...I think something like

daytime use only, all days of the year, would be reasonable. As their agreement is currently written, residents of Vista Terrace would not be allowed access unless in the event that emergency use is required, and at that point, if we discover a lapse in maintenance, it will be too late to do anything about it. I will not just take someone's word for it that the emergency egress will be maintained, we need our neighborhood to be able to verify this for ourselves and to be able to force legal action if the developer fails to meet its obligations there.

Thanks,

Matt Gawlowski



TJ Dlubac <tdlubac@planstrategize.com>

RE: Vista terrace

1 message

Preston Neill <pneill@town.ridgway.co.us>
To: Michelle Smail <mtsvtlove@gmail.com>
Cc: TJ Dlubac <tdlubac@planstrategize.com>

Wed, Jan 25, 2023 at 2:32 PM

Hi Michelle,

I'm confirming receipt of your email. Thank you for taking the time to pen your thoughts and concerns related to the proposed Four Winds Subdivision. Your email will be included in the Planning Commission packet for the January 31st Planning Commission meeting.

All the best,

Preston Neill

Ridgway Town Manager

970-626-5308 ext. 212 (O) | 970-318-0081 (C)

pneill@town.ridgway.co.us

www.colorado.gov/ridgway



From: Michelle Smail <mtsvtlove@gmail.com>
Sent: Wednesday, January 25, 2023 1:30 PM
To: Preston Neill <pneill@town.ridgway.co.us>
Subject: Vista terrace

Good afternoon Preston,

Once again I would like to express my concern with the development proposed in the Vista Terrace community. My husband and I have lived in the peaceful community for years and understand the impact of the project on our wildlife and have concerns. Donated land does not make up for our loss of wildlife. Yes, the developers had a study completed on both the road and wildlife, which we all appreciate, but this does not correspond with the reality of the impact. Today, January 25th, we had 4 inches of snow. I had to wait for 28 vehicles (yes I counted) coming from Montrose to turn left going to town. Imagine our VT community having 120 more humans and a line at Vista Terrace exit waiting to turn left. Frustrating and there could be many more examples. As stated in many letters, we have concerns with septic, secondary

1/27/23, 4:25 AM

Community Planning Strategies, LLC Mail - RE: Vista terrace

exit, wildlife, large homes and peace. Please consider rejecting this proposal or at the least least reduce the number of homes.

Thank you for your time. We appreciate you listening to our concerns.

Michelle Smail

630 Vista terrace



TJ Dlubac <tdlubac@planstrategize.com>

RE: Jan 31st Planning Commission Meeting Letter > Four Winds

1 message

Preston Neill <pneill@town.ridgway.co.us>
To: Stephen McComb <smccomb63@gmail.com>
Cc: TJ Dlubac <tdlubac@planstrategize.com>

Tue, Jan 24, 2023 at 1:00 PM

Hey Steve,

I'm confirming receipt of letter #3. Thank you for taking the time to pen your thoughts and concerns related to the proposed Four Winds Subdivision. All of your letters will be included in the Planning Commission packet for the January 31st Planning Commission meeting.

All the best,

Preston Neill

Ridgway Town Manager

970-626-5308 ext. 212 (O) | 970-318-0081 (C)

pneill@town.ridgway.co.us

www.colorado.gov/ridgway



From: Stephen McComb <smccomb63@gmail.com>
Sent: Tuesday, January 24, 2023 12:35 PM
To: Preston Neill <pneill@town.ridgway.co.us>
Subject: Jan 31st Planning Commission Meeting Letter > Four Winds

Hi Preston!

Attached please find a letter I wrote in reaction to the January 18th Four Winds revision submittal to the Town.

I apologize for submitting 3 letters for this meeting, but there is a method to my madness. The first letter dealt with a water issue not covered in the 11/20/2022 response letter from Four Winds. I thought it best to keep it separate. The second letter was a response to the 11/20/22 letter directly. The third letter attached is in reaction to the revision letter sent in by Four Winds on 1/18/23.

Thanks for all you do for Ridgway!

Regards,

Steve

--

Stephen R. McComb

Ridgway, CO

Tel: 602-770-6199

Email: smccomb63@gmail.com



20230124_Four_Winds_Development_Responses_Concern_Letter_Revision_Comments_SRMc.doc
34K

Stephen R. McComb
290 Terrace Drive
PO Box 1247
Ridgway, CO 81432

Mr. Preston Neill
Town Manager
Ridgway, CO 81432

RE: Four Winds Development Actions Response Letter Revision Dated January 18, 2023

Dear Mr. Neill,

I would appreciate this letter be added to the packet for the upcoming January 31st Planning Commission meeting under the Four Winds agenda item.

Most of my comments about the Four Winds responses to the developer actions emanating from the August 30, 2022 Planning Commission meeting have been outlined in my letter to the Planning Commission dated December 31, 2022. However, I feel that the below comments are warranted after reviewing the latest Four Winds submittal on January 18, 2023:

1. **Terrace Drive – US Highway 550 Intersection**

Background:

Currently, there is a single entrance-exit from the Vista Terrace Subdivision. This intersection is already a little tentative based on entering traffic that is moving in both directions at 60 miles plus per hour. The proposed development plans on using this one access/egress, and have no plans to create another entrance-exit, even though they plan on adding an additional 120 people to the neighborhood. There are also 11 undeveloped lots in the Vista Terrace Subdivision that would add an additional 55 people to the neighborhood over current levels. The developer funded traffic study initially called for no additional infrastructure to be needed at the intersection, but after input from CDOT, the developer revised his numbers and now is recommending a south bound turn lane to be constructed to meet CDOT regulations.

Response Letter Revision Issue:

The developer funded Traffic Study submitted recently to CDOT is flawed in one of its most basic assumptions, namely, the number of lots being discussed in the study. The study states that there are 59 total lots in Vista Terrace with 48 lots developed and 11 lots undeveloped. This is simply not true, since there are 48 total lots including 11 lots that are undeveloped. This means that when both subdivisions are fully developed there will be an 84% increase in the number of lots over current levels. It is hard not to get skeptical on the rest of the Traffic Study results, when such a critical assumption is found to be erroneous.

2. **Lack of Secondary Access to Vista Terrace Subdivision**

The adding in a recommendation for a south bound turn lane is admirable, but it does not meet the action item from the August 30th Planning Commission meeting. The action put on the developer was to find a true secondary access/egress in order to relieve the congestion at the Highway 550 intersection. It is an action that will make this neighborhood significantly safer after the new development, but from the developer's point of view, it is either impossible to make happen or too costly to bring to fruition. This should not be the Town of Ridgway's problem, but a critical action not met by the developer.

A rough, emergency egress for fire emergencies only does nothing to relieve the daily, dangerous congestion at the Highway 550 intersection.

The location of the emergency egress is problematic for two reasons. First, it winds through the highest density flammable undergrowth and largest trees in the immediate area. Any significant fire danger will emanate directly from this area, which makes escaping through here not very feasible. Second, this proposed emergency route

slopes up steeply to the top of the ridge, and then descends steeply to eventually exit at CR12. For this reason, the proposed route hardly makes for a quick and safe exit from the neighborhood for a host of vehicles escaping danger.

3. **Reduce the Proposed Density and Number of Accessory Dwelling Units**

The developer's contention that the new development has more open space allocated than the Vista Terrace Subdivision, and as a result, the total acres per lot is significantly more lacks credibility. The vast majority of their promoted open space is totally unusable space based on the slope gradients in excess of 30%, including a deep gully located adjacent to Terrace Drive on the way down the hill to the highway intersection.

All of the open space is not only unusable, but it is located entirely on the far west end of the development. This creates home sites all clustered around the Four Winds lollipop road giving the subdivision a true suburban feel. The new subdivision's suburban feel does not fit in well with the rural feeling of the current Vista Terrace neighborhood.

Why were the ADU numbers the first to be reduced, and then eliminated entirely to appease the density concerns? The answer is that it is economically infeasible to reduce the number of lots.

Once again, I very much appreciate the opportunity to give my input to the Town of Ridgway Planning Commission!

Respectfully,

Stephen R. McComb
290 Terrace Drive
602-770-6199 / smccomb63@gmail.com

Attachment J:
Lot 2, McChesney Subdivision Memo
Dated April 26, 2006

Ann Jen

MEMORANDUM

Must Have
2nd Access

TO: File

FROM: Greg Clifton, Town Manager
Joanne Fagan, Town Engineer

RE: Lot 2, McKesney Minor Subdivision

DATE: April 26, 2005

Numerous inquiries have been made regarding the property legally referred to as Lot 2, McKesney Minor Subdivision ("Property"). The Property adjoins the Vista Terrace Subdivision and is accessed by the same road. It is vacant land. This memo represents an effort to memorialize the Town's general responses to these inquiries, offering a summary of what infrastructure and land use considerations will likely be associated with development of the Property.

As a preface, it should be noted that while the Town recognizes and plans for growth within its boundaries, the Town's approach toward management of growth (of any kind - residential, commercial or industrial) remains squarely premised upon the notion that growth must pay its own way. The Town, with its limited resources and budget, adheres to this philosophy rigidly. The development of land within the Town boundaries will require all necessary utility and road infrastructure at the developer's cost, and pursuant to Town standards.

As a second note, this memo represents a mere summary of preliminary issues identified at the staff level based upon questions from the inquiring parties, and should not be considered a conclusive or binding representation of the Town at this time. Obviously, development of the Property will trigger a subdivision process that will entail public hearings before the Town Planning Commission and Town Council, and interested parties should give due regard to these processes and the various terms and conditions that may arise within these processes is well advised.

Zoning and Density

The Property is currently zoned "R" Residential Zoning District. Minimum lot size is 10,000 sq ft. in this zone. Subdivision of the Property will need to be in accordance with the Town's subdivision regulations which include a number of design requirements and standards. The subdivision could be pursued under a Planned Unit Development (PUD) depending upon the developer's desire to vary dimensional criteria or the desire to have multiple buildings on a single lot or tract. The PUD process still triggers the need to have all subdivision requirements fulfilled, however.

The regulations require that all subdivision improvements be furnished as a condition of final plat. Improvements that are required include, but are not limited to water, sewer, phone, power, natural gas and street access to all lots. The streets shall include pavement, drainage, curb and gutter, and sidewalk. There are also some landscaping requirements which will either be triggered upon a multiple building site submittal (Planned Unit Development) or upon development of single family residences (Single Family Home Standards).

Highway Access

The Property presents some issues regarding highway access. As noted on the McKesney Minor Subdivision Plat, development of the Property will trigger improved access at the intersection of Highway 550 and Vista Terrace Drive. This is also noted within the Highway Access Permit as administered by the Colorado Dept of Transportation (CDOT).

This obligation is also plat noted in the Vista Terrace Subdivision Plat. While the obligation to improve the highway intersection will be triggered by new development, it is quite possible, and equitable, that the cost of the improvements be borne by all residents of Subdivision. The best means for this to occur is the implementation of a Local Improvement District that will encompass all properties served by the access. This is what was likely envisioned when the aforementioned plat notes were drawn. It is also a likely scenario considering that the highway access improvements would benefit only those residences that use the Vista Terrace access, as the access does not connect to other developments (it is a dead-end cul de sac). The Town will likely be involved in establishing the improvement district, and may be a minimal participant in the cost sharing of the actual improvements subject to Council approval.

Bear in mind that the complete development of the intersection was deferred by the initial developers of the Vista Terrace Subdivision years ago, with an understanding that the intersection would be improved at a later date by those landowners served by the access. Again, this is why the obligatory plat notes appear on the subdivision plats.

With regard to the nature of the improvements needed at the highway intersection, Town staff met with a CDOT engineer in March, 2005 to discuss likely needed improvements. In order to bring the access into compliance with State Access Regulations, the intersection will need to include acceleration, deceleration, and center turn lanes of lengths appropriate to the highway traffic speed. The current highway speed is 60 mph and unlikely to change any time soon. CDOT expressed some willingness to consider augmenting the existing A/O lane at the nearby Mall Road and re-align and offset the highway so that most of the additional width for the improvements would be constructed on the east side of the highway. This implies that widening the road may only need to occur on one side (east side) which would reduce the overall costs of the improvements and simplify the project somewhat. Whether there is sufficient space to accomplish that will not be known until CDOT reviews a sketch plan of the proposed improvements.

With regard to access in general, there have been several discussions regarding options for a secondary access to the Vista Terrace community from the nearby and adjoining Ridgway USA development (the property currently being re-subdivided under the name of "Ridgway Village"). Even if that access can be developed, it would be a supplement rather than a replacement for the existing highway access by Vista Terrace Drive. For planning purposes, the Vista Terrace Drive access should be considered the only viable route at this time.

Pavement and Related Street Improvements

While the existing roads within the Vista Terrace Subdivision are narrow and not paved, and lacking of sidewalk and storm water drainage improvements, such improvements are now part of the Town's Subdivision regulations. Consequently, any proposal to develop the Property would trigger such improvements within the development. That portion of Vista Terrace Drive that connects the Property to the highway access may also be subject to such Improvements, but this is not a certainty. Discussion would be needed on this particular topic.

Water

The Vista Terrace development is served by Town water that is pumped to a storage facility above the development. There are two significant water issues: inadequate water storage and the pumping infrastructure that serves the development with water. The limited storage capacity means that there is insufficient storage available for domestic use for additional lots (additional to the Vista Terrace development) and that none of the Vista Terrace area has fire protection comparable to what is otherwise required by the Town. To remedy this problem will likely require construction of either a replacement or supplemental potable water storage tank in the immediate vicinity of the existing tank. It is estimated that the new tank will likely need a capacity of at least 100,000 gallons. The Town will require an additional easement to construct a tank of that size. In 2004, the estimated cost of such a tank was about \$150,000 for the tank and foundation, but excluding piping. Since that time, the cost of steel has risen considerably and local construction costs have also risen sharply. It is likely that today's cost for the tank and foundation will exceed \$200,000. The water capacity issue (and fire flow needs) represents a central concern related to the development of the Property from the staff perspective.

With regard to piping and pumping infrastructure, water is supplied to most of Vista Terrace through a two-pump system which is rapidly approaching its useful life. The two-pump system creates two pressure zones in the Vista Terrace subdivision. The Town hopes to replace the existing system with a single-pump system which would pump directly to a storage tank through a new transmission line. Flow from the tank to the residential units would be by gravity through the existing distribution lines and two new pressure regulating stations which would recreate the two pressure zones. Without having the benefit of a preliminary design, a rough cost estimate for this part of the water project was about \$250,000 in 2004, again prior to the recent jump in construction and materials costs.

The Town is currently engaged in a study to determine exactly what improvements are needed, and to better estimate the costs thereof. It is possible that the Town will be implementing the construction of such improvements within a two to three-year time frame absent any development proposals that might otherwise expedite the improvements through private capitalization. The Town has not yet discussed potential funding sources for the upgrades.

Water source from other providers (Tri County Water Conservancy District) are not a likely solution as the Property is within the Town boundaries and the Town has required that development within the Town be served by Town infrastructure, notably Town water, sewer and solid waste service. Consistent with this, the Town does not serve water outside of its corporate boundaries.

Town Water Capacity

The Town has available raw water to serve additional subdivisions within its corporate boundaries, but will need to increase its water treatment capacity in the near future. The Town is currently engaged in an in-house study to determine the scope of the needed treatment upgrades. It is possible that the Town will be implementing the construction of treatment upgrades or replacement within a two-year time frame.

Waste Water

Existing homes in the Vista Terrace Subdivision utilize individual septic systems. The Town Council would have to approve additional subdivision based upon such a treatment scenario, since connection to the Town centralized wastewater treatment is a requirement of subdivision. Extension of sewer infrastructure to the Property could likely be accomplished with existing easements and rights-of-way, but at considerable cost since the closest sewer main is in the neighboring Ridgway Village. The utility easements that do exist are narrow and not designed to facilitate sewer extension and may need to be enlarged. All sewage from the east side of the Uncompahgre River within the Town boundaries is pumped at least once to reach the waste water treatment facility. Currently, the Town is negotiating with the Ridgway Village developer and the developer of the proposed Marriott Fairfield facility to replace and relocate piping and pumping facilities so that a single station could lift the sewage as needed to reach the treatment plant. This new lift station will likely be oversized to accommodate the eventual connection to Vista Terrace and the Property. There will likely be a surcharge on sewer tap fees for each tap which utilizes the new lift station to help offset the initial capitalization by the Town.

If the Town was to approve individual septic systems within the Property, minimum lot size would need to be large enough to ensure room for residential structures, the initial septic system and a replacement system. The minimum lot size would be at least one acre, and possibly larger.

AGENDA ITEM #2

To: Town of Ridgway Planning Commissioners
From: Katie Kent, *CPS, Contracted Town Planner*
 TJ Dlubac, *CPS, Contracted Town Planner*
Cc: Preston Neill, *Town Manager*
Date: January 28, 2023
Subject: Ridgway Municipal Code, Chapter 7 Section Updates

PROJECT OBJECTIVES:

At the project kickoff, the following were identified as the primary objectives of this update:

- ✓ Clarify the zoning and subdivision review process,
- ✓ Remove contradictions and duplication between Code sections, and
- ✓ Create a system that can easily be updated to adapt to changing trends and needs

To reach these objectives, CPS provided a scope of work that included:

- ✓ Update land use application submittal, review, and approval procedures
- ✓ Evaluate ancillary sections of the RMC to ensure there are no contradictions
- ✓ Draft updates to Ch. 7 addressing the three objectives
- ✓ Provide the Town with a graphic illustrating the application process
- ✓ Develop internal guidelines for staff to use to process applications
- ✓ Identify standards and best practices for the Planning Commission and Town Council to consider addressing in the future.

WHAT'S HAPPENED SO FAR:

Project kickoff with PC	September 22, 2022
Ridgway Development Review Team meeting	November 4, 2022
Update to PC	November 29, 2022
Ridgway Development Review Team meeting	December 8, 2022
Scenarios workshop with PC and development community	January 10, 2023
Project Check-In with Town Manager	January 27, 2023
<i>Updated Draft revisions presented to PC</i>	<i>January 31, 2023</i>

UPDATED DRAFTS:

The following updated draft versions, with redlines identifying changes since November 29th, were provided to the Planning Commission on January 25th:

- | | |
|---|--|
| ✓ Section 1 <i>General Provisions</i> | ✓ Section 5 <i>Subdivision Regulations</i> |
| ✓ Section 2 <i>Planning Commission</i> | ✓ Section 7 <i>Annexations</i> |
| ✓ Section 3 <i>Board of Adjustments</i> | ✓ Section X <i>Affordable Housing</i> |
| ✓ Section 4 <i>Zoning Regulations</i> | |

Some of the proposed changes we wanted to highlight for the Planning Commission in these updates are:

- ✓ Sec. 7-4-3(A) Updated the Zoning Application Types and Processes table based on previous discussions. (*Proposed Sec. 7-4-3(A)*)
- ✓ Updated Conditional Use approvals to require both PC and TC consideration. (*Proposed Sec. 7-4-3(E)(7)(g) & (h)*)

- ✓ Updated Site Plan approval to require both PC and TC consideration. (*Proposed Sec. 7-4-3(H)(2)(f) & (g)*)
- ✓ Relocated a lot of performance standards from within each zone District to a new general standards section.
- ✓ Added a new subsection *7-5-2(C)(c) Construction of Public Improvements* within the Major Subdivision procedures to clarify where in the process the construction occurs.
- ✓ Proposing a new section devoted to Affordable Housing provisions. It is our intent, if agreed upon, to not adopt the provisions in this section, but to ensure that there is a place to put these standards as soon as Town Council determines the desired level and scope of those standards. This Section can provide guidance and be a great starting point for the more detailed conversations that the Town Council and the community will be having related to housing affordability.

QUESTIONS FOR JANUARY 31ST:

The following are concepts we'd like to discuss with the Planning Commission at the January 31st meeting. We described the situation and code section followed by a question to initiate discussion. Below the question, we posed one option/recommendation from our team. While this is a recommendation, we certainly don't know all the reasons for previous codes being written the way they are, which is why the discussion. Our recommendation is there simply to be more efficient in case there isn't history or background for us to consider when moving standards around.

1. Performance and Design Standards (*RMC 7-4-4(G)(I)(L)(M)*):

MR, HB, I-1, and I-2 Districts have numerous performance standards listed within each specific district. Some of these, such as parking, were relocated to the general standards section. Others exist in the current code that do not have a specific town standard to relocate the standards to.

- Does the Town want to relocate these performance standards to be general standards town-wide or keep with the individual districts?
- *CPS Recommendation: Remove performance standards from specific zone districts. Create general nuisance standards for noise, odors, smoke, etc. These will be applicable town wide and if there are certain exceptions within a zone district, they can be added to the general standards such as was done with parking.*

2. Drive-in Facilities (*RMC 7-4-4(J)(K)(L)(M)*):

DS, GC, I-1, and I-2 Districts all specifically state that drive-in restaurants, drive-in theaters, or any other retail stores and service establishments with drive-through facilities are not allowed. However, no other zone districts have this as a use allowed as by right or with a CUP. Therefore, they don't seem to be allowed anywhere in Town.

- Does the Town want to allow drive-ins or drive-throughs anywhere in Town?
- *CPS Recommendation: Add a definition of "drive through" and be broad enough to include all types. Insert use in Table so that future readers do not think it was overlooked. Either have not permitted, or clarify district(s) to be a conditional use in.*

3. Board and Rooming Houses and Dormitories (*RMC 7-4-4(I)(K)*):

HB and GC Districts specifically do not allow "board and rooming houses" or "dormitory". However, no zone districts have this as a use allowed by right or with a CUP. Therefore, they don't seem to be allowed anywhere in Town.

- Does the Town want to allow anywhere in Town?
- *CPS Recommendation: Keep existing definitions of "board and rooming house" and "dormitory" within Section 8. Insert in both uses within Table so that future readers do not think it was overlooked. Either have not permitted, or clarify district(s) to be a conditional use in.*

4. Building Sizes Limit Standards:

Certain districts have caps on building sizes, or state certain building sizes require a CUP. For example: MR District, under performance standards states "Buildings containing more than 25,000 square feet of gross floor area are not permitted."

- *CPS Recommendation: Remove these building size standards. The dimensional requirements, such as lot coverage, building height, and setbacks and architectural design standards, should set the parameters for what size of a building can be permitted on any given lot.*

5. Performance Standards in All Districts:

We are proposing to remove the following performance standards from the applicable section(s) of Ch. 7 through this update. Each suggestion is followed by an explanation of why we felt it could be removed.

- RMC 7-4-4(J) DS District: All professional offices and service businesses allowed with conditional use approval shall have no more than five employees. *[It seems a bit excessive to limit amount of employees in land use regulations]*
- RMC 7-4-4(J) DS District: Business hours shall be between 7:30 a.m. and 5:30 p.m. *[It seems a bit excessive to limit hours in land use regulations]*
- RMC 7-4-4(J) DS District: No semi-truck traffic shall be allowed upon residential streets or alley ways. *[Recommend this is reviewed through a conditional use review and not listed as a general performance standard]*
- RMC 7-4-4(L) I-1 District: Vehicular Traffic. Traffic to and from the site shall not overload or damage street systems to or from the site. Verification of this provision shall be confirmed by an independent traffic analysis conducted by properly qualified individuals. *[With site plan review requirement, traffic reports will be submitted when required and this will account for this performance standard]*
- RMC 7-4-4(M) I-2 District: Vehicular Traffic. Traffic to and from the site shall not overload or damage street systems to or from the site. Verification of this provision shall be confirmed by an independent traffic analysis conducted by properly qualified individuals. *[With site plan review requirement, traffic reports will be submitted when required and this will account for this performance standard]*
- 7-4-4(P)(2)(d): In the General Commercial District, a 35 foot height may be allowed if approved as a conditional use. *[An increased height request doesn't fall well under a conditional use category; the Town should have the maximum height limit desired for the GC District. If a structure wanted to go over that limit, they should apply for a variance to the dimensional requirement]*

The following are changes that we are proposing in the next round of updates and would like to confirm with the Planning Commission that we are moving in the right direction:

6. Change the names of the Industrial Districts (RMC 7-4-4 (L)(M)):

The two current industrial districts are very close in name, and they don't describe the difference between the two districts. Currently, they are "I-1 Light Industrial – 1 District" and "I-2 Light

Industrial – 2 District.” We suggest changing I-1 and I-2 to LI-Light Industrial and GI- General Industrial, respectively. These are more commonly used terms but still don’t suggest the Town desires “Heavy Industrial” uses. This can be done with these revisions to Ch. 7; however, it would also require updating the Official Zoning Map. Since it would apply to the entire Town, the update could be done legislatively concurrently with the adoption of Ch. 7 updates.

7. Codify the Commercial Design Standards:

The Town currently has Residential Design Standards (*Proposed Sec. 7-4-8*) which are being consolidated from various chapters and sections of the RMC. Furthermore, the Town adopted Commercial Design Guidelines following the 2011 update to the Land Use Plan. The Commercial Design Guidelines were again updated in concert with the 2021 update to the Landscape Regulations and do apply to certain developments. However, to make these guidelines fully enforceable and applicable to all appropriate development, these guidelines are being added to Sec. 4 Zoning Regulations in a similar way the Residential Design Standards appear.

8. Create Accessory Uses and Structures Standards:

Remove Accessory Uses from the Land Use Table and relocate them to a new Accessory Uses and Structures section within proposed *Sec. 7-4-5 Supplemental Standards*. This section will have standards and criteria for a variety of accessory uses and standards.

9. Consolidate similar uses in the Land Use Table:

As existing uses stated within each zone district were brought into the Land Use Table, we have found uses that could be combined. Many of these are listed specifically under industrial uses, such as the category “Manufacturing Processing and Assembly” and “Services”, yet there are similar uses throughout the Table of Uses that are similar. Our next effort will be to evaluate the various uses in concert with the definitions and make suggestions on how to consolidate uses to increase usability of Ch. 7.

Chapter 7: Land ~~Development~~Use Regulations

SECTION 1 – GENERAL PROVISIONS

7-1-1 INTERPRETATION OF THE PROVISIONS OF THESE LAND USE REGULATIONS *[New language]*

- (A) The provisions of these Land Use Regulations shall be regarded as the minimum requirements for the protection of the public health, safety, and general welfare.
- (B) These Land Use Regulations shall be interpreted in a manner to further its underlying purposes.
- (C) If a conflict occurs between provisions of these Land Use Regulations, or between provisions of these Land Use Regulations, other town regulations, and a state statute or other applicable codes and regulations, the more restrictive provision controls unless otherwise specified these Land Use Regulations, or preempted by a direct conflict with state statute.
- (D) Unless otherwise specified in these Land Use Regulations, the requirements of these Land Use Regulations are presumed to apply to actions related to a change in land use as defined herein.

7-1-2 RULES OF CONSTRUCTION OF LANGUAGE *[New language]*

- (A) Words and phrases shall be read in context and construed according to common usage. Words and phrases that have acquired a technical or particular meaning, by legislative definition or otherwise, shall be construed accordingly.
- (B) The particular controls the general.
- (C) The word "shall" is always mandatory.
- (D) The words "may" and "should" are permissive.
- (E) Unless the context clearly indicates otherwise, words used in the singular number include the plural and words used in the plural number include the singular.
- (F) If there is a conflict between figures and words expressing a number, the words govern.
- (G) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

7-1-3 COMPUTATION OF TIME *[New language]*

- (A) In computing a period of days, the first day is excluded and the last day is included unless the last day of any period is a Saturday, Sunday or legal holiday, in which case the last day shall be the next working day.
- (B) Unless otherwise specified in these Land Use Regulations, the term "days" shall refer to ~~calendar~~ business days.

7-1-4 STATUTORY VESTED PROPERTY RIGHTS *[Brought in from Ch. 7, Sec. 5]*

(A) Purpose.

The purpose of this Section is to provide procedures necessary to implement a program of legislated vested rights similar, but not necessarily identical, to that called for by the provisions of Article 68 of Title 24, C.R.S. The provisions of said Article 24-68, to the extent inconsistent with the provisions of this Chapter, including but not necessarily limited to the provisions of C.R.S. 24-68-102.5(1), are hereby superseded.

(B) General Provisions.

- (1) As used in this Section, "Site-Specific Development Plan" means a plan approved by the Town pursuant to this Section which has been submitted to the Town by a landowner or his representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may consist of one or more of the following:
 - (2) An approved Final Planned Unit Development Plan;
 - (3) An approved Subdivision Final Plat;
 - (4) An approved Conditional Use;
 - (5) An approved change in a nonconforming use; or
 - (6) Annexation Agreements or Development Agreements executed by the Town which specifically provide that they should be part of a Site-Specific Development Plan.
- (7) Neither a Sketch Plan, a Preliminary Subdivision Plat nor a Preliminary PUD Plan may qualify as a Site-Specific Development Plan. An approved Zoning Variance, final architectural plans, public utility filings, or final construction drawings and related documents and methods for construction of improvements shall not, in and of itself constitute a Site-Specific Development Plan although it may be an additional element of a Site-Specific Development Plan which is specified in paragraph (1) above.
- (8) A Site-Specific Development Plan for any development shall include all of the items identified in paragraphs (1) and (2), above, to the extent applicable to the development.
- (9) None of the items identified in paragraphs (1) and (2) shall be considered a Site-Specific Development Plan until approved, pursuant to the procedures of this Section in addition to the procedures applicable to such individual items. Such procedures may be pursued contemporaneously.

(C) Procedures

- (1) A landowner desiring approval of a Site-Specific Development Plan shall submit an application therefore on forms provided by the Town indicating each element of such plan and shall submit a copy of each element as approved by the Town together with any other information necessary to determine with reasonable certainty the type and intensity of use for the property.
- (2) Upon receipt of a properly completed application with fee, the Town shall schedule a public hearing and publish notice thereof.
- (3) Following the Hearing, the Town Council may approve the Site-Specific Development Plan if it is consistent with the requirements of this Section.

- (4) Following approval, the Town shall cause a Notice describing generally the type and intensity of the use approved, and the description of the property affected. Such notice shall ~~not~~ be published not more than 14 days after approval.
- (5) The Site-Specific Development Plan shall be deemed approved upon the effective date of the Town Council's action. In the event amendments to any of the elements of the Site-Specific Development Plan are subsequently proposed and approved, the effective date of such amendments for purposes of the duration of vested property rights shall be the date of approval of the original Site-Specific Development Plan.

(D) Limitations.

- (1) Approval of a Site-Specific Development Plan pursuant to this Chapter shall be deemed to create a vested property right which shall be subject to the provisions and limitations of 24-68-103(1)(b) and (c), 104 and 105, C.R.S., ~~when except~~ inconsistent with any provision of this Chapter.
- (2) Failure of any landowner to request a hearing and approval of various elements of the development plan as a Site-Specific Development Plan shall constitute a waiver and no vested right shall be deemed to have been created by the Town's approval of such elements.
- (3) Approval of a Site-Specific Development Plan may be revoked by the ~~Board of Trustees~~ Town Council following notice and hearing on account of breach of any condition of approval of the various elements of the plan or any ordinance or regulations of the Town applicable to the various approvals or the various elements of the plan.
- (4) The provisions of all duly adopted zoning ordinances and other land use and development ordinances and regulations and master plans, as amended from time to time, shall apply in accordance with their terms, to all property and pending applications and proceedings except to the extent otherwise specifically provided in the adopting legislation, and except to the extent otherwise provided for an approved Site-Specific Development Plan pursuant to paragraph (A) above.

7-1-5 ADEQUATE PUBLIC WATER SUPPLY *[Brought in from Ch. 7, Sec. 6]*

(A) Purpose

The purpose of this Section is to provide procedures necessary to implement a program to ~~insure~~ ensure adequate public water supplies similar, but not necessarily identical, to that called for by the provisions of Part 3 of Article 20 of Title 31, C.R.S. The provisions of said C.R.S. 31-20-301 et seq., to the extent inconsistent with the provisions of this Section, are hereby superseded.

(B) General Provisions

As used in this Section, "Development Permit" means any preliminary or final approval of an application for rezoning, conditional use permit, subdivision, PUD, building permit, site plan, development plan or similar application for new construction; which includes new water use in an amount more than that used by 50 single-family equivalents.

(C) Procedures

- (1) Unless the Town has authorized use of a water supply other than that of the Town, in a preannexation agreement or by other official action of the Town, a landowner desiring approval of a Development Permit shall submit with the application a report complying with C.R.S. 29-20-304(1) with respect to the Town's water supply, until such time as the Town has adopted a water supply plan conforming with C.R.S. 29-20-304(3).

Commented [KK1]: Town Staff suggested this be modified to 5 or 20. CPS recommends that it not be tied to any number and stops at "...includes new water use". However this is being suggested as a future revision for the Town since it was expressed by the Town Engineer that the entire 7-1-5, Adequate Public Water Supply be revised.

- (2) If the Town has previously authorized Tri County Water Conservation District water or other source of supply, the applicant shall submit, the report, letter, or plan complying with C.R.S. 29-20-304(1). The Town shall have no obligation to approve any source of supply other than that of the Town.
- (3) No development permit shall be approved until the Town has determined in its sole discretion that the documents required by subsections (1) and (2) have been properly submitted and that the water supply for the proposed development, as such may be modified, will be adequate to meet its water supply requirements.

(D) Applicability

The provisions of this Section 7-1-6 shall apply to all new and pending applications for a development permit submitted after May 29, 2008, except for pending subdivisions or PUDs with an unexpired and approved preliminary plat, unless materially changed to increase water supply requirements. The determination of the adequacy of water supply for subdivisions or PUDs shall be made at the sketch plan stage unless material changes occur after sketch plan approval, in which case the determinations shall be made at the next stage of review and approval. The determination for other applications shall be made prior to approval of the application.

7-1-6 FEES AND COSTS *[Brought in from Sec. 7-4-12, but removed specific fee amounts]*

(A) Application Fees.

- (1) Any application must be accompanied by the appropriate fees. A schedule of fees is available through the Town of Ridgway.
- (2) The Town Council, in its sole discretion, may defer, reduce and/or waive certain land use fees within this Chapter 7 for projects demonstrating significant public benefit such as perpetual, deed-restricted affordable or workforce housing projects.

Commented [KK2]: Need to create

(B) Reimbursement of Costs

In addition to the application fees, the applicant shall reimburse the Town for all out-of-pocket costs incurred during the review including legal fees, postage, notice and publishing costs, map costs, engineering fees, etc., together with wages and associated payroll costs for contract employees, plus ten percent to cover overhead and administration. The Town shall bill the applicant periodically as such costs are incurred. Payment is due within 30 days. Bills not paid by the due date shall accrue interest at the rate of one and one-half percent per month or part thereof. No plat shall be recorded, improvement accepted, lien released, building permit issued, tap approved or other final approval action taken until all fees then due are paid to the Town. Such fees may be certified to the County Treasurer for collection as delinquent charges against the property concerned.

7-1-7 ENFORCEMENT AND ADMINISTRATION *[Brought in from Sec. 7-4-24]*

- (A) The ~~Building Official~~ Town Manager or designee, shall be responsible for the interpretation, administration and enforcement of the provisions of these Regulations, as amended, the Official Zoning Map, as amended, and of any decisions entered by the Planning Commission, Board of Adjustment or Town Council, pursuant to this Section.
- (B) No building permit, occupancy permit, or other permit or license shall be issued, nor shall any other action of approval be taken or allowed by the Town for any property which is not in

compliance with the provisions of these Land Use Regulations, and any decision issued pursuant hereto.

- (C) Whenever necessary to make an inspection to enforce any of the provisions of these Land Use Regulations, or any provision of a decision entered, pursuant to this Section, or whenever there is reasonable cause to believe that a violation of any provision of these Land Use Regulations, or of any decision issued, pursuant to this Section exists, the Marshal, [Town Manager or designee](#), Building Inspector, or their authorized representative, shall have the right to enter upon such building or premises at all reasonable times for purposes of inspection or to perform any other duty imposed by this Section. Prior to entry, ~~they~~^{he} shall identify ~~him~~^{himself} and request permission to enter from the occupant or person in charge of the premises if they can be found by reasonable efforts. If entry is refused, ~~they~~^{he} shall have recourse to any remedy provided by law to secure entry.
- (D) The Town may maintain an action in a court of competent jurisdiction to enjoin any violation of these Land Use Regulations or of the terms of any decision entered pursuant to this Section.
- (E) Any action which reduces the area of any site, lot or tract in violation of the minimum dimensional requirements of these regulations shall be unlawful.
- (F) It shall be unlawful to violate any of the provisions of these Land Use Regulations, or the terms of any decision entered pursuant to this Section. Any person convicted of such a violation may be punished by a fine of up to \$300.00. Each day any violation continues shall constitute a separate violation.
- (G) Continuing Violations of this Section, the terms of any decision issued pursuant to this Section, or any subdivision plat restrictions, are hereby declared to be a nuisance and may be abated in any lawful manner.

SECTION 2 - PLANNING COMMISSION

7-2-1 ESTABLISHMENT *[Same as existing 7-1-1]*

- (A) The Ridgway Planning Commission is hereby created to consist of seven members. Five members shall be appointed by the Mayor to serve six-year terms, which will expire at one-year intervals. The Mayor and one member of the Town Council, appointed by the Mayor, shall be ex-officio members, and shall serve for the period of their incumbency. Any vacancy shall be filled by the Mayor for remaining term.
- (B) All members shall be qualified electors of the Town.
- (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-year term ending on December 31st of the odd-numbered years.

7-2-2 BY-LAWS AND RULES OF PROCEDURE *[Same as existing 7-1-2]*

The Planning Commission may adopt By-Laws and Rules of Procedure as necessary for the conduct of business not in conflict with this [Section Town Code](#), [Town Charter](#), or State law.

7-2-3 POWERS AND DUTIES *[Same as existing 7-1-3]*

The Planning Commission shall have the following powers and duties:

- (A) To discharge duties specified for a Planning Commission or Zoning Commission in any Town ordinance or Town Code.
- (B) To make recommendations to the Town Council upon referral or otherwise concerning matters related to planning, zoning and land use regulation.
- (C) To make recommendations for the adoption of, or amendments to, a master plan.

Commented [KK3]: PC member questioned if this could be changed to PC. Did not change since Sec 1-3 of the Town Charter states the TC to adopt a Master Plan.

7-2-4 REMOVAL OF MEMBERS *[Same as existing 7-1-4]*

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 and a replacement appointed by the Mayor.

SECTION 3 - BOARD OF ADJUSTMENT

7-3-1 CREATION *[Same as existing 7-2-1]*

- (A) The Board of Adjustment is hereby created to consist of seven members. Five members shall be appointed by the Mayor to serve six-year terms, expiring at two-year intervals. The Mayor and one member of the Town Council appointed by the Mayor shall be ex officio members and shall serve for the period of their incumbency. Any vacancy shall be filled by the Mayor for the remaining terms.
- (B) All members shall be qualified electors of the Town.
- (C) The members of the Board of Adjustment and Planning Commission may be the same.
- (D) 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-year term ending on December 31st of the odd-numbered years.

7-3-2 BY-LAWS AND RULES OF PROCEDURE *[Same as existing 7-2-2]*

The Board of Adjustment may adopt By-Laws and Rules of Procedure, as necessary, for the conduct of its business not in conflict with this Section, other ordinances of the Town or State law.

7-3-3 POWERS AND DUTIES *[Same as existing 7-2-3]*

The Board of Adjustment shall discharge duties as specified for a Board of Adjustment in the Town Land Use Regulations, other Town ordinances and State law.

7-3-4 REMOVAL OF MEMBERS *[Same as existing 7-2-4]*

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, and a replacement appointed by the Mayor.

7-1 SECTION HEADER

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Article 1. **HEADING 1**

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Article 3. Heading 4

Article 4. Heading 5

Article 5. Heading 6

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(a) Heading 9

(i) Heading 10

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Body 4

Body 5

Body 6

Definitions

Table

Figure

Chapter 7: Land ~~Development~~Use Regulations

SECTION 4 – ZONING REGULATIONS

7-4-1 – GENERAL PROVISIONS

- (A) This Section, as amended from time to time, together with the Official Zoning Map as adopted and amended from time to time, may be cited as the Town's Zoning Regulations.
- (B) The purpose of these Zoning Regulations is to promote ~~the~~ public health, safety and welfare.
- (C) Whenever there is any conflict between these Zoning Regulations and any other ordinance, code provision, regulation, or law, the more restrictive or higher standard shall apply.
- (D) These Zoning Regulations and the Official Zoning Map shall constitute a part of the Town's Comprehensive Master Plan. These Zoning Regulations are enforceable in accordance with Subsection 7-1-XX, Administration and Enforcement. However, the Master Plan is advisory in nature.
- (E) This Section lays out the application types, requirements, and review procedures for requests associated with zoning changes and land use approvals within the Town of Ridgway. These common review procedures provide the foundation for specific review and approval procedures. See those specific sections to determine which of these common review procedures apply to individual applications for development review.
- (F) Multiple Applications
 - (1) Concurrent Review Permitted. Where multiple applications concern the same property, the Town Manager or designee, may permit concurrent review of applications for efficiency and practicality.
- (G) Continued Work on Application. Applicants shall continuously and diligently pursue their application(s). An applicant who fails to respond to staff comments or requests for a period of four (4) months shall be administratively withdrawn by the Town Manager or designee. An applicant may request, in writing, an extension to the Town Manager or designee. The Town Manager or designee may allow such extension if it is determined that good cause exists to extend the application time frame.

7-4-2 – ZONING MAP

- (A) The 1993 Revised Zoning Map of the Town, as such may be amended from time to time, may be known or cited as the "Official Zoning Map" of the Town.
- ~~(B) Amendments to the Official Zoning Map may be made by an ordinance enacting a revised map or by an ordinance amending portions of the Official Zoning Map by specifying the legal description of the property to be rezoned. A copy of the Official Zoning Map, as amended from time to time, shall be maintained in the Town Clerk's office available for public inspection. Periodically, copies of the Official Zoning Map, as amended, may be reproduced and made available to the public.~~
- (B) The regulations for the various districts provided for in this Section shall apply within the boundaries of each such district as indicated on the Official Zoning Map. The district boundaries, as shown on the Official Zoning Map, shall be construed to follow the center lines of streets, to follow platted lot lines or the lines of undivided parcels of property, or to follow the Town limits, whenever a boundary is shown as approximately in the vicinity of such lines. Distances may be determined by the scale of the map.

Commented [KK1]: Deleted since duplicated in 7-4-3C)(1)(a)

- (C) [No single lot shall be divided by a district \(i.e., zoning, sanitation, fire, etc.\), municipal or county boundary line.](#)

7-4-3 – ZONING APPLICATIONS AND REVIEW PROCEDURES

This Section outlines the review procedures that are common to all applications regulated within Section 3, Zoning Application and Review Procedures, unless otherwise stated in this Chapter. Table XXX identifies the various application types and associated review procedures regulated by the Zoning Regulations. The submittal requirements, review procedures, and approval criteria for each application type are laid out in subsequent sections of this Chapter as identified in Table XXX. All documents and materials identified in this Section, and the particular application type section shall be required.

(A) Table XXX - Zoning Application Types and Processes

Commented [KK2]: Updated based on feedback heard since November 2022.

	Pre-Application Meeting (§7-4-XX)	Completeness Review (§7-4-XX)	Referrals (§7-4-XX)	Notice of Hearing (§7-4-XX)	Town Manager or designee	Planning Commission (§7-4-XX)	Town Council (§7-4-XX)	BOA (§7-4-XX)
R=Required; O=Optional; PH=Required Public Hearing; Rec=Recommendation; D=Decision								
Map Amendment (§7-4-X)	O	R	R	R Posting	Rec	R PH / Rec	R PH / D	
Text Amendment (§7-4-X)	O	R	R	R Publication Posting	Rec	R PH/Rec	R PH / D	
Conditional Use Permit (§7-4-X)	OR	R	R	R Posting	Rec	RecR PH/D	R PH/D	
Minor Amendment to Conditional Use Permit (§7-4-X)	OR	R	O		Rec	R PH/D		
Temporary Use Permit (§7-4-XX)	O	R	O	R Posting	Rec	R D		
Site Plan (§7-4-XX)	OR	R	O	R Posting	Rec	R PH/RecR D	R PH/D	
Administrative Adjustment (§7-4-XX)	O	R	O		D			
Variance (§7-4-XX)	OR	R	R	R Posting	Rec	R PH / D		
Appeal (§7-4-XX)	O	R	O	R Posting	Rec			R PH / D

(B) General Application Review Procedures

The following procedures shall apply to all classifications of development applications which are required under this Chapter.

(1) Pre-Application Meeting

If the applicant or Town Manager or designee, requests a pre-application meeting, the following process shall be followed:

- (a) Prior to the formal submission of the application, the applicant shall contact the Town Manager or designee to schedule and request a pre-application meeting. Following receipt of a request, the pre-application meeting should be set for a date within ten (10) business days of the date of the applicant's request. The Town Manager or designee shall advise the applicant of the date and time of the pre-application meeting.
- (b) The applicant shall be prepared to discuss the proposed application with the Town Manager or designee. The applicant is encouraged to present such plats, plans, diagrams, or other preliminary information sufficient to allow a conceptual review of the proposed application.
- (c) The purpose of the pre-application meeting is to assist the applicant in understanding the town's application review processes and to allow the Town Manager or designee to determine the applicable process(es) and regulations for the proposed application.

(2) Application Submittal Requirements

All of the following information and materials shall be submitted to the Town of Ridgway in a form acceptable to the Town Manager or designee. Additional information and materials required to be submitted for each specific application type identified in Table XXX are set forth in subsequent sections of this Chapter and shall also be submitted in order to receive a determination of completeness.

(a) Basic Application Materials

The following materials are required for all applications regulated by Chapter 7, Section 4 Zoning Regulations, unless waived by the Town Manager or designee.

- (i) **Application Form.** An application form for the request shall be obtained from the Town. Completed application forms and accompanying materials shall be submitted to the Town by the owner or applicant.
 - a. **Authorized Agent.** If the applicant is not the owner of the land based on Ouray County Assessor records, the applicant shall submit a letter signed by the owner consenting to the submission of the application(s).
 - b. **Applicant is Not the Sole Owner.** If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by all owners or an association representing all the owners, by which all owners consent to or join in the application.
- (ii) **Fees.** All application fees shall be in compliance with Section 7-1-6, Fees and Costs.
- (iii) **Proof of Ownership.** Proof of Ownership in the form of a copy of the property deed or a title commitment which has been issued within sixty (60) days of the application submittal along with copies of all documents listed in the exceptions.
- (iv) **Legal Description.** Legal description of the property subject to the development application.
- (v) **Mineral Interest Owners.** List of all mineral interest owners with interests severed from the subject property.

- (vi) Vicinity Map. A map locating the project limits, parcel(s), and property within Ridgway. The vicinity map shall clearly show the boundaries of the subject property and all property within a three-mile radius of the subject property.
- (vii) General Written Narrative. A general written narrative identifying the development team, existing conditions of the property, proposed uses, density, lot layout, end users, financing, public dedications (including rights-of-way, parks, open space, infrastructure), and describing the purpose of the project, how the request meets the applicable approval criteria, furthers the goals and objectives specified in the Master Plan, and identifying any potential impacts on adjacent properties and public infrastructure and how those impacts are proposed to be mitigated.

(3) Completeness Review

When a completeness determination is required pursuant to Table X-X.X, the following shall apply:

- (a) Within ten (10) days following receipt of an application, the Town Manager or designee shall administratively review the application and determine whether it includes all the application content requirements of the Ridgway Municipal Code for the requested application type.
- (b) All plans, reports, maps, and other information required for the application type must be complete and legible. A failure of the application to meet the requirements of the Zoning Regulations and this Ridgway Municipal Code may delay the processing of the application until the application is sufficient and deemed complete.
- (c) When the Town Manager or designee determines that the application is complete as submitted, the Town Manager or designee shall process the application for review in accordance with the provisions set forth in this Chapter 7, Land Development Regulations.
- (4) In the event the Town Manager or their designee determines that the application is incomplete, the Town Manager or designee shall inform the applicant in writing of the deficiencies in the application. No further processing of the incomplete application shall be undertaken until the Town Manager or designee, determines that the applicant has remedied the application's deficiencies. Referral Agencies

In accordance with Table X-X.X, applications shall be referred to any of the below referral agencies the Town Manager or designee determines is necessary to the complete and comprehensive review of the request. Referral of applications to other agencies shall be for a minimum time frame of fourteen (14) days. However, the time frame for review and comment may be extended if the application presents technical issues which require additional review, additional information is provided by the applicant, or the application is modified. Referral agencies include, but are not limited to, the following:

- (a) Bureau of Land Management (BLM)
- (b) Colorado Department of Transportation (CDOT)
- (c) Colorado Division of Reclamation, Mining & Safety
- (d) Colorado Division of Water Resources
- (e) Colorado Parks and Wildlife
- (f) Colorado State Forest Service
- (g) Ditch companies
- (h) Fire Protection District(s) or department(s)

- (i) Ouray County Departments (Assessor, Clerk & Recorder, Attorney, Health Department, Building Department, Road & Bridge, Sheriff Office, etc.) as appropriate
- (j) Town of Ridgway Departments (Town Clerk, Town Attorney, Engineering Department, Building Department, Public Works Department, Police Department, etc.) as appropriate
- (k) Water Conservation District(s)
- (l) San Miguel Power Authority
- (m) School district(s)
- (n) Soil Conservation District
- (o) Utility service providers and districts
- (p) US Army Corp of Engineers
- (q) US Environmental Protection Agency (EPA)
- (r) US Forest Service

~~(s) Xcel Energy / Public Service of Colorado~~

~~(t)~~(s) Any other entity or agency deemed necessary by the Town Manager or designee

(5) Staff Report

The Town Manager or their designee shall review the application to determine if the proposal satisfies the applicable standards. The Town Manager or designee shall prepare a staff report discussing whether the applicable standards of the Ridgway Municipal Code have been satisfied. The staff report should identify issues raised through staff and referral agency review, potential mitigation requirements, any recommended conditions for approval, and any additional information pertinent to the review of the application.

(6) Notice Requirements

All public notices of hearings required by these Zoning Regulations shall include the date, time, place, and purpose of the hearing, a general description of the property affected, and any other information deemed appropriate to apprise the public of the general nature of the action proposed. Errors or inaccuracies in the notice shall not be deemed sufficient cause to postpone or invalidate a hearing except where such errors are substantive in material and are found to have reasonably mislead or misinformed the public.

(a) Notice by Posting

When notice by posting is required for a public hearing by Table X-X.X, notice of the hearing shall be posted at Town Hall ten (10) days before the hearing and posted, visible from each street frontage abutting the property, for at least ten (10) days prior to the hearing in addition to any other notice required by Town regulations.

(b) Mineral Estates Notice.

Per 24-65.5-103, C.R.S. if the surface estate and mineral estate are severed, the owners of severed mineral estates shall be entitled to notification of not less than thirty (30) days before the date scheduled for the public hearing for the application. A copy of the notice shall be given to the Town along with the applicant's certification of compliance with said notification requirements. Provided this notice is not required if notice was previously sent and such certification previously provided with respect to the same surface development, or the application is only platting an additional single lot, unless a mineral estate owner has requested notice pursuant to 24-6-402(7), C.R.S.

(7) Public Hearings

When an application requires a public hearing before the Planning Commission, the Town Council, or the Board of Adjustment in accordance with Table X-X.X, the following shall apply:

- (a) The Town shall set the date and time of a public hearing. Notice of the public hearing shall be issued in accordance with Table X-X.X and Section XXX.XX, Notice Requirements.
- (b) At the public hearing, the reviewing body shall review the application for conformance with the applicable review standards and approval criteria for the request.
- (c) Any public hearing or other action of the body may be continued or postponed at any time to a specified date and time in order to permit preparation of additional information for further review by the reviewing body.
- (d) When required, the Planning Commission recommendation shall be forwarded to the Town Council. Following a public hearing, the Town Council shall approve, approve with conditions, or deny the application or continue the matter to a date certain.
- (e) The applicant shall bear the burden of presenting sufficient competent evidence at the public hearing to support the standards for approval set forth by this Ridgway Municipal Code. Any decision by the reviewing body to recommend, or to act to, approve, conditionally approve, or deny an application shall be based upon a consideration of all evidence presented during the public hearing. Where evidence presented is contradictory, the reviewing body shall weigh such evidence and judge the credibility and sufficiency of the evidence prior to rendering a decision.

(8) Post Approval

- (a) Review. Prior to recording of the approved documents, the applicant shall submit all final documents reflecting any conditions of approval to the Town Manager or designee for final review and acknowledgement.
- (b) Recording. Any documents required to be recorded with the Ouray County Clerk and Recorder shall be fully executed by the applicant and filed for execution by the Town and recorded. Recording of all documents shall be completed within a reasonable period of time from the date of approval by the approving body.
- (c) Effective Upon Recording. The approval does not become effective until all approved documents have been properly recorded with the Ouray County Clerk and Recorder.

(C) Zoning Map Amendment

(1) General Provisions.

- (a) Amendments to the Official Zoning Map may be made by an ordinance enacting a revised map or by an ordinance amending portions of the Official Zoning Map by specifying the legal description of the property to be rezoned. A copy of the Official Zoning Map, as amended from time to time, shall be maintained in the Town Clerk's office available for public inspection. Periodically, copies of the Official Zoning Map, as amended, may be reproduced and made available to the public.
- (b) Rezoning may be requested or initiated by the Town, the Planning Commission, or the owner of any legal or equitable interest in the property or his representative. The area considered for rezoning may be enlarged by the Planning Commission on its own motion over the area requested in the application as part of its recommendation.
- (c) Legislative Zoning: Comprehensive review and reenactment of all or a significant portion of the Official Zoning Map shall be a legislative action and shall not be required to meet any criteria set out in this Subsection.

(2) Review Procedures.

Commented [KK3]: Duplicative of 7-4-2(B) Deleted that section; left this one.

(a) Review Flowchart.

The flowchart depicts the zoning map amendment application review process described in greater detail in this section.

[Insert Flowchart]

(b) Pre-Application Meeting.

A pre-application meeting may be held in accordance with the provisions set forth in Section XXX, Pre-Application Meeting.

(c) Application Submittal Requirements.

The following are the application materials required to be submitted for a zoning map amendment request. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (i) Basic Application Materials. All materials set forth in Section XXX, Basic Application Materials
- (ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other pertinent or necessary information.
 - a. A general written narrative describing the purpose of the project;
 - b. The source and quantity of water required for the proposed use(s) within the project;
 - c. The method of wastewater treatment and anticipated quantity of wastewater generated;
 - d. When water or wastewater service would be provided by a municipality or a water or sanitation district or other public entity, written confirmation that such entity is willing and able to provide such service;
 - e. A description of any natural or man-made hazard within or in the vicinity of the land within the application and a statement describing how the anticipated impact of such hazards would be mitigated if the proposed request requires such mitigation;
 - f. A vicinity map showing to scale the proposed project area in relationship to the surrounding municipal and unincorporated area;
 - g. A description of any unique features, such as historical sites, unique landforms or scenic vistas, contained within the project area;
- (iii) Site Improvement Plan.
 - a. The size of the map shall be of a size that is legible for reasonable review and interpretation, as determined by the Town Manager or designee.
 - b. A scale that is one (1) inch equals two hundred (200) feet or another suitable scale if approved by Town Manager or designee;
 - c. Legal description of the parcel;
 - d. North arrow, scale, and legend;
 - e. A vicinity map at a suitable scale;
 - f. Outline of the parcel boundary or the portion of the parcel that the application applies to;

- g. The location and name of any streams, ponds, waterways, and irrigation ditches within the property boundaries;
 - h. The location and names of all roads and highways abutting the site;
 - i. All existing and proposed structures and their dimensions;
 - j. The location, dimensions and design of any existing signs on the site;
 - k. All utility easements or rights-of-way for telephone, gas, electric, water and sewer lines;
 - l. The location of vehicular drives, entrances, exits, acceleration and deceleration lanes; location and dimensions of pedestrian entrances, exits, walks and walkways;
 - m. General location, arrangement and dimensions of parking spaces, aisles, bays and other similar information; and
 - n. A notation on the site improvement plan of all existing or potential natural or manmade hazards on or adjacent to the site and a narrative description of an acceptable plan for the mitigation of the impact of such identified hazards.
- (iv) Supplemental Materials. The following items are also required to be submitted to the Town of Ridgway:
 - a. Proof of minimum guaranteed water supply.
- (v) Additional Requirements.
 - a. Any other information deemed necessary by the Town Manager or designee to assist in the review of the application.
- (d) Completeness Review.

The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section XXX, Completeness Review.
- (e) Evaluation by Staff and Referral Agencies.

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section XXX, Referral Agencies and review the application for conformance with the requirements and standards of this Chapter.
- (f) Staff Report.

A staff report shall be prepared and provided to the reviewing body in accordance with Section XXX, Staff Report.
- (g) Review and Recommendation by the Planning Commission.

The Planning Commission shall review the zoning map amendment application in a manner consistent with Table XXX to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission may provide either a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section XXX, Approval Criteria.

 - a. The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.
- (h) Review and Action by the Town Council.

The final decision to approve, approve with conditions, or deny a zoning map amendment shall be made by the Town Council in a manner consistent with Table XXX and be based upon the criteria set forth in Section XXX, Approval Criteria.

- a. The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.

(3) Approval Criteria.

Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon a determination following public hearing that the following criteria are met:

- (a) The amendment is not adverse to the public health, safety and welfare, and
- (b) Either:
 - (i) The amendment is in substantial conformity with the Master Plan; or
 - (ii) The existing zoning is erroneous;
 - (iii) Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.

(D) Text Amendment

(1) General Provisions.

Text amendments are changes to these Land Use Regulations. Such amendments may be submitted, reviewed, and approved pursuant to this section to respond to changed conditions, changes to public policy, or to advance the general welfare of the town. The review process for text amendments shall be reviewed as set forth in Section XXX, Review Procedures. A text amendment may only be initiated by the Planning Commission, Town Council, or the Town Manager or designee.

(2) Review Procedures

(a) Review Flowchart

The flowchart depicts the text amendment application review process described in greater detail in this section.

[Insert Flowchart]

(b) Staff Report.

A staff report shall be prepared and provided to the reviewing body in accordance with Section XXX, Staff Report.

(c) Review and Recommendation by the Planning Commission.

The Planning Commission shall review the text amendment application in a manner consistent with Table XXX to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission may provide either a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section XXX, Approval Criteria.

- a. The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.

(d) Review and Action by the Town Council.

The final decision to approve, approve with conditions, or deny a text amendment shall be made by the Town Council in a manner consistent with Table XXX and be based upon the criteria set forth in Section XXX, Approval Criteria.

- a. The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.

(3) Approval Criteria.

The following criteria shall be found to be met by the application and supplemental materials in order for the Planning Commission and/or Town Council to recommend approval or approve a text amendment.

- (a) The text amendment is consistent with the intent of applicable portions of the Master Plan in the reasonable judgement of the approving body; and
- (b) The proposed text amendment is necessary to correct an omission or error in the code;
- (c) The proposed text amendment is necessary to adapt to a change in conditions within the town; or
- (d) Changes in public policy are needed to advance the general welfare of the town.

(E) Conditional Uses

(1) General Provisions

Conditional uses are land uses that have potential for causing adverse impacts on other uses because of such factors as location, method of operation, scale or intensity of activity, or traffic generated. Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties and the Town of Ridgway at large. Conditional uses may be permitted subject to such conditions and limitations as the town may prescribe. The intent is to ensure that the location and operation of the conditional use is in accordance with the development objectives of the town and the Master Plan and will not be detrimental to other uses or properties. All conditional uses shall meet all applicable ~~site-development~~ standards as detailed in this Chapter. The review process for conditional uses is set forth in Section XXX, Review Procedures.

(2) Applicability. Conditional use approval is required for those uses listed as conditional uses in the Land Use Table in Section XXX.

(3) An application for conditional use approval is required and shall be submitted at the same time as site plan review, if one is necessary.

(4) Conditional use permits run with the land and approval may be revoked upon failure to comply with conditions associated with the original approval of the conditional use.

(5) Conditional use permits issued prior to the effective date of these Land Development Regulations shall be allowed to continue as long as the use is consistent with the conditions of the permit and the provisions of Section X, Nonconforming Land Uses and Structures and is renewed as required by the conditional use permit. If the conditions of approval are not maintained, it shall be considered a violation of these Land Development Regulations, punishable in a manner set forth in Section X-XX Administration and Enforcement. In addition, the Town may revoke the permit.

(6) Review and Revocation of a Conditional Use Permit

- (i) At such intervals as the Planning Commission may have specified in its original decision, or when there is an alleged violation of the provisions of a conditional use

permit, the Town Manager or designee shall review the terms, conditions, and other provisions of conditional use permit(s) issued by Planning Commission.

- (ii) Upon review of the permit terms, conditions, and provisions, the Town Manager or designee shall make recommendations to the Planning Commission at its next available meeting to remedy any violations, the reasons for such recommendations, and specific time period(s) in which violations of the provisions of the permit shall be corrected.
- (iii) The Planning Commission may apply any and all remedies and penalties set forth in the Municipal Code to correct violations of a conditional use permit.
- (iv) If the Town Council finds that terms, conditions, and/or provisions of a conditional use permit have been violated, the conditional permit shall be revoked, and such use shall be considered in violation of the Ridgway Municipal Code.

(7) Review Procedures

- (a) Review Flowchart. Figure XXX, Conditional Use Permit Flowchart, depicts the conditional use permit application review process described in greater detail in this section.

[Insert Flowchart]

(b) Pre-Application Meeting

A pre-application meeting may be held in accordance with the provisions set forth in Section XXX, Pre-Application Meeting.

(c) Application Submittal Requirements.

The following are the application materials required to be submitted for conditional use requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (i) Basic Application Materials. All items set forth in Section XXX, Basic Application Materials.
- (ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other information:
 - a. A general written narrative describing the purpose of the project;
 - b. Description of the current land use(s) on the property, the characteristics of the land within the property boundaries, and the current land use on all adjoining property;
 - c. A time schedule for construction and/or operation;
 - d. Description of how the use will be operated
 - e. How ongoing maintenance of the use and site will be provided;
 - f. How the use's impacts on surrounding properties will be minimized and mitigated;
 - g. A statement describing how the proposed use would be in compliance with the provisions of the Master Plan;
 - h. The proposed sources of water and sanitary sewer; and
 - i. A listing of additional local, state and/or federal permits required prior to commencing the proposed land use and notation of which permits have been applied for and which, if any, have been granted.

(iii) Site Improvement Plan

- a. The size of the map shall be of a size that is legible for reasonable review and interpretation, as determined by the Town Manager or designee.
- b. A scale that is one (1) inch equals two hundred (200) feet or another suitable scale if approved by Town Manager or designee;
- c. Legal description of the parcel;
- d. North arrow; scale, and legend;
- e. A vicinity map at a suitable scale;
- f. Outline of the parcel boundary or the portion of the parcel that the conditional use applies to;
- g. The location and name of any streams, ponds, waterways and irrigation ditches within the property boundaries;
- h. Current and proposed grading and drainage patterns including:
 - i. Drainage arrows depicting surface flow;
 - j. Drainage facilities and improvements; and
- k. A grading plan depicting existing and proposed site contours at two-foot intervals.
- l. The location and names of all roads and highways abutting the site;
- m. All existing and proposed structures and their dimensions;
- n. The location, and dimensions of any existing and proposed signs on the site;
- o. All utility easements or rights-of-way transmission and/or service lines;
- p. The location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes; location and dimensions of pedestrian entrances, exits, walks and walkways;
- q. General location, arrangement and dimensions of parking spaces, width of aisles, width of bays, angle of parking and other similar information;
- r. A notation on the site improvement plan of all existing or potential natural or manmade hazards on or adjacent to the site and a narrative description of an acceptable plan for the mitigation of the impact of such identified hazards; and
- s. Any other information deemed necessary by the Town Manager or designee to assist in the review of the application.

(iv) Supplemental Materials

The following items are required to be submitted to the Town of Ridgway:

- a. Drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed.
- b. Traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.

- c. Proof of minimum guaranteed water supply appropriate for the requested use.

(v) Additional Requirements

Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.

(d) Completeness Review

The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section XXX, Completeness Review.

(e) Evaluation by Staff and Referral Agencies

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section XXX, Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.

(f) Staff Report.

A staff report shall be prepared and provided to the reviewing body in accordance with Section XXX, Staff Report.

(g) Review and Recommendation by the Planning Commission.

The Planning Commission shall review the conditional use application in a manner consistent with Table XXX to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission may provide either a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section XXX, Approval Criteria.

- a. The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.

(h) Review and Action by the Town Council.

The final decision to approve, approve with conditions, or deny a conditional use application shall be made by the Town Council in a manner consistent with Table XXX and be based upon the criteria set forth in Section XXX, Approval Criteria.

- a. The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.

(g) Review and Action by the Planning Commission.

The Planning Commission shall review the conditional use application in a manner consistent with Table XXX to evaluate compliance with applicable standards. The final decision to approve, approve with conditions, or deny a conditional use permit shall be made by the Planning Commission in a manner consistent with Table XXX and be based upon the criteria set forth in Section XXX, Approval Criteria.

- a. The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to making a final decision.

Commented [KK4]: Updated based on feedback heard since November 2022.

(8) Approval Criteria.

Uses listed as conditional uses for the various zoning districts provided in this Chapter shall be allowed only if the Planning Commission determines, following review pursuant to Subsection 7-3-XX, that the following criteria are substantially met with respect to the type of use and its dimensions:

- (i) The use will not be contrary to the public health, safety, or welfare.
- (ii) The use is not materially adverse to the Town's Master Plan.
- (iii) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
- (iv) The use is compatible with existing uses in the area and other allowed uses in the District.
- (v) The use will not have an adverse effect upon other property values.
- (vi) The location of curb cuts and access to the premises will not create traffic hazards.
- (vii) The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of other property in the area.
- (viii) Visual impact due to a building's size shall be mitigated by means of design, landscaping, berming, and other methods of site treatment, and must be compatible with the mass and scale of existing buildings on adjacent properties, or if there are no such buildings, compatible with the mass and scale of buildings in the Town generally.

(F) Minor Amendment to a Conditional Use Permit

(1) General Provisions

- (a) Minor amendments to conditional use permits are those that do not alter the basic intent and character of the approved conditional use and are deemed necessary in light of technical or engineering considerations not first discovered during actual construction; or could not have been reasonably anticipated during the initial review process. Minor amendments shall not include changes in use.
- (b) Any change not qualifying as a minor amendment shall be processed as a new conditional use request.
- (c) No conditional use permit may receive more than one (1) minor amendment. For purposes of this subsection, a minor amendment may include multiple amendments consolidated and submitted as one minor amendment to a conditional use permit application. Any additional amendments, minor or otherwise, shall be processed as a new conditional use application pursuant to Section XXX, Conditional Use Permit.
- (d) The review process for a minor amendment to conditional use permit is set forth in Section XXX, Review Procedures. These minor amendments may include, but are not limited to:
 - (i) Variations to the location of an approved building footprint of not more than five (5) feet;
 - (ii) Minor deviations in the location of infrastructure (roads and utilities);
 - (iii) Pedestrian or vehicular circulation throughout or adjacent to the project;
 - (iv) Changes to the gross floor area of not more than ten (10) percent of the approved square footage;
 - (v) Modifications to include necessary operations to enhance the area or clear the site;
 - (vi) Modification to the day by which the conditional use permit is in operation;

- (vii) Other minor changes to a conditional use permit as determined by the Town Manager or designee;

(2) Review Procedures

- (a) Review Flowchart. Figure XXX, Minor Amendment to a conditional use permit Flowchart, depicts the minor amendment to a conditional use permit application review process described in greater detail in this section.

Figure XXX, Minor Amendment to a Conditional Use Permit Flowchart

[Insert Flowchart]

- (b) Pre-Application Meeting

A pre-application meeting may be held in accordance with the provisions set forth in Section XXX, Pre-Application Meeting.

- (c) Application Submittal Requirements.

The following are the application materials required to be submitted for minor amendment to conditional use permit requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (i) Basic Application Materials. All items set forth in Section XXX, Basic Application Materials.
- (ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other information.
 - a. A general narrative of the conditional use permit issued by the town and any conditions or provisions included in such permit;
 - b. A description of the minor amendment being requested and justification and rationale for such request; and
 - c. Any impacts the amendment may have on the use, adjacent properties, and/or public infrastructure.
- (iii) Site Improvement Plan. The site improvement plan shall include all items required for a conditional use set forth in Section XXX, Site Improvement Plan.
- (iv) Supplemental Materials. The supplemental materials shall include all items required for a conditional use set forth in Section XXX, Supplemental Materials.
- (v) Additional Requirements. Any additional information deemed necessary by the Town Manager or designee to assist in the review of the application.

- (d) Completeness Review

The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section XXX, Completeness Review.

- (e) Evaluation by Staff and Referral Agencies

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section XXX, Referral Agencies and review the application for conformance with the requirements and standards of these Land Use Regulations.

- (f) Review and Action by the Planning Commission.

The Planning Commission shall review the minor amendment to a conditional use application in a manner consistent with Table XXX to evaluate compliance with applicable standards. The final decision to approve, approve with conditions, or deny a minor amendment to a conditional use permit shall be made by the Planning Commission in a manner consistent with Table XXX and be based upon the criteria set forth in Section XXX, Approval Criteria.

- (i) The Planning Commission may, in its sole discretion, continue or postpone the meeting to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to making a final decision.

(3) Approval Criteria

A minor amendment to a conditional use permit may be approved by the Planning Commission if the application is found to meet the approval criteria of a conditional use permit set forth in Section XXX, Approval Criteria.

(G) Temporary Use Permits

(1) General Provisions.

Temporary uses or structures are uses and/or structures that will be used for a specified period of time, is not permanent, or is for a special event or purpose. The review process for a temporary use permit is set forth in Section X.XX, Review Procedures.

- (a) The Planning Commission may issue a permit authorizing certain temporary uses of premises in a district for a use which is otherwise not allowed in such a district for the periods specified here below:

Use	Zoning District	Period
Construction office incidental to construction on premises	All districts	9 months
Carnival, circus, bazaar, fairs	Commercial	1 week
Tent meetings or crusades	Commercial	2 weeks

- (b) A permit for a period of up to one year may be issued under the following circumstances by the Planning Commission for temporary location or use of a manufactured home or travel home:

- (i) For fire protection or security purposes in the General Commercial District.
- (ii) At a construction site during the construction period.

(2) Review Procedures.

- (a) Review Flowchart. Figure XXX, Temporary Use Permit Flowchart, depicts the temporary use permit application review process described in greater detail in this section.

Figure XXX, Temporary Use Permit Flowchart

[Insert Flowchart]

- (b) Pre-Application Meeting. A pre-application meeting may be held in accordance with the provisions set forth in Section XXX, Pre-Application Meeting.
- (c) Application Submittal Requirements. The following are the application materials required to be submitted for temporary use requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.
 - (i) Basic Application Materials. All items set forth in Section X-XX, Basic Application Materials.

- (ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other information:
 - a. A general written narrative describing the purpose of the project;
 - b. Description of the current land use(s) on the property, the characteristics of the land within the property boundaries, and the current land use on all adjoining property;
 - c. A time schedule for construction and/or operation;
 - d. Description of how the use will be operated
 - e. How ongoing maintenance of the use and site will be provided;
 - f. How the use's impacts on surrounding properties will be minimized and mitigated;
 - g. A statement describing how the proposed use would be in compliance with the provisions of the Master Plan;
 - h. The proposed sources of water and sanitary sewer; and
 - i. A listing of additional local, state and/or federal permits required prior to commencing the proposed land use and notation of which permits have been applied for and which, if any, have been granted.
- (iii) Site Improvement Plan
 - a. The size of the map shall be of a size that is legible for reasonable review and interpretation, as determined by the Town Manager or designee.
 - b. A scale that is one (1) inch equals two hundred (200) feet or another suitable scale if approved by Town Manager or designee;
 - c. Legal description of the parcel;
 - d. North arrow; scale, and legend;
 - e. A vicinity map at a suitable scale;
 - f. Outline of the parcel boundary or the portion of the parcel that the conditional use applies to;
 - g. The location and name of any streams, ponds, waterways and irrigation ditches within the property boundaries;
 - h. Current and proposed grading and drainage patterns including:
 - i. Drainage arrows depicting surface flow;
 - j. Drainage facilities and improvements; and
 - k. A grading plan depicting existing and proposed site contours at two-foot intervals.
 - l. The location and names of all roads and highways abutting the site;
 - m. All existing and proposed structures and their dimensions;
 - n. The location, and dimensions of any existing and proposed signs on the site;
 - o. All utility easements or rights-of-way transmission and/or service lines;
 - p. The location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes; location and dimensions of pedestrian entrances, exits, walks and walkways;

- q. General location, arrangement and dimensions of parking spaces, width of aisles, width of bays, angle of parking and other similar information;
 - r. A notation on the site improvement plan of all existing or potential natural or manmade hazards on or adjacent to the site and a narrative description of an acceptable plan for the mitigation of the impact of such identified hazards; and
 - s. Any other information deemed necessary by the Town Manager or designee to assist in the review of the application.
- (iv) Additional Requirements. Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.
- (d) Completeness Review
- The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section XXX, Completeness Review.
- (e) Evaluation by Staff and Referral Agencies
- Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section XXX, Referral Agencies and review the application for conformance with the requirements and standards of these Land Use Regulations.
- (f) Review and Decision by Planning Commission
- The Planning Commission shall review the temporary use application to evaluate compliance with applicable standards. Following the review, the Planning Commission may approve, approve with conditions, or deny an application for a temporary use permit based on the criteria set forth in Section X.XX, Approval Criteria.
- (i) The Planning Commission may, in its sole discretion, continue or postpone the meeting to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to making a final decision.
- (3) Approval Criteria. The following criteria shall be met by the application and supplemental materials in order for the Planning Commission or designee to issue a temporary use permit.
- (a) The owner of the property on which the temporary use, structure or event is proposed consents in writing to the issuance of the permit.
 - (b) Local governmental agencies have the resources to dedicate to the use, structure or event;
 - (c) The use, structure or event is not too intrusive or destructive to the community;
 - (d) The proposed use, structure or event is compatible with surrounding land users and uses;
 - (e) The use, structure or event complies with all requirements imposed by this code; and
 - (f) The use, structure or event complies with all applicable laws and regulations

(H) Site Plan

(1) General Provisions.

- (a) The purpose of a site plan is to ensure [compliance with the town's development and design standards and the provisions of this code. It is designed to encourage quality development reflective of the goals, policies, and objectives of the town of Ridgway. The character and environment of the town for future years will be greatly affected by the design of development Planning, layout, and design of sites are of the utmost concern. Safe mobility for pedestrians and motor vehicles is important. Lots should provide desirable settings for](#)

the buildings that are to be constructed, make use of natural contours, protect significant views, and afford privacy for residents. Natural features should be preserved when practicable.

~~(a)~~(b) The site plan shall ensure that all nonresidential and multifamily uses comply with access, parking, setbacks, signage, and other site design standards as required by the Ridgway Municipal Code. When site plan review is required, structures shall not be constructed or installed and uses may not begin until a site plan showing the proposed development has been approved in accordance with the procedures and provisions of this section. The review process for site plans is set forth in Section X.XX, Review Procedures.

~~(b)~~(c) The following projects require site plan approval:

- (i) All new uses and structures which are not exempted in Section X-XX;
- (ii) Any modification of an existing use, structure, or site where, in the opinion of the Town Manager or designee, significant changes to the use, structure, or site are proposed; or
- (iii) Any modification of an existing structure where the exemption limits set forth in Section X.XX are exceeded.

~~(c)~~(d) The following projects are exempt from site plan approval:

- (i) Single-family attached or detached dwellings; or
- (ii) Any proposed modification of an existing structure where less than twenty (20) percent of gross floor footage of the existing structure is being modified, provided that the modification does not exceed one thousand (1,000) gross square feet.

(2) Review Procedures

(a) Review Flowchart. Figure XXX, Site Plan Flowchart, depicts the site plan application review process described in greater detail in this section.

Figure XXX, Site Plan Flowchart

[Insert Flowchart]

(b) Pre-Application Meeting

A pre-application meeting may be held in accordance with the provisions set forth in Section XXX, Pre-Application Meeting.

(c) Application Submittal Requirements.

The following are the application materials required to be submitted for site plan requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (i) Basic Application Materials. All items set forth in Section X.XX, Basic Application Materials.
- (ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other information:
 - a. A general written narrative describing the purpose of the project;
 - b. The proposed vehicular access including ingress, egress, internal circulation, and parking;
 - c. The source and quantity of water required for the proposed use(s) within the area to be developed;

- d. The method of wastewater treatment and anticipated quantity of wastewater generated;
- e. When water or wastewater service would be provided by a municipality or a water or sanitation district or other public entity, written confirmation that the public entity in question is willing and able to provide the service in question;
- f. A description of any natural or man-made hazard within or in the vicinity of the subject parcel and a statement describing how the anticipated impact of such hazards would be mitigated if the proposed development requires such mitigation;
- g. A description of any unique features, such as historical sites, unique landforms or scenic vistas, contained within the subject parcel.

(iii) Site Improvement Plan

- a. The size of the map shall be of a size that is legible for reasonable review and interpretation, as determined by the Town Manager or designee.
- b. A scale that is one (1) inch equals two hundred (200) feet or another suitable scale if approved by Town Manager or designee;
- c. Legal description of the parcel;
- d. North arrow; scale, and legend;
- e. A vicinity map at a suitable scale;
- f. Outline of the parcel boundary or the portion of the parcel that the conditional use applies to;
- g. The location and name of any streams, ponds, waterways and irrigation ditches within the property boundaries;
- h. Current and proposed grading and drainage patterns including:
 - i. Drainage arrows depicting surface flow;
 - ii. Drainage facilities and improvements; and
 - iii. A grading plan depicting existing and proposed site contours at two-foot intervals.
- i. The location and names of all roads and highways abutting the site;
- j. All existing and proposed structures and their dimensions;
- k. The location, and dimensions of any existing and proposed signs on the site;
- l. All utility easements or rights-of-way transmission and/or service lines;
- m. The location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes; location and dimensions of pedestrian entrances, exits, walks and walkways;
- n. General location, arrangement and dimensions of parking spaces, width of aisles, width of bays, angle of parking and other similar information;
- o. A notation on the site improvement plan of all existing or potential natural or manmade hazards on or adjacent to the site and a narrative description of an acceptable plan for the mitigation of the impact of such identified hazards; and
- p. Any other information deemed necessary by the Town Manager or designee to assist in the review of the application.

(iv) Supplemental Materials. The following items are required to be submitted to the Town of Ridgway:

- a. Drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed.
- b. Traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.
- c. Proof of minimum guaranteed water supply appropriate for the requested use.
- ~~e-d.~~ Development Improvements Agreement Form (executed).

(v) Additional Requirements

Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.

(d) Completeness Review

The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section XXX, Completeness Review.

(e) Evaluation by Staff and Referral Agencies

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section XXX, Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.

(f) Review and Recommendation by the Planning Commission.

The Planning Commission shall review the site plan application in a manner consistent with Table XXX to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission may provide either a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section XXX, Approval Criteria.

- b. The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.

(g) Review and Action by the Town Council.

The final decision to approve, approve with conditions, or deny a site plan application shall be made by the Town Council in a manner consistent with Table XXX and be based upon the criteria set forth in Section XXX, Approval Criteria.

- b. The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.

~~(f) Review and Decision by Town Manager~~

~~The Town Manager shall review the site plan application to evaluate compliance with applicable standards. Following the review, the Town Manager may approve, approve with conditions, or deny a site plan based on the criteria set forth in Section X.XX, Approval Criteria.~~

Commented [KK5]: Updated based on feedback received since November 2022.

~~(i) The decision of the Town Manager or designee may be appealed to the Planning Commission in accordance with Section X.XX, Appeal~~

(3) Approval Criteria.

Prior to making a decision on a site plan application, ~~the Town Manager~~ the Town Council shall consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

- (a) The application complies with all requirements imposed by these Land Development Regulations;
- (b) The application complies with all applicable laws and regulations;
- (c) The proposed use is compatible with surrounding land users and uses; and
- (d) The proposed use does not result in undue traffic congestion or traffic hazards.

(I) Administrative Adjustment

(1) General Provisions.

An administrative adjustment may be requested by an applicant to adjust any dimensional standard set forth in Chapter 4, Zoning Regulations, by no more than ten (10) percent of the required dimensional standard. An administrative adjustment shall be submitted and reviewed in compliance with this Section XXX, Administrative Adjustment.

- (a) The request for an administrative adjustment must be made in writing to Town Manager.
- (b) If an applicant desires over ten (10) percent relief from a dimensional standard set forth in Section 4, Zoning Regulations, the applicant must pursue a variance in accordance with Section X.XX, Variance.

(2) Review Procedures

- (a) Review Flowchart. Figure XXX, Administrative Adjustment Flowchart, depicts the administrative adjustment application review process described in greater detail in this section.

Figure XXX, Administrative Adjustment Flowchart

[Insert Flowchart]

- (b) Pre-Application Meeting

A pre-application meeting may be held in accordance with the provisions set forth in Section XXX, Pre-Application Meeting.

- (c) Application Submittal Requirements.

The following are the application materials required to be submitted for administrative adjustment requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (i) Basic Application Materials. All items set forth in Section X.XX, Basic Application Materials.
- (ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other information:
 - a. A general written narrative describing the purpose of the project;
 - b. Explanation of the request(s) and justification for why the standard for which an adjustment is being requested is unable to be met;

- c. Any efforts the applicant or property owner has made to meet the minimum standards;
- d. Justification for the request and how the request is the minimum required standard(s); and
- e. Description of how the request meets each of the criterion set forth in Section X.XX, Approval Criteria.

(iii) Site Improvement Plan

- a. All existing, required, and proposed dimensional standards clearly depicting the location and increase of the administrative adjustment request.
- b. A table identifying the required standard(s) and the numerical value being requested by the administrative adjustment.

(iv) Additional Requirements

- a. Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.

(d) Completeness Review

The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section XXX, Completeness Review.

(e) Evaluation by Staff and Referral Agencies

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section XXX, Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.

(f) Review and Decision by Town Manager or designee

The Town Manager or designee shall review the administrative adjustment application to evaluate compliance with applicable standards. Following the review, the Town Manager or designee may approve, approve with conditions, or deny an administrative adjustment based on the criteria set forth in Section X.XX, Approval Criteria.

~~(ii)~~(i) The decision of the Town Manager or designee may be appealed to the Board of Adjustment in accordance with Section X.XX, Appeal

(3) Approval Criteria.

The Town Manager or designee may approve an administrative adjustment upon a finding that:

- (a) The request is consistent with the intent, purpose, and goals of this Municipal Code;
- (b) The administrative adjustment is of a technical nature (i.e., relief from a dimensional or design standard), and is either:
 - (i) Required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
 - (ii) Support by an objective or goal from the purpose and intent of the zoning district within which the project is located; or
 - (iii) Proposed to protect sensitive natural resources or better integrate development with the surrounding environment.

(J) Variance

(1) General Provisions.

Variances are deviations from the zoning dimensional standards set forth in Chapter 7, Land Use Development Regulations, that would not be contrary to the public interest when, owing to special circumstances or conditions such as exceptional topographic conditions, narrowness, shallowness or the shape of a specific piece of property, the literal enforcement of the provisions of this Ridgway Municipal Code would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property. No variance from the provisions governing "Uses By Right", and "Conditional Uses" within any zoning district may be granted.

(2) Review Procedures

- (a) Review Flowchart. Figure XXX, Variance Flowchart, depicts the variance application review process described in greater detail in this section.

Figure XXX, Variance Flowchart

[Insert Flowchart]

(b) Pre-Application Meeting

A pre-application meeting may be held in accordance with the provisions set forth in Section XXX, Pre-Application Meeting.

(c) Application Submittal Requirements.

The following are the application materials required to be submitted for variance requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (i) Basic Application Materials. All items set forth in Section X.XX, Basic Application Materials.

- (ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other information:

- a. Explanation of the request(s) and justification for why the standard for which the variance is being requested is unable to be met;
- b. Any efforts the applicant or property owner has made to meet the minimum standards;
- c. Justification for the request and how the request is the minimum required standard(s);
- d. Description of how the request meets each of the criterion set forth in Section X.XX, Approval Criteria;

(iii) Site Improvement Plan

- a. All existing, required, and proposed dimensional standards clearly depicting the location and increase of the variance request.
- b. A table identifying the required standard(s) and the numerical value being requested by the variance.

(iv) Additional Requirements

- b. Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.

(d) Completeness Review

The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section XXX, Completeness Review.

(e) Evaluation by Staff and Referral Agencies

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section XXX, Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.

(f) Staff Report

A staff report shall be prepared and provided to the reviewing body in accordance with Section X.XX, Staff Report.

(g) Review and Decision by Planning Commission

The Planning Commission shall review the variance application in a manner consistent with Table X-X.X to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission shall approve, approve with conditions, or deny the application based on the criteria set forth in Section X.XX Approval Criteria.

- a. No variance shall be granted with fewer than four (4) concurring votes of the Planning Commission regardless of number of Commissioners present.
- b. If there are only four (4) Commissioners present, the applicant may elect to, in their sole discretion, continue the hearing to a future meeting when more than four (4) Commissioners will be present.

(3) Approval Criteria.

- (a) The Planning Commission may grant a variance for allowed deviations only upon the finding that the following criteria are met:

- (i) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the zoning ordinance, and
- (ii) The spirit of the ordinance will be observed, the public health, safety and welfare secured and substantial justice done by granting the variance.

- (b) The Planning Commission may grant a variance from the Off-Street Parking Requirements within the Historic Business Zoning District only upon the finding that the following criteria are met:

- (i) The variance is requested for an addition to an existing building or the construction of a purely accessory structure and these modifications will have a de minimis effect on traffic and parking; or,
- (ii) The placement of on-site parking is not congruent with the goals and objectives of the downtown and as such will create an undesirable effect on the downtown streetscape, potentially interrupting, impeding or otherwise adversely affecting existing or future infrastructure such as pedestrian walkways and landscape areas; or,
- (iii) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Off-Street Parking Requirements.

(K) Appeal

- (1) General Provisions. Administrative interpretations and final decisions of the Town Manager or designee may be appealed to the Board of Adjustment. Recommendations to a decision-making authority are not subject to appeal pursuant to this Section X.XX, Appeal.
 - (a) Any person applying to the courts for a review of any decision made under the terms of this section shall apply for review within thirty (30) days after the date of decision and shall be required to pay the cost of preparing a transcript of proceedings and the application for review shall be in the nature of certiorari under Rule 106 (a) (4) of the Colorado Rules of Civil Procedure. The town shall be entitled to appeal any decision of the District Court under said Rule 106 proceedings.
 - (b) No appeal shall be granted with fewer than four (4) concurring votes of the Board of Adjustment members regardless of number of members present.
 - (c) If there are only four (4) members present, the applicant may elect to, in their sole discretion, continue the hearing to a future meeting when more than four (4) members will be present.
- (2) Review Procedures
 - (a) Review Flowchart. Figure XXX, Appeal Flowchart, depicts the appeal application review process described in greater detail in this section.

Figure XXX, Appeal Flowchart

[Insert Flowchart]
 - (b) Pre-Application Meeting

A pre-application meeting may be held in accordance with the provisions set forth in Section XXX, Pre-Application Meeting.
 - (c) Application Submittal Requirements.

The following are the application materials required to be submitted for appeal requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

 - (i) Basic Application Materials. All items set forth in Section X.XX, Basic Application Materials.
 - (ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other information:
 - a. Explanation of the request(s) and justification for why the standard for which the variance is being requested is unable to be met;
 - b. Any efforts the applicant or property owner has made to meet the minimum standards;
 - c. Justification for the request and how the request is the minimum required standard(s);
 - d. Description of how the request meets each of the criterion set forth in Section X.XX, Approval Criteria;
 - (d) Completeness Review

The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section XXX, Completeness Review.
 - (e) Evaluation by Staff and Referral Agencies

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section XXX, Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.

(f) Staff Report

A staff report shall be prepared and provided to the reviewing body in accordance with Section X.XX, Staff Report.

(g) Review and Decision by Board of Adjustment

The Board of Adjustment shall review the appeals application in a manner consistent with Table X-X.X to evaluate compliance with applicable standards. Following its review of the application, the Board of Adjustment shall approve, approve with conditions, or deny the application based on the criteria set forth in Section X.XX Approval Criteria.

(3) Approval Criteria.

(a) The Board of Adjustment may only approve an appeal upon a finding that the following criteria have been met:

- (i) Literal enforcement of the standard or requirement would place an unnecessary and unreasonable hardship upon the applicant;
- (ii) The granting of the appeal will not be materially detrimental to the public welfare or injurious to other property in the neighborhood and surrounding area;
- (iii) The appeal will not have adverse effect on the intent, goals, and policies of the Town of Ridgway;
- (iv) The appeal will not be averse to the intent of the applicable portions of the Master Plan in the reasonable judgement of the Board of Adjustment;
- (v) Evidence of the manner in which the provision has been interpreted in the past, if applicable; and
- (vi) The positive or negative impact of the requested appeal on the achievement of the purposes of the Municipal Code.

7-4-4 – ZONING DISTRICTS

(A) Establishment of Districts.

The following districts are established to encourage the most appropriate use of land within the Town of Ridgway.

(B) Residential Districts

The residential districts described in this Section are established to support a diversity of housing options; to promote stability in residential neighborhoods; to protect such property from incompatible land uses; to protect property values; and to encourage the appropriate use of such land. Certain other uses are permitted which are compatible with residences.

(C) Commercial Districts *[New language]*

The commercial districts described in this section are established to support a diverse and sustainable local economy with a mix of retail and service uses meeting the needs of the Ridgway community.

(D) Industrial Districts. *[New language]*

The industrial districts described in this section are established to support a diverse mix of employment opportunities including manufacturing, warehousing, distribution, or office uses to meet the needs of the regional workforce.

Table X-XX, Zone District Abbreviations

District Regulations	Abbreviation
Low Density Residential District	R
Historic Residential District	HR
Mixed Residential	MR
Future Development District	FD
Historic Business District	HB
Downtown Service District	DS
General Commercial District	GC
Light Industrial -1 District	I-1
Light Industrial – 2 District	I-2
Uncompahgre River Overlay District	UROD

(E) "R" Low Density Residential District

- (a) Intent: The "R" Low Density District is intended to accommodate low to moderate density development for single-family detached dwellings, as well as a mix of other housing types and other compatible land uses where supported by the Master Plan. Environmental protection is provided by allowing cluster development to preserve environmentally sensitive lands, maintain common open space, and to provide recreational opportunities for residents.
- (b) District Standards
 - (i) Permitted uses are identified in Table XXX.
 - (ii) Lot size and required setbacks are identified in Table XXX.

(F) "HR" Historic Residential District

- (a) Intent: This District is intended to coincide with the historic residential core of Ridgway and accommodate a variety of housing types at medium density as well as other activities which are compatible with such uses.
- (b) District Standards
 - (i) Permitted uses are identified in Table XXX.
 - (ii) Lot size and required setbacks are identified in Table XXX.

(G) "MR" Mixed Residential

- (a) Intent: This District provides opportunities for a diverse mix of housing options at higher densities, as well as supporting services and other compatible uses that help meet the needs of area residents. Uses should be organized in compact, pedestrian and bicycle friendly manner and be responsive to the scale and intensity of development in adjacent zoning districts.
- (b) District Standards
 - (i) Permitted uses are identified in Table XXX.

(ii) Lot size and required setbacks are identified in Table XXX.

(c) Performance and Design Standards. In addition to the Residential Design Standards in Section X-X, the following standards shall apply:

(i) Developments must address stormwater drainage and to employ a stormwater drainage plan that does not discharge to the Town streets or stormwater infrastructure if available, an amount greater than historic flows have discharged to public infrastructure.

(ii) A mix and variety of housing types and unit sizes must be incorporated to the maximum extent feasible based on the size of the development, adjacent development context, and other site considerations.

(iii) Parks, open spaces or common areas must be incorporated into the development.

~~(iv)(i) Parking shall be sited to provide the least visual impact from public rights-of-way and shall not dominate the frontage of pedestrian-oriented streets. Site parking shall include bike racks and areas for parking strollers and other nonmotorized vehicles near the main entrance to the primary building(s) and shall have a logical connection to on-site non-motorized access routes.~~

~~(v)(i) Parking areas, outside trash receptacles, large utility boxes, open storage areas, mechanical systems and other unattractive views shall be screened from the street and public right-of-way. Screening of utility boxes, trash enclosures, and similar uses shall be around all sides except for those required for access, which will be screened with a gate on the access side.~~

~~(vi) Buildings containing more than 25,000 square feet of gross floor area are not permitted.~~

Commented [KK6]: Seeking feedback from Town Staff and PC regarding how they would like us to proceed with addressing performance and design standards. They can stay here, or we can create new standards for noise, odor, etc. and insert in that standard section to be applicable to all of town.

Commented [KK7]: Relocated to Parking Standards.

Commented [KK8]: Discuss with Town; relocated to Dimensional Standard Requirements Table but CPS supports removing in entirety and having structure size be based on setbacks and lot coverage requirements.

(H) "FD" Future Development District

(a) Intent: This District is intended to include lands held in reserve to meet future growth needs of the community. Uses include very low-density single-family detached dwellings and agriculture.

(b) District Standards

(i) Permitted uses are identified in Table XXX.

(ii) Lot size and required setbacks are identified in Table XXX.

(I) "HB" Historic Business District

(a) Intent: This District encompasses the historic commercial core of Town. Intended uses include a mix of retail, restaurants, office, lodging, residential, service, institutional and other uses that are compatible with the historic character of the Town Core and contribute to vibrant, pedestrian-friendly atmosphere. All residential development must comply with residential design standards in Section XX. Where short-term rentals are permitted, they must comply with subsection XXX.

(b) District Standards

(i) Permitted uses are identified in Table XXX.

(ii) Lot size and required setbacks are identified in Table XXX.

(c) Performance Standards

~~(i) No use shall be established, maintained or conducted in any "HB" Historic Business District that will result in any public or private nuisance.~~

- ~~(ii) No equipment, inventory, or supplies may be stored outside, except as authorized pursuant to subsection 7-3-9(C)(3).~~
- ~~(iii) All manufacturing and industrial activities must take place inside with no noise, smoke, dust or light observable off of the premises.~~
- ~~(iv) Buildings containing more than 15,000 square feet of gross floor area shall not be allowed.~~

(J) "DS" Downtown Service District

(a) Intent: The Downtown Service District is not intended to compete with the Historic Business District or the General Commercial District, but rather intended to provide some flexibility in use for existing residences located on or within 100 feet of Highway 62, west of Laura Street as depicted upon the Town Comprehensive Plan Land Use Map. The flexibility in use is intended to mitigate the impact of increasing traffic upon the highway upon residences, by allowing for limited business use of the properties. The Downtown Service District is further intended to provide an effective transition between the General Commercial and Historic Business Districts and nearby residential neighborhoods along and near the Highway without creating an undue, adverse impact on these areas. Establishments and structures within the Downtown Service District are intended to appear "residential" as opposed to simply providing a visual extension of the commercial and business districts. Toward this objective, some service-oriented businesses are allowed within the Downtown Service District, as conditional uses, and with performance criteria that speak to appearance, signage and parking. These businesses may have limited and ancillary retail use. Home occupation of these business uses is permissible in accordance with subsection XXX. Auto intensive uses such as gas stations, drive through businesses, convenience stores and similar uses that generate high traffic of items or require large parking areas are not permitted. All residential development in these districts must comply with residential design standards in Section XXX.

(b) District Standards

- (i) Permitted uses are identified in Table XXX.
- (ii) Lot size and required setbacks are identified in Table XXX.

(c) Performance Standards for Conditional Uses

- ~~(i) Conditional Uses, other than churches, schools, multi-family residences and community centers, shall comply with the intent of subsection 7-3-10(A).~~
- ~~(ii) All applications for conditional uses shall be accompanied by a site plan proposal detailing, at a minimum, the following information or other information deemed necessary by the Town of Ridgway:~~
 - ~~a. Site plan showing setbacks, lot coverage, parking, vehicle and pedestrian access, landscaping, topographic features, utility locations, storage/trash receptacles and similar information.~~
 - ~~b. Building design showing building elevations (all four sides), finish materials, door and window placement and location and types of exterior lighting fixtures.~~
 - ~~c. A statement of the anticipated traffic impact on the site and on adjacent properties and roadways.~~
- ~~(iii)(i) All professional offices and service businesses allowed as a conditional use shall have no more than five employees.~~
- ~~(iv) Structures must be compatible in mass and scale with nearby residences, and similar in architectural features.~~

Commented [KK9]: Removed since not specific to this district; overall Town requirements.

Commented [KK10]: Discuss with Town; relocated to Dimensional Standard Requirements Table but CPS supports removing in entirety and having structure size be based on setbacks and lot coverage requirements.

Commented [KK11]: Deleted since outlined, and expanded on, within conditional use applications procedures.

Commented [KK12]: Deleted since in design standards.

~~(v) Off street parking per Town standards is required, but businesses shall be credited with half parking space for every on street parking space that is constructed adjacent to the business and in accordance with Town specifications. No parking shall be allowed on alley ways or on Highway 62 (Sherman Street).~~

Commented [KK13]: Relocated to parking standards.

~~(vi)(i) Signage shall be non illuminated and attached to the building.~~

~~(vii)(ii) Business hours shall be between 7:30 a.m. and 5:30 p.m.~~

~~(viii)(iii) No semi-truck traffic shall be allowed upon residential streets or alley ways.~~

~~(ix) No food services shall be allowed unless as otherwise specified herein.~~

~~(x) No drive in restaurants, drive in theatres, or any other retail stores and service establishments with drive through facilities shall be allowed in the "DS" District.~~

Commented [KK14]: Relocated to Table of Uses and on discussion list for PC and Town Staff.

(K) "GC" General Commercial District

(a) Intent: This District encompasses lands along the river and Highways 550 and 62. Its purpose is to create areas for a mix of retail and commercial services, office, and other supportive uses to meet the needs of residents and tourists. A mix of higher-density housing types are also supported to provide for live/work opportunities and to promote activity and vibrancy within these areas. While more auto oriented than development within the Town Core, uses in the "GC" District should be designed with the safety and convenience of pedestrians and bicyclists in mind. Where short-term rentals are permitted, they must comply with subsection XXX.

(b) District Standards

(i) Permitted uses are identified in Table XXX.

(ii) Lot size and required setbacks are identified in Table XXX.

(c) Performance Standards

~~(i) No use shall be established or maintained in the "GC" District which results in an unreasonable hazard to the community, creates a public or private nuisance, or creates unreasonable smoke, dust, noise, fumes, odors, vibrations or light observable off the premises.~~

Commented [KK15]: Seeking feedback from Town Staff and PC regarding how they would like us to proceed with addressing performance standards. They can stay here, or we can create new standards for noise, odor, etc. and insert in that standard section to be applicable to all of town.

(ii) Buildings containing more than 10,000 square feet of gross floor area will be required to mitigate the visual impacts of their size by means of design, landscaping, berming and other methods of site treatment, and must be compatible with the mass and scale of existing buildings on adjacent properties, or if there are no such buildings compatible with the mass and scale of buildings in the Town generally.

~~(iii) Buildings containing more than 25,000 square feet of gross floor area shall not be allowed.~~

~~(iv) All uses shall follow screening requirements as described in subsection X XX.~~

Commented [KK16]: Discuss with Town; relocated to Dimensional Standard Requirements Table but CPS supports removing in entirety and having structure size be based on setbacks and lot coverage requirements.

~~(v)(iii) All outdoor storage areas must follow the screening requirements as described in subsection X XX.~~

Commented [KK17]: Deleted since general performance standards; not specific just to District.

~~(vi)(iv) Residential development:~~

~~a. Residential development shall comply with the Residential Design Standards in Section X X, as applicable.~~

Commented [KK18]: Deleted since all residential development needs to follow design standards; not just within this district.

~~b.a. Residential development shall not be located along Arterial street frontages to preserve these locations for commercial services and other businesses that rely upon visibility from Highways 550 and 62.~~

- ~~e. Employee housing. All employee housing units shall meet the requirements of criteria of subsection X XX.~~
- ~~(i) Drive-in restaurants, drive-in theatres, or any other retail stores and service establishments with drive through facilities, other than banks or pharmacies, shall not be allowed in the "GC" District.~~
- ~~(ii) Boarding and Rooming House(s) shall not be allowed in the "GC" District.~~
- ~~(iii) A Dormitory shall not be allowed in the "GC" District.~~

Commented [KK19]: Seeking feedback from Town Staff and PC regarding if these should be permitted anywhere in Town (currently are not even though defined use).

(L) "I-1" Light Industrial -1 District

- (a) Intent: This district is to provide areas for light industrial uses that include offices and light manufacturing and fabrication. Additionally, this district is to provide opportunities for employment and serve as a transition from adjoining residential neighborhoods. Uses by right in this district, will be those that do not create an adverse impact on adjoining uses from lighting, noise, vibration, glare, smoke/fumes/odor, outside storage or other similar impacts. Landscaping is to be used to improve the appearance of the properties, breakup parking areas into smaller sections and generally buffer the industrial area from surrounding non-industrial uses. Work conducted on-site is to occur primarily inside buildings. Some on-site impacts may be associated with this district in the form of noise, truck traffic, and vibrations. However, these impacts must be mitigated at the property line.
- (b) District Standards
 - (i) Permitted uses are identified in Table XXX.
 - (ii) Lot size and required setbacks are identified in Table XXX.
- (c) Performance Standards
 - ~~(i) All manufacturing, fabrication and repairs shall be conducted within a building unless the activity is not visible from adjoining property outside of the light industrial district within 100 yards of the district boundary.~~
 - ~~(ii) Outdoor storage of supplies, machinery, equipment or products shall be screened from view from the adjacent street and properties.~~
 - ~~(iii) Any outside storage of materials, equipment or supplies associated with a use by right or conditional use shall not exceed 200 percent of the total building footprint of the structure associated with that use except in the case where materials are intended for on-site wholesale or retail sales.~~
 - ~~(iv) Landscaping within setbacks and street rights-of-way where an industrial zoning district is adjacent to or across the street from a non industrial use, additional landscaping shall be provided to buffer the industrial district from adjoining use. An applicant shall submit a detailed landscaping plan for locations within which the aforementioned conditions exist when the applicant makes a request for a building permit. The plan shall indicate location, type and species of all buffering vegetation. The landscaping plan shall also include the details of irrigation systems necessary for establishment and continued survival of all plantings. The Town shall review the landscaping plan to determine if it is in conformance with landscaped buffering standards in the Ridgway Municipal Code. Unacceptable proposals will be rejected and the building permit shall be withheld until a plan providing adequate buffering is submitted and accepted by the Town.~~
 - ~~(i) Maximum building size without special review is 5,000 square feet of gross floor area. Buildings containing more than 5,000 square feet of gross floor area will be required to~~

Commented [KK20]: Seeking feedback from Town Staff and PC regarding how they would like us to proceed with addressing performance standards. They can stay here, or we can create new standards for noise, odor, etc. and insert in that standard section to be applicable to all of town.

Commented [KK21]: Deleted standards that are already within Code for all zone districts.

~~mitigate the visual impacts of their size by means of design, landscaping, berming and other methods of site treatment.~~

~~(v) Buildings must be compatible with the mass and scale of existing buildings on adjacent properties, or if there are no such buildings, compatible with the mass and the scale of buildings in the Town generally. In no case, shall buildings exceed 5,000 square feet of building footprint.~~

~~(vi)(ii) Fencing, parking and storage is not allowed in the front or side setbacks along any street.~~

~~(vii) Drive-in restaurants, drive-in theatres, or any other retail stores and service establishments with drive-through facilities shall not be allowed in the "I-1" District.~~

~~(viii)(iii)~~ Applicants shall submit an Industrial Use Mitigation Report that details how the proposed use will conform to the following criteria. Mitigation measures shall include, at a minimum, a combination of site design, building setbacks, landscaping and screening, to minimize noise, odor, glare, vibration or lighting from emanating beyond the property boundaries in a manner that is not in conformance with these or other town regulations. An application that fails to address each of the following items or that inadequately addresses these items shall be deemed incomplete and no permits shall be issued until all criteria have been addressed.

- a. Additional Studies. The applicant shall complete or provide funding for completion of studies by qualified personnel that the Town deems necessary to quantify and to develop recommendations for abating impacts directly associated with the proposed use.
- b. Dust and Fly Ash. No solid or liquid particles shall be emitted in such a quantity as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond lot lines.
- c. Electrical Disturbance or Interference. No use shall:
 1. Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or
 2. Otherwise cause, create, or contribute to the interference with electrical signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.
- d. Exterior Lighting. All exterior lighting shall conform to Chapter 6, Section 5 titled "Outdoor Lighting Regulations".
- e. Fire and Explosion. No fire or explosive hazard shall exist such as to produce dangerous exposure to adjacent property.
- f. Glare. No direct or reflected glare shall be detectable at any Light Industrial District boundaries.
- g. Hazardous Waste. Hazardous waste shall be those substances as defined by Federal, State or local regulations. The disposal, treatment, bulking or handling (hereinafter collectively called treatment) of hazardous waste within the municipal limits of the Town shall be permitted only when such waste is generated within the Town. Any such treatment shall be prohibited except in conformance with all applicable Federal, State or local regulations governing hazardous waste. The temporary storage of hazardous waste other than for treatment is permitted only when it is used, manufactured or generated as a waste as part of an industrial, manufacturing or laboratory process that takes place within the Town of Ridgway. In this circumstance, hazardous waste shall

Commented [KK22]: Discuss with Town; relocated to Dimensional Standard Requirements Table but CPS supports removing in entirety and having structure size be based on setbacks and lot coverage requirements.

Commented [KK23]: Relocated to Use Table and on discussion list for Town.

be inventoried and stored inside a building with an impermeable floor and otherwise handled in strict conformance with all applicable Federal, State and local regulations. The records pertain to such inventory and storage shall be open to authorized personnel of the Town of Ridgway and/or the Ridgway Fire Department upon reasonable request.

- h. Heat. No direct or reflected heat that is dangerous or discomforting shall be detectable at any Light Industrial District boundaries.
- i. Noise. No persistent noise shall be detectable beyond the property line in excess of the values identified in the following table:

Zoning of lot where use is located	Zoning of Adjacent Lot			
	All Residential Zone Districts	General Commercial District	Industrial-1 District	Industrial-2 District
Industrial-1 District	50	55	60	65
Industrial-2 District	50	60	65	70

All of the above levels are measured in decibels dB(A).

1. Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than one minute in any hour are permissible up to a level of ten dB(A) in excess of the figures listed in the table above, except that this higher level of permissible noise shall not apply from 7:00 p.m. to 7:00 a.m. when the adjacent lot is zoned residential. The impact noise shall be measured using the fast response of the sound level meter.
 2. Noise resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this Section.
 3. Noise shall be measured on a decibel or sound level meter. Noise level shall be measured at a point located within a street or public right-of-way in the town and a distance of at least 25 feet from the noise source; and/or at the common property line of the property on which the noise source is located and the adjacent property.
 4. No use in the light industrial zone districts may generate noise that tends to have an annoying or disruptive effect upon uses outside the immediate space occupied by the use if that use is one of several located on the lot or uses located on adjacent lots.
 5. The table above establishes the maximum permissible noise levels for the I-1 and the I-2 Zone Districts. Measurements shall be taken at the boundary line of the lot where a particular use is located, and, as indicated, the maximum permissible noise levels vary according to the zoning of the lot adjacent to the lot on which subject use is located.
- j. Odor.
 1. For purposes of this Section, the "odor threshold" is defined as the minimum concentration in a year of a gas, paper or particulate matter that can be detected by the olfactory systems of a healthy observer.
 2. No use in the I-1 or I-2 Districts may generate any odor that reaches the odor threshold measured at the outside boundary of the immediate space occupied by the enterprise generating the odor (if there is more than one enterprise in the structure) or the lot line (if the enterprise generating the odor is the only enterprise located on a lot).

- k. Off-site Impacts. Off-site impacts that directly result from the proposed use shall be abated. The Town of Ridgway reserves the right to require an independent evaluation of off-site impacts including recommendations about mitigation measures.
- l. Radioactivity. No operation shall be permitted which causes radioactivity in violation any applicable Federal, State or local regulation.
- m. Smoke. For purposes of determining the density of equivalent opacity of smoke, Ringlemann chart, as adopted and published by the United States Department of Interior, Bureau of Mines Information Circular 8333 May 1967, shall be used. The Ringlemann number referred to in this Section refers to the number of the area of the Ringlemann Chart that coincides most nearly with the visual density of equivalent opacity of the omission of smoke observed. For example, a reading of Ringlemann No. 1 indicates a 20-percent density of the smoke observed. No smoke shall be permitted in such quantity as to become a nuisance nor shall it be detectable at any property boundaries. All measurements shall be taken at the point of emission of the smoke. In the I-1 District, no use may emit from a tent, stack, chimney or combustion process any smoke that exceeds a density or equivalent capacity of Ringlemann No. 1, except that any emission that does not exceed a density or equivalent capacity of Ringlemann No. 2 is permissible for a duration of not more than four minutes during any eight-hour period if the source of such emission is not located within 250 feet of a residential district.
- n. Vehicular Traffic. Traffic to and from the site shall not overload or damage street systems to or from the site. Verification of this provision shall be a confirmed by an independent traffic analysis conducted by properly qualified individuals.
- o. Vibration. No inherent and recurrently generated vibration shall be perceptible, without instruments, at any point along in the boundary line of the property on which the use is located. Where more than one use is located on a property, then this standard shall also be measured along any wall of any other building on the property.
- p. Waste Disposal. Liquid and solid waste disposal and water service shall comply with all pertinent Federal, State and local regulations.
- q. Observations shall be made as described in the applicable subsection above. In the event that the point of measurement is not defined or if there is more than one use on the property, measurements shall be taken at the property line of the lot on which the use is located if it is the only use on the lot, or at the exterior of the building in which the use is located is more than one use exist on the same site.

(M) "I-2" Light Industrial – 2 District

- (a) Intent: This district is similar to the I-1 Light Industrial District but will allow more intensive uses. Uses by right in this district, will be those that do not create an adverse impact on adjoining uses from lighting, noise, vibration, glare, smoke/fumes/odor, outside storage or other similar impacts. Landscaping is to be used to improve the appearance of the properties, breakup parking areas into smaller screened sections and generally buffer the industrial area from surrounding non-industrial uses. Work conducted on-site may occur outside of buildings. Some on-site impacts may be associated with this district in the form of noise, truck traffic, and vibrations. However, these impacts must be mitigated at the property line.
- (b) District Standards
 - (a) Permitted uses are identified in Table XXX.
 - (b) Lot size and required setbacks are identified in Table XXX.
- (c) Performance Standards

Commented [KK24]: Seeking feedback from Town Staff and PC regarding how they would like us to proceed with addressing performance standards. They can stay here, or we can create new standards for noise, odor, etc. and insert in that standard section to be applicable to all of town.

Commented [KK25]: Deleted sentences that were in standards later in Code and applicable to all of Town.

- (i) ~~All manufacturing, fabrication and repairs shall be conducted within a building unless the activity is not visible from an adjacent right of way or adjoining property outside of the light industrial district.~~
- (ii) ~~The maximum fence height shall be eight feet.~~
- (iii) ~~Buildings containing more than 5,000 square feet of gross floor area will be required to mitigate the visual impacts of their size by means of design, landscaping, berming and other methods of site and architectural design treatments. Buildings must be compatible with the mass and scale of existing buildings on adjacent properties, or if there are no such buildings, compatible with the mass and the scale of buildings in the Town generally. In no case, shall buildings exceed 12,500 square feet of building footprint.~~
- (iv) ~~Landscaping requirements for properties zoned I-2 are set forth as required by Subsection X-XX.~~
- (v)(ii) ~~Fencing, parking and storage shall not exist in front and street side yard setbacks.~~
- (vi) ~~Drive-in restaurants, drive-in theatres, or any other retail stores and service establishments with drive-through facilities shall not be allowed in the I-2 District.~~
- (vii)(iii) Applicants shall submit an Industrial Use Mitigation Report that details how the proposed use will conform to the following criteria. Mitigation measures shall include, at a minimum, a combination of site design, building setbacks, landscaping and screening, to minimize noise, odor, glare, vibration or lighting from emanating beyond the property boundaries in a manner that is not in conformance with these or other Town regulations. An application that fails to address each of the following items or that inadequately addresses these items shall be deemed incomplete and no permits shall be issued until all criteria have been addressed:
- a. Additional Studies. The applicant shall complete or provide funding for completion of studies by qualified personnel that the Town deems necessary to quantify and to develop recommendations for abating impacts directly associated with the proposed use.
 - b. Dust and Fly Ash. No solid or liquid particles shall be emitted in such a quantity as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond lot lines.
 - c. Electrical Disturbance or Interference. No use shall:
 1. Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or
 2. Otherwise cause, create, or contribute to the interference with electrical signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.
 - d. ~~Exterior Lighting. All exterior lighting shall conform to Section X-XX titled "outdoor lighting regulations."~~
 - e.d. Fire and Explosion. No fire or explosive hazard shall exist such as to produce dangerous exposure to adjacent property.
 - f.e. Glare. No direct or reflected glare shall be detectable at any Light Industrial District boundaries.
 - g.f. Hazardous waste. Hazardous waste shall be those substances as defined by Federal, State or local regulations. The disposal, treatment, bulking or handling (hereinafter collectively called treatment) of hazardous waste within the municipal limits of the

Commented [KK26]: Discuss with Town; relocated to Dimensional Standard Requirements Table but CPS supports removing in entirety and having structure size be based on setbacks and lot coverage requirements.

Commented [KK27]: Relocated to Use Table and added to list for discussion with Town.

Commented [KK28]: Removed since all exterior lighting needs to follow lighting standards; not just within this District.

Town shall be permitted only when such waste is generated within the Town. Any such treatment shall be prohibited except in conformance with all applicable Federal, State or local regulations governing hazardous waste. The temporary storage of hazardous waste other than for treatment is permitted only when it is used, manufactured or generated as a waste as part of an industrial, manufacturing or laboratory process that takes place within the Town. In this circumstance, hazardous waste shall be inventoried and stored inside a building with an impermeable floor and otherwise handled in strict conformance with all applicable Federal, State and local regulations. The records pertaining to such inventory and storage shall be open to authorized personnel of the Town of Ridgway and/or the Ridgway Fire Department upon reasonable request.

~~h.g.~~ Heat. No direct or reflected heat that is dangerous or discomforting shall be detectable at any Light Industrial District boundaries.

~~i.~~ Landscaping. A landscaping plan setting forth type, size, location of all plant types and species shall be submitted in conformance with the landscaping standards Subsection X-XX. The design of the landscaping plan shall adequately buffer the light industrial use from adjacent surrounding non-light industrial zone districts and breakup any parking area more than 25 spaces to avoid the appearance of large areas of parking.

~~j.h.~~ Noise. No persistent noise shall be detectable beyond the property line in excess of the values identified in the following table:

Zoning of lot where use is located	Zoning of Adjacent Lot			
	All Residential Zone Districts	General Commercial District	Industrial-1 District	Industrial-2 District
Industrial-1 District	50	55	60	65
Industrial-2 District	50	60	65	70
All of the above levels are measured in decibels dB(A).				

- Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than one minute in any hour are permissible up to a level of ten dB(A) in excess of the figures listed in the table above, except that this higher level of permissible noise shall not apply from 7:00 p.m. to 7:00 a.m. when the adjacent lot is zoned residential. The impact noise shall be measured using the fast response of the sound level meter.
- Noise resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this Section.
- Noise shall be measured on a decibel or sound level. Noise level shall be measured at a point located within a street or public right-of-way in the town and a distance of at least 25 feet from the noise source; and/or at the common property line of the property on which the noise source is located and the adjacent property.
- No use in the light industrial zone districts may generate noise that tends to have an annoying or disruptive effect upon uses outside the immediate space occupied by the use if that use is one of several located on the lot or uses located on adjacent lots.
- The table above establishes the maximum permissible noise levels for the I-1 and the I-2 Zone Districts. Measurements shall be taken at the boundary line of the lot where a particular use is located, and, as indicated, the maximum permissible

noise levels vary according to the zoning of the lot adjacent to the lot on which subject use is located.

k.i. Odor.

1. For purposes of this Section, the "odor threshold" is defined as the minimum concentration in a year of a gas, paper or particulate matter that can be detected by the olfactory systems of a healthy observer.
2. No use in the I-1 or I-2 Districts may generate any odor that reaches the odor threshold measured at the outside boundary of the immediate space occupied by the enterprise generating the odor (if there is more than one enterprise in the structure) or the lot line (if the enterprise generating the odor is the only enterprise located on a lot).

l.i. Off-site Impacts. Off-site impacts that directly result from the proposed use shall be abated. The Town of Ridgway reserves the right to require an independent evaluation of off-site impacts including recommendations about mitigation measures.

m.k. Radioactivity. No operation shall be permitted which causes radioactivity in violation any applicable Federal, State or local regulation.

n.l. Smoke. For purposes of determining the density of equivalent opacity of smoke, Ringlemann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines Information Circular 8333 May 1967, shall be used. The Ringlemann number referred to in this Section refers to the number of the area of the Ringlemann Chart that coincides most nearly with the visual density of equivalent opacity of the omission of smoke observed. For example, a reading of Ringlemann No. 1 indicates a 20-percent density of the smoke observed. No smoke shall be permitted in such quantity as to become a nuisance, nor shall it be detectable at any property boundaries. All measurements shall be taken at the point of emission of the smoke. In the I-2 District, no use may emit from a tent, stack, chimney or combustion process any smoke that exceeds a density or equivalent capacity of Ringlemann No. 2, except that and emission that does not exceed a density or equivalent capacity of Ringlemann No. 2 is permissible for a duration of not more than four minutes during any eight-hour period if the source of such emission is not located within 500 feet of a residential district.

o.m. Vehicular Traffic. Traffic to and from the site shall not overload or damage street systems to or from the site. Verification of this provision shall be confirmed by an independent traffic analysis conducted by properly qualified individuals.

p.n. Vibration. No inherent and recurrently generated vibration shall be perceptible, without instruments, at any point along in the boundary line of the property on which the use is located. Where more than one use is located on a property, then this standard shall also be measured along any wall of any other building on the property.

q.o. Waste Disposal. Liquid and solid waste disposal and water service shall comply with all pertinent Federal, State and local regulations.

r.p. Observations shall be made as described in the applicable subsection above. In the event that the point of measurement is not defined or if there is more than one use on the property, measurements shall be taken at the property line of the lot on which the use is located if it is the only use on the lot, or at the exterior of the building in which the use is located is more than one use exist on the same site.

(N) Uncompahgre River Overlay District

- (a) Purpose and Intent: The purpose of the Uncompahgre River Overlay District (UROD) is to promote the public health, safety and welfare of the citizens of the Town of Ridgway. The Town shall use the UROD to implement goals, policies and action items in the Town of Ridgway's Land Use Plan; preserve, improve and protect the river corridor as a Town amenity; regulate buildings and structures to maximize access to the Uncompahgre River and view corridors along the Uncompahgre River; utilize design and development techniques that avoid, minimize and mitigate impacts to the natural environment; and ensure aesthetic and ecological qualities of the river corridor continue to be a community asset.
- (b) Applicability: The provisions and regulations of this Subsection XXX shall apply to all land within the Town of Ridgway Official Zoning Map included as part of the UROD; and as defined within these regulations. The provisions of this Subsection XXX shall apply in addition to the applicable requirements of the underlying zoning district, the Flood Plain Management Regulations in Ridgway Municipal Code Chapter XXX, and other regulations of the Town. When the standards of this UROD conflict with any other provision of the Ridgway Municipal Code, the more stringent limitation or requirement shall apply. Within the UROD, all land use activity, development, redevelopment, renovation, and/or change in use requiring a building, development, or other land use permit (for the purposes of this Section of the Ridgway Municipal Code shall be defined as "Development") are subject to the provisions of this Subsection XXX.
- (c) Uses by Right: Uses permitted by the underlying zoning district are allowed unless specifically prohibited, provided that the use complies with this Subsection XXX, and provided any development complies with this Subsection XXX.
- (d) Conditional Uses: All conditional uses allowed within the underlying zoning district may be permitted upon approval in accordance with Subsection XXX, and provided any development complies with this Subsection XXX.
- (e) Development between 25 and 75 feet:
 - (i) Development between 25 and 75 feet from the High-Water-Mark shall be reviewed in accordance with Subsection XXX, as a conditional use. In addition to the review criteria under Subsection XXX, the following shall also apply:
 - a. All of this Subsection XXX.
 - b. The applicant shall provide an Ecological Characterization Study in accordance with subsection XXX which concludes that any adverse impacts to the river environment with the proposed Development can be mitigated, and the applicant shall incorporate the mitigation into the development plan and construct the mitigation with the Development.
 - c. Special consideration for development shall be given so as to not deprive reasonable use of any land within the UROD.
- (f) Performance Standards:
 - (i) Setback: All development must be setback a minimum of 75 feet from the High-Water-Mark, unless approved as a Conditional Use as further set forth under subsection 7-3-14(D) and (E).
 - (ii) Public Access:
 - a. If any proposed or existing trail, path or public access area as described in the Town's Land Use Plan or Parks and Trails Map, as amended from time to time and including the Uncompahgre RiverWay Trail, traverses a parcel proposed for development, the Town may require as a condition of development approval, dedication of a bicycle/pedestrian trail easement and/or public access easement benefiting the Town

of Ridgway. The preferred dedication is for a ten-foot-wide bicycle/pedestrian public access trail easement. However, in reviewing the proposed site plan, the Town shall evaluate the nature and extent of the proposal and the proportionality between the proposal and the dedication and may determine that the ten-foot dedication is appropriate or may reduce the dedication based on the proportionality assessment. The Town may also take into consideration whether and to what extent there are existing easements over the subject property, which provide the same functions of the required public access trail easements. Any trail easements shall be located at, or above, the High-Water Mark or abutting a public right-of-way. In lieu of a trail dedication, other trail locations that provide for connectivity to existing or future trails, and are made accessible to the public through a dedicated public access easement, may be approved by the Town.

- b. As a condition of development approval, if any proposed or existing trail, path or public access area as described in the Town's Land Use Plan or Parks and Trails Map, as amended from time to time and including the Uncompahgre RiverWay Trail, does not traverse a parcel proposed for development, the Town shall not seek a dedication of bicycle/pedestrian trail easement and/or public access easement benefiting the Town of Ridgway. However, parcels within the UROD are encouraged to provide public access to the Uncompahgre River including clearly defined access points to public trail segments. "Access" refers to the provision of access from a public right-of-way to a publicly accessible trail or path and/or to the water's edge of the Uncompahgre River.

(iii) Design Guidelines and Standards:

- a. These Design Guidelines and Standards under this subsection 7-3-14(D)(3) shall apply to all development within the UROD, with the exception of single-family and duplex residential buildings.
- b. Site Planning:
 - 1. Existing or historic drainage ways shall be accommodated with the development plan.
 - 2. Discharge of stormwater directly into the river is prohibited. Use of landscaped/grassed catchment areas and similar design features shall be used for managing, controlling and filtering parking lot and site drainage.
 - 3. Outdoor common areas, seating and/or dining is recommended on the river side of the building.
 - 4. A visible and accessible public entrance from the side of the property facing the Uncompahgre River is encouraged for commercial properties that are open to the public.
- c. Parking and Loading:
 - 1. Parking and loading shall be sited to provide the least visual impact from public rights-of-way, including the Uncompahgre River corridor.
 - 2. Trees shall be incorporated to provide parking lot shading. Bollard and/or street lighting shall be used to provide lighting at critical access points.
 - 3. Site parking shall include bike racks and areas for parking strollers and other non-motorized vehicles near the main entrance to the primary building(s) and should have a logical connection to on-site non-motorized access routes.
- d. Mass, Scale, Architectural Design and Materials:
 - 1. Total building façade length shall be less than 50 feet in length parallel to the river.

2. Buildings shall avoid monolithic shapes and surfaces by incorporating solids and voids, changes in color, pattern, texture and materials at minimum along the primary façade and the façade along the linear frontage of the river.
 3. Use of naturally derived materials, such as stone, wood and innovative materials such as metal, or high-quality environmentally friendly wood-alternative decking and siding, shall be required.
 - e. Screening and Buffers: All parking areas, outside trash receptacles, large utility boxes, mechanical systems and other unattractive views shall be screened with landscaping from public rights-of-way, including the Uncompahgre River corridor. Screening is not required where access is necessary but shall be screened with a gate where feasible. The purpose of screening and buffers is to promote the public health safety and welfare to conserve views along the Uncompahgre River corridor, and to improve the visual appearance along the river.
 - f. Exceptions to these Design Guidelines and Standards may be pursued through the variance process pursuant to Subsection XXX.
- (g) Submittal Requirements: These submittal requirements are in addition to the underlying zoning district submittal requirements for the type of land use activity or development proposed. The following information must be completed and included in all applications for development or land use activity:
- (i) A development plan showing compliance with the Performance Standards listed in subsection X-XX.
 - (ii) Survey map including property boundaries, the location of the High-Water-Mark and 75 foot setback. In the event the identification or location of the High-Water-Mark is disputed by the Town, the Town may hire a professional experienced in the identification of a High-Water Mark, to survey the High-Water Mark, and charge the cost of each survey to the Property owner.
 - (iii) In addition to the above, development applicants seeking a Conditional Use in accordance with subsection X-XX are required to submit an Ecological Characterization Study completed by a professional qualified in the areas of ecology, wildlife biology or other relevant discipline. The Ecological Characterization Study shall describe, without limitation, the following:
 - a. The boundary of wetlands and riparian areas and a description of the ecological functions and characteristics provided by those wetlands and riparian areas;
 - b. The pattern, species and location of any significant native trees and other native site vegetation;
 - c. The pattern, species and location of any significant non-native trees and non-native site vegetation that contribute to the site's ecological, shade, canopy, aesthetic and cooling value;
 - d. The top of bank, the 25-foot setback and High-Water-Mark of any perennial stream or body of water on the site;
 - e. The wildlife use of the area showing the species of wildlife using the area, the times or seasons that the area is used by those species and the "value" (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species;
 - f. Special habitat features;
 - g. Wildlife movement corridors;

- h. The general ecological functions provided by the site and its features;
 - i. Any issues regarding the timing of development related activities stemming from the ecological character of the area; and
 - j. Any measures needed to mitigate the projected adverse impacts of the development project on natural habitats and features along the Uncompahgre River corridor.
- (h) Exempt Uses and Activities: The following uses and activities are exempt from these regulations, including the Performance Standards of subsection X-XX and the submittal requirements of subsection X-XX, provided plans and specifications are approved by the Town, and all local, state and federal permitting is approved.
- (i) Public improvements essential for public health and safety, installed by, and/or approved by the Town, including, but not limited to, public utility buildings, facilities, systems and accessory structures;
 - (ii) Public improvements such as pedestrian and automobile bridges, trails and recreational amenities installed by, and/or approved by the Town;
 - (iii) Irrigation, drainage, flood control or water diversion structures installed by, and/or approved by the Town; and
 - (iv) Bank stabilization, river restoration and planting of native vegetation installed by, and/or approved by the Town.
 - (v) Notwithstanding Subsection X-XX of the Code, any development (as defined in subsection X-XX related to any structure within the UROD that was legally conforming prior to the date of adoption of this Section, so long as such development does not expand the building footprint of the structure and is in compliance with all other Town regulations.

(O) Land Use Table.

Table XXX, Table of Land Uses, identifies allowed land uses within each of the established zone districts. ~~Table XXX also identifies uses that may be allowed when accessory to a principal use.~~ The Town Manager or designee shall determine whether any use that is not specifically listed is allowed in a corresponding zone district and the level of review required, based upon the listed use which is most similar to the use not specifically listed.

(1) Table of Land Uses Interpretation and Process

- (a) Site Plan Approval. Nonresidential and multi-family uses identified in Table XXX must receive approval of a site plan in accordance with Section XXX, Site Plan, prior to commencing any development activity regardless of whether such use is allowed by right or requires an administrative approval or conditional use permit.
- (b) Administrative Approvals. Any use identified as requiring Administrative Approval in Table XXX is subject to site plan review in accordance with Section XXX, Site Plan, prior to commencing any development activity.
- (c) Conditional Uses. Any use identified as requiring a Conditional Use in Table XXX shall receive a Conditional Use Permit in accordance with Section XXX, Conditional Use Permit.
- (d) Uses not Allowed. If a particular use does not have a letter corresponding to a zone district, that use is prohibited in the respective zone district.

~~(+)(1)~~ Table XXX – Land Use Table

		R	HR	MR	FD	HB	DS	GC	I-1	I-2
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Commented [KK29]: Land Use Table needs to be verified one more time to ensure that all existing uses carried over correctly into table.

R – Allowed by Right		A – Administrative Approval Required		C – Conditional Use Permit Required					
Agricultural Uses	Agriculture				R				
	Feed Storage and Sales						C		
Animal Services	Veterinary Clinic						C		R
	Kennel, Boarding Facility								R
Childcare Facilities	Day Care Facility	C	C	C			C	C	
Community and Cultural Facilities	Libraries				R		R		
	Museums				R		R		
	Motion picture studios							R	R
	Community Center		C			R	C	R	
	Churches	C	C			R	C	R	
Educational Facilities	Schools	C	C	C		R	C	R	R
Food and Beverage	Restaurants and Taverns			C		R		R	
Group Living	Group Homes	C	C	R		R	C		
Household Living	Dwelling, Co-Housing Development		C	R					
	Dwellings, Duplex	R	R	R			R		
	Dwelling, Fourplex	C	R	R		R	R	C	
	Dwelling, Multiple-Family	C	C	R		R	C	R	
	Dwelling, Live-Work			C		R	R	R	
	Dwelling, Single-Family	R	R	R	R		R		
	Dwelling, Townhouse. No more than 2 units	R		R		R	R	C	
	Dwelling, Townhouse. More than 2 units.	C		R		R	R	C	
	Dwelling, Townhouse. No more than 4 units.		R	R		R	R	C	
	Dwelling, Townhouse. More than 4 units.		C	R		R	R	C	
	Dwelling, Triplex	C	R	R		R	R	C	
	Dwellings, Cluster Development	R		R					
	Employee Housing							R	
	Manufactured Homes		R						
	Manufactured Homes Park							C	
Lodging Facilities	Bed & Breakfast	C	C	C			C		
	Nursing Homes			C					
	Hotels, Motels, Lodges					R		R	
	Travel Homes Park							R	
	Campgrounds							C	
Manufacturing & Production	Gravel Extraction				C			C	
	Manufacturing, Light					C			C
	Machine and Welding Shop							C	R
	Manufacturing and Industrial Use							C	
	Small scale welding accessory to another allowed use								C
	Manufacturing Processing and Assembly								R
	Data processing								R
Manufacturing Processing and Assembly	Fabrication of wood, ceramics, glass, metal, plastics, and plastic products; furniture, sporting goods, textiles, apparel, and accessories to any of these products.								R
									R

Commented [TD30]: Discuss accessory uses with PC and Town Staff; accessory uses should not be in the Table of Uses.

Commented [TD31]: Combine with Manufacturing and Production?

Commented [KK32R31]: These are all specific to Industrial uses so need to confirm with Town Staff and PC that it is ok to consolidate with other similar uses.

	Manufacturing, processing and packaging of food or beverages, provided all of these operations are within enclosed buildings located further than 250 feet from the Town's existing lagoons and wastewater flume at the southwest aspect of the Ridgway Public Works Wastewater Facility, and all ventilation intakes are on the opposite side of the building from the existing lagoons.								R	R
	Assembling or manufacturing electronic instruments and devices.								C	R
	Assembly of small appliances.								C	R
	Outdoor manufacturing, assembly, or fabrication									R
	Manufacturing of products that involves use of toxic or hazardous materials or materials that are potentially detrimental because of latent explosion danger or radiation, or which endanger surrounding uses.									C
	Manufacturing or fabrication that requires state or federal permits of any kind and that are uses by right.									C
Parks & Open Space	All Park and Open Space Uses	R	R	R		R	R	R		
Personal Services & Office	Professional Office					R	C	R	R	
	Service Establishment					R	C	R	R	
	Funeral Homes					R		R		
	Contractor's Office								C	
Public Utilities & Facilities	Public Utility Service Facilities	R	R	R	R	R	R	R	R	R
	Government Buildings & Facilities	R	R	R		R	R	R	R	R
	Libraries					R		R		
	Depots					R		R		
	Electric power substations								C	
	Electronic switching stations – telephone								R	R
Services	Business research and development								R	R
	Commercial laundries and dry cleaning								R	R
	Computer software and research and development								R	R
	Office buildings								R	R
	Testing laboratories								R	R
	Veterinary hospitals									R
	Animal kennels or boarding facilities							C		R
Recreation	Recreation Facilities	R	R	R		R	R			
	Indoor Theaters					R		R		
	Arts and Craft Studio					R				
Retail	Retail, Limited						C			
	Retail Stores			C	R	R		R		
	Building Materials Business							C		

Commented [TD33]: Combine with "Professional Services and Offices"

Commented [KK34R33]: These are all Services under Industrial District only so need to discuss with Town if can reorganize/combine.

Commented [TD35]: Difference between Limited Retail and retail stores?

Commented [KK36R35]: Currently two separate uses within Town Code. Discuss with Town if can define better, or combine.

	Farm Implement, Manufactured Home, Auto sales						C			
	Retail, Wholesale Use						E	E		
Storage	Storage or warehousing facilities for materials or equipment entirely within a building (except storage of materials which are prohibited from use in this district). All storage or warehouse facilities shall be accessory to a use by right.						R	R		
	Storage, warehousing and distribution of food or beverages, provided all of these operations are within enclosed buildings located further than 250 feet from the Town's existing lagoons and wastewater flume at the southwest aspect of the Ridgway Public Works Wastewater Facility, and all ventilation intakes are on the opposite side of the building from the existing lagoons.						R	R		
	Cold Storage Plants						R	R		
	Storage rental units						C	R		
	Outdoor storage exceeding 200 percent of the principal building footprint where materials are intended for on-site wholesale or retail sales. In no case shall storage exceed 900 percent of the principal structure's building footprint.						C			
	Outdoor storage of supplies, machinery, equipment or products.							R		
	Contractor construction yards.							R		
	Storage of any materials that pose a danger to surrounding uses such as potential radiation or explosion, or for any other reason.							C		
Vehicles & Equipment	Automobile Body Shops						C		R	
	Commercial Garages					R	R			
	Parking Facilities					R	R			
	Gas Station						C			
	Truck Repair Shop								R	
	Carwash								R	
Warehousing & Freight	Warehouse or Storage Facility						C	R		
	Motor or Railroad Freight Depots								R	
Accessory Uses	Outdoor Storage					C			R	
	Accessory Uses	R	R	R	R		R	R	R	
	Dwelling, Accessory	R	R	R	R	R	R			
	Home Occupation	R	R	R	R	R	R			
Temporary Structures & Uses										
Wholesale, Retail Uses	Building Supplies and material sales							R	R	
	Electronic and mechanical supplies							R	R	
	Industrial equipment sales or leasing							R	R	

Commented [TD37]: Should add RV, Boat, and OHVs to this list

Commented [KK38R37]: Confirm with PC and Town Staff if ok to add these.

Commented [KK39]: CPS recommends removing this and having outdoor storage standards instead.

Commented [TD40]: Why not in all districts?

Commented [KK41R40]: This is the way it is in existing Code; can ask PC and Town Staff to discuss.

Commented [TD42]: Evaluate: combine with Retail use category or combine based on impact. With all having the same allowance (R is two spaces), they should be combined.

	Office supplies, printing								R	R
	Nursery sales and storage of nursery equipment, materials and supplies								R	R
	Vehicle sales or leasing								C	R
	Retail Sales								C	C
	Printing and publishing facilities								C	R
	Agricultural equipment sales or leasing									R
Miscellaneous	Buildings with a gross floor area greater than 10,000 sq. ft.			C						
	Buildings with a gross floor area greater than 7,500 sq. ft.				C					
	Buildings 27' to 35' in height or containing more than 10,000 sq. ft. of gross floor area							C		
	Developments with more than 20 parking spaces							C		
	Private and Fraternal Clubs				R			R		
	Recycling of metals, paper, plastic or automotive oil.									R

Commented [KK43]: These have been brought over from existing zone districts. CPS does not support having uses tied to building size and/or parking spaces. Would like Town permission to remove.

(P) Zone District Dimensional Standards

(1) Dimensional Standard Requirements

Dimensional standards for lot size, setbacks, and maximum height are summarized for each zone district in Table XXX, Dimensional Standard Requirements, below.

Table X-XX - Dimensional Standard Requirements:

District	Min. Lot			Max. Lot Coverage (%)	Maximum Gross Floor Area (Sq. Ft.)	Min. Setbacks (ft)		Structure		
	Use	Width (ft)	Size (sf)			Front	Rear			
R	Single-Family and Duplex	50	6,000	50	N/A	15	8			
	All others	50	10,000	40	N/A	15	8			
HR	Single Family and Duplex	25	3,000	60	N/A	15	8	3	7.5	27
	Residential uses with three or four dwelling units	35	5,000	60	N/A	15	8	3	7.5	35
	All others	70	10,000	50	N/A	15	8	5	7.5	35
MR	Single Family and Duplex	25	3,000	60	25,000 sq. ft.	10	8	3	7.5	35
	Residential uses with three or four dwelling units	35	4,000	60	25,000 sq. ft.	10	8	3	7.5	35
	All other residential and mixed uses	50	5,000	60	25,000 sq. ft.	10	8	5	7.5	35

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Commented [KK44]: Brought in from performance standards text in individual zone districts above. However, CPS would like to remove this information from Code and just have a structure be built based on applicable maximum lot coverage and setbacks that already exist. Discuss further with PC and Town Staff.

	Nonresidential uses	N/A	N/A	70	25,000 sq. ft.	15	8	5	7.5	35
HB	All	25	NA	NA	15,000 sq. ft.		8			35
GC	All	30	5,000	60	25,000 sq. ft.	15	8	8	7.5	27
FD	All	50	35 ac.	NA	N/A	15	8	8	7.5	27
I-1	All	50	6,000	50	N/A	15	8	8	8	30
I-2	All	50	6,000	50	N/A	15	8	8	8	30
DS	All	50	5,000	50	N/A	15	8	8	7.5	27

(2) Additional Dimensional Standards and Exceptions

(a) Duplex Resubdivision Exception. A duplex dwelling on a lot that meets the requirements set forth in Article XXX above may be resubdivided, provided that the resulting two lots and the building meet the following minimum requirements:

(i) The minimum lot size requirement shall be divided in half for a duplex lot that is resubdivided.

(ii) The party wall in all such duplex dwellings shall run along and upon the lot line common to the resulting two lots.

(iii) A zero (0') setback exists at the party wall lot line.

(b) Townhouse and Condominium Exception.

(i) There is no lot coverage requirement for individual townhouse or condominium lots, only for the project site.

(ii) The minimum side yard setbacks are measured from the property line of the townhome and condominium project site and not from individual townhome or condominium lots.

~~(a)(c)~~ When the rear or side lot line abuts an alley, the setback shall be a minimum of two feet.

~~(b)(d)~~ In the General Commercial District, a 35 feet height may be allowed if approved as a conditional use.

(e) HB Setbacks shall be determined as follows:

~~(i) The setback shall be eight feet, unless snow and drainage from the roof is effectively directed away from the abutting property, in which case the setback can be as little as four feet.~~

~~(ii) In those instances where snow and drainage is effectively directed away from the abutting property, and the foundation and wall of the structure are constructed so that a wall and foundation of a building on an abutting lot can be built up to, or abutting the property line, the setback can be eliminated.~~

(i) 3rd story Buildings: In buildings with three stories above ground, the third story shall be subject to a 15-foot front setback, and an eight-foot side setback for those sides facing a public street, in addition to other applicable setbacks as provided above. The third story setbacks may be reduced or eliminated where design of the third story provides architectural features that are aesthetically attractive to provide visual relief and contrast as an alternative to monolithic three-story facade surfaces. For purposes of this provision, such features include, but are not limited to, integration of third stories into roof lines, multiple roof lines and angles, windows, doors

Commented [KK45]: Created off existing footnotes. Still need better clarification and better organization

Commented [KK46]: Why would increase height be a conditional use?

Commented [TD47R46]: Same approach as floor area...a certain size/height is allowed by right, but additional area/height can be allowed conditionally. Not sure how I feel about the whole thing, but it is what it is..

Commented [KK48R46]: @TJ Dlubac Can CPS recommend removing this or requiring variance instead of CU?

and balconies, and fenestration and facade designs that make a distinction between upper and lower floors, such as horizontal banding and varied building materials.

- (j) Any reduction of the setbacks as specifically provided in these paragraphs (a), (b) and (c) shall be determined by the Town Planning Commission, pursuant to consideration of the criteria as set forth herein and in accordance with the review procedures as set forth in Subsection XXX.
- (k) Within the I-2 District, commercial telecommunication antennae or towers that are located on Town owned property and that are in compliance with subsection XXX may have a structure height of up to 40 feet.
- (l) If a single-family or duplex dwelling is five feet or less from the side property line, a fire suppression system is required. Fire suppression systems are required in all other buildings per the Building Regulations, see Ridgway Municipal Code Section XXX. If any structure is less than five feet from the side property line, a site-specific geotechnical report is required as well as snow guards, brakes or other devices to prevent snow and ice shedding onto adjacent properties.
- (m) Proper dimensional requirements for conditional uses shall be determined in accordance with Subsection XXX. Provided, that as a general rule, they shall be no less strict than the dimensional requirements specified for uses by right in the district concerned or as specified for the use concerned in a zone in which it is a use by right whichever is more restrictive.

7-4-5 SUPPLEMENTAL REGULATIONS

(A) Home Occupations [Brought from 7-3-18(A)]

Home Occupations may be conducted within a residential premises or accessory structure related thereto in any district as an accessory use only if the following criteria are met:

- (1) Town and State Sales Tax Licenses must be obtained if sales taxable by the Town or State sales taxes are to be made.
- (2) Only the residents of the dwelling unit may be engaged in the home occupation.
- (3) No unreasonable noise, glare, smoke, dust, vibration or odor shall be observable off the premises.
- (4) The home occupation activity shall not utilize or occupy more than 750 square feet in total, nor more than 400 square feet in a garage or other structures outside of the residence. Provided, however, accessory day care facilities shall be limited to eight or fewer children in lieu of these area limitations.
- (5) No business activity or storage of property involved in the business may take place outside of enclosed structures, except for horticultural activities.
- (6) The short-term rental of rooms, such as bed and breakfast operations, does not qualify as an accessory use pursuant to this Subsection.

(B) Offensive Businesses [Brought from 7-3-18(B)]

It shall be unlawful to maintain, own or operate any offensive or unwholesome business or establishment within the Town, including, but not limited to, rendering plants, tanneries, pig sties, feed lots, dairy farms, manufacture and storage of explosives, sugar beet pulp storage facilities, foundries, or petroleum product refineries, unless such business was lawfully in existence at the effective date of this Section, or at the effective date of annexation subsequent to the effective date of this Section. In either event, such business or establishment shall be subject to the Nonconforming Use Regulations of Subsection XXX of these regulations, and all other applicable regulations of the Town.

Commented [KK49]: This is language used in existing Code. Would like to modify to sound a bit "softer". Potentially "Performance Standards". This section could include standards that are listed individually in the MR, HB, I-1, and I-2 District. Recommendations: noise, odor, outdoor storage, flammable/explosive materials, etc.

- (i) All manufacturing, fabrication and repairs shall be conducted within a building unless the activity is not visible from adjoining property outside of the light industrial district within 100 yards of the district boundary.
- (ii) Outdoor storage of supplies, machinery, equipment or products shall be screened from view from the adjacent street and properties.
- (iii) Any outside storage of materials, equipment or supplies associated with a use by right or conditional use shall not exceed 200 percent of the total building footprint of the structure associated with that use except in the case where materials are intended for on-site wholesale or retail sales.

(C) Use and Location of Travel Homes [Brought from 7-3-18(D)]

- (1) Travel homes may be occupied only in the following circumstances:
 - (a) Within a licensed travel home park for a maximum period of six months in any one 365-day period.
 - (b) Upon private property for temporary occupancy by out-of-town guests for a period not to exceed 30 days in any year for any tract of property.
 - (c) Upon property for which a permit has been issued by the Town, pursuant to subsection XXX.
- (2) Travel homes may be parked, if unoccupied, upon private property if in compliance with zoning setbacks, or temporarily upon public streets, if registered under State law and lawfully parked. Provided, however, they may not be parked in a manner which creates a traffic hazard.

(D) Garage and Yard Sales [Brought from 7-3-18(E)]

- (1) Notwithstanding restrictions of Town Zoning Regulations, or junk, litter or nuisance ordinances, garage and yard sales may be conducted within the Town consistent with the conditions set out herein.
- (2) No premises shall be used for a garage or yard sale for more than 48 hours at one time or for more than two such sales in any calendar year.
- (3) The sale shall be conducted so that no traffic hazards or nuisances are created.

(E) Bed and Breakfast Operations [Brought from 7-3-18(F)]

- (1) Residents of a dwelling unit in the "R" and "HR" Districts may rent rooms on a short-term basis (and may provide meals to such boarders) if a Conditional Use Permit is approved by the Planning Commission pursuant to Sections XXX and XXX, and the operation will comply with the criteria of this Subsection.
- (2) The application shall not be granted unless the Planning Commission determines that the following criteria are met:
 - (a) There is at least one additional off-street parking space for each room to be rented in addition to the off-street parking required for the residential dwelling unit.
 - (b) No more than three rooms shall be rented in any dwelling unit. Such rooms shall be an integral part of the dwelling unit.
 - (c) The meals to be served shall be served from the kitchen which is part of the dwelling unit itself.
 - (d) The operation will not create a public or private nuisance.
 - (e) Only the permanent residents of the dwelling unit shall be employed in the operation.

Commented [KK50]: Example of bringing in from Performance Standards (pulled from GC)

Commented [KK51]: What about MR and DS which also are allowed B&B by CU? Discuss with Town for further feedback.

Commented [TD52R51]: This seems like an odd provision. Can't we just call these a B&B or a STR? Why muddy the waters between the two?

- (f) The Permittee will obtain a sales tax license and remit sales tax and lodging occupation tax.
- (3) The Town Council may revoke any permit if it determines following a hearing with reasonable notice to the holder of the permit that the above criteria or limits of any permit are not being met.

(F) Accessory Dwelling Units *[Brought from 7-3-18(G)]*

- (1) The creation of Accessory Dwelling Units (ADU) is generally encouraged as an effective means to improve housing affordability, provided that each ADU complies with the following standards.
- (2) ADUs are only allowed as accessory to a single-family detached dwelling. Only one ADU per single-family detached dwelling unit is permitted.
- (3) The accessory dwelling unit must be constructed in accordance with applicable requirements of Town Building Codes. It may be attached or detached to the principal residential unit. Applicable dimensional requirements for a single-family dwelling as set out in subsection 7-3-15(A) must be met for the premises.
- (4) One off-street parking space shall be provided for the accessory dwelling unit in addition to any other required off-street parking.
- (5) The accessory dwelling unit may not exceed 800 square feet of gross floor area.
- (6) One of the dwelling units on the property must be, and remain, owner occupied.
- (7) A minimum of a 90-day rental period shall be required by written lease, except as described in subsection (12) below.
- (8) The accessory dwelling unit must be owned together with the principal residential unit, and the lot or parcel upon which they are located, in undivided ownership.
- (9) The accessory dwelling unit may be served off of the water or sewer tap for the principal residence, in which case it shall not be subject to additional tap fees.
- (10) The burden shall be upon the owner of any accessory dwelling unit to provide adequate proof to the Town that the criteria of this Section are met. In the event that the Town determines that the criteria have not been shown to be satisfied the unit may not be occupied as a residence.
- (11) A dwelling unit constructed before a principal single-family home, which meets these criteria, may be converted to an accessory dwelling unit following construction of a new principal dwelling unit.
- (12) An accessory dwelling unit, as defined in Section XXX either attached or detached to the primary dwelling, may be utilized as a short-term rental only under the following circumstances:
 - (i) Tap fees are paid at 30 percent pursuant to Ridgway Municipal Code subsection 9-1-9(c)(2); and
 - (ii) One hundred percent of monthly water, sewer, trash and recycling services are paid on a monthly basis pursuant to Ridgway Municipal Code Chapter 9; and
 - (iii) The lot size upon which both dwelling units are sited is a minimum of 6,000 square feet.

(G) Telecommunication Antenna and Tower Regulations *[Brought from 7-3-18(H)]*

- (1) Telecommunication towers and antennae shall be located, and comply with the following provisions:
 - (a) Noncommercial television and telecommunications receivers and amateur radio antennae, which qualify as an accessory use to the main use on the premises, may be located on such premises.
 - (b) Antennae for "personal wireless services" as defined in 97 USC 332(c)(2) shall be limited to the GC Zoning District, or upon Town owned property in other zoning districts pursuant to leases or permits with the Town, with terms and conditions adequate to ensure safety and reasonable compatibility with the neighborhood in which they are located, including requirements for camouflaging where appropriate.
 - (c) Commercial radio, television and other telecommunications transmitters and receivers shall be restricted to the GC Zoning District.
 - (d) Additional receivers or transmitters may be installed on existing telecommunication towers regardless of the zoning district.
- (2) All telecommunication antennas and towers shall be limited to the maximum structure heights set out in Section XXX, unless a variance is obtained pursuant to Section XXX, or allowed in accordance with the following exceptions:
 - (a) Telecommunication antennas, receivers and transmitters may be located on lawfully existing towers and structures, as long as they are not above the tower structure.
 - (b) A variance to the height limitations otherwise applicable may be obtained for an amateur radio antenna for noncommercial use pursuant to the review procedure of Section XXX if the Planning Commission determines that the following criteria are met:
 - (i) A higher tower is necessary to be reasonably adequate for the domestic communications purposes;
 - (ii) No reasonable alternative exists;
 - (iii) No adverse impacts will be created with respect to other property in the area.
 - (c) A variance to the height limitations otherwise applicable may be obtained for personal wireless service antennae if the Planning Commission determines pursuant to the review procedure of Subsection XXX that the following criteria are met:
 - (i) Space is not available at a commercially reasonable price on an existing tower or structure located in a technically feasible location, and no other location is available which will provide reasonably adequate service in compliance with the height limitations set out above, and
 - (ii) No adverse effect on property values in the area will be caused, and no safety hazard will be created.
 - (iii) The design and color of the tower and appurtenances shall be reasonably compatible with the site and surrounding area.
 - (d) Commercial telecommunication antennae or towers up to 40 feet in height may be installed upon Town owned property within the "I-2" Light Industrial 2 Zoning District.
- (3) A final decision to deny a variance shall be in writing and supported by a substantial written record.
- (4) All towers and structures shall be subject to the building setback requirements of Subsection XXX and applicable provisions of Town building codes and other ordinances and regulations.

(H) Short-Term Rental Regulations *[Brought from 7-3-18(1)]*

- (1) Intent and Purpose: Establish standards and procedures by which residential short-term rentals can be provided in a manner that protects both the quality of experience and the character of the Town. It is the Town's intent to establish short-term rental regulations to promote a mix of lodging options, support the local economy, while also upholding the integrity of the Town.
- (2) Short-term rentals shall comply with the provisions of this subsection (I) and shall be licensed per Chapter 8, Section 5 of the Municipal Code.
- (3) Permitted Use of Short-Term Rentals:
 - (a) For short-term rentals not in the "HB" Historic Business or "GC" General Commercial Districts, the structure involved:
 - (i) Shall be a single-family dwelling structure; or
 - (ii) Shall be a single residential unit in structures with mixed uses; or
 - (iii) Shall be a property with two dwelling structures owned by the same owner, in which one of the dwelling structures may be used as a short-term rental as long as the second dwelling unit is owner occupied.
 - (iv) Shall not be a multiple family dwelling or structure as short-term rentals are prohibited in multiple family structures.
 - (b) In the HB and GC Districts, a maximum of five short-term rentals are allowed per building or structure.
- (4) Performance Standards for Short-Term Rentals:
 - (a) The unit being rented shall be a dwelling unit, as defined pursuant to Section XXX shall not have more than five bedrooms, nor be leased or used to any group containing more than ten people over the age of 18.
 - (b) The unit shall have a minimum of two off street parking spaces available and any additional spaces necessary to accommodate the tenant's vehicles off street.
 - (c) There shall be an owner's agent available to be at the unit within 20 minutes, who is on call full time to manage the property during any period the unit is rented. The name, address and phone number of the agent must be kept current on file with the Town, and posted in the short-term rental.
 - (d) Adequate animal resistant trash and recycle containers shall be provided, and information on placement for collection shall be provided, in the short-term rental as stated in Ridgway Municipal Code Section 9-2.
 - (e) The unit shall be maintained in compliance with applicable Town ordinances and regulations. The rental of residential units as provided herein shall not unreasonably annoy or interfere with the use or enjoyment of public or private property or which constitutes a health or safety hazard.
 - (f) The owner must have current State and Town sales tax licenses, a Town business license at such time the Town has business licensing, and collect and remit sales taxes and lodging taxes.

(I) Marijuana [Brought from 7-3-18(J)]

- (1) The cultivation, manufacture, distribution, storage, or sale of marijuana shall not be a lawful use by right, accessory use (including as a home occupation), conditional use, or lawful nonconforming use in any zoning district of the Town of Ridgway, except as provided in this subsection (J).

- (2) A Medical Marijuana Center, Medical Marijuana Optional Premises Cultivation Operation, and Medical Marijuana-Infused Products Manufacturing Facility, licensed under Article 43.3 of Title 12 CRS, a Primary Care Giver registered under C.R.S. 25-1.5-106, and a Marijuana Cultivation Facility, a Marijuana Testing Facility, a Marijuana Product Manufacturing Facility or a Retail Marijuana Store licensed by the State of Colorado pursuant to Article XVIII, Section 16 of the Colorado Constitution and Article 43.4 of the Title 12, CRS, may be located within the I-1 and I-2 Zoning Districts and the General Commercial Zoning District east of Liddell Drive extended, as a use by right if they meet the following provisions:
- (a) They must be operated lawfully under applicable provisions of State Law.
 - (b) They must comply with the performance standards of the I-1 and I-2 Zoning Districts, or General Commercial Zoning Districts, as applicable.
 - (c) They must have valid State and Town sales tax licenses and collect and remit sales tax on sales of Marijuana in accordance with State Law and Town ordinances.
 - (d) A Certificate of Occupancy for each building must be obtained prior to establishment of the use therein.
 - (e) The cultivation, manufacturing, storage, distribution and sale of Marijuana, must be confined to an enclosed building.
 - (f) They must be located in structures with commercial and industrial uses only, and are not allowed in buildings with residential uses.
 - (g) No storage facilities are permitted off the licensed premises.
 - (h) The building in which the licensed activities take place may not be located within 1,000 feet of a school, an alcohol or drug treatment facility, the principal campus of a college, university or seminary, or a residential childcare facility. The distance referred to shall be measured from the nearest property line of the land use for the above listed uses to the nearest portion of the building in which licensed activity takes place, using a route of direct pedestrian access. This restriction shall not affect the renewal or reissuance of a license once granted, or apply to a license in effect actively doing business before any of the above uses was constructed.
- (3) Cultivation.
- (a) A patient, validly registered under State Law, may cultivate Medical Marijuana at the patient's residence for the Patient's own use only, if in compliance with the limitations of State Law and if the plants cannot be seen or smelled off the premises.
 - (b) An individual may cultivate Marijuana at the individual's residence, only if in compliance with the limitations of Subsection (16)(3)(b) of Article XVIII of the Colorado Constitution and other applicable state law, including the requirement that the growing take place in an enclosed locked place, is not conducted publicly or openly and is not made available for sale.
 - (c) The use of a compressed flammable gas as a solvent in the extraction of THC or other cannabinoids in a residential setting is prohibited.
 - (d) Co-op or collective grow operations are not allowed without a state license.
- (4) Delivery of Marijuana, or Medical Marijuana by a licensed Medical Marijuana business, licensed Marijuana establishment, Primary Care Giver, or any other person, from a location outside of Town, to a location within Town, is allowed, only if lawful under, and in full compliance with State Law, and the delivering person has a Town sales tax license if taxable sales may occur, and collects and remits Town sales taxes on the sale of the delivered Marijuana and Medical Marijuana.

- (5) The below listed terms shall be defined as indicated for purposes of this subsection (J):
- (a) "Medical Marijuana", "Medical Marijuana Center", "Optional Premises Cultivation Operation", and "Medical Marijuana-Infused Products, Manufacturing", shall have meanings as defined in CRS, Title 12, Article 43.3.
 - (b) "Primary Care Giver" shall have the meaning as defined in C.R.S. 25-1.5-106.
 - (c) "Patient" shall have the meaning as defined in Section 14(1) of Article XVIII of the Colorado Constitution.
 - (d) "State Law" shall include, but not be limited to, Section 16 and Section 14(1) of Article XVIII of the Colorado Constitution, C.R.S. 25-1.5-106, Article 43.3 and 43.4, Title 12, CRS; and any rules or regulations promulgated pursuant thereto.
 - (e) "Marijuana", "Marijuana Cultivation Facility", "Marijuana Testing Facility", "Marijuana Product Manufacturing Facility" or a "Retail Marijuana Store" shall have the meaning defined in Article XVIII, Section 16 of the Colorado Constitution, and Article 43.4, Title 12, CRS.
- (6) Storage of Marijuana off of the licensed premises is not permitted in the Town.
- (7) Marijuana clubs, businesses or other places of assembly where customers, members, or the like, are regularly invited for the purpose of using or consuming marijuana or marijuana products on site, are prohibited in the Town.

(J) Manufactured Homes [Brought from 7-3-18(K)]

- (1) Manufactured homes, as defined in Subsection 7-3-2, that have more than 500 square feet of living area, are only permitted on the following described property:
 - (a) All of Blocks 4, 9 and 29;
 - (b) Block 28, Lots 11 through 20;
 - (c) Block 32, Lots 1 through 18;
 - (d) Block 33, Lots 6 through 10; and
 - (e) Lot 1 of Mitchell Subdivision No. 2.
- (2) The limitations of this subsection shall not apply to any manufactured home that was placed on a property not referenced in subsection (K)(1) above prior to June 9, 1993 in Ordinance 02-1993 that met all applicable building at safety codes at time of installation.
- (3) Manufactured Homes are subject to the provisions of Section ~~6-3XXX~~, Regulations for Manufactured Homes, Travel Homes, and Other Factory-Built Housing.
- (4) Manufactured Home Parks are subject to the provisions of Section ~~8-4XXX~~, Manufactured Home Park and Travel Home Park Regulations.

(K) Employee Housing [Brought from 7-3-18(L)]

The creation of employee housing is generally encouraged as an effective means to improve housing affordability and to support the viability and retention of employment generating uses, provided that each complies with the following standards.

- (1) Employee housing units are only allowed as accessory to a nonresidential use.
- (2) One employee housing unit is allowed for the first 2,500 square feet of gross floor area in the structure. Structures that exceed 2,500 square feet of gross floor area are allowed one additional unit per 2,500 square feet, up to a maximum of three units per nonresidential use.

- (3) The employee housing unit must be constructed in accordance with all applicable building and safety codes.
- (4) The employee housing unit must be owned together with the structure occupied by the nonresidential use, and the lot or parcel upon which they are located, in undivided ownership.
- (5) The employee housing unit must be served off of the water or sewer tap for the principal structure, in which case it shall not be subject to additional tap fees.
- (6) If the employee housing unit has been offered to current and prospective employees of the nonresidential use for 45 days after the prior tenant vacates and the unit remains vacant, the unit can then be offered to other households where at least one of the occupants is employed at an establishment located within Ouray County.
- (7) Short-term rental of employee housing is not permitted.
- (8) The burden shall be upon the owner of any employee housing unit to provide adequate proof to the Town that the criteria of this Section are met. In the event that the Town determines that the criteria have not been shown to be satisfied the unit may not be occupied as a residence.

(L) Parking Standards *[Brought from 7-3-15]*

- (1) Off-Street Parking Requirements. The following off street parking requirements shall apply unless otherwise indicated in all districts, ~~except the Historic Business District. The requirements for the Historic Business District are specified in subsection X-XX.~~

Use	Required parking spaces
(a) Residences	Single-Family and Duplex: 2 spaces per dwelling unit. All Other Residential: 1 space per dwelling unit
(b) Medical offices and clinics	3 spaces per examination room
(c) Hospitals	1 space for each 3 beds
(d) Pharmacies	1 space per 200 sq. ft. of customer floor space
(e) Bus stations	1 space per 400 sq. ft. gross floor area
(f) Funeral homes and mortuaries	1 space for each 6 seats in main chapel
(g) Restaurants and Lounges	1 space per 100 sq. ft. customer floor area
(h) Hotels and Motels	1 space per guest room
(i) Walk-up restaurants	1 space per 50 sq. ft. customer floor area
(j) Bowling alleys	3 spaces per lane
(k) Gas stations	4 spaces, plus 2 spaces for each enclosed auto space
(l) Beauty shops	2 spaces for each chair
(m) Industrial uses	1 space for every 2 employees on shift plus adequate visitor parking
(n) Churches	1 space for each 6 seats in main chapel
(o) Nursing homes	1 space for each 3 beds
(p) Professional office space	1 space per 300 sq. ft. gross floor area
(q) Retail establishments	1 space per 250 sq. ft. gross floor area
(r) Studio residence	1 space per unit (600 sq. ft. total living area)
(s) Day care facilities not qualifying as an accessory use	1 space for each 10 children plus 1 drop off space, plus one space per staff person
(t) All other uses	1 space per 350 sq. ft. gross floor area

- (2) Parking spaces shall be sized and designed in accordance with standard Town specifications and shall be a minimum of eight feet by 20 feet in size.

(3) Maneuvering Area: Off-street parking shall provide sufficient off-street space to allow an automobile to enter, maneuver, and exit without backing onto any public street. Backing onto alleyways is permissible except where otherwise prohibited by plat note.

(4) For purposes of this Subsection, "gross floor area" is the heated square footage of a building measured along the outside enclosing walls, excluding interior parking areas and outdoor common areas; "customer floor area" is the aggregate amount of internal floor area generally used by the public, or 15 percent of the total floor area, whichever is greater.

(5) Parking exceptions within the DS District:

a. Businesses shall be credited with half parking space for every on-street parking space that is constructed adjacent to the business and in accordance with Town specifications. No parking shall be allowed on alley ways or on Highway 62 (Sherman Street).

Commented [KK53]: Relocated from DS performance standards.

(6) Parking exceptions within the MR District:

a. Parking shall be sited to provide the least visual impact from public rights-of-way and shall not dominate the frontage of pedestrian-oriented streets. Site parking shall include bike racks and areas for parking strollers and other nonmotorized vehicles near the main entrance to the primary building(s) and shall have a logical connection to on site non-motorized access routes.

b. Parking areas, outside trash receptacles, large utility boxes, open storage areas, mechanical systems and other unattractive views shall be screened from the street and public right-of-way. Screening of utility boxes, trash enclosures, and similar uses shall be around all sides except for those required for access, which will be screened with a gate on the access side.

Commented [KK54]: Relocated from MR performance standards.

(7) Parking exceptions within the HB District:

- a. All nonresidential uses must provide a minimum of one off-street parking space per 1,650 square feet of gross floor area. Partial spaces will be rounded up to the next whole number of required parking spaces. If the structure contains both residential and nonresidential uses, calculation of the gross floor area shall not include the residential area(s) for purposes of determining off-street parking pursuant to this paragraph. Also excluded from this calculation are enclosed parking and outdoor common areas. Parking spaces will be accessed only from an alley. The first three spaces must be provided on-site.
- b. In cases where mixed residential and nonresidential uses occur within the same property, the residential parking requirements of paragraph (a) shall be in addition to the nonresidential parking space requirement set forth in paragraph (b).
- c. In lieu of nonresidential off-street parking requirements in excess of three spaces and pursuant to paragraph (b) above, a money payment of \$3,000.00 per space may be paid to the Town, which money shall be used to fund the acquisition or construction of public parking facilities to serve the Historic Business Zoning District.

(M) Fence, Hedge, and Wall Regulations *[Brought from 6-4-1]*

- (1) No fence, rail or freestanding wall shall exceed six feet in height within the Town, except for those located within the I-1 and I-2 Light Industrial Districts which may not exceed eight feet in height.
- (2) In the Residential and Historic Residential Zoning Districts, fences, rails or freestanding walls located within the area between the property line and the front set back line may not exceed four feet in height, except for fences designed and intended to exclude deer may be up to six

feet high if they are substantially transparent at sight angles up to 45 degrees from perpendicular to the faces of the fence, and are constructed out of a:

- (a) Mesh;
 - (b) Woven wire;
 - (c) Rails and pickets or similar components which have a width no greater than their depth.
- (3) No fence, freestanding wall or hedge or other plantings shall be constructed or maintained on corner lots in a place or at a height which unreasonably creates a traffic hazard by obstructing vision from vehicles on abutting streets.
- (4) Electrically charged fences are not allowed within the Town unless their location is made inaccessible to persons who would not know that the fence is electrified by virtue of another fence or structure.
- (5) Barbed wire fences may be allowed only I-1 and I-2 Light Industrial Districts, and only if the barbed wire is a minimum of six feet above the ground. No barbed wire fence may be maintained in other districts unless necessary to confine livestock lawfully kept within the Town.
- (6) All fences shall be maintained in good and safe condition.
- (7) Enforcement
- (a) It shall be unlawful for any person to violate any provision of this Section.
 - (b) Any violation of the provision of this Section is hereby declared to be a nuisance and may be abated in accordance with law.
 - (c) In addition to any of the remedies the Town may have, it may maintain an action in a court of competent jurisdiction to enjoin any violation of, or compel compliance with, any of the provisions of this Section.

(N) Outdoor Lighting Regulations *[Brought from Ch. 6, Sec. 5]*

(1) General Provisions

- (a) All non-exempt outdoor light fixtures and illuminating devices permanently or temporarily installed outdoors, including, but not limited to, devices to illuminate signs, shall meet the following requirements:
 - (i) They shall be shielded so no light rays are emitted at angles which will allow the light to pass directly off of the premises appurtenant to the fixture.
 - (ii) They shall be shielded so that no light rays are emitted by the installed fixture at angles below the horizontal plane.
 - (iii) All fixtures designed to illuminate signs or structures shall be mounted above the area of the sign or structure to be illuminated.
 - (iv) Blinking, flashing, rotating or moving lights are prohibited.
 - (v) Correlated color temperature (CCT) is limited to 3,000 kelvin per fixture.
 - (vi) The following lumen limits are established to prevent over lighting and are not intended to be achieved. Each site should use the lowest amount of lumens needed for the site to provide safety and functionality.

- a. Single-Family Residential Sites shall be limited to 5,100 lumens. Single Family Residential Sites that include an accessory dwelling unit shall be limited to 6,500 lumens. Each lighting fixture shall be limited to 850 lumens.
- b. Multifamily Residential Sites, Mixed Use Sites and Nonresidential Sites shall be limited to 25,000 lumens per net acre plus 2,000 lumens per unit beyond the first. Each lighting fixture shall be limited to 1,500 lumens.
- (vii) Lighting for all nonresidential uses shall be extinguished one hour after close of business unless there is a public safety hazard that is best mitigated by the use of lighting. Lighting intended for security purposes shall use Adaptive Controls.
- (viii) If any of the above are in conflict with the Town building codes adopted pursuant to Municipal Code Section 6-1, the regulations of the adopted building code shall apply.
- (b) The following are exempt from the provisions of subsection (1).
 - (i) Lights used to illuminate athletic fields of other community special event areas. Such lights shall be turned off one hour after the conclusion of the event and should be designed or placed to minimize light falling beyond the area in use.
 - (ii) Signs which are illuminated by interior light sources, such as neon signs, provided such signs are lit only during the property owner's business hours.
 - (iii) Official traffic control devices and lights owned and operated by or pursuant to proper authority of the United States of America, the state of Colorado or any of their agencies, and such other lights as are specifically required by federal or state law.
 - (iv) Official traffic control lights owned and operated by the Town of Ridgway.
 - (v) Repealed by Ordinance 16-2006.
 - (vi) Lawful vehicle lights.
 - (vii) Repealed by Ordinance 10-2007.
 - (viii) Holiday lights. Holiday lights should only be in use from November 15 to January 31.
 - (ix) Artwork that is outdoors and on public property. Such artwork shall receive a permit by the Town of Ridgway prior to installation. Such artwork shall be public and accessible to all people and may be illuminated, pursuant to the following:
 - a. Artwork shall not contain lighting that exceeds 500 lumens within the entire structure, nor more than 2,500 degrees kelvin.
 - b. All public art that is illuminated shall include a dimmer and timer to aid the compliance with the Dark Skies Association's Outdoor Lighting Requirements, and shall have the ability to be automatically turned off. In any event such lighting shall be automatically turned off by 10:00 p.m. nightly.
 - c. No structure may contain lighting that is cast upward or outward, but may be diffused in a way such that the lighting emits a soft glow.
 - d. All structures shall be lit internally.
 - e. All illuminated public art is subject to review and approval by Town staff for compliance with these regulations.
- (c) Public Outdoor Lighting.
 - (i) New public lighting owned and operated by the Town of Ridgway, including street lights, walkway lights, external building lights, holiday lights and other lights to ensure

safety, shall be allowed as recommended by the Town Manager or designee in situations where a public health hazard exists which can only be mitigated by artificial light at night and shall be in compliance with subsection (A).

- (ii) Adaptive controls or curfews shall be employed in all new public outdoor lighting installations.
- (iii) All Town owned lighting shall comply with the requirements of Section 6-5 within five years from the effective date of this Section.

(2) Noncompliant Lights

- (a) Lights which were lawfully existing and in use at the time they became nonconforming with the requirements of this Section X-X by virtue of the initial adoption of this Section, subsequent amendment to this Section or by annexation into the Town, may continue to be used and operated subject to the limitations of this Section.
- (b) The right to operate a lawful nonconforming light shall terminate upon any of the following:
 - (i) Replacement of the light fixture.
 - (ii) Non-use of the light fixture for a period of six months.
 - (iii) Damage to the light fixture so that the cost of repair is 50 percent or more of the cost to replace it with a conforming fixture.
- (c) The right to exceed the lumen limits established in Subsection X-X-X as a lawful nonconforming site shall terminate upon any of the following:
 - (i) Replacement of 50 percent or more of the light fixtures on the site.
 - (ii) Damage to the light fixtures so that the cost of repair is 50 percent or more of the cost to replace them with conforming fixtures.
- (d) No alteration may be made to lighting on a site which would increase the amount or degree of the nonconformity.

(3) Administration and Enforcement

- (a) The provisions of this Section shall be administered by the building official or other authorized Town officer or employee.
- (b) It shall be unlawful to violate any provision of this Section.
- (c) Any continuing violation of this Section is hereby declared to be nuisance, which may be abated by the Town in any lawful manner, or enjoined by a court of competent jurisdiction.
- (d) No building permit or occupancy permit shall be issued for work which has noncomplying light fixtures.

7-4-6 SIGN REGULATIONS

(A) Compliance Required

It shall be unlawful to erect or maintain any sign except in conformity with the requirements of this Subsection. Signs not in conformity with the provisions of this Subsection are hereby declared to be a nuisance which may be abated by the Town in any lawful manner.

(B) Signs Allowed Without a Permit

The following may be erected, maintained and used without a sign permit as long as they are properly maintained in accordance with the requirements of this paragraph (B) and paragraph (F)

and with other applicable requirements of this Subsection, State law and Town ordinances and regulations, and are not prohibited by paragraphs (C) or (D)

- (1) Official traffic control devices, signs, and notices erected, owned and maintained by the United States, the state of Colorado, the Town of Ridgway or any of their political subdivisions for official governmental purposes.
- (2) Any pennant, motto, or insignia of any nation, state, political subdivisions, religious, civic, or fraternal organization, or school except devices which are used to promote business activity.
- (3) Works of art unless they are used to promote business activity.
- (4) Temporary decorations, displays and banners which are customarily displayed and associated with holidays or celebrations and banners associated with Town endorsed civic events.
- (5) Scoreboards, unless used to advertise business activity.
- (6) Public utility warning signs, construction warning signs, and signs warning of other hazards, with no sign face larger than ten square feet in area.
- (7) Identification signs incidental to the use of vehicles attached to the vehicle.
- (8) Traffic control devices with no sign face larger than three square feet.
- (9) One or more temporary signs with an aggregate sign face area of no more than four square feet in the Residential and Historic Residential Zoning Districts and 16 square feet in all other zoning districts, for the premises upon which they are located. Signs identifying a project and contractors involved therein shall only be allowed during the construction period. All "for sale" signs shall be taken down when the sale of the premises is closed.
- (10) One bulletin board per street frontage not over 20 square feet in area for the purpose of announcing events of civic interest, which is owned and maintained by a charitable or religious institution.
- (11) Memorial signs and tablets, or cornerstone signs identifying the building and its date of construction. Such signs shall be cut into masonry surface, inlaid so as to be part of the building or constructed of incombustible materials.
- (12) Signs upon vending machines, gasoline pumps, or packages of goods which relate to the contents thereof.
- (13) Temporary signs advertising Town approved civic events during the period of the event. All such signs may be erected only with the approval of the Town Council except for those displayed in Town Parks which may be approved by Town Administrative Staff.
- (14) Signs within buildings which are located no closer than six inches to any window or which are not legible from distances of five feet or more.
- (15) Temporary signs on the Ridgway School Ball Field fence, provided they do not face Highway 62, that they are only up during baseball season, and that all such signs be controlled and administered by the Ridgway School Administration.
- (16) Signs devoted to noncommercial speech which do not exceed ten square feet in area.

(C) Prohibited Signs and Devices

The following are hereby prohibited within the Town:

- (1) Animated or flashing signs visible outside any building.
- (2) Balloons, or pennants, or other wind-powered devices designed to attract attention, except they may be used for civic events up to a maximum of seven days.
- (3) The operation of search lights to promote business activities.

(D) Off-Premises Signs Restricted

A sign may identify or advertise only that activity or use conducted upon or related to the premises upon which the sign is located except in the following circumstances:

- (1) Directional signs owned by the Town. The expense of construction and maintenance shall be charged to the businesses or organizations advertised.
- (2) Signs authorized pursuant to subsection X-XX.
- (3) Signs allowed by paragraphs (B)(1), (4), (10), and (13).
- (4) Signs with a message devoted solely to non-commercial speech.
- (5) Tourist oriented directional signs owned and erected by the Colorado Department of Transportation pursuant to C.R.S. 43-1-420(3), which meet conditions set out in Town resolutions as in effect from time to time.

(E) Permits

- (1) Except for the signs specified in paragraph (B), no sign may be erected and maintained until a Sign Permit has been issued by the building official. Applications for a standard sign permit issued pursuant to this subsection X-XX shall be submitted to the Town on forms supplied by the Town accompanied by an application fee of \$35.00. Applications for permits issued pursuant to subsection X-XX, for signs erected over Town-owned streets and alley rights-of-way pursuant to a revocable right-of-way permit, shall be submitted to the Town on forms supplied by the Town accompanied by an application fee of \$75.00.
- (2) The Building Inspector shall grant a permit only for signs which will be in compliance with the requirements of this Subsection.
- (3) The total sign face area of signs required to have a permit per property, other than those restricted by subsection (6), shall not exceed the lesser of one square foot per foot of lineal street frontage of the property abutting Town streets or 150 square feet. When more than one building/and or business is on the property, the property street frontage shall be allocated among the buildings and/or businesses accordingly, unless otherwise approved through a Master Sign Plan. Total sign face area in excess of 150 square feet shall not be allowed for any property unless approved through a Master Sign Plan applicable to that property.
- (4) A Building Permit is also required for any sign with a cost or value over \$1,000.00
- (5) No permit for a sign shall be allowed in the Residential Districts.
- (6) The total sign face area of signs required to have a permit for businesses within the Downtown Services Zoning District shall not exceed 12 square feet per business. All signs within said District shall be non-illuminated and attached to the building structures, no higher than the roof line.

(F) Performance Criteria

All signs shall meet the requirements of this paragraph (F) whether a permit is required or not.

- (1) All signs shall be maintained in good, legible and safe condition.
- (2) No sign shall be erected or maintained which creates a traffic or other safety hazard.
- (3) All signs shall be constructed and maintained in accordance with any applicable provisions of the Town's building codes.
- (4) All signs shall be erected and maintained in accordance with applicable requirements of State law.

- (5) No part of any sign shall be above the roof or parapet of the highest building on the property and no higher than 35 feet. No part of any freestanding sign shall be higher than 20 feet above finished grade.
- (6) No sign may be erected or maintained which creates a public or private nuisance, or which unreasonably interferes with the reasonable enjoyment of the adjacent property by reason of unreasonable light, shade or other effects.
- (7) No sign shall be larger than 32 square feet in area, except a freestanding sign with more than one business advertised may have a sign face up to 56 square feet, unless approved through a Master Sign Plan applicable to the building. No sign shall have more than two sign faces.
- (8) Signs may be erected only on property which the sign owner has a legal right to erect such sign.
- (9) All temporary signs must comply with the size restrictions set forth in subsection X-XX. Portable or wheeled signs displayed outside of buildings must be located so as to not impede with vehicular or pedestrian traffic, or create a traffic hazard or safety hazard or other nuisance, and must be removed at times when the advertised use or activity is not open for business.
- (10) No more than 50 percent of any sign face may be internally illuminated.

(11) Materials. Signs lit with a dark-skies compliant external source are recommended over internally lit signs. A "halo" type sign, which uses solid letters with a light source behind them, illuminating the wall around the letters, are acceptable. If internally illuminated signs must be used, illumination of letters and graphics is allowed; however, illumination of the background is prohibited.

(12) Within the DS District, signage shall be non-illuminated and attached to the building.

Commented [KK55]: Relocated from DS performance standards

(G) Signs in Public Rights-of-Way

Signs, other than signs belonging to the Town or sponsored by the Town, conforming to size limits of this Subsection 7-3-17, may be erected over Town-owned streets and alley rights-of-way pursuant to a revocable right-of-way permit issued pursuant to either paragraph (1) or (2) of this subsection only on the following conditions, in addition to other applicable requirements of this Subsection:

- (1) Projecting signs:
 - (a) The sign must be supported and attached to a building.
 - (b) The sign may extend no more than five feet from the building. If the sign is printed on a retractable awning, the awning may extend no more than ten feet from the building. A sign may extend no more than five feet across Town owned right-of-way. If the sign is printed on a retractable awning, the awning may extend no more than ten feet across Town owned right-of-way.
 - (c) No part of the sign may be less than ten feet above the ground over Town right-of-way, except for a sign printed on an awning, the awning shall be at least seven feet above the ground.
 - (d) That portion of any sign face located over the Town right-of-way shall be no larger than 20 square feet in area.
 - (e) No more than one sign per business may extend over the Town right-of-way.

- (f) No sign with its face parallel to the wall of the building to which it is attached, except for those printed on an awning, may extend more than 12 inches from the building, nor more than 12 inches over public property.
 - (g) Plans for signs over Town rights-of-way must be submitted with applicable fee, reviewed and approved by the Town Administrative Staff.
 - (h) The revocable permit may be revoked by the Town at any time for any reasonable reason.
 - (i) Proof of insurance shall be provided to the Town.
 - (j) The sign may identify or advertise only that activity or use conducted upon or related to the abutting premises.
- (2) Portable signs:
- (a) The sign may identify or advertise only that activity or use conducted upon or related to the abutting premises.
 - (b) No more than one sign per business may be placed on Town right-of-way.
 - (c) The proposal for a portable sign on Town right-of-way must be submitted with applicable fee, reviewed and approved by the Town Administrative Staff.
 - (d) The revocable permit shall specify the authorized location, and may be revoked by the Town at any time for any reasonable reason.
 - (e) Proof of insurance shall be provided to the Town.
 - (f) The sign must be located so that it does not interfere with Town use, impede vehicular or pedestrian traffic, or create a traffic or safety hazard or other nuisance.
 - (g) The sign must be removed at times when the advertised use or activity is not open for business.

(H) General Provisions

- (1) The area of a sign face shall include the surface area of a sign, including non-structural trim and decoration, but excluding supports or uprights. The face area of a sign painted or hung on a wall of a building, or on an awning, shall include all the area within a perimeter surrounding all words, symbols, designs and coloring, distinctive from the wall upon which it is painted. Only one side of double-faced signs that convey the same message on both faces shall be included for purposes of this calculation.
- (2) As used in this Subsection, "sign" means and includes any object, device, or message which is used to advertise, identify, display, direct, attract attention, or convey any message concerning any object, person, institution, organization, business, products, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination, or projection, and anything else commonly known as a "sign".

(I) Nonconforming Signs

- (1) All signs shall at all times be maintained in strict conformity with the performance criteria of paragraphs (F)(1), (2), (3), (4), (6) or (8). All Master Sign Plans previously approved by the Town under subsection 7-3-12(J) prior to April 15, 2019 shall be maintained in strict conformity with such Town approval. Any signs not in compliance with these specific performance criteria and/or Master Sign Plans approved prior to April 15, 2019 shall be removed.
- (2) All signs shall at all times be maintained in strict conformity with the performance criteria of paragraph (F). Any sign not in compliance with paragraph (F) shall be removed.
- (3) The right to maintain a nonconforming sign shall be terminated and the sign removed or brought into full compliance with this Subsection under the following conditions:

- (a) Abandonment of the sign, abandonment or termination of the related business, an interruption in continuance of the business for six months.
 - (b) A violation of any of the performance criteria of paragraph (F)(1), (2), (3), (4), (6) or (8).
 - (c) The destruction of the sign, removal of the sign or damage of the sign, such that the cost of replacement or repair is greater than 50 percent of the replacement cost of the original sign.
 - (d) The creation of any additional violation of or nonconformity with these regulations.
- (4) A list of nonconforming signs shall be developed and maintained by the building inspector with owners notified and given a copy of paragraph (I).

(J) Master Sign Plans

- (1) Purpose: To provide flexibility for the amount of signage and size of signs for multi-tenant buildings and developments to ensure signage is available for business and facility wayfinding and identification. To protect the health, safety and welfare of the community while preserving Town aesthetics.
- (2) Applicability:
 - (a) A Master Sign Plan shall be encouraged for all properties with multi-tenant buildings and/or multiple buildings in which three or more nonresidential tenants or businesses are present.
 - (b) Any property with multiple-tenant buildings or multiple buildings in which three or more nonresidential tenants existing at the time of adoption of this Section that does not have a Master Sign Plan is encouraged to apply for a Master Sign Plan at the time of application for a new sign at the site.
 - (c) Any property owner with multi-tenant and/or multiple buildings in which two or more nonresidential tenants or businesses are present, may apply for a Master Sign Plan.
- (3) General Regulations:
 - (a) All signs subject to a Master Sign Plan shall apply for and receive a sign permit before any sign may be installed.
 - (b) All signs on the site shall conform at all times to the approved Master Sign Plan and other applicable sign regulations.
 - (c) Master Sign Plan shall run with the property for which it was issued and not with individual tenants or businesses.
 - (d) Applications for a Master Sign Plan shall be submitted to the Town on forms supplied by the Town accompanied by the fee per Subsection X-XX. At a minimum the applicant shall submit the following information to the Town:
 - (i) Identification of the property for which the Master Sign Plan application shall apply;
 - (ii) Proof of property ownership, or partial ownership, and signatures from all property owners included in the proposed Master Sign Plan;
 - (iii) Total sign area allowed per Subsection X-XX and the total sign area requested with the Master Sign Plan;
 - (iv) Site plan showing location of all existing and proposed signs on property, with distance from property lines;
 - (v) Building elevations/pictures showing location of all existing and proposed signs on property, with height of all signs from the ground;

- (vi) Dimensions and type of all existing and proposed signs, including the unit number/address for each;
 - (vii) Any proposed lighting for the signs, including location, type, kelvin and lumens for each fixture;
 - (viii) Proof that the criteria for approval have been met.
- (e) Through these Master Sign Plan regulations the following deviations from the specified dimensional requirements may be considered.
- (i) A free-standing sign may be up to 30 percent larger than the 56 square feet limitation of subsection X-XX.
 - (ii) Up to 30 percent more than the allocated square footage per subsection X-XX of sign area may be allowed.
- Deviations shall not be considered for any other sign regulations in the Ridgway Municipal Code.
- (4) Criteria for Approval of the proposed Master Sign Plan:
- (a) Will not be contrary to the public health, safety or welfare;
 - (b) Will not create traffic hazards;
 - (c) Provides for adequate assurances of safety from natural conditions such as wind, snow and ice as it relates to the proposed signs;
 - (d) Will not unreasonably interfere with neighboring commercial businesses or properties;
 - (e) Provides for signs that are reasonably necessary to operate the business or businesses on the property;
 - (f) The burden shall be on the applicant to show that these criteria have been met.
- (5) Review Procedure:
- (a) Within 14 days of receipt of a completed application accompanied by the applicable fee for a Master Sign Plan, or a minor change to an existing Master Sign Plan, the Town will administratively approve or deny the application according to the Criteria for Approval. It shall not be necessary for the Town to provide written findings or conclusions, except upon request of the applicant.
 - (i) To the extent an application for a Master Sign Plan or minor change is denied in whole or in part, the requesting party may appeal to the Planning Commission as set forth in paragraph (5)(b) of this subsection. Such appeal shall be in writing and submitted within seven days of the Town's decision and review shall be de novo.
 - (b) Within 14 days of receipt of a completed application accompanied by the applicable fee for a major change to a Master Sign Plan, or an appeal of a denial of a Master Sign Plan, or minor change to a Master Sign Plan, the Planning Commission will set a hearing:
 - (i) The hearing shall be heard at the next regularly scheduled Planning Commission meeting for which proper notice of the hearing can be made, and no later than 40 days after receipt of a completed application accompanied by the applicable fee for a major change to a Master Sign Plan, or an appeal of a denial of a Master Sign Plan, or minor change of a Master Sign Plan. A hearing that must be continued due to time constraints or other delays, may be continued for an additional seven days beyond the 40-day deadline, assuming the hearing was commenced within the 40-day deadline. By mutual agreement, the applicant and the Planning Commission may also extend the 40-day and seven-day deadlines set forth in this subsection.

- (ii) At the scheduled hearing, the applicant and other interested parties may appear and present such evidence and testimony as they may desire. Anyone presenting evidence or testimony shall be subject to cross-examination by other interested parties, although the Planning Commission may limit testimony, evidence and cross-examination which is merely cumulative and is not required to follow any set procedure during the hearing, nor strictly follow the Rules of Evidence as applied by the Court. The hearing should be tape recorded or otherwise electronically recorded. The application, or other interested party may, if so desires, have the hearing recorded by a court reporter, at the applicant's sole expense. The burden is upon the applicant in all cases to establish that the applicable criteria for any action are met.
 - (iii) Notice of the hearing shall be posted at Town Hall at least ten days before the hearing, and posted visibly for each street frontage abutting the property for at least ten days prior to the hearing, in addition to any other notice required by Town regulations.
 - (iv) The Planning Commission shall announce its decision according to the Criteria for Approval within 14 days of completion of the hearing. It shall not be necessary for the Planning Commission to provide written findings or conclusions, except upon request of the applicant, or other party appearing or participating in the in the hearing. The decision of the Planning Commission with respect to an application for major change of to a Master Sign Plan, or an appeal of a denial of a Master Sign Plan or minor change to a Master Sign Plan shall be final, subject only to review under Rule 106 of the Colorado Rules of Civil Procedure. Upon the filing of an appeal under Rule 106, the Town shall cause a transcript of any tape recording of the hearing to be made and certified to the court, and the party filings such appeal or such review, shall pay the Town the reasonable cost incurred in producing such transcript, unless such party has a transcript produced by a court reporter at the applicant's expense.
 - (v) The Planning Commission may approve the requested action only upon finding that all applicable criteria and requirements of these Master Sign Plan regulations or other Town ordinances have been met. If it determines such criteria have not been met, the application shall be denied. The application may be granted upon conditions or limitations which the Planning Commission determines are necessary in order to ensure that the applicable criteria are met. Such conditions or limitations shall be provided to the applicant and interested parties in writing as part of the decision, subject only to review under Rule 106 of the Colorado Rules of Civil Procedure.
- (6) Amendments to Approve Master Sign Plans:
- (a) Minor Changes: Minor changes are those changes that do not alter the overall characteristics of the existing Master Sign Plan and that create no adverse impacts on adjacent uses, infrastructure, or public safety. Examples of what may be considered a minor change include, but are not limited to:
 - (i) Changes in the location of a sign;
 - (ii) Replacement of existing signs that are the same size or smaller than the existing sign; and
 - (iii) Changes in the number of signs, as long as the aggregate square footage remains the same.
 - (b) Major Changes: Major changes are those that can alter the overall character of the Master Sign Plan and which could create adverse impacts on adjacent uses or public infrastructure. Examples of what may be considered a major change include, but are not limited to:
 - (i) Changes in the total square footage of the Master Sign Plan; and
 - (ii) Requests for deviations per subsection X-XX.

7-4-7 LANDSCAPE REGULATIONS

(A) Intent

- (1) The purpose of this Section is to provide clear landscaping requirements that will contribute to high quality development and sustainable, water-saving practices. Landscaping is an important element of the character of the Town of Ridgway that is both functional and aesthetic and the Town's top objective is to prioritize low-water use and regionally appropriate design for materials and vegetation. These landscaping regulations will endeavor to achieve the following:
 - (a) Preserve and enhance a well-maintained landscape that preserves the overall quality and character of the community.
 - (b) Conserve water resources.
 - (c) Provide visual buffers and screening.
 - (d) Provide separation between pedestrian and vehicular uses.
 - (e) Mitigate adverse effects of drainage and weeds.
 - (f) Allow residents creativity and flexibility and landscape design.
- (2) Drought-tolerant, water-wise plants are to be used whenever possible and appropriate. Water wise is a term used throughout this chapter to describe the method of planting which works to promote water conservation by minimizing the amount of native vegetation removed, limiting new vegetation to native and drought tolerant species, limiting the amount and type of irrigation, and other related measures to conserve water and create a native landscape.
- (3) Landscaping should be used to promote the visual aesthetic of the development from main travel corridors, as well as the pedestrian experience within, through shade trees, plantings, context-appropriate public art and seating. Buffers and medians facilitate drainage during storm events and provide valuable areas for snow storage during the winter. Landscaping that is sustainable, visually appealing, and regionally appropriate is required for all new development.

(B) Applicability

- (1) This chapter establishes minimum landscaping standards which apply to all residential and nonresidential properties within the Town of Ridgway.
- (2) The following projects shall comply with the landscaping standards set forth in this chapter:
 - (a) Projects which require a site plan review;
 - (b) New commercial, residential, or mixed use construction;
 - (c) New landscape projects and rehabilitation projects that exceed 25 percent of the lot size;
 - (d) Change of use; or
 - (e) Public rights-of-way improvements.
- (3) A building permit for new construction or landscape improvements shall not be issued until a conforming Landscape Plan is approved by the Town. A permanent Certificate of Occupancy will not be issued until the Town determines that the landscaping contemplated by the approved plan has been properly installed. A temporary Certificate of Occupancy may be issued if completion of landscaping improvements is delayed by winter weather.
- (4) All standards and policies adopted within the Town of Ridgway Water Conservation and Management Plan, Master Plan, and Commercial Design Guidelines should be implemented with the landscape regulations of this chapter.

(C) Site and Landscape Plan Development

(1) Landscape Plan Requirements.

- (a) A landscape plan, as set forth in this Section, shall be required for all projects identified in subsection X-XX and shall be submitted to the Town for approval.
- (b) The landscape plan shall be drawn to scale of one inch equals 40 feet, or larger, and may be included on the Site Plan. The landscape plan shall include the following information:
 - (i) Property lines and dimensions;
 - (ii) Building footprint, driveways, and vehicle circulation;
 - (iii) Existing and finished grade;
 - (iv) North arrow and scale;
 - (v) Name of applicant and landscape consultant or architect (if applicable);
 - (vi) Legend indicating all proposed plant materials with common and botanical names, indication of drought tolerant plants, sizes, maximum spacing, caliper size, and quantities;
 - (vii) Method of establishing and maintaining plant materials;
 - (viii) Surface drainage characteristics and any proposed structures, including, but not limited to, inlets, retention/detention ponds, swales, permeable surfaces, down spouts;
 - (ix) Location of all plant material, other natural features, including, but not limited to, wetlands, water bodies, rock outcroppings, detention areas, retaining walls, and buildings and paved areas (existing and proposed);
 - (x) Plantings should be shown as they would be at full maturity;
 - (xi) Identification and percentage of ground surfaces and materials by types, such as paving, sod, mulch, edger, seed mixes, shrubs, and flower beds;
 - (xii) Clearly labeled locations and calculations for amounts of required landscaping, including the square footage and percentage of required landscape area, living materials, and non-living materials as well as required and provided number of trees, drought tolerant plantings, and any required landscaping, including islands and trees, within parking areas;
 - (xiii) Identify any existing trees, shrubs, or live groundcover that will remain on the property and how they will be protected from damage during construction;
 - (xiv) The location and square footage of all areas;
 - (xv) Identify construction debris storage and staging areas; and
 - (xvi) Additional information as may be required by the Town.

(D) Water Conservation

- (1) Water Conservation Planting: All landscaping should be designed to incorporate water conservation materials and techniques through application of water wise landscape principles. In general, water wise landscaping and drip irrigation are required while large irrigated areas requiring spray heads are strongly discouraged.
- (2) Regionally Appropriate: All landscaping should be regionally appropriate and materials shall be suitable for local soil conditions and climate. To help guide plant selection, a list of recommended and prohibited species is included in Subsection X-XX, Species List.

(E) Landscaping Required

- (1) Purpose: The purpose of this section is to establish minimum landscaping requirements for residential, non-residential and mixed uses.
- (a) All areas on a lot must be treated with landscaping.
- (b) Landscaped area may include a combination of trees, shrubs, groundcovers (live and non-live), decorative landscape stone or rock, or other landscaping material that does not conflict with other provisions of this Chapter.
- (i) Live ground cover is considered to be material such as native grasses wildflowers, turf and planting beds.
- (ii) Non-live ground cover is considered to be material such as bark mulch, flagstone, rock, gravel, artificial turf or the like.
- (iii) The minimum live and non-live ground cover percentages, as seen in the landscaping requirements table, count as part of the overall minimum landscaped area, not in addition to.
- (2) At least 25 percent of the required landscape area shall be provided in the front yard of the property. The landscaping requirements table below demonstrates the required landscape area for all parcels in all zoning districts.

Landscaping Requirements					
Zoning District	Min. Required Landscaped Area ²	Min % of Required Landscaped Area Live Ground Cover	Min. % of Required Landscaped Area Non-Live Ground Cover	Min. # of Trees for Required Landscaped Area ³	Min. # of Shrubs for Required Landscaped Area ⁴
Residential Uses					
R	50%	20%	30%	1 for every 2,000 sq. ft.	2 for every 3,000 sq. ft.
HR	40%	20%	20%	1 for every 2,000 sq. ft.	2 for every 3,000 sq. ft.
MR	30%	20%	20%	1 for every 2,000 sq. ft.	2 for every 3,000 sq. ft.
FD ¹	50%	20%	30%	1 for every 2,000 sq. ft.	2 for every 3,000 sq. ft.
DS	50%	20%	30%	1 for every 2,000 sq. ft.	2 for every 3,000 sq. ft.
Non-Residential or Mixed Uses					
HB	See X-XX(C) Below				

Landscaping Requirements					
Zoning District	Min. Required Landscaped Area ²	Min % of Required Landscaped Area Live Ground Cover	Min. % of Required Landscaped Area Non-Live Ground Cover	Min. # of Trees for Required Landscaped Area ³	Min. # of Shrubs for Required Landscaped Area ⁴
GC	30%	10%	20%	1 for every 2,000 sq. ft.	2 for every 3,500 sq. ft.
I-1	30%	5%	15%	1 for every 2,500 sq. ft.	2 for every 4,000 sq. ft.
I-2	30%	5%	15%	1 for every 2,500 sq. ft.	2 for every 4,000 sq. ft.

¹ See subsection X-XX (B) for exemptions for uses that are non-residential in the FD zoning district.

² For all residential uses that are single-family and duplex dwellings, a maximum of one acre of area shall be used to calculate the minimum required landscape area.

³ The minimum number of trees are a sum total of all required trees. Any additional tree requirements (such as street trees) shall be counted as part of this minimum number of required trees.

⁴ Four shrubs can be counted for one required tree. A minimum of one tree is always required per lot.

(3) Historic Business (HB) District: This district is intended to provide for zero lot lines and full lot coverage. Therefore, there is no minimum required landscaped area as defined in this chapter. However, the following shall apply:

- (a) Right-of-way landscaping shall be required pursuant to Subsection X-XX.
- (b) If a parking lot is provided on-site, parking lot landscaping shall be required pursuant to Subsection X-XX.
- (c) Required landscaped area for properties zoned HB is required for any area not used for a building or parking lot.

(F) General Landscape Standards

- (1) Trees: Trees shall have a minimum caliper of one and one-half inches for deciduous trees and a five-foot minimum height for evergreens. In the case of fractional requirements for the number of trees, the number required shall be rounded up to the next whole number. Existing trees that are in good health, as determined by the Town Manager or designee, shall be counted as one and one-half trees for the minimum tree requirement.
- (2) Shrubs: Shrubs shall be a minimum five-gallon size. Decorative grasses are to be counted as shrubs. In the case of fractional requirements for the number of shrubs, the number required shall be rounded up to the next whole number.

- (3) Groundcover: Area can be made up of vegetative materials, organic or inorganic mulch, flowerbeds, or other acceptable landscape material. Groundcover must be adequate to ensure that dust cannot blow from the property and that the soil is stabilized to ensure that erosion is kept to a minimum, it must also remain free of noxious weeds as defined as Ouray County Weed Manager.
- (4) Turf: No more than 1,500 square feet or ten percent of the required landscaped area, whichever is less, can be high water turf. High water turf should only be used in areas of high use. Native, non-irrigated grass may be used in area of low use, low visibility areas.
- (5) Species Diversity: To prevent uniformity and insect or disease susceptibility, species diversity is required, and extensive monocultures of trees are prohibited. Species diversity does not apply to existing trees. The following requirements shall be met:

<i>Number of required trees on site</i>	<i>Maximum percentage of any one species</i>
1—5	No diversity
6—19	33%
20 or more	25%

- (6) Irrigation: To ensure best practices for water conservation, all new landscaping shall comply with the following irrigation standards:
 - (a) Irrigation should be limited to between the hours of 6:00 P.M. and 9:00 A.M.
 - (b) All irrigation systems shall be automatic and have moisture sensors installed.
 - (c) Where possible, non-potable irrigation systems should be used to irrigate landscape.
- (7) Screening and Buffering:
 - (a) Screening and landscape buffers soften the less desirable impacts of development and can provide a certain element of safety in commercial areas where significant pedestrian interactions are more likely to occur. Buffers should be constructed to mitigate the view, light pollution (including light trespass and glare), noise, heat, and odor impacts of vehicles, pavement, and higher intensity uses, and other potential negative effects of development.
 - (b) Buffering shall be provided when a non-residential use is adjacent to a residential use. It shall be the responsibility of the non-residential use to provide the adequate buffer from the residential use in a manner consistent with these regulations. The buffer should include a mix of trees, fencing, landscape berms, and other materials appropriate to mitigate visual, audible, and other impact the non-residential use may have on the residences.
 - (c) Mechanical Equipment: Ground mounted or rooftop equipment, shall be screened from public rights-of-way on all sides to its full height. Ground level mechanical equipment shall be screened with landscaping, berms, fences, or architectural walls. Rooftop units shall be screened with materials and colors to match the building.
 - (d) Storage Areas: All open storage areas shall be screened from public rights-of-way and adjacent property by use of landscaping, berms, fencing, or a combination of landscaping and other structural elements to a height of six feet.

- (e) Fencing can be used as a method for screening and buffering, provided the fencing meets the requirements of Section X-X.
- (f) Additional landscape screening above the minimum requirements of this Section may be required when it is determined by the Town Manager, Town Manager's designee, Planning Commission, or Town Council to be in the best interest of the affected properties.
- (8) Sight Triangles: All plant material, walls, fences, berms and/or structures shall not exceed 24 inches in height when located on any corner within a triangular area formed by the curb lines and a line connecting them at points 15 feet from the intersection of the curb lines.
- (9) Existing Plantings: Existing trees, shrubs, and live groundcover that are in good health should be retained and not destroyed during the construction process. The health of the trees shall be determined by the Town Manager or designee. These plants will be counted towards the required landscaping.
- (10) Revegetation: Development activities should only disturb, clear, or grade the area necessary for construction. All areas disturbed by grading or construction, not being formally landscaped, shall be revegetated with native seeding and/or other approved plant materials in a method acceptable to the Town.
- (11) Slopes: Removal of existing vegetation, including ground cover and trees, is strongly discouraged on slopes greater than 30 percent. Development on slopes greater than 15 percent shall maintain the maximum vegetative cover possible to protect soils, prevent land slippage, and retain wildlife habitat and open space resources. A minimum of 50 percent of vegetation on slopes greater than 15 percent shall not be disturbed during development.

(G) Parking Lot Landscape Standards

- (1) Islands or Rain Gardens: A landscape island and/or rain garden shall be provided in parking lots along the ends of the parking rows. Islands for parking lots in residential uses shall be used to separate rows of six or more parking spaces and shall include a minimum of one tree. For nonresidential uses, islands shall be used to separate rows of 12 or more parking spaces and shall include a minimum of two trees. Islands shall be a minimum of six feet wide and as long as the adjacent parking space(s).
- (2) Trees shall be incorporated with parking lot design as to provide parking lot shading.
- (3) Catchment areas: Landscaped or grassed catchments areas and similar designs should be used for managing, controlling and filtering parking lot and site drainage and should be included as part of an overall site drainage plan.

(H) Right-of-Way Landscape Standards

- (1) Street trees: A landscape area shall be established along the public right-of-way for all non-residential uses and shall be a minimum of five feet wide. Such trees shall be placed in the center of the landscape area, not within the site triangle, and 20 feet away from any streetlight. A minimum of one tree per 50 linear feet of right-of-way is required. Street trees shall have a minimum caliper of two and one-half inches for deciduous trees and a six-foot minimum height for evergreens.

(I) Exceptions or Deviations

- (1) Affordable Housing: Landscaping requirements for affordable housing projects may be reduced, based on the determination of the Town Manager or designee. Whenever possible, deviations from these standards for the purpose of preserving affordable housing or deed restricted housing should be identified and provided for in the appropriate document establishing the affordability and/or deed restricted provisions for the projects.

- (2) Non-Residential Uses on Properties Zoned FD: If the proposed use in the FD zone district is intended to be permanent, these landscape standards shall apply. If, however, an existing use is intended to be redeveloped, the Town Manager or designee may waive these requirements until such time the property redevelops. Such decision is the sole discretion of the Town Manager.
- (3) High-Water Turf: High-water turf may be allowed in areas of high-water use such as drainages, swales, or downspout locations.
- (4) Administrative approval for deviations from a required standard: Deviations from the landscape requirements for up to ten percent may be considered for administrative approval by the Town. To request a deviation, a letter explaining the unique situation or hardship preventing the project from meeting the minimum landscape requirements shall be submitted to the Town Clerk and will be at the sole discretion of the Town Manager or designee for approval.

(J) Species List

- (1) Preferred Species: A list of recommended species for use in Colorado is available from the Ouray County Weed Manager and the Colorado State University Extension Service. The lists are not all inclusive but do recommend a variety of plants known to do well in our region of Colorado. In general, plants that are not recognized as hardy or suited to the local climate should be kept to a minimum. Water wise, drought-tolerant plants are to be used whenever possible and appropriate and regionally appropriate species are preferred.
- (2) Prohibited Species.
 - (a) Siberian elm and Chinese elm (*Ulmus*); Cottonwoods that bear cotton (*Populus*); Purple Loosestrife (*Lythrum salicaria*); Russian Olive (*Elaeagnus angustifolia*); and Kentucky Blue Grass (*Poa pratensis*) are prohibited.
 - (b) The Town Manager or designee is authorized to prohibit additional species with similar nuisance properties.

(K) Installation Standards

- (1) Living materials shall be adequately watered and maintained to become established. Once established watering requirements should be minimized.
- (2) Trees should also be installed in such a way that they will not infringe on solar access, views from the adjoining properties, or block a sight distance triangle.
- (3) Easements shall remain clear of all obstacles which may prevent such easement from operating within its intended purpose.
 - (a) Retaining walls are prohibited from being located in any established easement.
 - (b) Trees may only be permitted in utility easements upon written approval of the easement holder.

(L) Maintenance Requirements

- (1) Following completion of the landscaping, the owner or occupant of the property shall maintain it in good condition thereafter. Failure to so maintain the landscaping is unlawful and is hereby declared to create a nuisance.
- (2) Where approved trees, shrubs, or other landscaping materials die or are removed, it shall be the responsibility of the property owner to replace them with materials of a comparable nature and size to those originally approved. This continuing obligation shall continue until the property is redeveloped at which time the redeveloper shall comply with the requirements of this Chapter as they apply to the proposed development at that time.

(M) Enforcement

- (1) Any violation of this Chapter shall be a violation of the Ridgway Municipal Code and shall be enforced pursuant to Chapter 2, Section 4, Administrative Enforcement of the Ridgway Municipal Code.

7-4-8 RESIDENTIAL DESIGN STANDARDS

(A) Legislative Declaration

Ridgway is defined in part by architecture and neighborhoods that vary in age and character. A goal of the Town's Master Plan is to create a well-integrated community that meets the needs of residents of various income levels, ages and stages of family life cycles. One way of achieving this is to encourage a mix of housing types and densities, rather than segregating them into separate districts. In accomplishing this, it is acknowledged that the visual appearance of a property affects more than just the property involved. New and altered structures impact the surrounding neighborhood both in character and property value. These standards have been adopted to encourage a mix of housing types, while helping to ensure that this will not be detrimental to the character of the neighborhoods or to property values in general.

(B) Applicability

- (1) Unless otherwise excepted, the regulations set out in this Section 6-6 shall apply to:
 - (a) Construction of any residential building, including without limitation construction of Single-Family, Duplex, Townhouse, Triplex, Fourplex, Cluster Housing, Co-Housing, Multiple-Family structures, and Accessory Dwelling Units;
 - (b) New residential subdivisions;
 - (c) Major additions or renovations to an existing residential structure;
 - (d) Structures that contain only residential uses that are included as part of a mixed-use development.
- (2) Once subjected to these requirements, all residential development and appurtenant sites shall thereafter be maintained in conformity with these requirements.

(C) Exceptions

These regulations shall not be applicable to manufactured homes, as defined in Subsection X-XX and subject to supplemental standards in subsection X-XX.

(D) Development Standards

- (1) Foundations:
 - (a) The foundation must enclose the space beneath the perimeter of the structure. Foundations may be constructed of masonry or concrete.
 - (b) Perimeter foundations and all supports under the structure must meet the frost depth as required in Section 6-1.
 - (c) All foundations and interior supports shall be poured on undisturbed or compacted soil.
 - (d) All portions of foundations that are above the adjacent finished grade by more than six inches shall be finished using the same siding materials as the dwelling or complementary materials such as stucco, stone or brick. Cosmetically equivalent split faced block or other block with design finish or other materials may be allowed with prior approval of the Town.
 - (e) Unfinished masonry blocks, plywood, other materials or earth backfill that exceeds a grade of two-foot horizontal for each one foot of raise are not permitted.

- (f) Exceptions to the above standards may be allowed where foundations must be stepped to address a slope in the natural grade of the site. However, such deviations to these standards shall be kept to the minimum required to address the specific site condition.
- (2) Exterior Siding:
- (a) Exterior siding shall be made of non-reflective metal or vinyl lap, wood, simulated wood grain products, painted or colored stucco, brick, stone, or any combination of these materials, or other cosmetically equivalent materials with prior approval of the Town.
 - (b) Materials intended to be painted or finished in any manner, such as wood products or stucco, shall not be accepted until painted or finished.
- (3) Roof Structure:
- (a) Provide varied roof forms or roof forms that are compatible with those used on adjacent homes.
 - (b) Sloped roofs must have an overhang at the eaves and gable ends of not less than 12 inches excluding rain gutters measured from the vertical side of the dwelling. This required overhang shall not apply to areas over porches, alcoves and other appendages, which together do not exceed 25 percent of the length of the façade on which they are located. Flatter roofs are permitted only if any equipment on the roof is screened from view from each street on which the lot fronts, and from abutting lots, provided, however, that screening that would interfere with the efficient operation of rooftop solar equipment shall not be required.
 - (c) A-frame designs are not permitted.
 - (d) Mansard roofs are only permitted if the base of the roof is above the second story of the structure.
- (4) Sidewalks: Sidewalks shall be installed in accordance with Town specifications along the adjoining street frontages prior to issuance of a Certificate of Occupancy unless the Town allows execution of a recordable covenant to participate in an assessment district, in cases where immediate construction is not practical.
- (5) Mechanical Equipment:
- (a) Propane storage tanks shall not be placed in the front or street side yard unless placed underground. Propane tank placement must also meet applicable code requirements, which in most cases require that the tank be no less than ten feet from any property line and ten feet from any building.
 - (b) Swamp coolers, AC units, heat pumps and other mechanical equipment shall not be placed in the front yard. When placed in the street side yard, mechanical equipment should be screened from view from the street using landscaping, walls or fences which are complimentary to the building design.
- (6) Street Address Number: Each residence shall display the street address number in a location that is easily visible from the street with each character not less than four inches nor more than eight inches in height.
- (7) A landscaping plan pursuant to RMC X-X, shall be submitted for all new residential plans as required by Subsection X-X.
- (8) Additions to Existing or New Homes: Any additions or exterior remodeling shall respect the architectural character, detailing, lines and proportions of the existing structure. Additions shall be so integrated into the existing structure that they are difficult to identify as being added and shall appear to have been a part of the original design of the structure. A "face lift" on the existing building may be used in accomplishing this result. Attached or detached garages,

carports, patio covers or walls should be designed in the same architectural style as the main structure and be built of similar or compatible materials.

(E) Architectural Standards

- (1) The design of all new residential development and major additions shall meet each of the following architectural design objectives. Corner lots shall meet these objectives on both the front and side street elevations.
 - (a) Provide relief and contrast to the building's front and side street elevations incorporating solids and voids to break up plain wall surfaces.
 - (b) Provide variation of building mass and height, responding to the existing development context and adjacent zoning districts.
 - (c) Garage doors shall not dominate the front elevation.
 - (d) No two detached Single-family dwellings, Duplex dwelling structures, Townhome, Triplex dwelling structures, or Fourplex dwelling structures of substantially similar elevations shall be located adjacent to each other.
- (2) The Town Manager or designee shall promulgate design guidelines to provide assistance in meeting these requirements.

(F) Deviations

- (1) The Planning and Zoning Commission may approve deviations from one or more of the requirements of this Section 6-6 on the basis of finding that:
 - (a) The proposed structure will be compatible and harmonious with structures in the immediate vicinity; and either
 - (b) The proposed architecture or construction standards provide compensating features that meet the intent and objectives of these standards; or
 - (c) The proposed structure(s) support(s) the expansion of workforce housing options within the Town of Ridgway.
- (2) Requests for deviations shall be reviewed pursuant to the procedures of Subsection 7-3-23, subject to the fees set in Subsection 7-3-25.

(G) Enforcement and Administration

- (1) The Town Manager or designee shall be responsible for the interpretation, administration and enforcement of the provisions of these regulations, as amended, and of any decisions entered by the Planning and Zoning Commission, Board of Adjustment or Town Council, pursuant to such section.
- (2) No building permit, occupancy permit, or other permit or license shall be issued, nor shall any other action of approval be taken or allowed by the Town for any property which is not in compliance with the provisions of these regulations and any decision issued pursuant hereto.
- (3) Whenever necessary to make an inspection to enforce any of the provisions of these regulations or any provision of a decision entered, pursuant to this Subsection, or whenever there is reasonable cause to believe that a violation of any provision of these regulations or of any decision issued pursuant to this Subsection exists, the Marshal, Town Manager, or their authorized representative shall have the right to enter upon such building or premises at all reasonable times for purposes of inspection or to perform any other duty imposed by this Subsection. Prior to entry, he shall identify himself and request permission to enter from the occupant or person in charge of the premise if they can be found by reasonable efforts. If entry is refused, he shall have recourse to any remedy provided by law to secure entry.

- (4) The Town may maintain an action in a court of competent jurisdiction to enjoin any violation of these regulations or of the terms of any decision entered pursuant to this Subsection. In the alternative, the Town may issue an administrative citation under Section 2-4.
- (5) It shall be unlawful to violate any of the provisions of these regulations, or the terms of any decision entered pursuant to this Subsection. Any person convicted of such a violation may be punished by a fine of up to \$300.00. Each day any violations continues shall constitute a separate violation.
- (6) Continuing violations of this Subsection, or the terms of any decision issued pursuant to this Subsection, are hereby declared to be a nuisance and may be abated in any lawful manner.
- (7) In addition to the fees contained in this Chapter 6, the applicant shall reimburse the Town for all out-of-pocket costs incurred during the review including legal fees, postage, notice and publishing costs, map costs, engineering fees, etc., together with wages and associated payroll costs for contract employees, plus ten percent to cover overhead and administration. The Town shall bill the applicant periodically as such costs are incurred. Payment is due within 30 days. Bills not paid by the due date shall accrue interest at the rate of one and one-half percent per month or part thereof. No plat shall be recorded, improvement accepted, lien released, building permit issued, tap approved or other final approval action taken until all fees then due are paid to the Town. Such fees may be certified to the County Treasurer for collection as delinquent charges against the property concerned.

Commercial Design Standards

From D-S standards: Structures must be compatible in mass and scale with nearby residences, and similar in architectural features.

Commented [KK56]: Discuss with Town if they want to add Commercial Design Standards. If so, will pull in relevant parts from performance standards within zone districts.

7-4-9 REGULATIONS FOR MANUFACTURED HOMES, TRAVEL HOMES, AND OTHER FACTORY-BUILT HOUSING. [Brought in from Ch. 6, Sec. 3 and Ch. 8, Sec. 1]

(A) Manufactured Home Park Design Requirements.

- (1) Manufactured home parks may be located only where allowed by Town Zoning Regulations, and shall be a minimum of two acres.
- (2) All manufactured home parks shall, as a minimum, comply with the regulations for manufactured home parks issued by the State of Colorado and the requirements of this Section. In the event of any conflict between the State regulations and the requirements of this Section or other ordinances and regulations of the Town, those regulations which are more stringent shall apply.
- (3) Each manufactured home space may have only one manufactured home located on it and shall comply with the dimensional requirements of this Subsection. All spaces shall be adequately identified by a number or letter.
 - (a) Minimum Lot area: 2,500 square feet.
 - (b) Minimum Setbacks:
 - (i) Front: Ten feet.
 - (ii) Rear: Eight feet.
 - (iii) Side on Corner Space: Seven and one-half feet.
 - (iv) Side: Five feet.

Commented [KK57]: Existing language in 6-3 seems best suited for Building so I didn't pull that in. I did pull the below in from 8-1-4. Section 7-4-5(J) should be pulled into this also.

- (c) Accessory structures which are not attached to the manufactured home are not subject to the rear and side yard setbacks, but shall be set back a minimum of two feet.
- (4) The manufactured home park developer shall provide the following improvements:
 - (a) A Town water system to serve each lot, including fire hydrants and fire mains.
 - (b) A sanitary sewer system.
 - (c) Fifty-foot wide streets with a minimum paved width of 30 feet.
 - (d) A storm drainage system.
 - (e) Street signs, streetlights.
 - (f) Concrete valley pans four feet in width, or curbs, gutters and four-foot wide sidewalks shall be installed on each side of each street.
 - (g) A park or playground occupying at least five percent of the area of the manufactured home park to be maintained by the manufactured home park owner.
- (5) Arrangements to provide public utilities, including, if available, gas, electricity, telephone and cable television, shall be made with the utility companies for service to each space.

(B) Travel Home Park Design Requirements

- (1) Size and Location: Travel home parks may be located only where allowed by Town Zoning Regulations and shall be a minimum of two acres in area.
- (2) All travel home parks shall, as a minimum, comply with applicable State of Colorado Regulations for campgrounds and recreation areas and the requirements of this Subsection. In the event of any conflict between State Regulations and the requirements of this Section or other Town ordinances or regulations, those regulations which are more stringent shall apply.
- (3) Dimensional Requirements:
 - (a) All travel homes and any accessory structures shall be at least ten feet from any other travel home and accessory structure.
 - (b) The number of travel homes in the park shall not exceed 25 travel homes per acre.
- (4) Eight percent of the gross area of the travel home park, or 2,500 square feet, whichever is greater, shall be developed and maintained as a park or playground by the park owner.
- (5) The travel home park developer shall provide the following improvements:
 - (a) A water system, including fire hydrants and fire mains.
 - (b) A sanitary sewer system.
 - (c) Paved streets with a minimum paved width as follows:
 - (i) One-way/no parking: 11 feet
 - (ii) One-way/parking on one side: 18 feet;
 - (iii) Two-way/no parking: 24 feet;
 - (iv) Two-way/parking on one side: 27 feet;
 - (v) Two-way/parking on both sides: 34 feet.
 - (d) A storm drainage system.
 - (e) Street signs and security lights.
 - (f) A service building meeting the requirements of applicable State and Town regulations.

- (6) Plans for all improvements shall be submitted with the site plan and shall be approved by the Town prior to the approval of any licenses by the Town Council. All required improvements shall comply with Town design and construction standards and specifications.
- (7) Easements: The Town may require reasonable utility easements to be dedicated to the public for the purpose of public and Town utilities.

(C) Maintenance of Manufactured Homes and Travel Home Parks

- (1) All manufactured home parks and travel home parks shall be maintained in accordance with the requirements of this Section, applicable State of Colorado Department of Public Health and Environment Regulations, and other applicable regulations of the Town or State.
- (2) The Town Manager or designee, shall have the right to enter upon any manufactured home park or travel home park at any reasonable time for the purpose of inspecting the premises to determine compliance with this Section or other applicable ordinances and Town and State regulations.

~~(D)(A)~~ Nonconforming Manufactured Home Parks and Travel Home Parks

- ~~(1) Any manufactured home park or travel home park which at the effective date of this Section, or at the time of annexation, if annexed subsequent to the effective date of this Section, which was lawfully existing and maintained in accordance with previously applicable County or Town regulations and ordinances, but which does not conform or comply with all of the regulations provided for in this Section, may be continued to be maintained and used only in compliance with the provisions and limitations imposed by this Subsection in addition to the limitations of Sections 6-3 and 7-X. Manufactured home parks, or travel home parks which were unlawful or illegal and not in compliance with previously applicable regulations shall remain unlawful and illegal and subject to abatement or other enforcement action. All manufactured home parks and travel home parks shall comply with applicable State regulations immediately.~~
- ~~(2)(1) If the manufactured home park or travel home park is nonconforming with respect to dimensional requirements or other general requirements of the design standards of this Section, the following provisions shall apply:~~
 - ~~(a) If the nonconformity is abandoned, removed or corrected for any length of time, such nonconformity may not be reestablished.~~
 - ~~(b)(a) No alteration may be made which would increase the amount or degree of the non-conforming feature. Changes may be made which would decrease the degree or amount of deviation from the requirements of this Section.~~
 - ~~(c)(a) If any existing manufactured home is removed from a site or space within or without a manufactured home park, no manufactured home may be moved onto such site or space which would have the effect of increasing the degree or amount of the nonconformity with this Section.~~

~~(E)(D)~~ Administration and Enforcement

- (1) The Town Manager or designee shall administer and enforce this Section.
- (2) It shall be unlawful for any person to violate any provision of this Section.
- (3) Any person convicted of a violation of any of the provisions of this Section shall be punished by a fine of not more than \$300.00. Each day during which any violation is committed or permitted to continue shall be considered to constitute a separate offense.
- (4) Any violation of the provisions of this Section is hereby declared to be a nuisance and may be abated in accordance with law.

Commented [KK58]: Relocated to nonconforming section below

Commented [KK59]: This is currently in Code specific to manufactured and travel home parks. CPS considering relocating to general provisions/Enforcement Section and have be for all zoning.

- (5) In addition to any other remedies the Town may have, it may maintain an action in a court of competent jurisdiction to enjoin any violation of or compel compliance with any provision of this Section.
- (6) The Town may refuse to issue any permits required by Town ordinance or grant water or sewer taps if the applicant is in violation of any of the provisions of this Section.

7-4-10. NONCONFORMING USES *[Brought in from Sec. 7-3-20]*

- (A) Any use, building or structure which at the effective date of this Section or at the time of annexation, if annexed subsequent to the effective date of this Section, was lawfully existing and maintained in accordance with the previously applicable County or Town Regulations and Ordinances but which does not conform or comply with all of the regulations provided for in these Zoning Regulations, may continue to be maintained and used as a lawful nonconforming use only in compliance with the provisions and limitations imposed by this Subsection. Uses, structures or buildings which were unlawful or illegal and not in compliance with previously applicable Regulations shall remain unlawful, illegal, and subject to abatement or other enforcement action.
- (B) If a use, building or structure is lawfully nonconforming in that it is not a "Use By Right", or a "Conditional Use" which has been approved pursuant to the review provisions of Subsection X-XX, the following shall apply:
 - (1) If the building, manufactured home or structure involved in the use is removed or if it is destroyed or damaged so that repair, replacement or reconstruction will cost more than 50 percent of the fair market value of the building, manufactured home or structure after repair, it shall no longer be lawful to use the building, manufactured home or premises except in compliance with the Use Regulations for the District within which it is located.
 - (2) If the nonconforming use is abandoned or discontinued for a period of six months, then the premises may only be used in compliance with the Use Regulations for the District within which it is located.
 - (3) The use may be continued only substantially as it existed at the effective date of this Section or of annexation, and no material change in the type of use shall be allowed, unless the Planning Commission determines, following the hearing procedure provided in Subsection X-XX, that the criteria set out in Subsection X-XX will be met, and that the new use is a more restrictive use than the existing nonconforming use. Any change in use allowed pursuant to this provision shall not affect the future status of the use as a nonconforming use for all purposes of this Subsection.
 - (4) The extent or area of the premises utilized for or by the nonconforming use, building or structure, may not be materially extended or enlarged, or substantially structurally altered, unless the Planning Commission determines, following the review procedure of Subsection X-XX, that the criteria set out in Subsection X-XX will be met.
- (C) If the use, building or structure is nonconforming with respect to dimensional requirements, design and performance standards, or other provisions not related to "use", the following provision shall apply:
 - (1) If the nonconformity of the building, use, or structure is abandoned, removed, or corrected, such nonconformity may not be reestablished.
 - (2) If the building, manufactured home or structure is damaged so that the cost of replacing or restoring it is greater than 50 percent of its fair market value after replacement, the building, manufactured home or structure may be repaired or replaced only in compliance with these Zoning Regulations.

- (3) If the building or structure is damaged in such a way as to remove the nonconformity, the nonconforming feature may not be reestablished by any repair or reconstruction, unless it is unfeasible to repair the building without reestablishing the nonconforming feature.
- (4) No alteration may be made to the use, building, or structure which would increase the amount or degree of the nonconforming feature. Changes in the use, building, or structure may be made which will decrease the degree or amount of deviation from the requirements of this Section.

(D) This Subsection shall not apply to signs. Nonconforming signs shall be governed by the provisions of Subsection X-XX.

(E) Nonconforming Manufactured Home Parks and Travel Home Parks

Commented [KK60]: Relocated from manufactured home parks and travel home parks.

- (1) Any manufactured home park or travel home park which at the effective date of this Section, or at the time of annexation, if annexed subsequent to the effective date of this Section, which was lawfully existing and maintained in accordance with previously applicable County or Town regulations and ordinances, but which does not conform or comply with all of the regulations provided for in this Section, may be continued to be maintained and used only in compliance with the provisions and limitations imposed by this Subsection in addition to the limitations of Sections 6-3 and 7-X. Manufactured home parks, or travel home parks which were unlawful or illegal and not in compliance with previously applicable regulations shall remain unlawful and illegal and subject to abatement or other enforcement action. All manufactured home parks and travel home parks shall comply with applicable State regulations immediately.
- (2) If the manufactured home park or travel home park is nonconforming with respect to dimensional requirements or other general requirements of the design standards of this Section, the following provisions shall apply:
 - (a) If the nonconformity is abandoned, removed or corrected for any length of time, such nonconformity may not be reestablished.
 - (b) No alteration may be made which would increase the amount or degree of the nonconforming feature. Changes may be made which would decrease the degree or amount of deviation from the requirements of this Section.
 - (c) If any existing manufactured home is removed from a site or space within or without a manufactured home park, no manufactured home may be moved onto such site or space which would have the effect of increasing the degree or amount of the nonconformity with this Section.

(E) Manufactured Homes and Factory-Built Housing:

- (1) Notwithstanding the foregoing provisions of this Section, a lawful nonconforming manufactured home owned and occupied by the owner of the land upon which it sits may be replaced by another manufactured home to be owned and occupied by said owner if the Planning Commission determines following the review procedure of Section 7-3-23 that the criteria set out in Section 7-3-19 will be met, and that the replacement manufactured home will comply with all other applicable Town regulations including the provisions of Chapter 6-3.
- (2) Notwithstanding any of the foregoing provisions of this Subsection 7-3-20 any Factory-Built Housing, which is nonconforming as to restrictions on use or design and performance standards, which for a period of six months is either unoccupied or does not have any authorized use of Town supplied water occur on the premises, shall be removed from the premises unless the structure has previously been issued a permit pursuant to Subsection 6-3 and it is erected on a permanent foundation complying with the requirements of the Town Building Code.

Chapter 7: Land ~~Development~~Use Regulations

SECTION 5 – SUBDIVISION REGULATIONS

7-5-1. GENERAL PROVISIONS.

- (A) These Regulations shall be known and may be cited as the Town's "Subdivision Regulations".
- (B) These Regulations shall apply within the corporate limits of the Town.
- (C) The purposes of these Regulations are to:
- (1) Promote and protect the public health, safety and welfare.
 - (2) To ~~insure~~ensure that new development bears its fair share of the cost of providing improvements and services resulting from the development of subdivisions.
 - (3) To set forth uniform procedures and standards for the handling of subdivisions.
 - (4) To ~~insure~~ensure adequate and safe public services such as water, sewer, fire protection, streets and storm drainage.
 - (5) To ensure compatibility, and implement the Town's Master Plan and ~~Development Regulations~~Land Use Regulations.
 - (6) To encourage development which limits hazards due to erosion, flood, soil conditions, and excessive slopes.
 - (7) To obtain land for parks, schools, affordable housing, and other public purposes.
 - (8) To protect the quality of the water, air and environment.
 - (9) To encourage energy conservation, use of solar energy, clustered development, and infilling.
 - (10) To encourage development which will not adversely affect adjacent property, or historical or recreational values.
 - (11) To discourage development inconsistent with existing services and infrastructures.
 - (12) To provide for safe and efficient flow of pedestrians, bicycles, and vehicles.
- (D) These Regulations shall not create any liability on the part of the Town or any officer or employee thereof arising from reliance upon these regulations or any administrative act or failure to act pursuant to these regulations.

(E) Interpretation

- (1) In interpreting and applying provisions of these Subdivision Regulations they shall be regarded as a minimum required for the protection of the public health, safety and welfare. They shall be liberally construed to further the purposes specified in Subsection X-XX above.
- (2) Whenever a provision of these Regulations and any other provision found in another Town ordinance or applicable law contains any restrictions or regulations covering the same subject matter, the restriction or regulation which is more restrictive or imposes a higher standard or requirement shall govern.

(F) Enforcement

- (1) Whoever, being the owner or agent of the owner of any land located within a subdivision transfers or sells, agrees to sell, or negotiates to sell any land by reference to or exhibition of, or by use of a plat of a subdivision before such plat has been approved by the Planning

Commission and recorded or filed in the office of the Ouray County Clerk and Recorder, shall pay a penalty of \$100.00 to the Town of Ridgway for each lot or parcel so transferred or sold, or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties, or from the remedies provided in this Subsection. The Town may enjoin such transfer or sale or agreement by action for injunction brought in any court of competent jurisdiction and may recover the penalty by civil action in any court of competent jurisdiction.

Commented [KK1]: CPS recommends removing the dollar amount and moving to an overall "enforcement" section.

- (2) It shall be unlawful to erect, construct, reconstruct, use, or alter any building or structure, or to use any land in violation of any of these Subdivision Regulations or to otherwise violate any provision of these Subdivision Regulations or any provision of a Subdivision Improvements Agreement approved pursuant to these Regulations. Any person convicted of such a violation may be sentenced to a term of imprisonment not to exceed 90 days, or fined an amount not to exceed \$300.00, or be sentenced to both such fine and imprisonment; provided, however, no person under the age of 18 years shall be subject to any term of imprisonment, except for contempt of court. A separate offense shall be deemed committed during each day during which any violation continues.
- (3) No septic tank permit, building permit or occupancy permit shall be issued for the development of property with respect to which a violation of these Subdivision Regulations or a Subdivision Improvements Agreement approved pursuant to these Regulations has occurred until the violation has been remedied satisfactorily to the Town.
- (4) The Town may bring an action in a court of competent jurisdiction to enjoin or abate any violation of these Subdivision Regulations or of a Subdivision Improvements Agreement entered into pursuant to these Subdivision Regulations.

7-5-2 SUBDIVISION APPLICATIONS AND REVIEW PROCEDURES

This Section outlines the review procedures that are common to all applications regulated within Section 5, Subdivision Regulations, unless otherwise stated in these Land Development Regulations. Table XXX identifies the various application types and associated review procedures regulated by this article. The submittal requirements, review procedures, and approval criteria for each application type are laid out in subsequent sections of this article as identified in Table XXX. All documents and materials identified in this Section, and the particular application type section shall be required.

(A) Table XXX – Subdivision Application Types and Processes

Table XXX, Subdivision Application Types and Processes

	Pre-Application Meeting (\$X.XX)	Completeness Review (\$X.XX)	Referrals (\$X.XX)	Notice of Hearing (\$X.XX)	Town Manager or designee	Planning Commission (\$X.XX)	Town Council (\$X.XX)
R=Required; O=Optional; PH=Required Public Hearing; Rec=Recommendation; D=Decision							
Minor Subdivision Plat (§7-5-XX)	R	R	R	R Posting	Rec	R PH / Rec	R PH / D
Major Subdivision (Section 7-5-XX)							
Sketch Plan (§7-5-XX)	R	R	R	R Posting		R PH / D	

Preliminary Plat (§7-5-XX)	R	R	R	R Posting	Rec	R PH / Rec	R PH / D
Final Plat (§7-5-XX)	O	R	R	R Posting	Rec	R PH / Rec	R PH / D
Resubdivisions							
Plat Amendments (§7-5-XX)	R	R	R	R Posting	Rec	R PH / Rec	R PH / D
Lot Splits (§7-5-XX)	R	R	R	R Posting	Rec	R PH / Rec	R PH / D
Boundary or Lot Line Adjustment (§7-5-XX)	O	R	R	R Posting	Rec	R PH / D	
Townhome (§7-5-XX)	O	R	R	R Posting	Rec	R PH / D	
Building Footprint (§7-5-XX)	O	R	R	R Posting	Rec	R PH / D	
Condominium (§7-5-XX)	O	R	R	R Posting	Rec	R PH / D	
Exempt Division of Land (§7-5-XX)	O	R	R	R Posting	Rec	R PH / D	
Lot Consolidation (§7-5-XX)	O	R	R	R Posting	Rec	R PH / D	
Replat (§7-5-XX)	O	R	R	R Posting	Rec		R PH / D
Right-of-Way Vacation (§7-5-XX)	O	R	R	R Posting	Rec		R PH / D

Commented [KK2]: Need confirmation on final decision maker for resubdivision application types. CPS awaiting direction from Town attorney.

(B) General Application Review Procedures

The following procedures shall apply to all classifications of development applications which are required under this Chapter.

(1) Pre-Application Meeting.

If the applicant or Town Manager or designee, requests a pre-application meeting, [or it is required as stated in the table above](#), the following process shall be followed:

- Prior to the formal submission of the application, the applicant shall contact the Town Manager or designee to schedule and request an informal pre-application meeting. Following receipt of a request, the pre-application meeting should be set for a date within

~~ten-thirty (1030)~~ days of the date of the applicant's request. The Town Manager or designee shall advise the applicant of the date and time of the pre-application meeting.

- (b) The applicant shall be prepared to discuss the proposed application with the Town Manager or designee. The applicant is encouraged to present such plats, plans, diagrams, or other preliminary information sufficient to permit the conceptual review of the proposed application.
- (c) The purpose of the pre-application meeting is to assist the applicant in understanding the town's application review processes and to permit the Town Manager or designee to determine the applicable process(es) and regulations for the proposed application.

(2) Application Submittal Requirements.

All of the following information and materials shall be submitted to the Town of Ridgway in a form acceptable to the Town Manager or designee. Additional information and materials required to be submitted for specific application types identified in Table XXX are specified in subsequent sections of this Section and shall also be submitted in order to receive a determination of completeness.

(a) Basic Application Materials.

The following materials are required for all applications regulated by Chapter 7, Section ~~6X~~, Subdivision Regulations, unless waived by the Town Manager or designee.

- (i) Application Form. An application form for the request shall be obtained from the Town of Ridgway. Completed application forms and accompanying materials shall be submitted to the Town by the owner or applicant.
 - a. Authorized Agent. If the applicant is not the owner of the land based on Ouray County Assessor records, the applicant shall submit a letter signed by the owner consenting to the submission of the application.
 - b. Applicant is Not the Sole Owner. If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by all owners or an association representing all the owners, by which all owners consent to or join in the application.
- (ii) Fees. All application fees shall be in compliance with Section 7-1-6, Fees and Costs.
- (iii) Proof of Ownership. Proof of Ownership in the form of a copy of the property deed or a title commitment which has been issued within sixty (60) days of the application submittal along with copies of all documents listed in the exceptions.
- (iv) Legal Description. Legal description of the property subject to the development application.
- (v) Mineral Interest Owners. List of all mineral interest owners with interests severed from the subject property.
- (vi) Vicinity Map. A map locating the project limits, parcel(s), and property within Ridgway. The vicinity map shall clearly show the boundaries of the subject property and all property within a three-mile radius of the subject property.
- (vii) General Written Narrative. A general written narrative identifying the development team, existing conditions of the property, proposed uses, density, lot layout, end users, financing, public dedications (including rights-of-way, parks, open space, infrastructure), and describing the purpose of the project, how the request meets the applicable approval criteria, furthers the goals and objectives specified in the

Master Plan, and identifying any potential impacts on adjacent properties and public infrastructure and how those impacts are proposed to be mitigated.

(3) Completeness Review.

When a completeness determination is required pursuant to Table X-X.X, the following shall apply:

- (a) Within ~~ten-fourteen~~ (140) days following receipt of an application, the Town Manager or designee shall administratively review the application and determine whether it includes all the application content requirements of the Ridgway Municipal Code for the requested application type.
- (b) All plans, reports, maps and other information required for the application must be complete and legible. A failure of the application to meet the requirements of the zoning regulations and this Ridgway Municipal Code may delay the processing of the application until the application is sufficient and complete.
- (c) When the Town Manager or designee determines that the application is complete as submitted, the Town Manager or designee shall schedule the application for review in accordance with the provisions set forth in this Section ~~X5~~ Subdivision Regulations.
- (d) In the event the Town Manager or designee determines that the application is incomplete, the Town Manager or designee shall inform the applicant in writing of the deficiencies in the application. No further processing of the incomplete application shall be undertaken until the Town Manager or designee determines that the applicant has remedied the application's deficiencies.

(4) Referral Agencies.

In accordance with Table X-X.X, applications shall be referred to any of the below referral agencies the Town Manager or designee determines is necessary to the complete and comprehensive review of the request. Referral of applications to other agencies shall be for a ~~minimum~~ time frame of ~~twenty-one~~ (421) days. However, the time frame for review and comment may be extended if the application presents technical issues which require additional review, additional information is provided by the applicant, or the application is modified. Referral agencies include, but are not limited to, the following:

- (a) Bureau of Land Management (BLM)
- (b) Colorado Department of Transportation (CDOT)
- (c) Colorado Division of Reclamation, Mining & Safety
- (d) Colorado Division of Water Resources
- (e) Colorado Parks and Wildlife
- (f) Colorado State Forest Service
- (g) Ditch companies
- (h) Fire Protection District(s) or department(s)
- (i) Ouray County Departments (Assessor, Clerk & Recorder, Attorney, Health Department, Building Department, Road & Bridge, Sheriff Office, etc.) as appropriate
- (j) Town of Ridgway Departments (Town Clerk, Town Attorney, Engineering Department, Building Department, Public Works Department, Police Department, etc.) as appropriate
- (k) Water Conservation District(s)

- (l) San Miguel Power Authority
- (m) School district(s)
- (n) Soil Conservation District
- (o) Utility service providers and districts
- (p) US Army Corp of Engineers
- (q) US Environmental Protection Agency (EPA)
- (r) US Forest Service

~~(s)~~ Xcel Energy / Public Service of Colorado

~~(t)~~(s) Any other entity or agency deemed necessary by the Town Manager or designee

(5) Staff Report.

The Town Manager or designee shall review the application to determine if the proposal satisfies the applicable standards. The Town Manager or designee shall prepare a staff report discussing whether the applicable standards of the Ridgway Municipal Code have been satisfied. The staff report should identify issues raised through staff and referral agency review, potential mitigation requirements, any recommended conditions for approval, and any additional information pertinent to the review of the application.

(6) Notice Requirements.

All public notices of hearings required by these Subdivision Regulations shall include the date, time, place, and purpose of the hearing, a general description of the property affected, and any other information deemed appropriate to apprise the public of the general nature of the action proposed. Errors or inaccuracies in the notice shall not be deemed sufficient cause to postpone or invalidate a hearing except where such errors are substantive in material and are found to have reasonably mislead or misinformed the public.

(a) Notice by Posting

When notice by posting is required for a public hearing by Table X-X.X, notice of the hearing shall be posted at Town Hall ten (10) days before the hearing and posted, visible from each street frontage abutting the property, for at least ten (10) days prior to the hearing in addition to any other notice required by Town regulations.

- (i) Mineral Estates Notice. Per 24-65.5-103, C.R.S. if the surface estate and mineral estate are severed, the owners of severed mineral estates shall be entitled to notification of not less than thirty (30) days before the date scheduled for the public hearing for the application. A copy of the notice shall be given to the Town along with the applicant's certification of compliance with said notification requirements. Provided this notice is not required if notice was previously sent and such certification previously provided with respect to the same surface development, or the application is only platting an additional single lot, unless a mineral estate owner has requested notice pursuant to 24-6-402(7), C.R.S.

(7) Public Hearings.

When an application requires a public hearing before the Planning Commission or the Town Council, in accordance with Table X-X.X, the following shall apply:

- (a) The Town shall set the date and time of a public hearing. Notice of the public hearing shall be issued in accordance with Table X-X.X and Section XXX.XX, Notice Requirements.

- (b) At the public hearing, the reviewing body shall review the application for conformance with the applicable review standards and approval criteria for the request.
 - (c) Any public hearing or other action of the body may be continued or postponed at any time to a specified date and time in order to permit preparation of additional information for further review by the reviewing body.
 - (d) When required, the Planning Commission recommendation shall be forwarded to the Town Council. Following a public hearing, the Town Council shall approve, approve with conditions, or deny the application or continue the matter to a date certain.
 - (e) The applicant shall bear the burden of presenting sufficient competent evidence at the public hearing to support the standards for approval set forth by this Ridgway Municipal Code [and other governing documents](#). Any decision by the reviewing body to recommend, or to act to, approve, conditionally approve, or deny an application shall be based upon a consideration of all evidence presented during the public hearing. Where evidence presented is contradictory, the reviewing body shall weigh such evidence and judge the credibility and sufficiency of the evidence prior to rendering a decision.
- (8) Post Approval.
- (a) Review. Prior to recording of the approved documents, the applicant shall submit all final documents reflecting any conditions of approval to the Town Manager or designee for final review and acknowledgement.
 - (b) Recording. Any documents required to be recorded with the Ouray County Clerk and Recorder shall be fully executed by the applicant and filed for execution by the town and recorded. Recording of all documents shall be completed within a reasonable period of time from the date of approval by the approving body.
 - (c) Approval of Subdivision Improvement Agreement. A final plat shall not be filed for recording until the Board has approved an Improvement Agreement pursuant to this article.
 - (d) Effective Upon Recording. A plat does not become effective until it is properly filed for recording with the Ouray County Clerk and Recorder.
 - (e) Public Sale of Lots. A division of land becomes complete and eligible for public sale of lots and development only after the [final](#) plat and associated approved documents have been properly recorded with the Ouray County Clerk and Recorder.

(C) Major Subdivision

(1) General Provisions.

Division of land applications which are defined as a major subdivision in Chapter 7-X-X, Definitions, shall be reviewed in compliance with the provisions of this Section X.XX(2), Review Procedures. Major subdivisions require three separate stages of approval:

- (a) Sketch Plan Review. The process for sketch plan review is set forth in Section X.XX, Sketch Plan Review.
- (b) Preliminary Plat. The process for preliminary plat review is set forth in Section X-XX, Preliminary Plat Review.
- (c) Final Plat. The process for final plat review is set forth in Section X-XX, Final Plat Review.

(2) Review Procedures

- (a) Sketch plan Review. The sketch plan review process is intended to review at a conceptual level the feasibility and design characteristics of the proposed subdivision based on the

applicable standards set forth in this Section 5, Subdivision Regulations, and Section 4, Zoning Regulations. The sketch plan review process is set forth in Section X-XX, Sketch Plan Review, and requires the following:

- (i) Review Flowchart. Figure X, Sketch Plan Flowchart, depicts the sketch plan application review process described in greater detail in this section.

Figure X, Sketch Plan Flowchart

[Insert Flowchart]

- (ii) Pre-Application Meeting. A pre-application meeting may be held in accordance with the provisions set forth in Section X-XX, Pre-Application Meeting.
- (iii) Application Submittal Requirements. The following are the application materials required to be submitted for a sketch plan request. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.
 - a. Basic Application Materials. All materials set forth in Section X-XX, Basic Application Materials.
 - b. Sketch Plan. The applicant shall submit a copy of the sketch plan map at a size and scale legible and suitable for non-technical review of the proposal. The sketch plan map shall include the following information and supplemental materials. The Town Manager or designee may require, or the applicant may wish to submit, a more detailed version of all or part of the sketch plan map.
 - 1) A title clearly identifying the plat as a "Sketch Plan";
 - 2) Standard certificate blocks as provided by the town;
 - 3) Legal description of the property;
 - 4) North arrow, scale, and legend;
 - 5) A vicinity map at a suitable scale;
 - 6) Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range;
 - 7) Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development and storm drainage;
 - 8) Significant on-site features including: natural and artificial drainage ways, streams, ponds, waterways, wetland areas, irrigation ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development;
 - 9) Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks, and paths and their dimensions;
 - 10) Existing and proposed roads, railroad tracks, irrigation ditches, fences and utility lines on or adjacent to the parcel and their dimensions;

- 11) Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the property and their dimensions; and
- 12) Schematic and narrative representation of the proposed land use(s) including:
 - a) Existing and proposed zoning of land to be subdivided;
 - b) Total proposed subdivision area in acres and a percentage breakdown of areas devoted to specific land uses, with acreage and square footage, (e.g. percentage and area of residential development and/or nonresidential development; percentage and area of open space; percentage and area of parking and driveways, and so forth);
 - c) Approximate lot sizes;
 - d) Total number, size, general location, and type of proposed dwelling units;
 - e) Location, size, and use of major improvements;
 - f) Total number of square feet of proposed nonresidential floor space;
 - g) Off-street parking areas and anticipated number of spaces;
 - h) Recreation areas and open space;
 - i) School sites;
 - j) Approximate location of wastewater treatment system, including location and size of leach field, service lines, and treatment facilities to serve the proposed use;
 - k) Source and capacity of the water supply, including approximate location and size of well(s) and/or water lines to serve the proposed use;
 - l) Location and size of existing and proposed utilities and service facilities; and
- 13) Current and proposed grading and drainage patterns including:
 - a) Drainage arrows depicting surface flow;
 - b) Drainage facilities and improvements; and
 - c) A grading plan depicting existing and proposed site contours at two-foot intervals.
- c. Land Suitability Analysis. The land suitability analysis is a written analysis of conditions on-site and off-site which have an influence on the proposed use of the land. The land suitability analysis shall include the following information:
 - 1) A description of site features such as streams, areas subject to flooding, lakes, high ground water areas, vegetative cover, climatology, and other significant natural and man-made features;
 - 2) A description of the existing drainages and impoundments, natural and manmade;
 - 3) A description of soil characteristics of the site;
 - 4) A description of the geologic characteristics of the area including any potential natural or man-made hazards;
 - 5) A description of the topography and the slope determination;

- 6) A description of the source of water supply, the existing and future domestic and agricultural requirements, and the capacity of the source of water supply to meet existing and future requirements. The description shall include detail of historic irrigation, tailwater issues, and water demands;
 - 7) A description of the relationship of the subject parcel to floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal, the slope of the land, the effect of sewage effluents, and the pollution of surface runoff, stream flow and groundwater;
 - 8) A description of the Floodplain and Flood Fringe designations affecting the subject property;
 - 9) A description of the existing environmental conditions:
 - a) Existing flora and fauna habitat, wetlands, migration routes;
 - b) Significant archaeological, cultural, paleontological, and historic resource areas; and
 - c) Potential radiation hazard that may have been identified by the state or the Ouray County Public Health Department.
 - 10) A description of the existing and historic use of adjacent property and neighboring properties within a 300' radius;
 - 11) A description of all easements defining, limiting or allowing use types and access;
 - 12) Access:
 - a) A description of historic public access to or through the site; and
 - b) A description of access to adjoining roads and sight distance and intersection constraints.
 - d. Conceptual Landscape Plan. The landscape plan shall comply with all requirements in Section 7-4-7, Landscape Regulations.
 - e. Supplemental Materials. The following items are required to be submitted to the Town of Ridgway:
 - 1) Conceptual drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed.
 - 2) Conceptual traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.
 - 3) Proof of minimum guaranteed water supply appropriate for the requested use.
 - a. Additional Requirements
 - f. Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.
- (iv) Completeness Review.
- The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section X.XX, Completeness Review.

(v) Evaluation by Staff and Review Agencies.

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section X.XX, Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.

(vi) Staff Report.

A staff report shall be prepared and provided to the reviewing body in accordance with Section X.XX, Staff Report.

(vii) Review and Action by the Planning Commission.

The Planning Commission shall review the sketch plan application in a manner consistent with Table XXX to evaluate compliance with applicable standards. The final decision to approve, approve with conditions, or deny a conditional use permit shall be made by the Planning Commission in a manner consistent with Table XXX and be based upon the criteria set forth in Section XXX, Approval Criteria.

- a. The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to making a final decision.

(b) Preliminary Plat Review. The preliminary plat review process will consider the feasibility and design characteristics of the proposed subdivision based on the applicable standards set forth in Article 7-5-XX, Design Standards. The preliminary plat process will also evaluate preliminary engineering documents.

(i) Review Flowchart. Figure X, Preliminary Plat Flowchart, depicts the preliminary plat application review process described in greater detail in this section.

Figure X, Preliminary Plat Flowchart

[Insert Flowchart]

(ii) Pre-Application Meeting. A pre-application meeting may be held in accordance with the provisions set forth in Section X-XX, Pre-Application Meeting.

(iii) Application Submittal Requirements. The following are the application materials required to be submitted for a preliminary plat request. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- a. Basic Application Materials. All materials set forth in Section X-XX, Basic Application Materials.
- b. Preliminary Subdivision Plat. The preliminary subdivision plat shall contain the following information submitted to the Town of Ridgway on 24" x 36" sheets at a scale suitable for technical review of the application.
 - a. A title clearly identifying the plat as a "Preliminary Subdivision Plat";
 - b. Standard certificate blocks as provided by the town;
 - c. Legal description of the property;
 - d. North arrow, scale, and legend;
 - e. A vicinity map at a suitable scale;

- f. The name and address of the owner(s) of record of the land being platted and the same information for the applicant(s), if other than the owners;
- g. The name, address, and seal of the certifying registered land surveyor and the other individuals preparing the preliminary plat;
- h. The township, range, section and quarter section(s);
- i. Location and full description of all monuments as required by this article and by Title 38, Article 51, C.R.S.:
 - a) Permanent monuments shall be set on the external boundary of the subdivision pursuant to §38- 51-101, C.R.S. and
 - b) Block and lot monuments shall be set pursuant to §38-51-101, C.R.S.
- j. Information adequate to locate all monuments shall be noted on the plat;
- k. The location, layout, dimensions, areas, and uses of all lots and blocks numbered consecutive.
- l. The location, layout, dimensions, areas and uses of all outlots and tracts labeled consecutively by letters and include a table identifying ownership and maintenance responsibilities.
- m. Site data in chart form presenting:
 - a) Total area of the proposed subdivision; total area of the developed buildings, driveways and parking areas; total area of non-residential floor space;
 - b) Total number of proposed lots; breakdown of the lot total by number of lots per use (i.e. residential use, business or commercial and industrial use, and other public and nonpublic uses);
 - c) Total number of proposed off-street parking spaces;
 - d) Total number of dwelling units; total number of dwelling units per structure proposed; and
 - e) Total gross density proposed.
- n. Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range;
- o. Topography at the following minimum contour intervals:
 - a) Subdivision with one or more lots less than two (2) acres in size, topography shown at two (2) foot contour intervals.
 - b) Subdivision with all lots two (2) acres or greater in size, topography shown at five (5) foot contour intervals.
 - c) Areas having slopes thirty (30) percent or more, or other significant topographic conditions, topography shown at five (5) foot contour intervals.
- p. Significant on-site features including: natural and artificial drainage ways, streams, ponds, waterways, wetland areas, irrigation ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological

- and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development;
- q. Known, identified or designated one hundred (100) year flood plains and localized areas subject to periodic flooding. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown;
 - r. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks, and paths and their dimensions;
 - s. Public Access to the site, and internal circulation. Location, dimension, alignment and names of all existing and proposed streets, drives, alleys and roads on or adjoining the property. The general location and right-of-way width for all arterials and collectors shall be shown;
 - t. The location of any preliminary engineering for any existing or proposed wastewater systems, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants along with the width and depth of pavement or subgrading to be provided, the depth of burial of all underground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks;
 - u. Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the property and their dimensions; and
 - v. The location, use and gross square footage of proposed structures within the subdivision;
 - a) Anticipated number of employees for proposed commercial or industrial uses.
 - w. Building envelopes in hazardous areas to protect trees and other natural resources, if deemed appropriate by planning staff;
 - x. Location and layout of lots and blocks, with lots and blocks numbered consecutively, and the dimensions and acreage of each lot;
 - y. Areas for landscaping, and delineation of the type and extent of vegetative cover on the site;
 - z. Zoning districts on the site and any zoning changes to be requested;
 - aa. Existing land uses and zoning on adjoining properties;
 - bb. Public or private sources of utility services and facilities; and
 - cc. Location and dimension of land to be held in common, open space devoted to community use, and land to be dedicated to town.
 - c. Preliminary Landscape Plan. The landscape plan shall comply with all requirements in Section 7-4-7, Landscape Regulations.
 - d. Land Suitability Analysis. If updates, amendments, or modifications are needed pursuant on the review and approval of a sketch plan, an updated land suitability analysis may be required. The components which shall be included in such an analysis are set forth in Section X-XX, Land Suitability Analysis.
 - e. Final Construction Documents, Reports and PlansStudies. The following items are required to be submitted to the Town of Ridgway:

Commented [KK3]: Need to obtain list of submittal requirements for Final Construction Documents and insert here.

- 1) Preliminary plan and profile design of all proposed streets, sidewalks, trails, walkways, and bikeways; Conceptual traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.
 - 2) Preliminary plan and profile design of all surface drainage and storm sewer conveyance facilities including, but not limited to, inlet locations, size and location of pipes, retention or detention facilities, and required water quality and erosion control measures;
 - 3) Preliminary engineering design of any bridges, culverts, or other drainage structures to be constructed;
 - 4) Mitigation of any geologic hazard(s) impacting the project site;
 - 5) Preliminary plan and profile design of all wastewater collection and water supply and distribution system improvements necessary; and
 - 6) Preliminary cost estimates for all public improvements.
- f. Land located within the Uncompahgre River Overlay District. For all parcels located in the Uncompahgre River Overlay District, excluding subdivisions of existing structures that do not include any additional site development, an Ecological Characterization Study completed by a professional qualified in the areas of ecology, wildlife biology or other relevant discipline. The ecological characterization study shall describe, without limitation, the following:
- 1) The boundary of wetlands and riparian areas and a description of the ecological functions and characteristics provided by those wetlands and riparian areas;
 - 2) The pattern, species and location of any significant native trees and other native site vegetation;
 - 3) The pattern, species and location of any significant non-native trees and non-native site vegetation that contribute to the site's ecological, shade, canopy, aesthetic and cooling value;
 - 4) The top of bank and High-Water Mark of any perennial stream or body of water on the site;
 - 5) The wildlife use of the area showing the species of wildlife using the area, the times or seasons that the area is used by those species and the "value" (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species;
 - 6) Special habitat features;
 - 7) Wildlife movement corridors;
 - 8) The general ecological functions provided by the site and its features;
 - 9) Any issues regarding the timing of development-related activities stemming from the ecological character of the area;
 - 10) Any measures needed to mitigate the projected adverse impacts of the development project on natural habitats and features along the Uncompahgre River corridor; and

11) Twenty-five-foot and 75-foot development setback area from the High-Water Mark.

g. Supplemental Materials.

- 1) Draft improvement agreement meeting all standards and requirements set forth in Section X.XX, Subdivision Improvements Agreement.
- 2) Preliminary drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed.
- 3) Preliminary traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.
- 4) Draft covenants, restrictions, and by-laws, if applicable.
- 5) Proof of minimum guaranteed water supply appropriate for the requested use.

h. Additional Requirements.

Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.

(iv) Completeness Review.

The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section X.XX, Completeness Review.

(v) Evaluation by Staff and Review Agencies.

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section X.XX, Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.

(vi) Staff Report.

A staff report shall be prepared and provided to the reviewing body in accordance with Section X.XX, Staff Report.

(vii) Review and Recommendation by Planning Commission. The Planning Commission shall review the preliminary plat application in a manner consistent with Table X-XX to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission shall provide a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the review criteria set forth in Section X.XX, Approval Criteria.

- a. The Planning Commission may, in its sole discretion, continue or postpone the meeting to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to making a final decision.

(viii) Review and Action by Town Council. The final decision to approve, approve with conditions, or deny a Preliminary Plat shall be made by the Town Council in a manner consistent with Table X-XX based upon the review criteria set forth in Section X-XX, Approval Criteria.

- a. The Town Council may, in its sole discretion, continue or postpone the meeting to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to making a final decision.

(c) Construction of Public Improvements

i. Final Engineering Reports and Plans. The following items are required to be submitted to the Town of Ridgway:

- a) Final plan and profile design of all proposed streets, sidewalks, trails, walkways, and bikeways;
- b) Final plan and profile design of all surface drainage and storm sewer conveyance facilities including, but not limited to, inlet locations, size and location of pipes, retention or detention facilities, and required water quality and erosion control measures;
- c) Final engineering design of any bridges, culverts, or other drainage structures to be constructed;
- d) Mitigation of any geologic hazard(s) impacting the project site;
- e) Final plan and profile design of all wastewater collection and water supply and distribution system improvements necessary; and
- f) Final cost estimates for all public improvements.

Commented [KK4]: Need to add language here referring to construction standards, identify a pre-construction meeting, state required inspections, expand on SIA items and requirements.

(e)(d) Final Plat Review. Unless otherwise provided by this Ridgway Municipal Code, the applicant must receive preliminary plat approval before beginning the final plat process. The final plat review process will evaluate the final plat to be recorded, final engineering documents, reports, and studies.

Commented [KK5]: Need to expand on what exactly shall be completed prior to a final plat application (construction, etc.)

- (i) Review Flowchart. Figure X, Final Plat Flowchart, depicts the final plat application review process described in greater detail in this section.

Figure X, Final Plat Flowchart

[Insert Flowchart]

- (ii) Pre-Application Meeting. A pre-application meeting may be held in accordance with the provisions set forth in Section X-XX, Pre-Application Meeting.
- (iii) Application Submittal Requirements. The following are the application materials required to be submitted for a final plat request. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

Commented [KK6]: Need to update based on what Town historically has taken in here since a lot of this will get relocated to the preliminary plat application submittal requirements.

ii. Basic Application Materials. All materials set forth in Section X-XX, Basic Application Materials.

Commented [TD7R6]: The final plat should be a simple document that only have property lines and no fluff on it. It is the recorded document.

iii. Final Subdivision Plat. The final subdivision plat shall contain the following information submitted to the Town of Ridgway, in a format prescribed by the Town. The final plat shall be prepared in a clear and legible manner measuring 24" x 36" with clear margins of two (2) inches on the left-hand side and one-half(1/2) inch on the remaining sides at a scale suitable for technical review of the application.

- 1) A title clearly identifying the plat as a "Final Subdivision Plat";
- 2) Legal description of the property;

- 3) North arrow, scale, and legend;
- 4) A vicinity map at a suitable scale;
- 5) Scaled at one (1) inch to two-hundred (200) feet;
- 6) The name and address of the owner(s) of record of the land being platted and the same information for the applicant(s), if other than the owners;
- 7) The name, address, and seal of the certifying registered land surveyor and the other individuals preparing the final plat;
- 8) The township, range, section and quarter section(s);
- 9) Location and full description of all monuments as required by this article and by Title 38, Article 51, C.R.S.:
 - a) Permanent monuments shall be set on the external boundary of the subdivision pursuant to §38- 51-101, C.R.S. and
 - b) Block and lot monuments shall be set pursuant to §38-51-101, C.R.S.
- 10) Information adequate to locate all monuments shall be noted on the plat;
- 11) Boundary lines, corner pins, and dimensions of the subject parcel(s), including land survey data to identify the subject parcel by section corners, distance and bearing to these corners, quarter corner and township and range;
- 12) The lengths of all arcs, radii and tangents. Sufficient data shall be shown for all curved lines on the plat to enable reestablishment of the curves in the field;
- 13) Lot location and layout;
- 14) All lots and blocks shall be numbered consecutively;
- 15) The dimensions of all lots and acreage of each lot shown to two decimal places;
- 16) No ditto marks shall be used for dimensions;
- 17) All unidentified angles will be presumed to equal ninety (90) degrees;
- 18) Location and width of existing and proposed roadways, road rights-of-way and parking areas within the site;
- 19) All street and road names shall be shown;
- 20) If any road in the subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of conformity of the new road to the existing roads shall be accurately shown;
- 21) Names and widths of all existing or recorded streets and roads intersecting the plat boundaries or paralleling them within two hundred (200) feet, the names and map numbers of all bordering subdivisions, and any municipal limits within two hundred (200) feet of the boundaries of the plat;
Area of the site, area of individual parcels, and areas of all development including developed driveways, parking and buildings;

- 22) The boundary lines and dimensions, shown accurately, of all easements, alleyways, sidewalks or paths, and similar features, including all other rights-of-way not otherwise or explicitly mentioned;
- 23) The purpose and owner(s) of all easements and statements from all utility companies, as applicable, that the stated services will be provided to the proposed development after platting. A plat note may be necessary to provide complete information regarding the purpose of the easement;
- 24) The boundary lines and dimensions, shown accurately, of all property to be reserved and dedicated, with the means of access to such property clearly shown and its intended uses noted;
- 25) A legally acceptable land description and dedication block placed on the plat by the applicant dedicating streets, rights-of-way, utility easements, public sites and other such features. The transfer to the town of dedicated land shall take place by a legally acceptable instrument prior to or concurrent with Final Plat acceptance, but before recording of the final plat;
- 26) The names of abutting subdivisions or, in the case of abutting unplatted property, the notation "unplatted" shall appear;
- 27) Identification of lots with slope in excess of thirty (30) percent and any other lots where special studies are required prior to obtaining a development permit;
- 28) Delineation of all known, identified or designated one hundred (100) year floodplains and localized areas subject to periodic inundation along the required stream setback lines, if any;
- 29) All lands within the boundary of the subdivision shall be accounted for as a lot, tract, parcel, open space, street, right-of-way, alley and so forth, and all areas of such lands shall be shown on the plat to the nearest one hundredth of an acre;
- 30) All plat notes required by the town under preliminary plan approval or as a condition of final plat approval;
- 31) Standard certificate blocks as provided by the town;

~~iii.iv.~~ Final Landscape Plan. The landscape plan shall comply with all requirements in Section 7-4-7, Landscape Regulations. '

~~iv.i.~~ Final Engineering Reports and Plans. The following items are required to be submitted to the Town of Ridgway:

- ~~a) Final plan and profile design of all proposed streets, sidewalks, trails, walkways, and bikeways;~~
- ~~b)a) Final plan and profile design of all surface drainage and storm sewer conveyance facilities including, but not limited to, inlet locations, size and location of pipes, retention or detention facilities, and required water quality and erosion control measures;~~
- ~~c)a) Final engineering design of any bridges, culverts, or other drainage structures to be constructed;~~
- ~~d)a) Mitigation of any geologic hazard(s) impacting the project site;~~

- ~~e.) Final plan and profile design of all wastewater collection and water supply and distribution system improvements necessary; and~~
~~f.) Final cost estimates for all public improvements.~~

Commented [KK8]: Relocated earlier in process based on standard practice.

v. Supplemental Materials. The following items are required to be submitted to the Town of Ridgway:

- 1) Final Subdivision Improvement Agreement meeting all standards and requirements set forth in Section X.XX, Improvement Agreement.
- 2) Final drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed.
- 3) Final traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.
- 4) Covenants, restrictions, and by-laws, if applicable.
- 5) Proof of minimum guaranteed water supply appropriate for the requested use.

vi. Additional Requirements.

Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.

(iv) Completeness Review.

The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section X.XX, Completeness Review.

(v) Evaluation by Staff and Review Agencies.

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section X.XX, Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.

(vi) Staff Report.

A staff report shall be prepared and provided to the reviewing body in accordance with Section X.XX, Staff Report.

(vii) Review and Recommendation by Planning Commission. The Planning Commission shall review the final plat application in a manner consistent with Table X-XX to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission shall provide a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the review criteria set forth in Section X.XX, Approval Criteria.

- a. The Planning Commission may, in its sole discretion, continue or postpone the meeting to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to making a final decision.

(viii) Review and Action by Town Council. The final decision to approve, approve with conditions, or deny a Final Plat shall be made by the Town Council

in a manner consistent with Table X-XX based upon the review criteria set forth in Section X-XX, Approval Criteria.

- a. The Town Council may, in its sole discretion, continue or postpone the meeting to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to making a final decision.

- (ix) Post Approval. The applicant shall follow the post approval procedures in accordance with Section X.XX, Post Approval, including recording the final plat with the Ouray County Clerk and Recorder.

(3) Approval Criteria.

The following criteria shall be found to be met by the application and submittal materials in order for the Planning Commission and/or Town Council to recommend approval or approve each stage of a major subdivision:

- (a) All of the required prior approvals for the subdivision and development were issued and remain valid and effective;
 - (i) For a sketch plan, no prior approval is required.
 - (ii) For a preliminary plat, a finding must be made that a sketch plan was approved or conditionally approved by the Town Council not more than twelve (12) months prior to the date of submission of an application for preliminary plat approval or that the sketch plan is currently valid and effective as the result of the approval of an extension of the effective date of the sketch plan.
 - (iii) For a final plat, a finding must be made that a preliminary plat for the subdivision was approved or conditionally approved by the Town Council not more than twelve (12) months prior to the date of submission of an application for final plat approval or that the preliminary plat is currently valid and effective as the result of the approval of an extension of the effective date of the preliminary plat.
- (b) The proposed subdivision complies with all applicable requirements for the zone district(s) in which the property is located;
- (c) The proposed subdivision substantially complies with all other applicable requirements of this code, regulations, standards, and resolutions;
- (d) Adequate capacity of water and wastewater utilities are currently available to serve the entire subdivision and development;
- (e) The proposed subdivision is consistent with the applicable portions of the Master Plan in the reasonable judgement of the approving body; and
- (f) The application:
 - (i) For sketch plan approval, meets or satisfies all applicable requirements of the subdivision regulations;
 - (ii) For preliminary plat approval, is in substantial conformance with the approved sketch plan and the preliminary plat meets or satisfies all applicable requirements of the subdivision regulations; or
 - (iii) For final plat approval, is in substantial conformance with the approved preliminary plat and the final plat meets or satisfies all applicable requirements of the subdivision regulations

(D) Minor Subdivision.

- (1) Applicability. Subdivisions which meet all of the following criteria may be processed in accordance with the procedures outlined in this Subsection:
 - (a) All lots or tracts are adjacent to a dedicated, maintained and accepted public street.
 - (b) The improvements required by Subsection X-XX of these regulations are already in existence and available to serve each lot.
 - (c) Each lot will meet requirements of the Town Zoning Regulations without the necessity for any variance and no variance has been granted within the three previous years.
 - (d) No part of the subdivision has been approved as part of a minor subdivision within three years prior to the date of submission of the minor subdivision plat.
 - (e) A State Highway Access Permit has been obtained for any access to a State highway and Town driveway and access requirements will be met.
 - (f) The subdivision meets the Design Standards of these Subdivision Regulations.

(2) Review Procedures.

(a) Review Flowchart. Figure XXX, Minor Subdivision flowchart, depicts the minor subdivision application review process described in greater detail in this section.

[Insert Flowchart]

(b) Pre-Application Meeting

A pre-application meeting may be held in accordance with the provisions set forth in Section XXX, Pre-Application Meeting.

(c) Application Submittal Requirements.

The following are the application materials required to be submitted for minor subdivision requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (i) Basic Application Materials. All items set forth in Section XXX, Basic Application Materials.
- (ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other information:
 - a. A general written narrative describing the purpose of the project;
 - b. Description of the current land use(s) on the property, the characteristics of the land within the property boundaries, and the current land use on all adjoining property;
 - c. A time schedule for development
- (iii) Minor Subdivision Plat. The minor subdivision plat shall contain the following information submitted to the Town of Ridgway on 24" x 36" sheets at a scale suitable for technical review of the application.
 - a. A title clearly identifying the plat as a "Minor Subdivision Plat";
 - b. Standard certificate blocks as provided by the town;
 - c. Legal description of the property;
 - d. North arrow, scale, and legend;
 - e. A vicinity map at a suitable scale;

- f. The name and address of the owner(s) of record of the land being platted and the same information for the applicant(s), if other than the owners;
- g. The name, address, and seal of the certifying registered land surveyor and the other individuals preparing the preliminary plat;
- h. The township, range, section and quarter section(s);
- i. Location and full description of all monuments as required by this article and by Title 38, Article 51, C.R.S.:
 - a) Permanent monuments shall be set on the external boundary of the subdivision pursuant to §38- 51-101, C.R.S. and
 - b) Block and lot monuments shall be set pursuant to §38-51-101, C.R.S.
- j. Information adequate to locate all monuments shall be noted on the plat;
- k. The location, layout, dimensions, areas, and uses of all lots and blocks numbered consecutive.
- l. The location, layout, dimensions, areas and uses of all outlots and tracts labeled consecutively by letters and include a table identifying ownership and maintenance responsibilities.
- m. Site data in chart form presenting:
 - f) Total area of the proposed subdivision; total area of the developed buildings, driveways and parking areas; total area of non-residential floor space;
 - g) Total number of proposed lots; breakdown of the lot total by number of lots per use (i.e. residential use, business or commercial and industrial use, and other public and nonpublic uses);
 - h) Total number of proposed off-street parking spaces;
 - i) Total number of dwelling units; total number of dwelling units per structure proposed; and
 - j) Total gross density proposed.
- n. Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range;
- o. Topography at the following minimum contour intervals:
 - d) Subdivision with one or more lots less than two (2) acres in size, topography shown at two (2) foot contour intervals.
 - e) Subdivision with all lots two (2) acres or greater in size, topography shown at five (5) foot contour intervals.
 - f) Areas having slopes thirty (30) percent or more, or other significant topographic conditions, topography shown at five (5) foot contour intervals.
- p. Significant on-site features including: natural and artificial drainage ways, streams, ponds, waterways, wetland areas, irrigation ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological

and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development;

- q. Known, identified or designated one hundred (100) year flood plains and localized areas subject to periodic flooding. The distance between the mean identifiable high water mark of any creeks, streams or rivers and the nearest proposed development within the site shall also be shown;
- r. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks, and paths and their dimensions;
- s. Public Access to the site, and internal circulation. Location, dimension, alignment and names of all existing and proposed streets, drives, alleys and roads on or adjoining the property. The general location and right-of-way width for all arterials and collectors shall be shown;
- t. The location of any preliminary engineering for any existing or proposed wastewater systems, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants along with the width and depth of pavement or subgrading to be provided, the depth of burial of all underground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks;
- u. Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the property and their dimensions; and
- v. The location, use and gross square footage of proposed structures within the subdivision;
 - a) Anticipated number of employees for proposed commercial or industrial uses;
- w. Building envelopes in hazardous areas to protect trees and other natural resources, if deemed appropriate by planning staff;
- x. Location and layout of lots and blocks, with lots and blocks numbered consecutively, and the dimensions and acreage of each lot;
- y. Areas for landscaping, and delineation of the type and extent of vegetative cover on the site;
- z. Existing land uses and zoning on adjoining properties;
 - aa. Public or private sources of utility services and facilities; and
 - bb. Location and dimension of land to be held in common, open space devoted to community use, and land to be dedicated to town.

(iv) Supplemental Materials

The following items may be required to be submitted to the Town of Ridgway:

- a. Drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed;
- b. Traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.

c. Proof of minimum guaranteed water supply appropriate for the requested use.

(v) Additional Requirements

Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.

(d) Completeness Review

The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section XXX, Completeness Review.

(e) Evaluation by Staff and Referral Agencies

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section XXX, Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.

(f) Staff Report.

A staff report shall be prepared and provided to the reviewing body in accordance with Section XXX, Staff Report.

(g) Review and Recommendation by the Planning Commission.

The Planning Commission shall review the minor subdivision application in a manner consistent with Table XXX to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission may provide either a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section XXX, Approval Criteria.

a. The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.

(h) Review and Action by the Town Council.

The final decision to approve, approve with conditions, or deny a minor subdivision application shall be made by the Town Council in a manner consistent with Table XXX and be based upon the criteria set forth in Section XXX, Approval Criteria.

a. The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.

(3) Approval Criteria.

(a)(i) ~~Review and approval procedures to be inserted~~

Commented [KK9]: Need to add

(E) Plat Amendments.

- (1) Applicability. Amended plats of subdivision plats previously approved by the Town, or parts of such plats, which do not make or require a material change in the extent, location, or type of public improvements and easements provided, and are consistent with the Design Standards of these Regulations may be submitted, approved and recorded in accordance with the provisions of this Subsection in lieu of other procedures provided for subdivision by these regulations, if all required improvements are in and available to serve each lot.

(2) Review Procedures.

(a) Review Flowchart. Figure XXX, Plat Amendment flowchart, depicts the plat amendment application review process described in greater detail in this section.

[Insert Flowchart]

(b) Pre-Application Meeting

A pre-application meeting may be held in accordance with the provisions set forth in Section XXX, Pre-Application Meeting.

(c) Application Submittal Requirements.

The following are the application materials required to be submitted for plat amendment requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

(vi) Basic Application Materials. All items set forth in Section XXX, Basic Application Materials.

(vii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other information:

- a. A general written narrative describing the purpose of the project;
- b. Description of the current land use(s) on the property, the characteristics of the land within the property boundaries, and the current land use on all adjoining property;
- c. A time schedule for development

(viii) Plat Amendment. plat shall contain the following information submitted to the Town of Ridgway on 24" x 36" sheets at a scale suitable for technical review of the application.

- a. A title clearly identifying the plat amenment;
- b. Standard certificate blocks as provided by the town;
- c. Legal description of the property;
- d. North arrow, scale, and legend;
- e. A vicinity map at a suitable scale;
- f. The name and address of the owner(s) of record of the land being platted and the same information for the applicant(s), if other than the owners;
- g. The name, address, and seal of the certifying registered land surveyor and the other individuals preparing the preliminary plat;
- h. The township, range, section and quarter section(s);
- i. Location and full description of all monuments as required by this article and by Title 38, Article 51, C.R.S.:
 - a) Permanent monuments shall be set on the external boundary of the subdivision pursuant to §38- 51-101, C.R.S. and
 - b) Block and lot monuments shall be set pursuant to §38-51-101, C.R.S.
- j. Information adequate to locate all monuments shall be noted on the plat;

- k. The location, layout, dimensions, areas, and uses of all lots and blocks numbered consecutively.
- l. The location, layout, dimensions, areas and uses of all outlots and tracts labeled consecutively by letters and include a table identifying ownership and maintenance responsibilities.
- m. Site data in chart form presenting:
 - a) Total area of the proposed subdivision; total area of the developed buildings, driveways and parking areas; total area of non-residential floor space;
 - b) Total number of proposed lots; breakdown of the lot total by number of lots per use (i.e. residential use, business or commercial and industrial use, and other public and nonpublic uses);
 - c) Total number of proposed off-street parking spaces;
 - d) Total number of dwelling units; total number of dwelling units per structure proposed; and
 - e) Total gross density proposed.
- n. Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range;
- o. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks, and paths and their dimensions;
- p. Public Access to the site, and internal circulation. Location, dimension, alignment and names of all existing and proposed streets, drives, alleys and roads on or adjoining the property. The general location and right-of-way width for all arterials and collectors shall be shown;
- q. The location of any preliminary engineering for any existing or proposed wastewater systems, water mains, culverts, storm drains, sidewalks, gutters, fire hydrants along with the width and depth of pavement or subgrading to be provided, the depth of burial of all underground lines, pipes and tubing and typical cross sections of the proposed grading of roadways and sidewalks;
- r. Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the property and their dimensions; and
- s. The location, use and gross square footage of proposed structures within the subdivision;
 - a) Anticipated number of employees for proposed commercial or industrial uses.
- t. Building envelopes in hazardous areas to protect trees and other natural resources, if deemed appropriate by planning staff;
- u. Location and layout of lots and blocks, with lots and blocks numbered consecutively, and the dimensions and acreage of each lot;
- v. Areas for landscaping, and delineation of the type and extent of vegetative cover on the site;
- w. Existing land uses and zoning on adjoining properties;

- x. Public or private sources of utility services and facilities; and
- y. Location and dimension of land to be held in common, open space devoted to community use, and land to be dedicated to town.

(ix) Supplemental Materials

The following items may be required to be submitted to the Town of Ridgway:

- a. Drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed.
- b. Traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.
- c. Proof of minimum guaranteed water supply appropriate for the requested use.

(x) Additional Requirements

Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.

(d) Completeness Review

The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section XXX, Completeness Review.

(e) Evaluation by Staff and Referral Agencies

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section XXX, Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.

(f) Staff Report.

A staff report shall be prepared and provided to the reviewing body in accordance with Section XXX, Staff Report.

(g) Review and Recommendation by the Planning Commission.

The Planning Commission shall review the minor subdivision application in a manner consistent with Table XXX to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission may provide either a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section XXX, Approval Criteria.

- a. The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.

(h) Review and Action by the Town Council.

The final decision to approve, approve with conditions, or deny a conditional use application shall be made by the Town Council in a manner consistent with Table XXX and be based upon the criteria set forth in Section XXX, Approval Criteria.

a. The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.

b. Approval Criteria.

(3) A plat amendment may be approved and accepted by the Town Council if the application is found to meet the following criteria:

- (a) The proposed revision conforms to all applicable requirements for the zone district(s) in which the property is located.
- (b) The proposed revision substantially conforms to all other applicable requirements of this code and town resolutions; and
- (c) The proposed revision is consistent with the applicable portions of the Master Plan in the reasonable judgement of the Planning Commission.

[Review and approval procedures to be inserted]

(F) Lot Splits.

(1) Applicability. A lot previously created by a subdivision plat which has been approved and accepted by the Town and recorded in the Ouray County records, may be subdivided or split by deed or other instrument, if the criteria of this Subsection are met, the split has been approved by the Town, and an indication of Town approval is included upon the deed or other instrument prior to recording.

(2) Review Procedures.

(a) Review Flowchart. Figure XXX, Lot Split flowchart, depicts the lot split application review process described in greater detail in this section.

[Insert Flowchart]

(b) Pre-Application Meeting

A pre-application meeting may be held in accordance with the provisions set forth in Section XXX, Pre-Application Meeting.

(c) Application Submittal Requirements.

The following are the application materials required to be submitted for lot split requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

(i) Basic Application Materials. All items set forth in Section XXX, Basic Application Materials.

(ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other information:

- a. A general written narrative describing the purpose of the project;
- b. Description of the current land use(s) on the property, the characteristics of the land within the property boundaries, and the current land use on all adjoining property;
- c. A time schedule for development

(iii) Lot Split. Plat shall contain the following information submitted to the Town of Ridgway on 24" x 36" sheets at a scale suitable for technical review of the application.

Commented [KK10]: Need to list application submittal requirements still.

(iv) Supplemental Materials

The following items may be required to be submitted to the Town of Ridgway:

- a. Drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed.
- b. Traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.
- c. Proof of minimum guaranteed water supply appropriate for the requested use.

(v) Additional Requirements

Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.

(d) Completeness Review

The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section XXX, Completeness Review.

(e) Evaluation by Staff and Referral Agencies

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section XXX, Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.

(f) Staff Report.

A staff report shall be prepared and provided to the reviewing body in accordance with Section XXX, Staff Report.

(g) Review and Recommendation by the Planning Commission.

The Planning Commission shall review the minor subdivision application in a manner consistent with Table XXX to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission may provide either a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section XXX, Approval Criteria.

- a. The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.

(h) Review and Action by the Town Council.

The final decision to approve, approve with conditions, or deny a conditional use application shall be made by the Town Council in a manner consistent with Table XXX and be based upon the criteria set forth in Section XXX, Approval Criteria.

- a. The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.

(3) Approval Criteria.

A boundary or lot line revision may be approved and accepted by the Planning Commission if the application is found to meet the following criteria:

- (a) The proposed revision conforms to all applicable requirements for the zone district(s) in which the property is located.
- (b) The proposed revision substantially conforms to all other applicable requirements of this code and town resolutions; and
- (c) The proposed revision is consistent with the applicable portions of the Master Plan in the reasonable judgement of the Planning Commission.

(2) Procedures. ~~[Review and approval procedures to be inserted]~~

(G) Boundary or Lot Line Adjustment.

- (1) Applicability. Boundary or lot line revisions are minor amendments to platted or unplatted property which do not result in any of the following:

- (a) The creation of any additional lot(s);
- (b) The consolidation of any lots;
- (c) The creation of an unbuildable lot; or
- (d) The creation of a lot that does not have legal access from a public right-of-way or perpetual easement.

(2) Review Procedures.

- (a) Review Flowchart. Figure XXX, Boundary or Lot Line Adjustment flowchart, depicts the application review process described in greater detail in this section.

~~[Insert Flowchart]~~

(b) Pre-Application Meeting

A pre-application meeting may be held in accordance with the provisions set forth in Section XXX, Pre-Application Meeting.

(c) Application Submittal Requirements.

The following are the application materials required to be submitted for boundary or lot line revision requests. The Town Manager or designee may waive or alter any of the submittal requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- (i) Basic Application Materials. All items set forth in Section XXX, Basic Application Materials.
- (ii) Written Narrative. A written narrative shall be submitted addressing all of the following items and any other information:
 - a. A general written narrative describing the purpose of the project;
 - b. Description of the current land use(s) on the property, the characteristics of the land within the property boundaries, and the current land use on all adjoining property;
 - c. A time schedule for development

- (iii) Boundary or Lot Line Adjustment. Plat shall contain the following information submitted to the Town of Ridgway on 24" x 36" sheets at a scale suitable for technical review of the application.

Commented [KK11]: Need to list application submittal requirements still.

(iv) Supplemental Materials

The following items may be required to be submitted to the Town of Ridgway:

- a. Drainage plan or study calculating historic and proposed surface and stormwater flows and how such flows will be managed.
- b. Traffic statement or study identifying current and proposed traffic counts and proposed trip generation along with any needed or anticipated improvements to mitigate the projects use on the public transportation network and infrastructure.
- c. Proof of minimum guaranteed water supply appropriate for the requested use.

(v) Additional Requirements

Any additional information that may be reasonably requested by the Town Manager or designee and determined to be necessary to enable an adequate and comprehensive evaluation of the application.

(d) Completeness Review

The Town Manager or designee shall review the application for completeness in accordance with the provisions of Section XXX, Completeness Review.

(e) Evaluation by Staff and Referral Agencies

Upon determination of completeness, the Town Manager or designee shall refer the application to additional reviewing agencies as set forth in Section XXX, Referral Agencies and review the application for conformance with the requirements and standards of this Municipal Code.

(f) Staff Report.

A staff report shall be prepared and provided to the reviewing body in accordance with Section XXX, Staff Report.

(g) Review and Action by the Planning Commission.

The Planning Commission shall review the boundary or lot line adjustment application in a manner consistent with Table XXX to evaluate compliance with applicable standards. The final decision to approve, approve with conditions, or deny the application shall be made by the Planning Commission in a manner consistent with Table XXX and be based upon the criteria set forth in Section XXX, Approval Criteria.

- (i) The Planning Commission may, in its sole discretion, continue or postpone the meeting to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to making a final decision.

(3) Procedures Approval Criteria.

A boundary or lot line revision may be approved and accepted by the Planning Commission if the application is found to meet the following criteria:

1. The proposed revision conforms to all applicable requirements for the zone district(s) in which the property is located.
2. The proposed revision substantially conforms to all other applicable requirements of this code and town resolutions; and
3. The proposed revision is consistent with the applicable portions of the Master Plan in the reasonable judgement of the Planning Commission.

[Review and approval procedures to be inserted]

(H) Townhome

- (1) Applicability. Any division of a single-unit or multi-unit structure or structures into two or more fee simple estates consisting of townhouses for the purpose, whether immediate or future, of sale or building development.
- (2) Procedures. *[Review and approval procedures to be inserted]*

(I) Building Footprint

- (1) Applicability. means any division of a single-unit or multi-unit structure or structures into individually owned building footprint lots for the purpose, whether immediate or future, of sale or building development.
- (2) Procedures. *[Review and approval procedures to be inserted]*

(J) Condominiumization.

- (1) Applicability. The condominiumization of buildings shall require review and approval of a condominium subdivision in accordance with the provisions of this Section 7-5.XX, Condominium Subdivision. This section shall apply to all new condominium projects and conversions of existing buildings to condominiums.
- (2) Procedures. *[Review and approval procedures to be inserted]*

(K) Exempt Division of Land.

- (1) Applicability. To provide procedures and standards by which an exempt division of land may be approved. An application for an exempt division of land typically involves the creation of not more than two (2) lots from a single parent parcel of land thirty-five (35) acres in size or larger. Nothing in this Section 4.08, Exempt Division of Land, shall be interpreted or administered in a manner inconsistent with Colorado Senate Bill 35.
- (2) Procedures. *[Review and approval procedures to be inserted]*

(L) Lot Consolidation.

- (1) Applicability. A lot consolidation is when two (2) or more lots, tracts, or parcels less than two (2) acres each are consolidated into one (1) lot deleting the common boundary line. The consolidation of lots two (2) acres and larger are not required to obtain approval under this Section 7-5-XX, Lot Consolidation, however, all other provisions of this Article and Land Development Code shall apply to any proposed development on the new parcel. The consolidation of lots less than two (2) acres in size are required to go through the lot consolidation process outlined herein. A lot consolidation shall not be allowed for any lot, tract, or parcel more than one time. Furthermore, a lot consolidation shall not result in any of the following:
 - (a) The modification or alteration of any public right-of-way;
 - (b) The creation of any additional lots;
 - (c) The creation of an unbuildable lot; or
 - (d) The creation of a lot that does not have legal access from a public right-of-way or perpetual easement.
- (2) Procedures. *[Review and approval procedures to be inserted]*

(M) Replat.

- (1) Applicability. A replat is required for any request to amend or revise a recorded plat that would not be defined as another type of special land division.
- (2) Procedures. *[Review and approval procedures to be inserted]*

(N) Right-of-Way Vacation.

- (1) Applicability. The vacation of interests in rights-of-way owned or otherwise held by the Town of Ridgway shall be in accordance with the provisions of this Section 7-5-XX, Right-of-Way Vacation, and Part 3 of Article 2 of Title 43, C.R.S.
- (2) Procedures. *[Review and approval procedures to be inserted]*

7-5-3 Subdivision Required Improvements

- (A) The following improvements shall be constructed at the expense of the subdivider in accordance with the design standards provided by these Regulations:
 - (1) Survey monuments.
 - (2) A sewer collection system connected to the Town's sewage system shall be required and dedicated to the Town.
 - (3) A domestic water distribution system connected to the Town's system and dedicated to the Town.
 - (4) A fire prevention system.
 - (5) Electricity, telephone and CATV.
 - (6) Streets within and adjacent to the subdivision as necessary to provide access to each lot. Existing streets maintained by the Town for public use shall be improved by the subdivider to the extent necessary to provide access to abutting lots and to provide proper drainage, grade and sidewalk grade. Streets shall be paved in circumstances where required by Town street specifications. Streets shall be dedicated to the Town.
 - (7) Street signs, stop signs or similar traffic control devices.
 - (8) A storm drainage system.
 - (9) Street lights.
 - (10) Curb and gutter shall be provided along paved streets and where required by Town specifications. Concrete sidewalk shall be provided along all abutting streets except when the Planning Commission and Town Council determine that sidewalk is necessary on only one side of a local street because of the shortness of the street, unusual topographical factors or other circumstances which alleviate the need for such sidewalk. In those cases where the proper grade of the sidewalk cannot be determined, the Planning Commission and Town Council may authorize the execution and recording of an agreement on forms provided by the Town to join in an improvement district to install the sidewalk at such time as sidewalk construction becomes feasible instead of immediate construction.
 - (11) Public trail easements shall be provided and constructed as described in the Town's Land Use Plan or Parks and Trails Map, as amended from time to time, and including the Uncompahgre RiverWay Trail. The Town may waive this requirement if the property at issue has existing trail easements dedicated to the Town of Ridgway.

(B) Subdivision Improvements Agreement.

- (1) Applicability.

All applicants granted subdivision approval, or approval of public improvements deemed necessary to comply with required adequate public improvements as set forth in these Land Development Regulations, shall timely, completely, and satisfactorily construct or install all required improvements and infrastructure as called for in these Land Development Regulations and/or as may have been specified as a condition of approval. All improvements and infrastructure intended for public use shall be dedicated and/or transferred to the town, or appropriate agency, free of all liens and encumbrances.

(2) Agreement and Guarantee.

No final division of land shall be executed by the town and no building permits shall be issued for any lot, parcel or property within a division of land as regulated by this Article 5, Subdivision Regulations involving or requiring the installation of public improvements unless and until an improvement agreement is prepared and executed pursuant to this Section X,XX, Subdivision Improvement Agreement. Such agreement shall be recorded simultaneously with the final division of land with the Ouray County Clerk and Recorder.

(a) Contents of Agreement. Such agreement shall, at a minimum, set forth:

- (i) Construction specifications for required public and private improvements;
- (ii) A construction and completion schedule;
- (iii) Security and guarantees concerning the timely and satisfactory completion of the improvements; and
- (iv) The terms and conditions for the acceptance of the improvements by the town.

(b) Timing of Agreement. The improvement agreement shall include a requirement that all improvements be maintained by the developer/subdivider at the cost of the developer/subdivider until such improvements have been fully accepted by the town.

(c) Agreement to Run with the Land. The improvement agreement shall run with the land and bind all successors, heirs, and assignees of the developer/subdivider.

(d) Security. The improvement agreement shall include a requirement for the posting of adequate financial security to ensure the timely, complete, and satisfactory construction or installation of all improvements and infrastructure as called for in the agreement.

- (i) Amount of Security. Security shall be in an amount not less than one-hundred and fifteen (115) percent of the engineers cost estimate to complete all improvements or infrastructure and may be provided by letter of credit, cash escrow, or other financial instrument as approved by the Town Council within its sole discretion.

- (ii) Letter of Credit. If a developer/subdivider posts a letter of credit as security, it shall:

- a. Be irrevocable;
- b. Be for a term, inclusive of renewals, sufficient to cover the completion, maintenance, and warranty periods as required in Section 4.14.B.2, Timing of Agreement; and
- c. Require only that the town present the letter of credit on demand and an affidavit signed by the Town Manager attesting to the town's right to draw funds under the letter of credit.

- (iii) Cash Escrow. If a developer/subdivider posts a cash escrow, the escrow instructions shall provide:

- a. That the developer/subdivider shall have no right to a return of any of the funds except as provided in Section 4.14.B.4.d, Reduction of Security; and

- b. That the escrow agent shall have a legal duty to deliver the funds to the town whenever the Town Manager presents an affidavit to the agent attesting to the town's right to receive funds, whether or not the developer/subdivider protests that right.

(iv) Reduction of Security

- c) Upon preliminary acceptance of a public improvement or public infrastructure, the town shall release all but fifteen (15) percent of the amount of financial security posted to secure the successful and timely completion of same, so long as the developer is not in default of any provision of the improvement agreement.
- d) The residual fifteen (15) percent retained by the town shall act as security for the developer's/subdivider's guarantee that the public improvements and infrastructure remain free of defect during the applicable warranty period. The developer/subdivider may at any time during the preliminary acceptance or warranty period offer to provide a substitute or supplemental form of financial security to that security as originally posted with and/or retained by the town. The town may accept substitute or supplemental forms of security in its sole discretion.

- (v) Temporary Improvements. The applicant shall build and pay for all costs of temporary improvements required by the town and shall maintain those temporary improvements for the period specified by the Town Council. Prior to construction of any temporary facility or improvement, the developer/subdivider shall file with the town a separate public improvements agreement and a letter of credit or cash escrow in the agreed upon amount for temporary facilities, which agreement and credit or escrow shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

(vi) Special Districts

- a. Required public improvements shall be made by the developer/subdivider, at its expense, without reimbursement by the town or any improvement district except that, as may be allowed under state law, the developer/subdivider may form or cause to be formed a special district or districts to construct and finance the construction of required public improvements excluding lot improvements on individual lots.
- b. If the developer/subdivider does form or cause to be formed a special district for the purposes identified in this section, the town shall not release the developer/subdivider from its obligations under any public improvements agreement nor shall the town release any security, in whole or in part, until the special district has sold bonds or otherwise certifies to the town that it has an absolute right to raise revenues sufficient to construct, maintain, and warrant the quality of the required public improvements.

(vii) Failure to Complete Improvements

- a. For developments/subdivisions without an executed agreement or security, improvements shall be completed within a period specified by the town, or the associated development/subdivision application approval shall be deemed to have expired.

- b. In those cases where a public improvements agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the town may:
 - 1) Declare the agreement to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the agreement is declared to be in default;
 - 2) Suspend or revoke authorization for subdivision, including without limitation, suspension or revocation of previously issued building permits and suspend issuance of further building permits until the improvements are completed and record a document to that effect for the purpose of public notice;
- c. No certificate of occupancy shall be processed or issued by the town for any lot or building within a development prior to the complete and satisfactory installation of all development improvements or infrastructure required to serve such lot or building, and the payment of any and all development fees then due to the town by the developer/subdivider;
- d. Obtain funds under the security and complete improvements itself or through a third party;
- e. Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete improvements in the subdivision; and/or
- f. Exercise any other rights available under the law.

7-5-4 DESIGN STANDARDS.

- (A) All subdivisions shall conform to the minimum design standards of, this Section. The Town Council may allow deviation from these standards if it determines that unusual topography or a hardship exists, or that alternative standards will more effectively protect the quality of the subdivision and the public welfare, or more effectively achieve the purposes of these Subdivision Regulations.
- (B) All subdivisions shall be developed in accordance with the Town's Master Plans, Zoning Regulations, Floodplain Regulations, and other applicable Town ordinances, regulations and specifications.

(C) Streets, Alleys, Lots and Blocks:

- (1) All streets and alleys shall be constructed and designed in accordance with Town Street and Road Specifications.
- (2) All lots shall have access to a street connected to the public street system. In order to ensure access by emergency service responders, any new subdivision street system must be connected by at least two separate routes to the state highway system.
- (3) Access to any public highway under the jurisdiction of the State Department of Highways shall be subject to the provisions of the State Highway Access Code.
- (4) Driveways and street access shall be subject to subsection 14-5-15(B).
- (5) Streets shall be aligned to join with planned or existing streets and shall be designed to bear a logical relationship to the topography.
- (6) Intersections shall approximate right angles as closely as possible.
- (7) Cul-de-sacs shall be permitted, provided they are not more than 500 feet in length and have a turn-around diameter of at least 100 feet. Surface drainage shall be toward the intersecting street, or if this is not possible, a drainage easement shall be required through the cul-de-sac.

- (8) Dead-end streets, with the exception of cul-de-sacs, shall be prohibited unless they are designed to connect with future streets in adjacent land that has not been platted, in which cases a temporary turn-around easement of 80 feet shall be required.
- (9) Restriction of access shall be required when a subdivision or portion thereof adjoins an arterial highway. Marginal access streets, reverse frontage with screen planting contained in a non-access reservation, deep lots or similar treatment shall be required to reduce the impact of the traffic on residential properties and to avoid interference with the movement of the traffic on thoroughfares.
- (10) Half streets shall be prohibited.
- (11) Reverse curves on major arterials shall be joined by a tangent at least 200 feet in length.
- (12) Reserve strips controlling access to streets, are permitted only if control of such strips is given to the Town.
- (13) Street, alley and easement right-of-way widths and grades shall not be less than the following:

	Width	Minimum Grade	Maximum Grade
Arterial Highways	120'	0.5	5%
Major Streets	100'	0.5	5%
Collector Streets	80'	0.5	7%
Local Streets	60'	0.5	7%
Marginal Access Streets	40'	0.5	7%
Alleys (where permitted)	20'		
Easements	20'		

- (14) Alleys shall be provided in commercial and industrial areas, except that this requirement may be waived where other provisions are made and approved for service access.
- (15) Block lengths and widths shall be suitable for the uses contemplated and shall be adequate for requirements pertaining to minimum lot sizes and dimensions.
- (16) Lots with double frontage shall be avoided, except where essential to separation from major arterials or from incompatible land uses.
- (17) No single lot shall be divided by a district (i.e., zoning, sanitation, fire, etc.), municipal or county boundary line.
- (16)(18) Except in the case of condominium building, commercial building, or a property line between duplex or townhome units, no subdivision shall be approved that creates a property line that runs through a building.
- (17)(19) Side lot lines shall be substantially at right angles or radial to street lines.
- (18)(20) The Town may require any street, sidewalk and related infrastructure, on a steep slope, or where there is any evidence to suspect problems due to instability, or other adverse soil conditions, to be owned and maintained by the lot owners or an owners' association, or may require an extended warranty of maintenance and repair from the subdivider. A slope easement shall be dedicated to the Town to accommodate the area of any cut or fill off of the right-of-way and an additional ten feet beyond the cut or fill. Such easement shall allow the Town to maintain the slope, cut and fill, and street improvements. Additionally, such easements may be accompanied by a plat not holding the Town harmless on account of any sloughing or disturbance due to maintenance, the cut or the fill.

(D) Public Utilities and Utility Easements:

- (1) Utility easements shall be a minimum of 20 feet centered on the rear or side lot lines, or where appropriate, ten feet on either side of a street.
- (2) All utilities shall be installed underground unless existing utilities are overhead and the existing poles can be used.

Commented [KK12]: Based on feedback received, this should be re-evaluated.

(E) Water and Sewer Systems:

Water, fire prevention and sewer systems shall be designed by a professional engineer, and constructed in accordance with good engineering practices to Town design and construction standards and specifications.

(F) Curb, Gutter and Sidewalks:

Curb, gutter and sidewalks shall be designed and constructed in accordance with Town design and construction standards and specifications and good engineering practices.

(G) Monuments:

Monuments shall be placed at the corners of all street intersections, at the intersections of the boundary of the subdivision with street right-of-way lines, at angle points and points of curve in each street, and at points of change and direction of the exterior of the subdivision and at other locations required by statute. The top of the monument shall have a metal cap set flush to identify the location. Lot corners shall be marked as required by law. Monuments shall be constructed as provided in Town street and road specifications.

(H) Drainage Systems:

Drainage systems shall be provided in accordance with the final plat as approved. Drainage easements shall generally direct the flow to the front of the lots or to natural drainage ways as such exist, utilizing a minimum 20-foot easement. Where water courses or ditches traverse the subdivision, lots and improvements shall be designed and provided to protect against flooding in accordance with the Town's Flood Plain Regulations. The drainage system shall be designed to avoid increasing the discharge to property outside the subdivision unless agreed to by the owner of any property affected.

(I) Other Improvements:

Any other improvements provided shall comply with any applicable Town standards and specifications and shall be designed and constructed in accordance with good engineering practices.

(J) Plat Notes:

- (1) Plat notes and covenants may be required by the Town as appropriate to implement the provisions of these regulations, and to hold the Town harmless from risks associated with natural hazards and conditions or other risks, which should be borne by the subdivider. Plat notes shall be on Town approved forms, run with the land and bind all successors in interest thereto.
- (2) Any plat notes on prior Town Subdivision or PUD plats, or plats of survey which created new parcels, including those notes requiring release by the Town Council, shall not be enforceable by the Town, and are superseded unless reiterated on the plat. Plat notes which are intended to benefit lot owners within the subdivision will be reiterated unless such owners sign a document to indicate their concurrence with the proposed plat notes.
- (3) Plat notes on prior Town plats are superseded unless reiterated or incorporated by reference on the plat.

Commented [KK13]: Will add reference to standard plat note document.

(4) Plat notes may be required in the following circumstances.

- (a) To set out maintenance requirements of the lot owners, enforceable by the Town, for various improvements such as drainage, detention and retention facilities, commonly owned areas, private streets and other private improvements.
- (b) To require engineered foundations in areas of steep slopes or other questionable soil conditions together with provisions giving notice of, and holding the Town harmless from, potential problems due to slopes, cut and fill areas, adverse soil conditions or other natural hazards.

Document Hierarchy:

Ch Header – Level 1

Sec, Header – Level 2

Subsection – Level 3

Subsection – Level 4

Level 5

Level 6

Level 7

Chapter 7: Land Development Regulations

SECTION 7 – ANNEXATION

7-7-1 APPLICATION OF MUNICIPAL CODE

- (A) This Section 7, Annexation, shall be known and cited as the "Ridgway Annexation Ordinance".
- (B) Unless otherwise provided by an agreement or by ordinance governing the annexation of property into the Town, the ordinances, resolutions, rules and regulations of the Town shall remain fully valid and effective as to any property annexed into the Town.

7-7-2 PURPOSE

- (A) The purpose of the Ridgway Annexation Ordinance, is to establish a procedure to bring land under the jurisdiction of the Town of Ridgway in compliance with the Colorado Municipal Annexation Act of 1965, as amended ("Act"). Section 31-12-101, et seq., C.R.S.
- (B) This Section, in part, provides supplemental requirements for annexation pursuant to the Act and is not to be construed as altering, modifying, eliminating or replacing any requirement set forth in the Act or any requirements set forth in other portions of the Ridgway Municipal Code. In the event of a conflict between the Act, the provisions of this Section, or any requirements set forth in other portions of the Ridgway Municipal Code, the more stringent provision shall control.
- (C) For purposes of defining the certain words or phrases used herein and interpreting this S, the provisions of Section 31-12-103, C.R.S., shall apply, which provisions are incorporated herein by this reference.

7-7-3 STATEMENT OF POLICY AND REVIEW CRITERIA

It shall be the general policy of the Town with respect to annexations and the consideration of annexation petitions that:

- (A) Annexation is a discretionary act. Except for the initiated petition for the annexation of an enclave, the Town shall exercise its sole discretion in the annexation of territory to the Town.
- (B) The land to be annexed and the uses proposed for the land shall conform to the goals, policies and strategies of the Master Plan and to the land uses depicted on the Future Land Use Map, as amended.
- (C) Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the Town in order that the public needs may be served by such facilities. These facilities include, but not by way of limitation, streets, bridges, public parks and recreation areas, school sites and storm drainage facilities. The annexation of lands to the Town shall not to create any additional cost or burden on the then-existing residents of the Town to provide such public facilities in any newly annexed area.
- (D) The petitioner for annexation shall be responsible for paying the Town's full cost for processing the annexation petition, from initial discussion with Town staff before submittal of the petition through the approval and recording of the final annexation documents, in the event of the Town Council's approval of annexation.

- (E) Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels (for example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property).
- (F) Adequate water rights are to be deeded to the Town, as determined necessary by the Town, at the time of annexation, to provide sufficient water for the annexed property and the uses thereon.
- (G) The annexation process can be complex. A property owner considering an annexation petition may wish to consult with an attorney familiar with municipal annexation law. While the Town staff will cooperate with the property owner in the process of complying with state law or the Land Development Regulations, the Town cannot be bound by any representations made by the Town staff regarding the status of or the requirements of state law or the Land Development Regulations. As a general rule and except in extraordinary circumstances, annexation petitions should be accompanied by a request for zoning and, when appropriate, a sketch plan or other application(s), which may be needed pursuant to Chapter 7, Land Development Regulations.
- (H) The property owner may request that the annexed property be placed in a specific zone district, or the Town may initiate a zoning action as part of the annexation process. However, no zoning action shall become effective prior to the effective date of the annexation ordinance concerning the property.
- (I) The Town may conduct zoning and subdivision review for the area proposed to be annexed after the Town Council adopts a resolution finding the petition for annexation (or annexation election) to be in substantial compliance with the state law and that the area is eligible for annexation. The Town Council shall not pass any ordinance approving a request for zoning and/or subdivision until an ordinance annexing the property to the Town has been approved by the Town Council.
- (J) The petitioner(s) shall enter into an annexation agreement with the Town for the development of the property to be annexed.

7-7-4 RESPONSIBILITIES OF APPLICANT

In addition to other duties imposed upon all applicants by these Land Development Regulations and the Act, as amended, all applicants shall have the following responsibilities:

- (A) The applicant is responsible for having a representative at all meetings where the request is reviewed. Failure to have a representative present is cause to have the item withdrawn from the agenda of that meeting.
- (B) The applicant shall consult with the Town Manager or designee to discuss any special conditions pertaining to the annexation and to obtain an annexation petition prior to submitting an annexation petition to the Town.

7-7-5 ANNEXATION PROCEDURES

(A) Eligibility

Eligibility for annexation shall be determined by conformity with the requirements of the Act, including but not limited to Sections 31-12-104 and 31-12-105, C.R.S., and as determined by the Town Council in its sole discretion.

(B) Annexation Process Summary

The annexation process shall be as follows:

- (A) Pre-Application Meeting

- (B) Submittal of Application and Petition
- (C) Resolution of Substantial Compliance and Setting the Public Hearing
- (D) Evaluation and Review of the Application and Petition
- (E) Planning Commission Consideration of Zoning
- (F) Town Council Consideration of Annexation Agreement, Annexation Ordinance, and Zoning
- (G) Post Approval Requirements

(C) Pre-Application Meeting

The application process begins with a preapplication conference with the Planner and other appropriate Town staff to determine the feasibility of the annexation request. Following this informal meeting, the petitioner shall submit a letter of intent requesting annexation, the annexation petition, the completed annexation application form, annexation maps, applicable fees and supporting documents, as provided in this Chapter.

(D) Application and Petition Submittal Requirements

All of the following information and materials shall be submitted to the Town of Ridgway in a form acceptable to the Town Manager or designee.

(a) Annexation Application Materials

The following materials are required for all applications regulated by Section 7, Annexation, unless waived by the Town Manager or their designee.

- (i) Application Form. An application form for the request shall be obtained from the Town. Completed application forms and accompanying materials shall be submitted to the Town by the owner or applicant.
 - a. Authorized Agent. If the applicant is not the owner of the land based on Ouray County Assessor records, the applicant shall submit a letter signed by the owner consenting to the submission of the application(s).
 - b. Applicant is Not the Sole Owner. If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by all owners or an association representing all the owners, by which all owners consent to or join in the application.
- (ii) Fees as required by Section 7-X General Provisions.
- (iii) Proof of Ownership. Proof of Ownership in the form of a copy of the property deed or a title commitment which has been issued within sixty (60) days of the application submittal along with copies of all documents listed in the exceptions.
- (iv) Legal Description. Legal description of the property subject to the development application.
- (v) Vicinity Map. A map locating the project limits, parcel(s), and property within Ridgway. The vicinity map shall clearly show the boundaries of the subject property and all property within a three-mile radius of the subject property.
- (vi) General Written Narrative. A general written narrative identifying the development team, existing conditions of the property, proposed uses, density, lot layout, end users, financing, public dedications (including rights-of-way, parks, open space, infrastructure), and describing the purpose of the project, how the request meets the applicable approval criteria, furthers the goals and objectives specified in the

Master Plan, and identifying any potential impacts on adjacent properties and public infrastructure and how those impacts are proposed to be mitigated.

- (b) Petition for annexation. A Petition for Annexation, in a form acceptable to the Town Attorney and complying with the requirements of the Act. The Town may provide a standard form petition. The Petition shall be signed by 100% of the owners of the private property described in the Petition.
- (c) Annexation map. All annexation maps shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet and shall be on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches. The annexation map shall contain the following information:
 - a. The date of preparation, the scale and a symbol designating true north.
 - b. The name of the annexation.
 - c. The names, addresses and phone numbers of the applicant and the person responsible for preparing the annexation map.
 - d. The legal description.
 - e. Distinction of the boundary that is contiguous to the Town and the length of same.
 - f. Lot and block numbers if the area is already platted.
 - g. Existing and proposed easements and rights-of-way.
 - h. Existing water courses with adequate easements for flood control.
 - i. Existing and requested zoning and acreage of each requested zone.
 - j. Ownership of all parcels within and adjacent to the annexation.
 - k. Mailing addresses of all property owners within two hundred (200) feet of the annexation.
 - l. Affidavit concerning the amount and historical use of all water rights owned.
- (d) Annexation Impact Report. Using information available at this stage of the development process, the application is to be accompanied by a narrative report assessing the effect of the proposed annexation upon the community and existing services and facilities. It shall detail the possible need for any expansion of those services and facilities to accommodate the development proposed for the property being annexed. The narratives shall be one or more paragraphs in length, and adequate to explain the needs, concepts, and proposed solutions for each of the following.
 - a. An assessment of the community needs for the proposed annexation and land use.
 - b. The economic impact to the Town of the proposed annexation. This is to include an analysis of short-term and long-term revenues to the Town to be generated by the development, short-term and long-term expenses of the Town likely to be incurred as a result of the annexation and development, and proposals to mitigate any negative impacts.
 - c. The school impact including an estimate of the number of students to be generated by development of the property, capital construction required to educate the students, and proposals to mitigate any negative school impacts.
 - d. The source of water, both potable and non-potable, and sanitary sewer systems anticipated to serve the property, including a description of any regional facilities that must be constructed or upgraded to serve the development on the property.

- e. The impact on the existing transportation system and proposals to mitigate any negative transportation impacts upon the community (arterial and collector street improvements, intersection improvements, intersection signalization, alternative modes of transportation, etc.)
 - f. The impact of the proposed development on the existing storm drainage system and proposals to mitigate any negative drainage impacts upon the community (historic rainfall drainage patterns, detention and retention areas, storm sewer requirements, discharged irrigation ditches, floodways and floodplains, etc).
 - g. The impact of the proposed development on law enforcement and proposals to mitigate any impact upon the existing law enforcement services (special security needs, additional officers required, additional equipment requirements, etc.).
 - h. The impact of the proposed development on the fire district and proposals to mitigate any impact upon the existing fire protection services (special fire hazards, fire prevention, fire detection, emergency access, additional equipment requirements, additional manpower requirements, additional fire stations, etc.).
 - i. The impact of the proposed development on town park facilities and recreation programs and proposals to mitigate any impact upon the existing facilities and programs.
 - j. The impact of the proposed development on the environment of the town and proposals to mitigate any negative impact (identify environmentally sensitive areas, endangered species, significant habitats, etc.).
 - k. The short-term and long-term economic development potential for the property (numbers of jobs to be created, sales and use tax generation, property tax generation, utility revenue generation, incentives to be offered, etc.).
 - l. The compatibility of the proposed development with the town's current and future transportation infrastructure and road network and proposals for mitigating any negative impact.
 - m. The compatibility of the proposed development with the Master Plan and any plan amendments that may be necessary for the proposed development.
 - n. The compatibility of the proposed development with the Land Development Regulations and Ridgway Municipal Code and any deviations in setbacks, space requirements, and permitted uses that may be required for the proposed development.
 - o. A review of existing and adjacent land uses, areas of compatibility or conflict, and possible mitigation measures that may be required for the proposed development.
- (e) Concept development plan map. The concept development plan map(s) shall be a neat, clear, permanent, legible and reproducible document and shall contain the following:
- a. The boundary of the area to be developed;
 - b. A written legal description of the area to be developed;
 - c. The general location of each proposed land use on the property and the percentage of the whole for each use. General location of land uses may be shown as irregular graphic shapes depicting the approximate size and relationship to adjacent land uses. A table shall be used to list densities and land use by type, including the area of each, the density of residential development and the maximum and minimum lot sizes, and the maximum square footage of commercial and industrial buildings and the maximum and minimum lot sizes;

- d. Existing and proposed arterial and collector streets and their relationship to the principal land uses on the site;
 - e. Existing and proposed major utility lines or facilities and their relationship to the principal land uses on the site;
 - f. Contour lines at 10 foot intervals, except when there are significant geographical features on the land and a different interval is determined to be more appropriate; and
 - g. Significant natural or manmade features on the site and contiguous to the property, including but not limited to, bluffs, tree galleries, lakes and ponds, irrigation ditches watercourses and wetlands.
- (f) For all annexations in excess of ten (10) acres, the applicant shall obtain from the school district governing the area to be annexed a statement of the effect of the annexation upon the school district, including an estimate of the number of students generated by the proposed annexation and the capital construction required to educate such students.
- (g) Property tax statement. A copy of the prior year's property tax statement for all property to be annexed.
- (h) Public hearing notification envelopes. In addition, the applicant shall provide such envelopes for the County Commissioners, County Attorney, and School District.
- (i) Surrounding and interested property ownership report.
- (j) Statement of conformance to the Master Plan. A narrative of how the project conforms to the Future Land Use Classification and the goals, policies and strategies identified in the Master Plan.
- (k) Water rights. A "Water Rights Report" for the property prepared by a qualified water engineer or water attorney detailing the water rights appurtenant to and severed from the property to be annexed and their historical use. The report must include both surface (tributary) and subsurface (non-tributary and not non-tributary groundwater). The applicant shall provide to the Town a signed warranty deed(s) for sufficient water rights as defined by the Town Engineer and in a form acceptable to the Town Attorney to provide the domestic needs of property to be developed as a result of the annexation. In addition the applicant shall provide to the Town a signed standard form warranty deed for the transfer of all subsurface (non-tributary) water rights to the Town. The timing and form of required water rights dedication may be modified in the Annexation Agreement.
- (l) Application for zoning of property to be annexed. The petitioner must submit a completed Zoning Map Amendment application, and all required submittal requirements as set forth in Section 7-5-X, Map Amendment of this Chapter.

(E) Completeness Review

The Town Manager or designee shall review the petition for annexation and all other submitted materials for completeness as follows:

- (a) Within ten (10) days following receipt of a petition or application, the Town Manager or designee shall administratively review the application and determine whether it includes all the application content requirements of the Ridgway Municipal Code for the requested application type.
- (b) All plans, reports, maps, and other information required for the application type must be complete and legible. A failure of the application to meet the requirements of the Act, Chapter 7, Land Use Regulations and the Ridgway Municipal Code may delay the processing of the application until the application is sufficient and deemed complete.

- (c) When the Town Manager or designee determines that the application is complete as submitted, the Town Manager or designee shall process the application for review in accordance with the provisions set forth in this Section 7, Annexation.
- (d) In the event the Town Manager or designee determines that the application is incomplete, the Town Manager or designee shall inform the petitioner in writing of the deficiencies in the application. No further processing of the incomplete application shall be undertaken until the Town Manager, or designee, determines that the applicant has remedied the application's deficiencies.

(F) Substantial Compliance

- (a) Annexation petition referral to Town Council. Upon the Town staff's determination that the petition and supporting documentation are complete and in compliance with provisions of this Chapter, the Act, and the Ridgway Municipal Code, the Town Manager or designee shall refer the petition to the Town Council for review and consideration.
- (b) Town Council determination of substantial compliance. The Town Council shall consider at a regular or special meeting whether the petition is in substantial compliance with provisions of the Act.
 - a. If the petition is found to be in substantial compliance with the Act, the Town Council may, by the adoption of a Resolution of Substantial Compliance, set the annexation and zoning, for a public hearing as provided in the Act.
 - b. If the petition is found to not be in compliance with the Act, no further action shall be taken, except that the findings shall be made by resolution of the Town Council.

(G) Evaluation and Review of Application and Petition

Town Staff shall analyze the feasibility of annexing the proposed property, such analysis including but not limited to, the ability to serve with streets, water, sanitary sewer, storm sewer, parks and recreation, schools, law enforcement and fire protection. The analysis shall also consider the following: compliance with the Town's Comprehensive Plan, codes and policies; sources of revenue from the property; the Town's costs to serve development proposed for the property; and any other related matters.

(H) Notice of Public Hearing

After adoption by the Council of a Resolution of Substantial Compliance, the Town shall provide notice of the public hearing as provided in the Act and Chapter 7, Land Development Regulations.

(I) Planning Commission Review

The Planning Commission shall review the Map Amendment application in a manner consistent with Section 5, Zoning Regulations to evaluate compliance with applicable standards. Following their review of the application, the Planning Commission shall provide a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section X-XX, Approval Criteria.

- a. The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.

(J) Town Council

The final decision to approve, approve with conditions, or deny a Annexation, Annexation Agreement, and initial zoning request shall be made by the Town Council in a manner consistent with the Act.

- (i) The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.

(K) Post Approval

- (a) Review. Prior to recording of the approved documents, the applicant shall submit all final documents reflecting any conditions of approval to the Town Manager or their designee for final review and acknowledgement.
- (b) Recording. Any documents required to be recorded with the Ouray County Clerk and Recorder shall be fully executed by the applicant and filed for execution by the town and recorded. Recording of all documents shall be completed within a reasonable period of time from the date of approval by the approving body.
- (c) Effective Upon Recording. A plat does not become effective until it is properly filed for recording with the Ouray County Clerk and Recorder.

Document Hierarchy:

Ch Header – Level 1

Sec, Header – Level 2

Subsection – Level 3

Subsection – Level 4

Level 5

Level 6

Level 7

DRAFT

Chapter 7: Land Development Regulations

SECTION XX –AFFORDABLE HOUSING

7-XX-1. ACCESSORY DWELLING UNITS

(A) Accessory Dwelling Units

- (1) Accessory dwelling units shall be no larger than 900 square feet.
- (2) Accessory dwelling units shall not be used for short-term rental housing.
- (3) Accessory dwelling units shall not be subdivided.
- (4) In all districts where accessory dwelling units are permitted or conditional, one accessory dwelling unit is permitted per principal dwelling unit or commercial unit.
- (5) An accessory dwelling unit shall be counted as a unit of density, unless exempted by Section 7-XX-3, Incentives.

Commented [KK1]: Need to discuss with Town

7-XX-2. DIMENSIONAL REQUIREMENT EXCEPTIONS

(A) Additional Lot Coverage

- (1) When a deed-restricted accessory dwelling unit meeting the Town's requirements is constructed, the maximum lot coverage requirements shall be increased by five (5%) percent.

7-XX-3. INCENTIVES

In the "R", "HR", "MR", "FD", "HB", "DC", and "GC" Districts, any accessory dwelling unit meeting the Town's requirements may be exempted from the density calculation as long as the unit is deed-restricted for rent to persons earning a maximum of 100 percent of the Area Median Income (AMI), at a rate established by Housing and Urban Development for that income level, and pursuant to other criteria as established from time to time by the Town.

Commented [KK2]: Need to have clear definition in Chapter 7

(A) Density Bonus

- (1) Mixed Residential, Historic Residential, and General Commercial Districts
 - a. In the MR, HR, and GC Districts, a density bonus over the maximum allowable density is available if approved by Town Council, provided that:
 - i. A minimum of 50 percent of the total number of bonus units is provided as affordable housing deed-restricted for sale or rent to persons earning a maximum of 100 percent of the area median income, at a rate established by Housing and Urban Development for that income level, and pursuant to the other criteria as established from time to time by the Town; or
 - ii. For each bonus dwelling unit allowed, at least two affordable housing units are provided on property outside of the subject property, but within the Town of Ridgway or within one (1) mile of any corporate limit of the Town of Ridgway.
- (2) Density Bonus Requirements
 - a. In order to qualify for the density bonus incentive of additional dwelling units in multi-family and/or mixed-use projects, each deed restricted affordable unit shall be no more than 15 percent smaller in gross floor area than the corresponding bonus market rate unit. Provided, however, that if the affordable housing units provided under any density bonus provision of this Section are located off of the site of the subject property, then the foregoing requirement shall not apply and, instead, for every two off-site affordable

units provided, the total combined floor area of such units shall, at a minimum, be equal to the floor area of the associated one on-site density bonus unit. Further provided, however, that in no instance shall an off-site affordable housing unit provided under any density bonus provision of this Chapter be less than 600 square feet in gross floor area.

- b. Every owner of an affordable housing unit shall ensure that each potential buyer of the unit is qualified for the purchase through the Town of Ridgway, and any affordable housing unit established pursuant to any density bonus provision of this Chapter shall be marketed and offered solely through the Town of Ridgway.
- c. For each affordable housing unit that is provided under any density bonus provision of this Chapter and that is to be located on or off the site of the subject property, the required deed or covenant restriction for such unit shall be established and legally enforceable prior to the Town's issuance of a certificate of completion or a certificate of occupancy for the corresponding bonus market rate dwelling unit in the development project.

(3) Criteria for Approval

Bonus units may be approved by the Town Council upon finding that the additional units, because of the structure's design, height, mass, and scale, do not detract from the character of the vicinity and small town character.

Commented [KK3]: Is there another entity that could assist Town?

Commented [KK4]: Is there another entity that could assist Town?

Document Hierarchy:

Ch Header – Level 1

Sec, Header – Level 2

Subsection – Level 3

Subsection – Level 4

Level 5

Level 6

Level 7

AGENDA ITEM #3

PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
JANUARY 10, 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 Franz, Liske, Nelson, Petruccelli, Mayor Pro-Tem Meyer, Mayor Clark and Chairperson Montague were in attendance.

PUBLIC HEARING

1. Continuance Request: 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 and Estate of Bernadine C. Endicott

Staff Report dated January 6, 2023, presenting background, analysis and recommendation prepared by TJ Dlubac, AICP of Community Planning Strategies. Included in the hearing packet were Public comments received from Matt Gawlowski, Stephen McComb, Jack and Karen Fay.

Planner Dlubac noted this is the third request for a continuance for this project. He explained the development team has actively been working with staff to address the outstanding issues as outlined in the Staff Report, but they have not been able to fully address all topics. Dlubac further explained the Colorado Department of Transportation (CDOT) has been included in most conversations which has lengthened the time to resolve the issues. He recommended the hearing be continued to the January 31 Regular Planning Commission Meeting as requested by the applicant.

The Chairperson opened the hearing for public comment and there was none.

ACTION:

Mayor Pro-Tem Meyer moved to approve the Applicant's request to continue the Application for Sketch Plan; Location: McChesney Minor Subdivision, Lot 2; Zone: Residential and Future Development; Applicant: Chris Hawkins DBA/Alpine Planning, to the January 31, 2023, Regular Planning Commission Meeting. Commissioner Nelson seconded the motion and it carried unanimously.

2. Application for Amended Plat; Location: Parkside Subdivision, Lot 15; Address: 702, 704, and 706 N. Laura St.; Zone Residential; Applicant: Amanda Gerhardt; Owner: Habitat for Humanity of the San Juans
3. Application for Variance to Side Setbacks; Location: Parkside Subdivision, Lot 15; Address: 702, 704 and 706 N. Laura St.; Zone: Residential; Applicant: Amanda Gerhardt; Owner: Habitat for Humanity of the San Juans

Staff Reports for agenda items 2 and 3 dated January 6, 2023, presenting background, analysis and recommendation prepared by TJ Dlubac, AICP of Community Planning Strategies.

Mr. Dlubac recommended discussion of both agenda items simultaneously because each variance request and the plat amendment would need to be approved to move forward with the parcel being split into 3 individual lots that are currently under a single ownership. He explained both requests would ready the affordable housing parcel into individual lots for the purpose of resale. The Planner noted the minimum off-

street parking requirements are met with the proposed lot split, and the landscaping requirements were approved prior to the current revisions to the Ridgway Municipal Code. He recommended approval of both requests *with the conditions intended to tie each of the approvals together so no one request is approved unless all are approved.*

The Commissioners discussed the applications with the Planner. They noted neighbors have expressed concerns regarding fencing impeding the drainage easement on the east side of the parcel. Dlubac explained plans to install a fence are not included in either request from the applicant.

Applicant Amanda Gerhardt stated there are no plans to build a fence as part of the approved landscape plan and the landscape requirements would be completed in the Spring. She noted the price-point for the sale of each unit will not be determined until the construction is completed.

The Planning Commission discussed the applications with Dlubac and Ms. Gerhardt. Discussion regarding fencing near the drainage ditch continued. Mr. Dlubac noted code standards do not allow structures or fencing in drainage easements. Ms. Gerhardt said a plat note would be added to reiterate restricting fencing or structures in the easement to ensure awareness of future qualified buyers.

The Chairperson opened the hearing for public comment.

Comments regarding landscaping, fencing and access were received from residents Jennifer Cram, Tom Heffernan, Terese Seal, Dan Quigley and Nicole Guck.

The Chairperson closed the hearing for public comment.

The Planning Commission agreed a note should be added to the amended plat for clarification of access, maintenance and restrictions for the drainage easement and drainage ditch.

ACTION:

Chairperson Montague moved to approve an 8 ft. variance to allow a zero ft. side setback on the south property line for the to-be Lot 15A, Amended Plat of Lot 15 Parkside Subdivision in the Low-Density Residential District, finding that the criteria set forth in the Ridgway Municipal Code (RMC), Section 7-3-21 have been met with the following conditions: 1.) Address all comments in the Planning Review Comment Letter dated January 6, 2023, to the satisfaction of Town Staff prior to the Amended Plat being recorded with the Ouray County Clerk and Recorder 2.) The Town Council approves the Amended Plat of Lot 15, Parkside Subdivision. Mayor Clark seconded the motion and it carried unanimously.

ACTION:

Chairperson Montague moved to approve an 8 ft. variance to allow a zero ft. setback on the north and south property line for to-be Lot 15B, Amended Plat of Lot 15 Parkside Subdivision in the Low-Density Residential District finding that the criteria set forth in RMC, Section 7-3-21 have been met with the following conditions: 1.) Address all comments in the Planning Review Comment Letter dated January 6, 2023, to the satisfaction of Town Staff prior to the Amended Plat being recorded with the Ouray County Clerk and Recorder 2.) The Town Council approves the Amended Plat of Lot 15, Parkside Subdivision. Mayor Pro-Tem Meyer seconded the motion and it carried unanimously.

ACTION:

Mayor Pro-Tem Meyer moved to approve an 8 ft. variance to allow a zero ft. setback on the north property line for to-be Lot 15C, Amended Plat of Lot 15 Parkside Subdivision in the Low-Density Residential District finding that the criteria set forth in RMC, Section 7-3-21 have been met with the following conditions: 1.) Address all comments in the Planning Review Comment Letter dated January 6, 2023, to the satisfaction of Town Staff prior to the Amended Plat being recorded with the Ouray County Clerk and Recorder 2.) The Town Council

approves the Amended Plat of Lot 15, Parkside Subdivision. Commissioner Franz seconded the motion and it carried unanimously.

ACTION:

Mayor Clark moved to recommend approval of the Amended Plat of Lot 15 Parkside Subdivision to the Town Council, finding that the criteria set forth in RMC Section 7-4-5 and Section 7-4-10 have been met with the following conditions: 1.) Address all comments in the Planning Review Letter dated January 6, 2023, 2.) Add a note to the Amended Plat pointing out that there can be no construction, or plantings into the drainage easement on each side of the proposed lots, 3.) The Town Attorney and Town Staff will review the plat note for the drainage easement and ditch prior to the Amended Plat being recorded with the Ouray County Clerk and Recorder. Mayor Pro-Tem Meyer seconded the motion and it carried unanimously.

The Commission paused for a break at 6:38 p.m. and resumed at 6:42 p.m.

WORK SESSION

4. Staff Update regarding modifications to Ridgway Municipal Code Chapter 7, *Planning and Zoning*

Staff Report dated January 6, 2023, presenting background, analysis and recommendation prepared by TJ Dlubac, AICP and Katie Kent, AICP of Community Planning Strategies.

Katie Kent provided a general overview of the proposed updates to Chapter 7 that included feedback received from the Planning Commission and Town Staff after the November 29 Regular Planning Commission Meeting. She reviewed newly proposed zoning applications that would streamline the application process and assist applicants in determining what is needed to receive approval. Ms. Kent presented scenarios to demonstrate how an applicant would move forward through Town Staff reviews, Planning Commission consideration, and/or Town Council approval, based on the requests. There were questions from the Commissioners throughout the presentation. The Planning Commission agreed with the Chapter 7 updates as presented.

Planner Dlubac encouraged continued comments from the Commissioners regarding the presentation and explained one or two more work sessions would be needed before presenting the final draft. Revisions to the Municipal Code from this work session will be incorporated into the proposed Chapter 7 updates and will be presented at the January 31 Regular Planning Commission Meeting via work session. Town Staff and the Commissioners will determine the next steps in the process at that meeting, which may affect the expiration date of the Emergency Ordinance dated August 10, 2022, that postpones submittal of certain zoning applications. The Planning Commission agreed the Chapter 7 updates should move forward as necessary regardless of Emergency Ordinances' timeline.

APPROVAL OF THE MINUTES

5. Approval of the Minutes from the Regular Meeting of November 29, 2022

ACTION:

Mayor Clark moved to approve the Minutes from November 29, 2022. Mayor Pre-Tem Meyer seconded the motion and it carried unanimously.

OTHER BUSINESS

6. Updates from Planning Commission Members

Mayor Clark said the Town is seeking a Council or Commission member to sit on the Home Trust of Ouray County's Board of Directors.

Planner Dlubac noted he will present a resolution at the January 11 Town Council Regular Meeting that will provide the opportunity to amend the Town's Master Plan.

ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Karen Christian
Deputy Clerk