

RIDGWAY PLANNING COMMISSION

REGULAR MEETING AGENDA

Tuesday, May 28, 2024

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/83493467752?pwd=MDBmdXEwWDg3Sm1TUloyb3g2SFpJQT09>

Meeting ID: 834 9346 7752

Passcode: 074451

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, Pam Foyster, Bill Liske, Russ Meyer, Jennifer Nelson, and Jack Petruccelli

PUBLIC HEARING:

1. **Application:** Lot Consolidation; **Location:** Solar Ranches #2D, Lots 68-70; **Address:** TBD Sabeta Dr., 820 Sabeta Dr., and TBD Sabeta Dr.; **Zone:** Residential (R); **Applicant:** Patrick and Debra Willits; **Owner:** Patrick and Debra Willits

WORK SESSION:

2. Presentation and discussion regarding accessory dwelling unit standards
3. Presentation and discussion regarding parking standards
4. Presentation and discussion regarding regulations for affordable housing
5. Update regarding analysis related to the economic implications of Ridgway's land use mix

APPROVAL OF MINUTES:

6. Minutes from the Regular meeting of April 30, 2024

OTHER BUSINESS:

7. Updates from Planning Commissioners

ADJOURNMENT

AGENDA ITEM #1

To: Town of Ridgway Planning Commission
Cc: Preston Neill, Ridgway Town Manager
From: TJ Dlubac, CPS, Contracted Town Planner
Date: May 24, 2024
Subject: Lot Consolidation request to combine three lots into one lot with an existing single-family dwelling unit square Staff Report for the May 28th PC Meeting

APPLICATION INFORMATION

Request: Request to consolidate three lots (Lots 68, 69, and 70) into one new lot, 69R. There is currently one home on Lot 69 and Lots 68 and 70 are currently vacant. The applicant is not anticipating any additional construction or improvement to the resulting lot at this time.

Legal: Lots 68, 69, & 70, Filing No. 2D Solar Ranches PUD

Address: 820 Sabeta Dr.

General Location: South of and adjacent to Sabeta Dr., east of Tabernash Ln.

Parcel #: 430516318068, 430516318069, & 430516318070

Zone District: Low Density Residential (R) District

Current Use: Single-family home

Applicant: Patrick and Debra Willits

Owner: Patrick and Debra Willits

PROJECT REVIEW

REQUEST

The Owner's wishes to consolidate three (3) lots they own into one lot within the Filing 2D, Solar Ranch PUD. Since the proposal doesn't result in the modification of any public right-of-way, the creation of any additional lots, the creation of an unbuildable lot, nor the creation of a lot that does not have legal access, the request is able to be processed as a Lot Consolidation pursuant to RMC §7-5-2(I). A lot consolidation requires a public hearing with the Planning Commission who is authorized to make the final decision on this matter.

The Owner has submitted a land use application, associated fees, lot consolidation request 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 §7-5-2(B)(7).

CODE REQUIREMENTS

RMC §7-4-4(E) "R" LOW DENSITY RESIDENTIAL DISTRICT

(1) Intent. This 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.

(2) District Standards.

(a) Permitted uses are identified in Table T-4.3.

(b) Lot size and required setbacks are identified in Table T-4.4.

RMC §7-5-2(I)(2) REVIEW PROCEDURES:

- (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 7-5-2(B)(4), Referral Agencies, and review the application for conformance with the requirements and standards of this Municipal Code.*
- (g) Staff Report. A staff report shall be prepared and provided to the reviewing body in accordance with Section 7-5-2(B)(5), Staff Report.*
- (h) Review and Action by Planning Commission.*
 - (i) The Planning Commission shall review the lot consolidation application in a manner consistent with Table T-5.1 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 T-5.1 and be based upon the criteria set forth in Section 7-5-2(I)(3), Approval Criteria.*
 - (ii) 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.*

RMC §7-5-2(I)(3) APPROVAL CRITERIA:

A lot consolidation may be approved and accepted by the Planning Commission if the application is found to meet the following criteria:

- (a) The proposed consolidation conforms to all applicable requirements for the zone district(s) in which the property is located;*
- (b) The proposed consolidation substantially conforms to all other applicable requirements of this code, ordinances, and resolutions; and*
- (c) The proposed consolidation is consistent with the applicable portions of the Master Plan in the reasonable judgement of the approving body.*

ANALYSIS

LAND USES

The three (3) lots are owned by the Willits'. Currently, Lots 68 and 70 are vacant, and the owner's primary residence is on Lot 69. No additional construction or home expansion is being requested as part of this request.

The property is within Filing 2D of the Solar Ranches PUD. Therefore, in addition to the R Zoning District provisions, the property must adhere to the PUD provisions as well. The provisions of the PUD are summarized as:

1. The use of each lot is limited to single-family residences.
Response: The proposed use is single-family.
2. There shall be a minimum of 15.5' between buildings.



Response: No new construction proposed.

3. Building height is limited to the lesser of two stories or 27 feet in height.

Response: No new construction proposed.

4. All pedestrian walks are subject to ditch and utility easements.

Response: Proposal is not impacting pedestrian walks or any existing easements.

5. Maintenance of walks shall be completed by the Owners Association.

Response: Proposal is not impacting pedestrian walks or any existing easements.

6. No wood shingles are allowed.

Response: No new construction proposed.

DIMENSIONAL STANDARDS

Table T-4.4, Dimensional Standard Requirements, of RMC §7-4-4(P)(1) sets forth the required dimensional standards which shall be met for various uses within each zone district. For the R Low Density Residential District, the following standards apply to all uses:

<i>Standard</i>	<i>Requirement</i>	<i>Provided</i>
Min. Lot Width	50'	230'
Min. Lot Size	6,000	0.768 acres (33,455sf+/-)
Max. Lot Coverage	50% (16,727.5sf)	Existing
Min. Front Setback	15'	Existing
Min. Rear Setback	8'	Existing
Min. Side Setback	5'	Existing – but east and west are greater than 75 and 80', respectively.
Max. Side on Corner Lot	N/A	N/A
Structure Height	27' or two stories	Existing

ACCESS

The access to the combined lots will still be via the existing private driveway accessing Sabeta Dr.

PARKING

Off-street parking will continue to be provided under the existing conditions via the driveway and the detached garage.

UTILITIES

No additional water or sewer services are needed. The existing home will continue to receive its water and sewer services from the main lines in Sabeta Dr.

PUBLIC COMMENT

The application was forwarded to referral agencies on March 13, 2024, with a due date of April 2, 2024. The materials were sent to thirteen referral agencies and only four responded.

- *Tri-County Water* responded with no comments.

- *Ouray County Assessor* responded with a request to clarify the labeling of the resulting lot throughout the documents
- *Ouray County Clerk* responded that the certificate block appears correct.
- *Town Contracted Planners, CPS,* responded with multiple comments.

All referral comments received have been attached to this staff report as Exhibit B.

As of the drafting of this staff report, no public comments either for or against the request have been received.

APPROVAL CRITERIA

A lot consolidation may be approved and accepted by the Planning Commission if the application is found to meet the following criteria:

- (a) The proposed consolidation conforms to all applicable requirements for the zone district(s) in which the property is located;
- (b) The proposed consolidation substantially conforms to all other applicable requirements of this code, ordinances, and resolutions; and
- (c) The proposed consolidation is consistent with the applicable portions of the Master Plan in the reasonable judgement of the approving body.

STAFF RECOMMENDATION

Upon review of the submitted application materials against the approval criteria, staff recommends the Planning Commission approve the lot consolidation finding the approval criteria set forth in RMC §7-5-2(I)(3) have been met with the following condition:

1. The plat be updated to address all referral comments and be reviewed by the Town prior to recording the lot consolidation plat with Ouray County Clerk and Recorder.

Recommended Motion:

"I move to approve the lot consolidation for Lot 69-R, Filing No. 2D Solar Ranches finding that the criteria set forth in RMC §7-5-2(I)(3) have been met with the following condition:

1. The plat be updated to address all referral comments and be reviewed by the Town prior to recording the lot consolidation plat with Ouray County Clerk and Recorder."

Alternative motions:

Approval with conditions:

"I move to approve the lot consolidation for Lot 69-R, Filing No. 2D Solar Ranches finding that the criteria set forth in RMC §7-5-2(I)(3) have been met with the following conditions:

1. _____
2. _____
3. _____

Denial:

"I move to deny the lot consolidation for Lot 69-R, Filing No. 2D Solar Ranches finding that the criteria set forth in RMC §7-5-2(I)(3) have not been met."



ATTACHMENTS

- A. Application and Support Materials
- B. Referral Agency Comments



APPLICATION

Official Use Only:

Receipt #

4556

Date received

3/5/2024

Initials

[Signature]

General Information

Applicant Name

Patrick and Debra Willits

Application Date

03/01/2024

Mailing Address

820 Sabeta Dr, Ridgway Co 81432

Phone Number

970-596-5479

Email

820 Sabeta Dr, Ridgway Co 81432

Owner Name

Patrick and Debra Willits

Phone Number

970-596-5479

Email

patrickwillits@gmail.com

Address of Property for Hearing

820 Sabeta Dr, Ridgway Co 81432

Zoning District

Brief Description of Requested Action

See attached document Willits Requested Action:

Action Requested and Required Fee Payable to the Town of Ridgway

Land Use Applications

<input type="checkbox"/> Administrative Adjustment	\$150.00	<input type="checkbox"/> Minor Amendment to Conditional Use Permit	\$100.00
<input type="checkbox"/> Appeal of Planning Decision	\$250.00	<input type="checkbox"/> Site Plan Review	\$1000.00
<input type="checkbox"/> Conditional Use Permit	\$250.00	<input type="checkbox"/> Temporary Use Permit	\$150.00
<input type="checkbox"/> PUD Zoning	\$1500.00 + \$25.00 per lot or unit	<input type="checkbox"/> Variance	\$250.00
<input type="checkbox"/> Major Amendment PUD	\$500.00	<input type="checkbox"/> Zoning Map Amendment	\$250.00
<input type="checkbox"/> Minor Amendment PUD	\$250		

Subdivisions

<input type="checkbox"/> Amended Plat	\$250.00	<input type="checkbox"/> Resubmittal of Preliminary Plat	\$750.00 + \$25.00 per lot or unit
<input type="checkbox"/> Boundary or Lot Line Adjustment	\$300.00	<input type="checkbox"/> Final Plat	\$600.00
<input type="checkbox"/> Building Footprint	\$150.00	<input type="checkbox"/> Minor Subdivision	\$1500.00 + \$50.00 per lot or unit
<input type="checkbox"/> Condominium	\$500.00	<input type="checkbox"/> Resubdivision	\$600.00
<input checked="" type="checkbox"/> Lot Consolidation	\$300.00	<input type="checkbox"/> Right-of-Way Vacation	\$600.00
<input type="checkbox"/> Sketch Plan	\$300.00 + \$10.00/lot or unit	<input type="checkbox"/> Town House	\$500.00
<input type="checkbox"/> Preliminary Plat	\$1500.00 + \$25.00 per lot or unit		

Signs

<input type="checkbox"/> Master Sign Plan	\$150.00	<input type="checkbox"/> Master Sign Plan, Appeal	\$250
<input type="checkbox"/> Master Sign Plan, Minor Change	\$50.00	<input type="checkbox"/> Sign Permit	\$35.00 per sign
<input type="checkbox"/> Master Sign Plan, Major Change	\$150.00		

Miscellaneous Applications

<input type="checkbox"/> Amendment to Zoning Regulations	\$200.00	<input type="checkbox"/> Other Reviews	\$250.00
<input type="checkbox"/> Annexation	\$1500.00	<input type="checkbox"/> Outdoor Lighting Appeal	\$250.00
<input type="checkbox"/> Construction Documents	\$1000.00	<input type="checkbox"/> Outdoor Light Variance	\$250.00
<input type="checkbox"/> Deviation from Residential, Commercial, or Industrial Design Standards	\$175.00	<input type="checkbox"/> Site Specific Development Plan	\$50.00
<input type="checkbox"/> Mobile Homes or Factory-built housing set up within a lawful mobile home park	\$200.00	<input type="checkbox"/> Statutory Vested Rights	\$1500.00
<input type="checkbox"/> Nonconforming Use, Changev	\$150.00	<input type="checkbox"/> Zoning or Land Use Compliance Letters	\$100.00

In addition to the above 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 issues, 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.

The Town Council, in its sole discretion, may defer, reduce and/or waive certain land use fees for projects demonstrating significant public benefit such as perpetual, deed-restricted affordable or workforce housing projects.

Application

General Information

Brief Description of Requested Action

We are requesting approval for a Lot Consolidation of Lots 68, 69 and 70, filing No. 2D, Solar Ranches Subdivision into one lot, proposed to be new lot 69A. Attached as an electronic file please find "Willits Lot Consolidation Survey Plat 02-26-24-1.pdf" prepared by Foley and Associates, and a file labeled "Willits Lot Consolidation Title Commitment.pdf"

We have dropped off a check to the Town of Ridgway in the amount of \$300 to pay application fees.

We communicated our plan to consolidate our three Solar Ranches lots into one to the Solar Ranch HOA last fall, but we are awaiting direction from the Town at this time and we have not yet sent this to them. and they are wanting and expecting to review the proposed plat and proposed plat notes, if any, when the time comes, and may have suggestions for additional plat notes.

Please tell us how to proceed

Respectfully,

Pat Willits

Application Signatures

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.



Applicant Signature

Date

03/01/2024



Owner Signature

Date

03/01/2024

Application

General Information

Brief Description of Requested Action

We are requesting approval for a Lot Consolidation of Lots 68, 69 and 70, filing No. 2D, Solar Ranches Subdivision into one lot, proposed to be new lot 69A.

We dropped off today (03-01-2024) a signed, hard copy Ridgway Development Application and a check to the Town of Ridgway in the amount of \$300 to pay application fees.

We had trouble filling out on-line and saving the complete Ridgway Development Application as a pdf. We did the best we could and have attached it to this electronic application as "Willits Land Use Development Application 03-01-2024.pdf" We then created a second document in WORD labeled "Willits Requested Action 03-01-2024.docx" and likewise have attached it to this email.

Also attached to this email as an electronic file please find "Willits Lot Consolidation Survey Plat 02-26-24-1.pdf" prepared by Foley and Associates, and a file labeled "Willits Lot Consolidation Title Commitment.pdf"

The Solar Ranch HOA is expecting to review the proposed plat and proposed plat notes, if any, when the time comes, and may have suggestions for additional plat notes. We communicated our plans to them last fall, but we are awaiting direction from the Town at this time and we have not yet sent this or anything else to them.

Please tell us how to proceed

Respectfully,

Pat and Deb Willits

[Printer friendly view](#)

Query: exact search in OwnerID for willits

Showing 3 results on 1 page

Account#	Summary				Picture
R002210	430516318068 201 - 201	WILLITS PATRICK, WILLITS DEBRA	TBD SABETA DR Ridgway 81432	Subd: SOLAR RANCHES #2D Lot: 68 S: 16 T: 45 R: 8	
R002211	430516318069 201 - 201	WILLITS PATRICK C, WILLITS DEBRA A	820 SABETA DR Ridgway 81432	Subd: SOLAR RANCHES #2D Lot: 69 S: 16 T: 45 R: 8	
R002212	430516318070 201 - 201	WILLITS PATRICK C, WILLITS DEBRA A	TBD SABETA DR Ridgway 81432	Subd: SOLAR RANCHES #2D Lot: 70 S: 16 T: 45 R: 8	



Customer Distribution



Prevent fraud - Please call a member of our closing team for wire transfer instructions or to initiate a wire transfer. Note that our wiring instructions will never change.

Order Number: **OUL85009612**

Date: **02/14/2024**

Property Address: **TBD SABETA DRIVE, 820 SABETA DRIVE, TBD SABETA DRIVE, RIDGWAY, CO 81432**

For Closing Assistance

For Title Assistance

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

Seller/Owner

PATRICK WILLITS AND DEBRA WILLITS
Delivered via: Electronic Mail

Surveyor

FOLEY ASSOCIATES INC
Attention: JEFF HASKELL
PO BOX 1385
125 W PACIFIC AVE #B1
TELLURIDE, CO 81435
(970) 728-6153 (Work)
(970) 728-6050 (Work Fax)
jhaskell@foleyassoc.com
Delivered via: Electronic Mail



Estimate of Title Fees

Order Number: OUL85009612

Date: 02/14/2024

Property Address: TBD SABETA DRIVE, 820 SABETA DRIVE, TBD SABETA DRIVE,
RIDGWAY, CO 81432

Seller(s): PATRICK WILLITS AND DEBRA WILLITS (AS TO PARCEL A); PATRICK C. WILLITS
AND DEBRA A. WILLITS (AS TO PARCEL B & C)

Buyer(s): TO BE DETERMINED

Thank you for putting your trust in Land Title. Below is the estimate of title fees for the transaction. The final fees will be collected at closing. Visit ltgc.com to learn more about Land Title.

Estimate of Title Insurance Fees	
"TBD" Commitment	\$275.00
TOTAL	\$275.00

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 documents on your property.

Chain of Title Documents:

[Ouray county recorded 02/16/2016 under reception no. 215690](#)

[Ouray county recorded 08/19/2021 under reception no. 229859](#)

[Ouray county recorded 09/29/1995 under reception no. 160378](#)

[Ouray county recorded 01/18/2022 under reception no. 231208](#)

[Ouray county recorded 12/17/2019 under reception no. 224401](#)

Plat Map(s):

[Ouray county recorded 08/15/1994 under reception no. 157261](#)

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: OUL85009612

Property Address:

TBD SABETA DRIVE, 820 SABETA DRIVE, TBD SABETA DRIVE, RIDGWAY, CO 81432

1. Effective Date:

02/08/2024 at 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

"TBD" Commitment

\$0.00

Proposed Insured:

TO BE DETERMINED

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

FEE SIMPLE

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

PATRICK WILLITS AND DEBRA WILLITS (AS TO PARCEL A); PATRICK C. WILLITS AND DEBRA A. WILLITS
(AS TO PARCEL B & C)

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

PARCEL A:

LOT 68, FILING NO. 2D, SOLAR RANCHES, ACCORDING TO THE PLAT RECORDED AUGUST 15, 1994
UNDER RECEPTION NO. [157261](#) AND IN AMENDMENT RECORDED JUNE 14, 1999 UNDER RECEPTION
NO. [169851](#), COUNTY OF OURAY, STATE OF COLORADO

PARCEL B:

LOT 69, FILING NO. 2D, SOLAR RANCHES, ACCORDING TO THE PLAT RECORDED AUGUST 15, 1994
UNDER RECEPTION NO. [157261](#) AND IN AMENDMENT RECORDED JUNE 14, 1999 UNDER RECEPTION
NO. [169851](#), COUNTY OF OURAY, STATE OF COLORADO

PARCEL C:

LOT 70, FILING NO. 2D, SOLAR RANCHES, ACCORDING TO THE PLAT RECORDED AUGUST 15, 1994
UNDER RECEPTION NO. [157261](#) AND IN AMENDMENT RECORDED JUNE 14, 1999 UNDER RECEPTION
NO. [169851](#), 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: OUL85009612

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. 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. (PARCEL A ONLY)

2. RELEASE OF DEED OF TRUST DATED DECEMBER 09, 2019 FROM PATRICK WILLITS AND DEBRA ACKERMAN WILLITS TO THE PUBLIC TRUSTEE OF OURAY COUNTY FOR THE USE OF CITIZENS STATE BANK TO SECURE THE SUM OF \$180,000.00 RECORDED DECEMBER 17, 2019, UNDER RECEPTION NO. [224406](#) (PARCEL B).

THE ABOVE DEED OF TRUST IS A LINE OF CREDIT

SUBORDINATION AGREEMENT IN CONNECTION WITH SAID DEED OF TRUST WAS RECORDED JANUARY 22, 2020 UNDER RECEPTION NO. [224630](#).

3. RELEASE OF DEED OF TRUST DATED SEPTEMBER 01, 2017 FROM PATRICK WILLITS AND DEBRA ACKERMAN WILLITS TO THE PUBLIC TRUSTEE OF OURAY COUNTY FOR THE USE OF ALPINE BANK TO SECURE THE SUM OF \$60,000.00 RECORDED SEPTEMBER 18, 2017, UNDER RECEPTION NO. [219421](#) (PARCEL B).

THE ABOVE DEED OF TRUST IS A LINE OF CREDIT

4. WARRANTY DEED FROM PATRICK WILLITS AND DEBRA WILLITS (AS TO PARCEL A); PATRICK C. WILLITS AND DEBRA A. WILLITS (AS TO PARCEL B & C) TO TO BE DETERMINED CONVEYING SUBJECT PROPERTY.

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

Order Number: OUL85009612

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 AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 24, 1903, IN BOOK 64 AT PAGE [56](#).
9. RESERVATION OF ONE-HALF OF ALL OIL, GAS AND MINERAL RIGHTS, RESERVED BY ROBERT LUNDGREN AND MABEL S. LUNDGREN IN DEED RECORDED JANUARY 18, 1962 IN BOOK 162 AT PAGE [231](#).
10. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE RECORDED PLAT OF FILING NO. 2D, SOLAR RANCHES, RECORDED AUGUST 15, 1994 AT RECEPTION NO. [157261](#); AND AMENDMENTS RECORDED FEBRUARY 29, 1996 AT RECEPTION NO. [161333](#) AND RECORDED JUNE 14, 1999 AT RECEPTION NO. [169851](#).
11. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS OF SOLAR RANCHES RECORDED JULY 21, 1993 IN BOOK 227 AT PAGE [222](#); AND IN SECOND ANNEXATION OF ADDITIONAL LAND RECORDED AUGUST 15, 1994 IN BOOK 230 AT PAGE [313](#); AND IN RESOLUTION OF SOLAR RANCH HOMEOWNERS ASSOCIATION TO MODIFY THE DECLARATION RECORDED MAY 25, 2001 AT RECEPTION NO. [174848](#); AND IN AMENDED AND RESTATED DECLARATION RECORDED NOVEMBER 8, 2022 UNDER RECEPTION NO. [233488](#) AND IN AMENDED AND RESTATED BYLAWS RECORDED NOVEMBER 8, 2022 UNDER RECEPTION NO. [233487](#).

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

Order Number: OUL85009612

12. TERMS, CONDITIONS AND PROVISIONS OF SUBDIVISION IMPROVEMENT AGREEMENT RECORDED AUGUST 15, 1994 UNDER RECEPTION NO. [157263](#).
13. TERMS, CONDITIONS AND PROVISIONS OF RESOLUTION NO. 1997-039 REGARDING NOXIOUS WEEDS RECORDED AUGUST 08, 1997 UNDER RECEPTION NO. [164857](#).
14. MATTERS DISCLOSED ON IMPROVEMENT LOCATION CERTIFICATE CERTIFIED DECEMBER 11, 2019 PREPARED BY ORION SURVEYING, JOB #19237, SAID DOCUMENT STORED AS OUR IMAGE [20050920](#). (LOT 70)



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 24-21-514.5, 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 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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LOT 69-R, FILING No. 2D SOLAR RANCHES, A PLANNED UNIT DEVELOPMENT,
A Lot Consolidation Plat to combine Lots 68, 69, and 70, Filing No. 2D Solar Ranches, a Planned Unit Development,
located in Outlot A, Savath Subdivision, South Ridgway Addition, Ridgway, Colorado,
within the SW 1/4 of Section 16 and the SE 1/4 of Section 17, all in T.45N., R.8W., N.M.P.M., County of Ouray, State of Colorado.

APPROVAL BY THE TOWN:

The within Plat is authorized and approved for filing on

_____, 2024.
The dedication of land and public ways shown hereon as being dedicated to the Town, if any, are accepted by the Town Council of the Town of Ridgway, State of Colorado, subject to the condition that the Town shall undertake the maintenance of said public ways only after construction of said public ways has been satisfactorily completed to the Town's specifications by subdivider.

Ridgway

By: _____
Mayor

ATTEST: _____
Clerk

Approved: _____
Planning Director

Town Engineer

PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission of Ridgway, Colorado did hereby authorize and approve this Plat of the above subdivision at a meeting of the Planning and Zoning Commission held on _____.

Chairperson

DEDICATION:

Know all persons by these presents:

A. That PATRICK WILLITS AND DEBRA WILLITS (AS TO LOT 68); PATRICK C. WILLITS AND DEBRA A. WILLITS (AS TO LOT 69 AND LOT 70); of 820 Sabeta Drive, Ridgway, CO. 81432 ("Owners"), are the owners of the land described as follows ("Property"):

LOT 68, FILING NO. 2D, SOLAR RANCHES, ACCORDING TO THE PLAT RECORDED AUGUST 15, 1994 UNDER RECEPTION NO. 157261 AND IN AMENDMENT RECORDED JUNE 14, 1999 UNDER RECEPTION NO. 169851, COUNTY OF OURAY, STATE OF COLORADO.

LOT 69, FILING NO. 2D, SOLAR RANCHES, ACCORDING TO THE PLAT RECORDED AUGUST 15, 1994 UNDER RECEPTION NO. 157261 AND IN AMENDMENT RECORDED JUNE 14, 1999 UNDER RECEPTION NO. 169851, COUNTY OF OURAY, STATE OF COLORADO.

LOT 70, FILING NO. 2D, SOLAR RANCHES, ACCORDING TO THE PLAT RECORDED AUGUST 15, 1994 UNDER RECEPTION NO. 157261 AND IN AMENDMENT RECORDED JUNE 14, 1999 UNDER RECEPTION NO. 169851, COUNTY OF OURAY, STATE OF COLORADO.

B. The purpose of this Lot Consolidation Plat ("Plat") is to vacate the lot lines between Lots 68, 69, and 70, Filing No. 2D Solar Ranches, a Planned Unit Development.

DEDICATION (cont.):

The Owners hereby make and approve the within Plat.

Executed by the Owners as of

_____, 2024.

By: _____
Patrick Willits

NOTARIAL:

State of _____)

County of _____)ss

The foregoing instrument was acknowledged before me this

_____ day of _____, 2024,
by Patrick Willits.

My commission expires _____

Witness my hand and official seal.

Notary Public

By: _____
Debra Willits

NOTARIAL:

State of _____)

County of _____)ss

The foregoing instrument was acknowledged before me this

_____ day of _____, 2024,
by Debra Willits.

My commission expires _____

Witness my hand and official seal.

Notary Public

By: _____
Patrick C. Willits

NOTARIAL:

State of _____)

County of _____)ss

The foregoing instrument was acknowledged before me this

_____ day of _____, 2024,
by Patrick C. Willits.

My commission expires _____

Witness my hand and official seal.

Notary Public

By: _____
Debra A. Willits

NOTARIAL:

State of _____)

County of _____)ss

The foregoing instrument was acknowledged before me this

_____ day of _____, 2024,
by Debra A. Willits.

My commission expires _____

Witness my hand and official seal.

Notary Public

SURVEYOR'S CERTIFICATE:

I, Jeffrey C. Haskell of Foley Associates, Inc., being a Colorado Licensed Surveyor, do hereby certify that this Plat Amendment and survey of LOT 69-R, FILING No. 2D SOLAR RANCHES, A PLANNED UNIT DEVELOPMENT, ("Plat"), was made by me and under my supervision and that both are accurate to the best of my knowledge. I further certify that all monuments and markers were set as required by the Town of Telluride Land Use Code and Articles 50 and 51 of Title 38, C.R.S.

P.L.S. No. 37970

Date

NOTES:

1. Approval of this plat may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended.

2. Lot 69-R contains 0.768 Acres, more or less.

3. Easement research and legal descriptions provided by Land Title Guarantee Company, Order Number OUL85009612, dated February 08, 2024 at 5:00 P.M.

NOTES OF CLARIFICATION:

a. The Configuration of the following lots, tracts, and right-of-way have been modified by this Plat:
none

b. The following lots have been created by this Plat:
Lot 69-R

c. The following lots have been deleted by this Plat:
Lot 68, Lot 69, Lot 70

9. BASIS OF BEARINGS: The bearing between found monuments along the southern boundary of Lots 68, 69, and 70, as shown hereon, assumed to have the record bearing of N 89°10'10" W according to Reception No. 157261.

10. Lineal Units represented hereon are shown in U.S. Survey Feet or a decimal portion thereof.

11. NOTICE: According to Colorado law, you must commence any legal action based upon defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

COUNTY TREASURER'S CERTIFICATE:

I certify that according to the records in the Ouray County Treasurer's office, there are no liens against the property described in the Dedication shown hereon for unpaid State, county or municipal ad valorem taxes or special assessments certified to the County Treasurer for collection.

County Treasurer

Date

TITLE INSURANCE CERTIFICATE:

Land Title Guarantee Company, a Colorado licensed title company, does hereby certify that we have examined the title to the lands herein shown on this Plat, and that the title to the property described in the Dedication shown hereon is in the name of _____, and there are no liens or taxes due and owing except as follows:

Title Insurance Company Representative

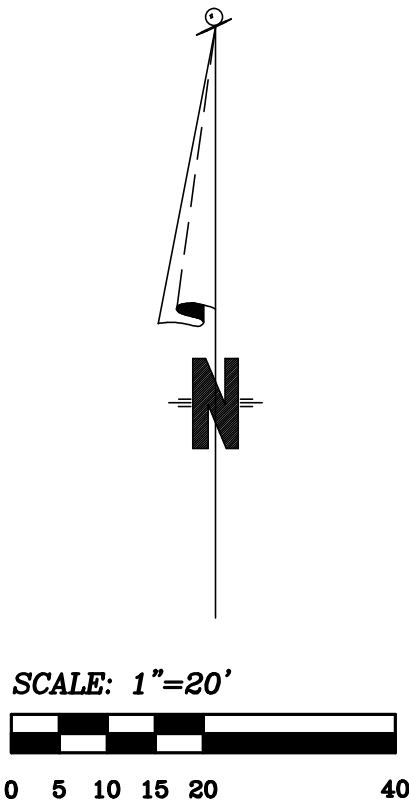
CLERK AND RECORDER'S CERTIFICATE:

This Plat was filed in the office of the Clerk and Recorder of Ouray County, Colorado on this

_____ day of _____, A.D. 2024.

Reception No. _____
Time _____.

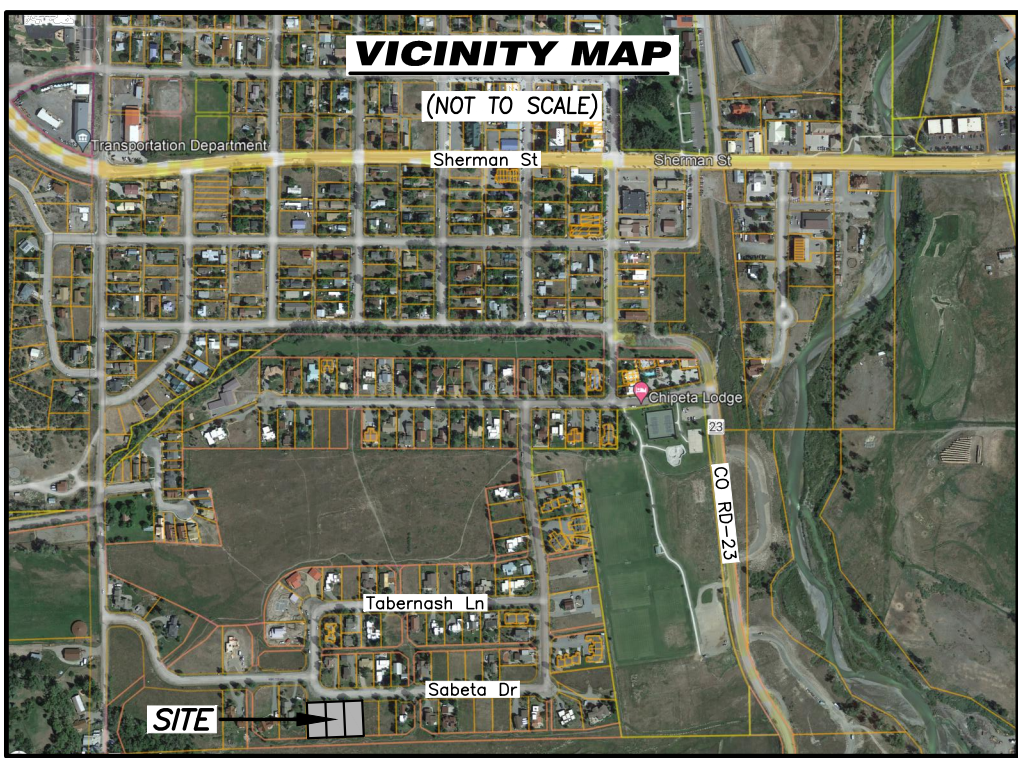
Ouray County Clerk



LEGEND

● FOUND 1-1/2" ALUMINUM CAP
ON 5/8" REBAR, L.S. 12180

SABETA DRIVE
(60' R.O.W.)



LOT 67
(BAKER SUSAN A)

FORMER LOT 68
(0.266 ACRES)

LOT 69-R
(0.768 ACRES)

FORMER LOT 69
(0.250 ACRES)

FORMER LOT 70
(0.251 ACRES)

LOT 71
(KORNBLOH THOMAS)

OUTLOT A

(PEDESTRIAN WALKWAY AND DITCH AND UTILITY EASEMENT)
(PER RECEPTION No. 157261)

Project Mgr: JH	Rev.	description	date	by
Technician: MC				
Technician:				
Checked by:				
Start date: 02/06/2024				



970-728-6153 970-728-6050 fax
P.O. BOX 1385
125 W. PACIFIC, SUITE B-1
TELLURIDE, COLORADO 81435

Drawing path: dwg\24004 REPLAT 02-24.dwg

Sheet1 of 1

Project #: 24004



**Town of Ridgway
REFERRAL NOTICE
March 13, 2024**

We are interested in your review of the following project.

Project: Willits Lot Consolidation
Lot Consolidation Subdivision

Location: The project is located at 820 Sabeta Dr.

Applicant: Pat and Deb Willits
820 Sabeta Dr.
Ridgway, CO 81432

Phone: (970) 596-5479
E-Mail: patrickwillits@gmail.com

Owner: Same as Applicant

Summary:

The applicant is requesting to consolidate three lots (Lots 68, 69, and 70) into one new lot, 69R,. There is currently one home on Lot 69 and Lots 68 and 70 are currently vacant. The applicant is not anticipating any additional construction or improvement to the resulting lot at this time.

PLEASE REPLY BY: 5 PM Tuesday, April 2, 2024

Reply to: TJ Dlubac, AICP, CPS
Contracted Town Planner

Phone: (719) 839-5804
E-Mail: TDlubac@PlanStrategize.com

Organization / Agency: [Tri-County Water](#)

Comments: [No comments. Tri-County has no infrastructure in this area.](#)

This application has been sent to you for your review and comment. Any comments or issues you may consider relevant to this request would be appreciated. If you have any questions regarding the application, please contact the Planner listed above.



**Town of Ridgway
REFERRAL NOTICE
March 13, 2024**

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E-Mail: patrickwillits@gmail.com

Owner: Same as Applicant

Summary:

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PLEASE REPLY BY: 5 PM Tuesday, April 2, 2024

Reply to: TJ Dlubac, AICP, CPS
Contracted Town Planner

Phone: (719) 839-5804
E-Mail: TDlubac@PlanStrategize.com

Organization / Agency: Susie Mayfield, Ouray County Assessor

Comments: My only comment is that all of the application documents refer to the new lot as 69-A; however, the plat has it named and labeled as 69-R. Clarification is needed as to whether it is A as is Alpha or R as in Romeo

This application has been sent to you for your review and comment. Any comments or issues you may consider relevant to this request would be appreciated. If you have any questions regarding the application, please contact the Planner listed above.



**Town of Ridgway
REFERRAL NOTICE
March 13, 2024**

We are interested in your review of the following project.

Project: Willits Lot Consolidation
Lot Consolidation Subdivision

Location: The project is located at 820 Sabeta Dr.

Applicant: Pat and Deb Willits
820 Sabeta Dr.
Ridgway, CO 81432

Phone: (970) 596-5479
E-Mail: patrickwillits@gmail.com

Owner: Same as Applicant

Summary:

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PLEASE REPLY BY: 5 PM Tuesday, April 2, 2024

Reply to: TJ Dlubac, AICP, CPS
Contracted Town Planner

Phone: (719) 839-5804
E-Mail: TDlubac@PlanStrategize.com

Organization / Agency: Ouray County Clerk

Comments: The recorders block is present and appears to be correct.

This application has been sent to you for your review and comment. Any comments or issues you may consider relevant to this request would be appreciated. If you have any questions regarding the application, please contact the Planner listed above.

April 23, 2024

Patrick and Debra Willits
820 Sabeta Dr
Ridgway, CO 81432

SENT VIA E-MAIL TO patrickwillits@gmail.com

RE: Willits Lot Consolidation Application, 1st Planning Review Comments

Dear Patrick and Debra:

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

The following documents were included in the materials CPS reviewed in connection with this application:

- Application form dated March 1, 2024
- Willits Lot Consolidation Application Email dated March 1, 2024
- Acknowledgment of Fees and Costs form dated March 1, 2024
- Application Narrative dated March 1, 2024
- Assessor's Ownership report dated March 3, 2024
- Lot 69-R, Lot Consolidation plat map with a preparation date of February 6, 2024
- Land Title Insurance Report dated February 14, 2024

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

1. Add a 10' utility easement upon the property along the side and rear property lines. *(Sec. 7-5-4(C)(1) of RMC)*
2. Update the project narrative to identify the approximate lot coverage of the proposed lot. *(Sec. 7-4-4(P)(1) RMC, Table T-4.4 Dimensional Standard Requirements)*
3. Update the project narrative to identify the approximate setback distances between the property lines and the nearest part of the existing structure. *(Sec. 7-4-4(P)(1) RMC, Table T-4.4 Dimensional Standard Requirements)*
4. According to the title work provided, the mineral interests of the property are severed from the surface rights and, therefore, the mineral interest owners should be notified of this application prior to the hearing date. *(Sec. 7-4-3(B)(6)(c) RMC)*
5. Please amend the title of the plat to utilize the following structure: *(Sec. 7-5-2(I)(2)(c)(ii)(a) RMC)*

Final Plat for [Subdivision Name]

A Planned Unit Development

A Lot Consolidation of [Legal description]

Section [XX], Township [XX] North, Range [XX] West, New Mexico Principal Meridian

Town of Ridgway, Ouray County, Colorado

6. Please amend the signature and certificate blocks on the Lot Consolidation Plat to reflect the following and remove existing certificates which contradict the text below: *(Sec. 7-5-2(I)(2)(c)(ii)(hh) RMC)*

CERTIFICATE OF OWNERSHIP AND DEDICATION:

Know all persons by these presents: [Owner Name], a Colorado [corporate structure] ("Owner"), being the owner of the land described as follows:

[Legal description of property], County Of Ouray, State Of Colorado ("Property"), has laid out, platted and subdivided same as shown on this plat under the name of [subdivision name], and by these presents does hereby dedicate to the perpetual use of the Town of Ridgway, Ouray County, Colorado, the streets, alleys, roads, and other public areas as shown and designated for dedication hereon and hereby dedicate those portions of land labeled as utility easements for the installation and maintenance of public utilities as shown hereon.

In witness hereof Owner has executed this Plat effective as of _____, 202__.
[Owner Name], a Colorado [corporate structure].

By: _____

Printed Name: _____

Title: _____

STATE OF _____)

) ss.

COUNTY OF _____)

The foregoing Certificate of Ownership and Dedication was acknowledged before me this ____ day of _____, 202__, by _____ as the _____ of [owner name], a Colorado [corporate structure].

Witness my hand and official seal.

_____, My commission expires: _____

Notary Public

ATTORNEYS CERTIFICATE:

I, _____, an attorney at law duly licensed to practice before the courts of record of Colorado, do hereby certify that I have examined the Title Commitment Order Number _____ effective as of _____ at __:__.M. issued by _____ and according to that title commitment, of all land herein platted and that title to such land is in the dedicator(s) and owners, and that based upon my review of said title commitment, the property dedicated hereon has been dedicated free and clear of all liens and encumbrances, except as follows:

-
-
-

Dated this _____ day of _____, 202__.

By: _____
[legal counsel Name], Attorney at Law

PLANNING COMMISSION:

Recommended for approval by the Planning Commission this _____ day of _____, 202__.

By: _____
Michelle Montague, Town of Ridgway Planning Commission Chairperson

TOWN COUNCIL:

Approved by the Town Council this _____ day of _____, 202__.

By: _____
John Clark, Town of Ridgway Mayor

APPROVAL OF TOWN ATTORNEY:

Approved for recording with the Ouray County Clerk and Recorder's Office this _____ day of _____, 202__.

By: _____,
Bo Nerlin, Town of Ridgway Town Attorney

ENGINEERS CERTIFICATE:

I _____, a Registered Professional Engineer in the State of Colorado, do certify that the streets, curbs, gutters, and sidewalks, sanitary sewer system, water distribution system, fire protection system, and storm drainage system for this subdivision are properly designed, meet the Town of Ridgway specifications, and are adequate to serve the subdivision shown hereon.

Dated this _____ day of _____, 202__.

By: _____
Joanne Fagan, Town of Ridgway Town Engineer

CERTIFICATE OF IMPROVEMENTS:

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

Dated this _____ day of _____, 202__.

By: _____
Preston Neill, Town of Ridgway Town Manager

SURVEYOR'S CERTIFICATE

I, *[Surveyor's Name]*, being a Registered Land Surveyor in the State of Colorado do hereby certify that this plat was prepared under my direct supervision and that said survey is true and accurate to the best of my knowledge, conforms to all requirements of the Colorado Revised Statute, and all applicable Town of Ridgway regulations, and that all required monuments have been set as shown.

[Surveyor's Name] PLS. *[PLS Number]*

LIEN HOLDER'S CERTIFICATE:

The undersigned, being the holder of a deed of trust (Reception No._____) encumbering the property described in (name of subdivision) joins in and consents to the filing hereof

for: _____(name of lien holder)_____

BY: _____

TITLE: _____

OR

The undersigned hereby certifies that it is a lawful lienholder/deed of trust holder as to the real property described in this Plat, does hereby certify that it accepts the conditions and restrictions set forth in this Plat, and does hereby subordinate its interests in the property described in this Plat to the fee simple dedications and grants of easements (if any) hereby provided to the Town of Ridgway.

[Insert name of lienholder/deed of trust holder]

By: _____

Name: _____

Title: _____

The undersigned subordinates its interest in the real property platted hereby to the rights and interests of the Town of Ridgway for such real property and all interest therein that are dedicated to the Town of Ridgway.

In witness thereof, _____ has caused these presents to be executed this
____ day of ____ ad. _____

By: _____ (principals or owners)

TREASURERS CERTIFICATE:

According to the records of the County of Ouray Treasurer there are no liens against this subdivision or any part thereof for unpaid state, county municipal or local taxes or special assessments due and payable.

Dated this _____ day of _____, 202__.

By: _____

Jill Mihelich, Ouray County Treasurer

RECORDER'S CERTIFICATE:

This plat was filed for recording in the office of Clerk and Recorder of Ouray County at __:____
__M. on the _____ day of _____, A.D. 202__, under Reception
No. _____

By: _____

Michelle Nauer, Ouray County Clerk and Recorder

7. Please add the following required plat notes: (Sec. 7-5-4(I)(1) RMC)

- a. All construction will conform with the Ridgway Municipal Code.
- b. Outdoor Lighting; All outdoor lighting shall conform to Ridgway Municipal Code Section 6-5 "Outdoor Lighting regulations", as may be amended.
- c. The maximum number of dwelling units allowed is one (1) for which the applicable excise tax has been paid. If any additional units are added the excise tax for said units shall be due with the building permit or upon any further subdivision.
- d. All provisions of the Ridgway Municipal Code, as adjusted from time to time, apply to this property with the exception of those explicitly provided for in the _____ PUD. Where there is a conflict between the provisions of the Ridgway Municipal Code and the provisions of this PUD, this PUD shall prevail.

Town of Ridgway
Willits Lot Consolidation Planning Review
April 23, 2024
5 of 5

Please reach out to me at 719-839-5804 or TDlubac@PlanStrategize.com with any questions regarding these review comments.

Sincerely,

COMMUNITY PLANNING STRATEGIES, LLC



TJ Dlubac, AICP
Contracted Town Planner

Cc: Preston Neill, Town of Ridgway Town Manager

AGENDA ITEM #2

To: Town of Ridgway Planning Commission
Cc: Preston Neill, *Ridgway Town Manager*
From: TJ Dlubac, AICP, *CPS, Contracted Town Planner*
Max Garcia, AICP, *CPS*
Date: May 24, 2024
Subject: Proposed ADU Standards

At the April 30, 2024, Planning Commission meeting, we evaluated draft versions of the code update pertaining to accessory dwelling units (ADU). Upon review of the current draft of the code document and the ADU graphic configurations, CPS was provided with further guidance to update the code draft. The intent of this memo, and our discussion on May 28th, is to continue review of the proposed changes to the ADU standards.

ADU Standards

At the end of the April 30th meeting, our direction was to proceed with drafting revisions to the ADU standards and further evaluate the potential density impact of proposed standards. Below is a summary of the most recent changes to the code draft based on PC input. The updated redlined draft of the ADU standards is attached to this memo and we'll present the most relevant changes at next week's meeting.

- a) Updated statement encouraging sustainable construction methods to accept a broader range of methods to achieve sustainable construction standards.
- b) For sustainable construction methods, we removed additional density incentives, modified incentives to skip administrative adjustment review, and provided strategies to achieve more specific requirements.
- c) Adjusted the square footage requirements to clarify how many ADUs are permitted by lot size. Established a minimum lot size for when an ADU is permitted.
- d) Amended the maximum square footage for an ADU to 1,000 square feet.
- e) Removed incentives that reduced setbacks.
- f) Increased AMI threshold for affordable housing provisions.
- g) Provided more specific requirements in Incentives for landscaping that uses water conservation strategies.
- h) Clarified language for plan review fee reductions.
- i) Replaced owner-occupied requirements for subject property with 90-day lease requirement.

We fully anticipate that these concepts may need additional discussion. At the May 28th meeting we will discuss the proposed ADU standards. The attached document contains the redlined version of the subsection pertaining to ADU standards.

Attachments:

- A. ADU Code Draft Update redlined

7-4-6 SUPPLEMENTAL REGULATIONS

(A) Accessory Dwelling Units

(1) General Provisions.

- (a) 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 of these regulations.
- ~~(a)(b)~~ The goal of improving housing affordability requires flexibility with landscaping requirements, building typologies, and construction methods. Sustainable construction methods including, but not limited to, utilizing local resources and energy efficient designs are encouraged.
- ~~(i) —ADUs are only allowed as accessory to a single family detached dwelling. Only one ADU per single family detached dwelling unit is permitted.~~
- (c) A dwelling unit constructed before a principal single-family home, which meets these criteria, may be converted to an accessory dwelling unit ADU following construction of a new principal dwelling unit.
- (d) Plan review fees, as set out in RMC 7-3-20 shall be waived for ADU(s).
 - (i) Plan review fees shall be one-hundred (100) percent waived for attached ADUs.
 - (ii) Plan review fees shall be reduced by seventy-five (75) percent for detached ADU(s) submittals.

(2) Dimensional and Design Standards.

- ~~(b)(a)~~ ADU(s) are allowed as accessory structures to Single Family, Duplex, and Triplex properties as permitted by each zoning district in accordance with the following:
 - (i) An attached ADU that is created by converting existing room(s) and does not increase the overall square footage of the principal structure shall count towards the total quantity of ADUs, unless otherwise permitted by subsection 7-4-1(A)(3).
 - (ii) One (1) ADU is permitted on lot(s) between 3,750 square feet and 7,500 square feet, unless otherwise permitted by subsection 7-4-1(A)(3).
 - (iii) Two (2) ADUs are permitted on lot(s) between 7,501 square feet and 15,000 square feet, unless otherwise permitted by subsection 7-4-1(A)(3).
 - (iv) Lot(s) that are greater than 15,000 square feet are permitted to have more than two (2) ADUs, however; the total number of ADUs on the subject property shall never exceed double the total number of dwelling units in the principal structure.
 - a. All properties that propose more than two (2) ADUs on a lot shall be subject to a Site Plan review as set out in Sec. 7-4-3(H).
- ~~(2)(b)~~ The ~~accessory dwelling unit~~ADU(s) 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.
- (c) The ADU shall not be located within the sight triangle as determined by RMC 7-4-8(F)(8).
- (d) The architectural design of the proposed ADU shall be compliant with the regulations set in RMC 7-4-9, Residential Design Standards.
- ~~(a)(e)~~ The parking requirements shall comply with the requirements as set out in subsection 7-4-6(M). One off-street parking space shall be provided for the accessory dwelling unit in addition to any other required off-street parking.
- (f) The maximum size of an ADU shall be determined by this subsection.

(i) The calculation for the “gross floor area” shall exclude internal parking areas and stairways.

~~(i)~~(ii) An ADU may not exceed ~~one-thousand800-~~ (1,000) square feet of gross floor area unless otherwise permitted by this Section.

(g) A Landscape Plan, compliant with **RMC 7-4-8, Landscape Regulations**, shall be required for all new detached ADUs.

(3) Incentives.

The burden shall be upon the owner of any ~~accessory dwelling unit~~ADU 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.

(a) ADU Affordable Housing Provisions. All residential lots are permitted one (1) additional ADU above the permitted quantity in subsection **7-4-6(A)(2)(a)** when the ADU is income-restricted to moderate-to-low income residents only. This is enforced by way of a rental or occupancy covenant that runs with the property, pursuant to subsection **7-4-6(A)(3)(a)(i)** below.

(i) Affordable Housing Covenants and Restrictions. The Town encourages the growth of affordable housing in all residential areas. To provide affordable housing units on private property, the property owner shall record a restrictive covenant with the Ouray County Clerk and Records’ office that includes the following provisions:

a. Area median income (AMI). The covenant shall identify the AMI limitations placed on the unit. The income range shall be less than 150 percent AMI for Ouray County as determined by the US Department of Housing and Development or US Census.

b. Income-restricted units (IRU). Describe the quantity of income-restricted units, their square footage, and bedroom count.

c. Compliance report and leasing period. Include the duration of the tenant’s lease. Upon reasonable request by Ridgway or Ouray County, the property owner shall submit a compliance report outlining how current affordable housing units comply with covenant requirements.

d. Income verification and rent limitations. Provide the method for determining tenant income and calculating the rent limitations for each IRU.

(b) Landscaping. When an applicant meets the applicable water conservation standards as set out below in subsection **7-4-6(A)(3)(b)(i)**, the proposed ADU may increase maximum gross floor area by ten (10) percent without an administrative adjustment.

(i) The proposed landscape area live ground cover does not include turf.

(ii) The proposed landscape area has a minimum of eighty (80) percent non-live ground cover. The non-live ground cover shall exclude artificial turf.

(c) Sustainable construction methods. When an applicant meets the applicable sustainable construction standards as set out below in subsection **7-4-6(A)(3)(c)(i)**, the proposed ADU is permitted to exceed the maximum gross floor area by 200 square feet.

(i) The proposed construction is certified by a professional sustainable construction organization.

(ii) The proposed ADU exceeds industry standards for energy efficient.

(iii) Fifty (50) percent or more of the construction materials are sourced from the State of Colorado.

~~(3)~~(4) Ownership and Occupancy.

~~(a) One of the dwelling units on the property must be, and remain, owner-occupied.~~

~~(b)(a)~~ A minimum of a 90-day rental period shall be required by written lease for the ADU, except as described in subsection (12) below.

~~(b)~~ The accessory dwelling unit ADU must may be owned together with the principal residential unit, and the lot or parcel upon which they are located, in undivided ownership.

(5) Utilities.

(a) The accessory dwelling unit shall 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.

(6) Pre-Approved ADU Plans

(a) At the request of the property owner, the Town may provide pre-approved ADU building plans that comply with the standards of this code.

(i) The two pre-approved ADU building plans are as follows:

a. ADU Plan A. 500 square feet. One bedroom.

b. ADU Plan B. 750 square feet. Two bedroom.

(ii) The pre-approved ADU plans are exempt from plan review but still require an approved building permit to proceed with construction. The exempt ADU building permit submittal shall include the following:

(iii) Site Plan that shows the pre-approved ADU building plan will meet the requirements of this subsection 7-4-1(A):

a. Building permit application;

b. Proof of ownership;

c. Exempt ADU plan review fee.

~~(4) A minimum of a 90-day rental period shall be required by written lease, except as described in subsection (12) below.~~

~~(5)(1) One off-street parking space shall be provided for the accessory dwelling unit in addition to any other required off-street parking.~~

~~(6) One of the dwelling units on the property must be, and remain, owner-occupied.~~

~~(7)(1) 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.~~

~~(8) 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.~~

~~(9)(1) 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.~~

~~(10)(1) 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.~~

~~(11) An accessory dwelling unit, as defined in Section 9, either attached or detached to the primary dwelling, may be utilized as a short-term rental only under the following circumstances:~~

~~(a) Tap fees are paid at 30 percent pursuant to Ridgway Municipal Code subsection 9-1-9(c)(2); and~~

- ~~(b) 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~~
- ~~(c) The lot size upon which both dwelling units are sited is a minimum of 6,000 square feet.~~

DRAFT

AGENDA ITEM #3

To: Town of Ridgway Planning Commission
Cc: Preston Neill, *Ridgway Town Manager*
From: TJ Dlubac, AICP, *CPS, Contracted Town Planner*
Max Garcia, AICP, *CPS*
Date: May 28, 2024
Subject: Proposed Parking Standards

At the April 30, 2024, Planning Commission meeting, we evaluated draft versions of the code update pertaining to parking standards. Upon review of the revised draft code documents, CPS was provided with further guidance to continue updating the code drafts. The intent of this memo, and our discussion on May 28, is to continue reviewing the proposed changes to the parking standards.

Parking Standards

At the end of the April 30th meeting, our direction was to proceed with updating revisions to the parking standards and focus on refining the balance of minimum parking standards. Below is a summary of the most recent changes and a redlined draft of the parking code is attached to this memo.

- a) Updated the parking table to slightly increase the overall minimum parking requirements.
- b) Removed any maximum parking requirements from the table.
- c) Clarified which uses do not have off-street parking requirements.
- d) Removed reference to “child day care facility” and replaced with original language, “day care facility.
- e) Modified educational facility to align with current Ridgway schools.
- f) Reorganized the parking reductions section for clarity and added exceptions to the HR zoning district to allow more on-street parking.
- g) Clarified overall on-street parking requirements for Single Family and Duplex properties.

We fully anticipate that further revisions will be part of the next iteration of the code and may finalize concepts based on our next discussion. The attached document contains the redlined draft of the subsection pertaining to parking regulations.

Attachments:

- A. Parking Code Update redlined

(A) Parking Standards

(1) Off-Street Parking Requirements. The following off-street parking requirements shall apply unless otherwise indicated in all districts.

Use	Required parking spaces	Required Stacking spaces
(a) Residences Dwelling Units	Single-Family and Duplex: 2 spaces per dwelling unit; <u>one (1) required parking space may be permitted on-street.</u> All Other Residential: 1 space per dwelling unit; <u>the one (1) space may be permitted on-street.</u>	
(b) Medical offices and clinics Healthcare facilities	3 spaces per examination room <u>1 space per 750 square feet</u>	
(c) Hospitals	1 space for each 3 beds	
(d) Pharmacies	1 space per 200 sq. ft. of customer floor space <u>No Off-Street Parking Requirement</u>	<u>Minimum of two (2) stacking spaces before the drive up window.</u>
(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 <u>200</u> sq. ft. customer gross floor area	<u>Minimum of four (6) stacking spaces before the drive up window. .</u>
(h) Hotels and Motels	1 space per <u>one (1) guest rooms</u>	<u>Minimum of three (4) stacking spaces before the drop off space.</u>
(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 <u>No Off-Street Parking Requirement.</u>	<u>Minimum of one (1) stacking spaces before each fuel station.</u>
(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 Community Center	1 space <u>No Off-Street Parking Requirement for each 6 seats in main chapel</u>	
(o) Nursing homes	1 space <u>per 750 square feet or 1 space per employee for each on the shift with the highest quantity of employees. for each 3 beds</u>	
(p) Professional office space	1 space per 300 <u>600</u> sq. ft. gross floor area	
(q) Retail establishments	1 space per 250 <u>500</u> sq. ft. gross floor area	<u>Minimum of two (4) stacking spaces before the drive-up window, if applicable.</u>
(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 <u>No Off-Street Parking Requirement</u>	<u>Minimum of four (4) stacking spaces before the drop off zone.</u>
<u>Educational Facility, Elementary</u>	<u>2 spaces per classroom</u>	<u>Minimum of five (5) stacking spaces before the drop off space</u>
<u>Educational facility, Middle and High school</u>	<u>1 space per two students and one faculty member.</u>	<u>Minimum of four (4) stacking spaces before the drop off space</u>
(t) All other uses	1 space per 350 <u>700</u> sq. ft. gross floor area	<u>Minimum of one (1) stacking spaces before the drive up window, if applicable.</u>

- (2) 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.
- ~~(2)(3)~~ On-street parking. The Town Manager or their designee may approve on-street parking spaces and not within any required sight triangle. On-street parking is otherwise not permitted unless the on-street parking is part of an approved shared parking plan.
- (4) Vehicle Stacking. Nonresidential uses that provide drive-through facilities are required to provide spaces for vehicles waiting in line.
- (a) Stacking spaces shall be a separate aisle from parking lot circulation. Stacking shall be located to prevent any vehicles from extending onto the public right-of-way, interfering with pedestrian and vehicle circulation, or prevent ingress to or egress from the property.
- (b) Required stacking spaces shall be a minimum nine (9) feet wide and twenty (20) feet in length. The drive-through aisle shall be distinctively marked or delineated.
- (c) Stacking spaces shall not count towards the minimum required parking spaces.
- (5) Parking plan requirements. For the construction of any parking facilities, excluding those for Single Family and Duplex residences, the Site Plan submittal shall provide details of the proposed parking facilities. The Site Plan must contain the following minimum information pertaining to parking facilities:
- (a) 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. The parking space size may be modified to provide required parking for alternative modes of transportation with approval from the Town Manager or designee.
- (b) 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.
- (c) The quantity and location of parking spaces. Include drop off zones, Electric vehicle charging spaces, stacking spaces and drive-through circulation, if applicable.-
- (d) Type of surfacing for parking aisles and spaces.
- ~~(a)(e)~~ Traffic directional arrows, signage, and markings.
- ~~(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.
- Bicycle parking.
- (f) Bicycle parking required location. Bicycle parking as set forth in subsection **7.4.6(M)(5)** shall be required for all nonresidential uses and multi-unit dwellings exceeding (4) or more units. A minimum of two (2) bicycle spaces or the quantity of bicycle spaces equivalent to 10 percent of required parking spaces shall be provided.
- (i) All properties located within 2,000 feet of the Uncompahgre RiverWay Trail or other designated trails.
- ~~(a)(ii)~~ All properties located within 2,000 feet of a transit station or designated transit bus Optional bicycle parking. For all other uses not meeting requirements in subsection **7.4.6(M)(6)(a)(i)**, bicycle parking is optional and may be used to reduce the required number of parking spaces.
- (g) Design Standards.
- (i) The required bicycle rack type shall be able to support two (2) bicycles.-

- (ii) Parking for bicycles shall be provided on site, and bicycle parking areas shall be located as near to the building or facility entrance as possible but not more than one hundred (100) feet away and shall not interfere with pedestrian or vehicular traffic.
- (iii) When applicable, bicycle parking areas should utilize already existing weather protected areas such as building overhangs.
- ~~(iv)~~ (iv) If bicycle and automobile parking areas or accessways abut each other, a physical barrier between the bicycle parking area and the automobile parking or drive areas shall be provided to prevent the possibility of bicycle-motor vehicle collisions.
- (6) Electric Vehicle Parking. Electric vehicle parking should be provided for all new developments and is permitted as an accessory use in all zoning districts.
 - (a) Electric vehicle parking may count towards the required parking space count.
 - (b) Electric vehicle supply equipment (EVSE) The installation of EVSE shall meet the National Electrical Code. Equipment mounted on pedestals, lighting posts, bollards, or other devices for on street charging stations shall be designed and located as to not impede pedestrian or vehicle travel or create hazards within the right-of-way.
 - (c) Any new development with fifteen (15) or more designated parking spaces shall provide EV Ready spaces pursuant to the following table: It is strongly encouraged, but not required, that all new and expanded non-residential development parking areas provide the EV-Ready parking spaces. EV Ready spaces have the electrical capacity necessary to accommodate the future hardwire installation of Level-2 electric vehicle charging stations. The parking area shall provide EV-Ready spaces, pursuant to the following table:

<u>Designated parking spaces for project</u>	<u>Number of EV-ready spaces required.</u>
<u>15 to 35</u>	<u>1</u>
<u>36 to 65</u>	<u>2</u>
<u>66 to 90</u>	<u>3</u>
<u>91+</u>	<u>3, plus 1 space per 25 additional provided spaces.</u>

- ~~(b)(d)~~ (d) Electric vehicle spaces not provided at time of site plan approval shall pay a fee-in-lieu for each required electric vehicle parking space. The fee for each required electric vehicle space is established, pursuant to the fee schedule in subsection XX.
- (7) Shared Parking Plan. The purpose of the shared parking plan and the subsequent regulations is to utilize existing parking resources amongst users in proximity and adequately serve users during peak hours or events. Applicants wishing to use shared parking as a means to satisfy required parking shall submit a shared parking analysis.
 - (a) Shared parking standards.
 - (i) Shared parking plan required. A shared parking plan shall be required for the following:
 - a. All proposed developments, except for Single Family or Duplex properties, that intend to utilize off-site parking spaces and may request to eliminate all or a percentage of required on-site parking spaces.
 - b. Major special events, as determined by the Town Manager or designee, that will have a significant impact on traffic circulation within city limits.
 - c. The applicant is requesting to utilize existing on-street parking to meet parking requirements.
 - (ii) Shared parking analysis plan provisions. The proposed shared parking plan shall address each of the following within the shared parking plan.

- a. Off-site shared parking. Provide the location of the off-site parking spaces, quantity of parking spaces, the current physical condition. In the case of off-site shared parking for proposed uses where the targeted off-site lot is owned by others, a written agreement between the city, the owner providing off-site parking, and the owner of the property seeking the parking shall be entered into. The agreement shall be recorded as a deed restriction with Ouray County Clerk, unless the agreement is for temporary uses, such as a special event. The agreement shall provide details of continued maintenance and the owner's responsibility for off-site parking spaces.
- b. Pedestrian movement. Describe the intended pedestrian movement from off-site parking locations to their served location. Shared parking that is located across Highway 62 or Highway 550 shall be accessible to pedestrians using an existing traffic signal which includes a pedestrian crossing phase to cross the road.
- c. Neighborhood partnership. Proposed developments that intend to utilize shared parking are encouraged to form partnerships within the community and respect residential neighborhoods. A shared parking plan shall identify all businesses and organizations that utilize the off-site parking. For special events, the parking plan shall detail methods of reliance on public transportation. Shared parking plan shall provide details of adjacent properties. For permanent uses, off-site parking spaces located adjacent to residential uses shall provide a minimum of five (5) foot buffer with opaque six (6) foot tall fences or landscaping along shared boundaries.
- d. Peak hours service. The shared parking plan shall provide operating hours for each specified use. If public transit is to be utilized for temporary uses, then a description of operating hours and pick up location is required. At a minimum, the shared parking plan shall describe usage of off-site parking for specified for the following time periods:
 - i. Monday to Friday 8 AM to 5 PM.
 - ii. Monday to Friday 5 PM to 12:00 AM
 - iii. Monday to Friday 12 AM to 8AM
 - iv. Saturday to Sunday 8 AM to 5 PM
 - v. Saturday to Sunday 5 PM to 12 AM
 - i.vi. Saturday to Sunday 12 AM to 8 AM

(8) Parking reductions. The purpose of the parking exceptions is to provide further flexibility to developments, redistribute the required parking, and support transportation alternatives amongst the Town.

(a) Parking reductions overall. The Town Manager or their designee may grant a parking reduction not to exceed 50% of the required number of parking spaces. Parking reduction may only be granted if the proposed reduction will not result in spillover parking into public roads and will not adversely affect traffic circulation. Only the following options may be utilized for a development project unless otherwise permitted by this code.

- (i) One (1) vehicular space for every two (2) bicycle parking spaces in addition to required bicycle parking.
- (ii) Property located within 500 feet of a transit bus stop with a one-hour headway.
- (iii) One (1) vehicular parking space for every two (2) motorcycle spaces.
- (iv) Existing buildings that are designated historic locations or have existed greater than or equal 75 years may reduce parking up to 50%. The building(s) may not be drastically renovated so that its building character is no longer like the original structure to qualify for the parking reduction.

(b) Parking exceptions for zoning districts.

- (i) *Parking exceptions within the DS District.* Businesses shall be credited with half parking space for every on-street parking space that is existing adjacent to the business and in accordance with Town specifications. No parking shall be allowed on alleyways or on Highway 62 (Sherman Street).
- (ii) *Parking exceptions within the HR District.* Residential uses may utilize on-street parking to meet all parking requirements without a shared parking plan.
- (iii) *Parking exceptions within the MR District.* 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 no more than fifty (50) feet from near the main entrance to the primary building(s) and shall have a logical connection to onsite non-motorized access routes. 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.
- (iv) *Parking exceptions within the HB District:—* All nonresidential uses do not have a minimum parking requirement. All proposed parking spaces will be accessed only from an alley. In lieu of residential off-street parking requirements in excess of three spaces and pursuant to paragraph (b) above, a money payment of \$6,000.00 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.
- (v) *Parking exceptions within the Limited Industrial (LI) and General Industrial (GI) Districts.* Parking and storage is not allowed in the front or side setbacks along any street.

(9) *Accessible Parking Spaces.* For all uses other than Single Family or Duplex, parking shall be provided for the handicapped at the minimum rate consistent with the following table. The handicap accessible parking shall be provided on-site. At least one of every six handicapped spaces shall be van accessible. Accessible parking spaces shall otherwise comply with the American with Disabilities Act.

<u>Total Number of Off-Street Spaces Provided</u>	<u>Number of Handicapped Spaces</u>
<u>1—25</u>	<u>1</u>
<u>26—50</u>	<u>2</u>
<u>51—75</u>	<u>3</u>
<u>76—100</u>	<u>4</u>
<u>101—150</u>	<u>5</u>
<u>151—200</u>	<u>6</u>
<u>201—300</u>	<u>7</u>
<u>301—400</u>	<u>8</u>
<u>401—500</u>	<u>9</u>
<u>501—1,000</u>	<u>2% of total spaces required</u>
<u>>1,000</u>	<u>20 plus 1 for each 100 over 100</u>

~~(c) 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 alleyways or on Highway 62 (Sherman Street).~~

~~Parking exceptions within the MR District:~~

~~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 no more than fifty (50) feet from near the main entrance to the primary building(s) and shall have a logical connection to onsite non-motorized access routes.~~

~~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.~~

~~Parking exceptions within the HB District:~~

~~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.~~

~~(d) 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).~~

~~(e) 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.~~

~~(4) Parking exceptions within the Limited Industrial (LI) and General Industrial (GI) Districts~~

~~(a) Parking and storage is not allowed in the front or side setbacks along any street.~~

AGENDA ITEM #4

To: Town of Ridgway Planning Commission
Cc: Preston Neill, *Ridgway Town Manager*
From: TJ Dlubac, AICP, *CPS, Contracted Town Planner*
Max Garcia, AICP, *CPS*
Date: May 24, 2024
Subject: Affordable Housing Research for LUC 2024 Updates

At the April 30, 2024, Planning Commission meeting, we expressed that we would begin focusing on Affordable Housing provisions and provide the Planning Commission with strategies to discuss.

The intent of this memo, and our discussion on May 28th, is to discuss the research conducted on affordable housing and develop a strategy for implementation into the RMC. Below is a brief summary of the broader research conducted and attached is the compiled affordable housing research.

Affordable Housing Provisions

The intent of this research is to assist the Town with memorializing its Affordable Housing goals. A lot of research has already been completed. We have received a lot of communication and guidance from Town staff and will work on packaging it up into a codified section.

CPS reviewed affordable housing provisions and guidelines of other Colorado mountain communities and completed research around topics specifically identified by TC and PC, such as implementing fee-in-lieu programs that support inclusionary zoning programs.

The focus of discussion on this element should revolve around 1) is there adequate information and clarity in direction for the PC to have our team move forward drafting regulations or 2) is additional analysis, inventorying, or information needed to align with the goals and objectives of the Town Council.

Attachments:

- A. Affordable Housing Research Document

Part 1 - Review of Existing Research and Discussion

This section outlines the strategies for dedicated revenue sources for affordable housing as directed to Town staff by the Town Council. A summary of the Town Council discussion and direction for staff include:

1. Focus on Lodging Tax rate and review existing tax rate of comparable communities. The current tax rate is 3.5% and an increase of 4%-10% has been measured.
 - a. Ouray: 3.5%
 - b. Telluride 2% + 2% Excise Tax
 - c. Mountain Village 4%
 - d. Montrose 0.9%
 - e. Gunnison 4%
 - f. Silverton \$2/room per night
 - g. Palisade \$6/room per night
 - h. Grand Junction 6%
 - i. Basalt 4%
 - j. Carbondale 2.0% + 3.5% STR
2. Explore Inclusionary Housing Fee-In-Lieu and an Affordable Housing Mitigation Fee. These approaches would hopefully motivate developers to construct affordable units alongside market-rate or otherwise support the Town's affordable housing goals.
3. Review Town of Telluride's Affordable Housing Ordinance.

Part 2 – National Best Practices Research Review

This section highlights a study from planning and community development research organizations.

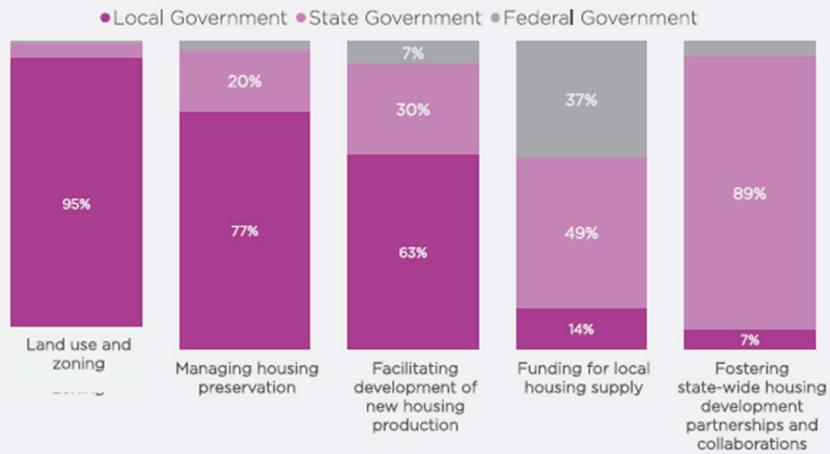
HOUSING SUPPLY ACCELERATOR PLAYBOOK - SOLUTIONS, SYSTEMS, PARTNERSHIPS. AMERICAN PLANNING ASSOCIATION & NATIONAL LEAGUE OF CITIES. MAY 2024

INTRODUCTION

- Research has shown that the nation is experiencing a housing supply shortage. This study focuses on the national perspective to rapidly address housing supply and provides broad strategies to engage at the local level.
- Top housing supply hurdles of the West, according to 2023 survey of local elected officials. It determined expanding or diversifying local housing supply as highest priority.
 - 27 % Construction hurdles
 - 22% Financial challenges
 - 17% Political or community opposition
 - 16% Land use, zoning, and permitting obstacles
 - 9% State preemption
 - 8% overwhelming amount of housing needs
- Housing supply responsibility according to government leaders:

Housing Supply Responsibility According to Local Leaders

Percentage of respondents (%)



National League of Cities, Housing Supply Pulse Survey, Distributed January 2023 - February 2023.

What are the primary barriers to affordable housing in Ridgway?

ACCELERATING HOUSING SUPPLY – CONSTRUCTION AND DEVELOPMENT

Strategies to support construction and development:

1. Refine goals for local housing supply by engaging local stakeholders.
 - a. Listening session is a common way to determine local needs.
2. Identify gaps, obstacles, opportunities in the BP and public review process.
 - a. Consider reviewing and updating protocols for development review.
 - b. Minimize discretionary reviews.
 - c. Use a flexible approach to nonconforming uses
3. Review internal procedures to ensure project reviews are efficient and timely.
 - a. Consider opportunities to cross-train personnel to handle a broader range of tasks.
4. Facilitate the development of small-scale residential (Up to fourplexes). Promote and facilitate infill development.
 - a. Consider pre-approved design submittals for regular housing construction in specific neighborhoods.
 - b. Accessory dwelling unit programs that are simplified and pre-approved, if feasible.
 - c. Prioritize and target property with utility service area. Protect a percentage of utility service area to conserve land for agriculture (Or other key resources)
5. Take inventory of available land supply, brownfields, land-controlled by public agencies, and private land. Prioritize vacant, abandoned or derelict properties, contributing both to community revitalization and increased housing supply.
6. Create programs to support new and emerging small-scale developers. Especially those from under-resourced communities that may not have access to substantial capital.
 - a. Technical support or “concierge service” training for new, small developers.

- b. Focus programs on creating pre-development capital via grant, loans, and other technical assistance.
- 7. Adopt innovative residential construction technology.
 - a. Initiate pilot programs for encouraging manufactured housing, modular housing, and panelized housing, 3D-printed housing, mass timber construction.
- 8. Partner with organizations developing and promoting careers in residential construction.
 - a. Explore relationships with educational or nonprofit organizations to spark interest in students and budding construction professionals.
 - b. Upskilling and reskilling programs to assist existing construction workers.
 - c. Evaluate existing apprentice and workforce development programs. Expand to provide hands-on training and mentorship opportunities.

ACCELERATING HOUSING SUPPLY – FINANCES

Strategies to support housing project financial feasibility:

- 1. Take inventory of state, federal, local, private, and philanthropic funding sources.
 - a. Common federal funding sources:
 - i. The Pathways to Removing Obstacles (PRO) Housing HUD grant program
 - ii. CDBG, a HUD program
 - iii. Section 108 Loan Guarantee Program, a HUD program
 - iv. Low-Income Housing Tax Credits, an IRS program
 - v. Rural Housing Service, a HUD program
 - vi. Home Investment Partnerships Program (HOME), a HUD Program
 - vii. Emergency Solutions Grant Funding (ESG), a HUD Program
 - b. States play a crucial role in allocating funding from federal resources. Verify that Ridgway is maximizing state funding as necessary.
 - c. Leverage federal infrastructure funding for the production, preservation and improvement of the local housing supply by aligning housing, infrastructure, and climate resilience. Some federal programs to take inventory of include:
 - i. Bipartisan Infrastructure Bill includes numerous programs with technical assistance and creates capacity for projects that align transportation planning with housing supply.
 - ii. Inflation Reduction Act includes numerous programs for home rebates for energy efficient construction and support for sustainable retrofits.
- 2. Leverage public-private partnership to fund the production, preservation and improvement of local housing supply. Consider relationships with:
 - a. Local major employers
 - b. Philanthropic foundations
 - c. Non-profit organizations
 - d. Regional and community banks

- e. Healthcare systems
- f. Publicly traded real estate investment trusts
- 3. Partner with financial institutions that have a shared goal of producing, preserving, and improving local housing supply. Convene community and regional financial institutions to discuss financing to support cooperative or shared equity housing models.
 - a. Community banks
 - b. Community land trusts and land banks
 - c. Credit unions
 - d. Community development financial institutions (CDFI)
 - e. Federal home loan banks
- 4. Use proven alternative and gap financing strategies to produce, preserve and improve local housing supply. Ensure discussion of small-scale funding from institutions for multifamily development and climate adaptation (weatherization).
 - a. General Obligation Bonds
 - b. Tax Incentives and Abatements
 - c. Tax Increment Financing (TIF)
 - d. Below-market financing of affordable housing developments
 - e. Use of capital subsidies
 - f. Infill credit lending instrument
 - g. Location-based credit lending instrument

What strategies does the Planning Commission want to evaluate as part of Ridgway's Affordable Housing goals?

Part 3 - Local Research Review

This section summarizes and highlights a variety of strategies from Colorado mountain communities and their approach to affordable housing regulation reforms.

TOWN OF TELLURIDE

Ensure affordable housing with three primary strategies.

1. Take public actions to acquire land and develop housing. This is primary accomplished with collaborative effort between town manager and San Miguel Regional Housing Authority.
2. Establish regulatory mechanisms within the Land Use Code (LUC) and adopt Affordable Housing Guidelines. Within the LUC provide requirements that new development provide affordable housing for 40% of new employees generated. Incentives are offered, primarily in the form of density boosts. This housing may be provided with:
 - a. cash payments
 - b. construction of deed-restricted units
 - c. deed-restriction on existing housing
3. Utilize Housing Authority for resources and financial incentives. Primarily, in the form of down payment assistance, mortgage credit certificates (tax credit), and first-time homebuyer guidance.

How could we work with Home Trust of Ouray County or other affordable housing organizations to assist with Ridgway's Affordable Housing goals?

AFFORDABLE HOUSING ORDINANCE ART. 3. (710-760)

- Exempts Affordable Housing Requirements from remodels.
- Minimum calculation of affordable housing (Square Feet) is determined by:
 1. Number of Generated Employees

Land Use	Generation Rate
Commercial/Public Facility Uses	4.5 employees per 1,000 s.f. of net floor area
Hotels and Accommodations Uses	0.33 employees per unit
Multifamily Dwelling and Mixed-Use Residential	0.33 employees per dwelling unit
One- and Two-Family Dwellings	Generation Rate = $0.070174(e)^{(0.000322 \times \text{Proposed, New Gross Floor Area})}$ + 0.11 employees per 1,000 s.f. of gross floor area

Generation Rate Table - Town of Telluride

2. Calculation of Affordable Housing Mitigation: Employees Generated \times Sq Ft of minimum employee living space \times Percentage of Mitigation = Gross Floor Area of Affordable Housing Mitigation Amount.

How does the Planning Commission want to calculate a mitigation fee? This method may also assist with workforce housing creation and otherwise determine performance of affordable housing locations.

3. If applicable, apply any existing credits or payments already provided. For nonresidential uses, the applicant provides number of employees generated. Planning Commission (PC) approves independent calculations. Housing Authority Commission provides recommendation to PC. PC has following criteria for review:
 - a. Data and Records available, such as pay roll audits
 - b. Future changes in land use
 - c. Actual employment rate of similar businesses in other resort communities
 - d. Consistency with this Code and Telluride Master Plan
- Requires the submission of a Housing Mitigation Plan for any new development (including PUD) or change of use
 - Calculation of Affordable Housing Requirement
 - Description of Units

What applications and scenarios does the Planning Commission want to require Affordable Housing Mitigation? Who should not be responsible for mitigation?

- Establishes method of providing affordable housing:
 - On-site units
 - Off-site unit distribution to the Telluride Region as defined in the Master Plan

- Deed-restricting existing market units (this requires a committee approval and may require other jurisdiction's land use approvals)
- May also utilize the conveyance of land.
- There is a maximum fee-in-lieu of 10 percent of the required housing mitigation square footage. This does not apply to affordable housing mitigation calculation exceeds 400 sq ft or less or if requirement exceeds 15 percent of the development. The fee-in-lieu is required prior to building permit issuance. The town must reissue the fee to property owner if the fee is not used within 7 years of collection. Town Council may extend this time period up to 3 years. Deferral of the fee-in-lieu payment is possible in restricted scenarios.
- Conveyance of land shall be based on fair market value at time of FDP approval and shall occur prior to issuance of building permit. Preliminary values shall be included in the Housing Mitigation Plan. Land should not be restricted based on future use.

Where will affordable housing be located? Any restrictions? This could be specific to wildlife corridors, property with specific future land use designations, etc.

- The HOA documents have to reference all fees attributed to affordable housing in a development.
- Designated Employee Dwelling Units:
 - Permitted as a principal or accessory structure
 - Adhere to minimum design standards of an Efficiency Unit" as defined by the Building Code and Affordable Housing Guidelines
 - Unit shall have a deed restriction that runs with land that has the THA and Town as beneficiaries to the covenant. Unit shall be owned by a THA-qualified individual as outlined in the Affordable Housing Guidelines.

This method could benefit seasonal workers and mid-term rentals. Should the affordable housing provision include workforce housing more specifically?

- Water/Sewer Tap fees are waived for permits for affordable housing units or employee housing units. Building permit application fees are paid for all new development application, but fees for affordable housing and employee housing are credited towards final fees.
- Operation and enforcement of the Affordable Housing section shall be reported annually to Town Council.

How will the town enforce provisions outside of the LUC?

TELLURIDE AFFORDABLE HOUSING GUIDELINES

The Guidelines are required alongside the updates to the Land Development Code. Primarily focuses on establishing various Housing Programs and the administrative procedures for orchestrating those programs. Includes volatile information that would not have a place in the LUC.

- Common Policies
 - Establishes a "Qualified Household". A household must maintain its qualification as long as they rent, own, or occupy the unit. Eligibility and priority of applicants are only determined at initial rent or purchase. They include exemptions for qualified elderly and disabled.
 - Qualified Household includes an employment requirement, earned income standard (Appendix A), residency standard, property ownership standard, and net assets standards.
 - Establishes the application process for Households and the continued Household qualification and verification.
 - Establishes standards for resale options and the Maximum Sales Price of deed-restricted units. This requires a physical review of the property to determine mitigation of potential

- repairs. It also outlines the requirements of the mortgage and lenders. Borrowers are typically prohibited from using more traditional commercial banking and lending options, there are some exceptions.
- Establishes standards for renting out affordable housing units. This includes responsibilities of the landlord for leasing and selecting tenants. This requires cooperation with the Housing Authority.
 - Outlines the Appeal/Violation/Grievance process for the Housing Authority, applicants and those who otherwise violate the Guidelines.
 - **Housing Mitigation Program**
 - This program refers to the regulation of units created by developers to meet the LUC requirements for affordable housing units. These units must otherwise abide by the general policies of the Guidelines. Additional details include:
 - Income Tier (Appendix B) distributions based on minimum square foot requirements
 - Overall size and distribution of units
 - Interior requirements, such as kitchens and sleeping areas
 - Alternative options, such as dormitories or shared facilities and existing open market units.
 - **Town Constructed Ownership Program**
 - Applies only to the purchase, sale, transfer, assignment, or conveyance of affordable housing constructed, financed and otherwise produced by the Town of Telluride.
 - Shall also abide by the General Policies, it further limits eligibility to Qualified Households to promote economic diversity in qualified applicants.
 - Establishes an ownership lottery procedure.

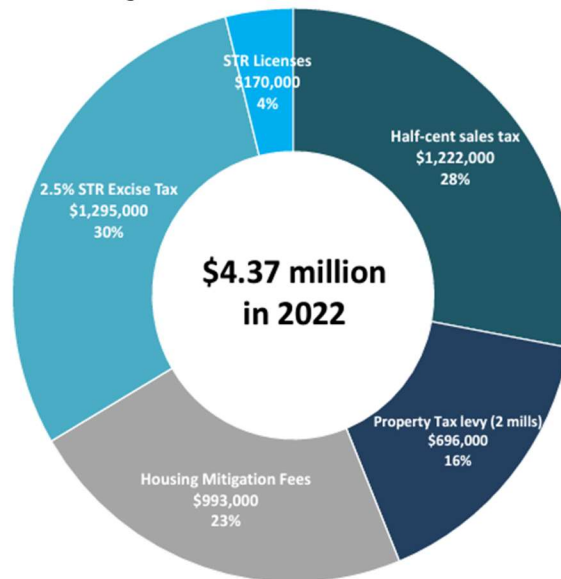
What method of Town-based home production program could be supported, if at all?

- **Employee Dwelling Unit**
 - This program is applicable only to designated employee dwelling units (EDU).
 - Establishes limits for income and assets to qualify.
 - Resale and rental are less restricted.
- **Payment-in-lieu**
 - Calculated annually by staff, it is based on the difference between costs for market homes and the cost that is affordable to targeted household incomes in the community.
 - Step 1: Compile free market dwelling unit sales into a database that includes information such as prior sales, quantity, breakdown of building types, bedroom count, and location.
 - Step 2: Determine an Average per square foot for affordable dwellings (Appendix A) based on Tier groups and the free market units.
 - Step 3: Calculate the difference: (Free Market Dwelling Price/SqFt) – (Affordable Unit Dwelling Price/SqFt) = Pay-in-lieu fee
- **Lottery System**
 - One entry into the lottery is given to all Qualified applicants. Additional entries are based on points and applicants can never have more than three entries.
 - 5-9 points receive one entry
 - 10 or more receive two entries
 - Criteria is primarily based on overall duration of employment history and residency. Other considerations may give you points toward an entry.
 - Military service
 - Local school graduate
 - Essential response personal
 - Existing affordable housing tenants changing dwelling units

**TELLURIDE SHORT TERM RENTAL STUDY – REGULATORY FEE ANALYSIS. ECONOMIC & PLANNING SYSTEMS, INC.
FALL 2023**

- The current annual business license fee is \$330 + \$44 per bedroom, which collected \$170,000 (or 50%) for the Affordable Housing Fund in 2022. This is in addition and separate from the annual business license fee levied on STRs.
 - Revenue must be used solely for housing programs and projects.
 - Land Acquisition
 - Housing construction and development
 - Buydowns
 - Down Payment Assistance
 - Fee is based on job support and housing demand by STR guests
- Three CO communities have STR housing regulatory fees.
 - Breckenridge - \$756 per bedroom
 - Pagosa Springs - \$1,800 per bedroom
 - Estes Park - \$1,390 per bedroom
- A regulatory fee is for a guest/tourism-based economy, guest spending supports jobs in a range of industries. The fee will help support workforce housing programs.
 - The fee is the difference between what workers earn and the cost of housing.
 - It evaluates guest spending vs. local spending
 - The fee is charged annually.
 - Potentially dependable revenue stream for housing programs.
- Fee payers will likely benefit from housing programs funded by regulatory fees.
 - Reliability and local stability from employee retention and recruitment.
 - Guest and resident experiences are satisfactory.
 - Quality of life improves when jobs are filled and service needs are met.
- Key Inputs for nonresidential STR rates
 - The visitor capacity based on quantity of STRs.
 - Occupancy rate, include the difference between residential and non-residential location. Occupancy rate is different for either. Telluride's occupancy rate is 35% overall, based on five prior years of data.
 - Local data sources for guest spending and activity from visitor surveys from regional businesses and organizations.
 - Food and beverage
 - Retail/Shopping
 - Entertainment/Recreational activities
 - Employment Impact
 - Consider the amount of employment supported by guest spending.
 - Consider the amount of employment supported by local spending
 - Housing impact is then based on the quantity of employees required to support guest spending. Consider the AMI of employees to determine type of housing required.
 - Find difference between cost or rent per market unit and the cost or rent that is achievable by an employee.
 - Use gap to determine a net fee minus the local spending.
- Revenue potential from including a potential mitigation rate is feasible and its implementation is a Town goal.
 - Current mitigation rates:
 - Residential 90%
 - Hotel: 40%
 - Commercial/Public Facilities: 40%
- No financially justifiable reason to require this regulatory fee from STRs in residential zones.
 - Spending impact from resident is higher than guests.

- STRs are limited to 29 nights/year in Telluride's residential zones.
- Current Affordable Housing Fund:



How does the Planning Commission feel about Telluride's approach to Affordable Housing.

COLORADO DIVISION OF HOUSING. SUMMARY OF INCLUSIONARY ZONING PRACTICES IN COLORADO COMMUNITIES. DEC 2023

BASALT, CO

Inclusionary Zoning (16-411) is required for all new residential and nonresidential developments. Town Council determines mitigation with every project brought before them.

- Code Requirements:
 - Residential development (>5 units): 20% of dwelling units and 15% of the bedrooms must be dedicated as affordable.
 - Commercial development: mitigation fee of 50 cents /sq ft. Must provide affordable housing for a maximum of 20% of employees generated by development.
- Guidelines:
 - Housing units should be transit-friendly and be energy efficient. The affordable housing requirement can be fulfilled off-site.
 - Directed at those who need housing at less than 36% of household income.

CARBONDALE

(Section 15.25.030) Board of Trustees may offer a variance to the affordable housing requirement. Affordable housing has a condition of approval for all developments exceeding 5 units.

- Requirements:
 - Developments with 5-20 units must set aside 15% of all lots to be deed restricted as affordable and available within 150% AMI. For developments exceeding 20 or more units, 15% must be deed-restricted and available to families within 65% to 150% AMI
 - Otherwise, fee-in-lieu.

- Units are to be designed as established in the Carbondale Community Housing Guidelines
- Guidelines:
 - On-site housing is preferred or within the Urban Growth Boundary.

GLENWOOD SPRINGS

(Community Housing Program 2021) Managed by Garfield County Housing Authority

- Requirements:
 - All residential developments of 3 or more units must provide at least 15% as affordable housing units.
 - New developments of single-family lots and multi-family housing projects must be deed restricted for the average sales price of 80% AMI as determined by HUD for Garfield County.
 - Development applications must outline location, phasing, AMI characteristics, market assessments, lot sizes, bedroom configurations, and HOA details in a Housing Mitigation Plan.
 - All units must be on-site, distributed within the development, unless approved otherwise. Off-site housing is approved only if the developer can demonstrate that off-site housing would be of greater benefit to the community.
 - A cash-in-lieu fee may be collected for small projects.
 - Units must meet a minimum square footage requirement.
 - Eligible Households must be employed full-time in Glenwood Springs, a retired person who has been a fulltime employee in Glenwood Springs for a minimum of 4 years prior to retirement, or a disabled person also employed in Glenwood Springs for 2 years prior to their disability. They must also meet income guidelines of low (60% of AMI), moderate (80 to 100% AMI), or middle income (100 to 120% AMI) and also they must be certified in these categories by the Garfield County Housing Authority.
 - All affordable housing units are deed restricted with resale restrictions and future buyers are bound by the restrictions as well. There is also an appreciation cap on all deed restricted affordable housing of 3% annually. Maximum sales price is determined by the program administrator, and a lottery is held for eligible buyers.

RIDGWAY, CO RIVERFRONT VILLAGE

- Development Agreement provisions for deed restricted housing in Riverfront Village Subdivision
 - Prospective owners shall notify Town of intent to purchase and provide town with proof of residency in Ouray County
 - Written documentation verifying household income from Ouray County based employment.
 - Established a 125% AMI threshold for bedroom and building type. Initial maximum sales price may have 10% profit baked into cost only when the unit does not exceed the maximum AMI threshold. There is a 3% annual appreciation cap from the initial gross purchase price. Owner may add value of any capital improvements requiring a building permit.
 - Deed-restricted unit is prohibited from rental use and shall remain owner occupied.
 - Waives all planning review fees and the excise tax.
 - A waiver may be requested and approved by Planning Commission from any of the Provisions of Deed Restricted Housing.
 - Seller is responsible for ensuring compliance with the requirements and restrictions. Warranty deeds for transfer and conveyance shall clearly indicate the affordable housing deed restriction.
 - Agreement provides phasing of construction for affordable units.

Part 4 – Conclusion

We will discuss strategies to address affordable housing provisions moving forward with the Planning Commission at the May 2024 meeting.

AGENDA ITEM #5

To: Town of Ridgway Planning Commission

Cc: Preston Neill, Ridgway Town Manager; TJ Dlubac, AICP, CPS, Contracted Town Planner

From: Elliot Weiss, Principal, Economies of Place

Date: May 23, 2024

Subject: 2024 LDC Updates – Economic Implications of Land Use Mix UPDATE

CPS has been working to assess the relationship between Ridgway's current land use mix and the market demand (or future market demand) for land by land use category. Last month, at the request of CPS, Economies of Place (EOP) delivered a memorandum summarizing available population and employment forecasts, as well as data on housing units and potential housing demand. In that memo, EOP identified potential next steps for the Planning Commission's consideration. We appreciate your feedback on the memo, which we understand to include the following:

- Desire to consider growth impacts of population levels beyond what is implied by the DOLA forecast.
- Interest in better understanding, and potentially refining, the estimate of existing vacant housing units in Ridgway.
- Intent to explore some of the next steps identified in the April memo.

This May update confirms receipt of your feedback, and confirms the tasks that EOP will proceed with in June. These include:

- Additional effort to refine population and employment forecasts for Ridgway, and clarification of existing vacancies in Ridgway's residential stock.
- Interviews with individuals (e.g., commercial brokers, agents, or developers) with an understanding of the Ouray County market for residential and commercial real estate to vet assumptions in this analysis, and to gain a market-driven perspective on potential growth in Ridgway.
- A review of adopted 2023 and 2024 budget(s) to assess trends in revenue generation by major land use and quantify -- when possible -- the net fiscal contributions of major land use categories.

We look forward to bringing these revisions and additional analyses to you in a memo for your June Planning Commission meeting. Thank you.

AGENDA ITEM #6

PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING

April 30, 2024

CALL TO ORDER

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

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

WORK SESSION

1. Accessory Dwelling Unit (ADU) Standards Discussion

Staff Report dated April 26, 2024, and Power Point Presentation dated April 30, 2024, providing background, analysis and staff recommendation prepared by TJ Dlubac, AICP and Max Garcia, AICP of Community Planning Strategies, LLC.

Max Garcia provided a red-lined version for the updates to Supplemental Regulations; Chapter 7-4-6-(A) Accessory Dwelling Units and a Power Point presentation that outlined encouraging and incentivizing alternative methods of construction, reducing dimensional standards and incentives for exceeding minimum landscaping standards. He proposed an acceptable method for measuring square feet for the livable floor area in structures, and proposed standards for short-term rented ADU's. Density scenarios depicting lot configurations of various structure types with more than one ADU were provided to aid with visualization of the density concept.

The Commissioners discussed the presentation with the Planners and Town Manager. Resident Terese Seal participated in the discussion. The Planning Commission agreed the updates are heading in the right direction and provided feedback to the Planners.

2. Parking Standards Discussion

Staff Report dated April 26, 2024, and Power Point Presentation dated April 30, 2024, providing background, analysis and staff recommendation prepared by TJ Dlubac, AICP and Max Garcia, AICP of Community Planning Strategies, LLC.

Planner Garcia provided a red lined version for the updates to Supplemental Regulations; Chapter 7-4-6-(M) Parking Standards and a Power Point presentation addressing the parking standards strategies, with the goal to create market driven parking standards, instead of regulatory driven parking standards. He reviewed the proposed updates and asked for feedback from the Commissioners regarding employees, education facilities and healthcare facility parking standards.

The Commissioners discussed the proposed standards with the Planners and Town Manager and agreed the proposed standards are too minimal. They discussed market-driven standards versus use-driven standards. Garcia and Dlubac will prepare "what-if" process to depict how the parking standards would be managed for structures with a change in use, showing how parking agreements and site plans could provide flexibility.

3. General Update on Other 2024 Projects and Updates to Land Use Regulations

Analysis on *Economic Implications of Land Use Mix Update*, prepared by Elliot Weiss, Principal, Economies of Place.

Max Garcia presented the analysis, noting the data would be utilized to further investigate affordable housing policies in other communities. The Planning Commission discussed the data with Mr. Garcia.

APPROVAL OF THE MINUTES

4. Approval of the Minutes from the Meeting of March 26, 2024

ACTION:

Mayor Clark moved to approve the Minutes from March 26, 2024. Mayor Pro Tem Meyer seconded the motion, and it was carried unanimously.

ADJOURNMENT

The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Karen Christian
Deputy Clerk