

RIDGWAY PLANNING COMMISSION

REGULAR MEETING AGENDA

Tuesday, October 29, 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/81474058708?pwd=u0FdVm9csYiXWE9Uqf0BSYdniDZE7h.1>

Meeting ID: 814 7405 8708

Passcode: 291342

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 Petrucelli

PUBLIC HEARING:

1. **Application:** Haaland-Ballantyne Subdivision. A Resubdivision of Lots 21, 22, 23, and 24 Block 25 Town of Ridgway **Location:** Town of Ridgway Block 25 Lots 21-24; **Address:** 615 Moffat St.; **Zone:** Historic Residential (HR); **Applicant:** Chris Haaland **Owner:** Chris Haaland and Sara Ballantyne.
2. **Application:** Dalwhinnie Rezoning. A Rezoning request for the Dalwhinnie-Athletic Park Annexation to General Commercial (GC) and Residential (R); **Location:** East side of County Road 23; **Address:** N/A; **Zone:** N/A, Ouray County; **Applicant:** Chris Hawkins, Alpine Planning; **Owner:** Dalwhinnie Group LLC
3. Ordinance No. 03-2024 Amending Section 7-4 "Zoning Regulations" of the Ridgway Municipal Code Relating to Accessory Dwelling Units

WORK SESSION:

4. Discussion about amendments to the Ridgway Municipal Code relating to affordable housing
5. Discussion about 2025 Planning Projects

APPROVAL OF MINUTES:

6. Minutes from the Regular meeting of September 24, 2024

OTHER BUSINESS:

7. Updates from Planning Commission members

ADJOURNMENT

AGENDA ITEM #1



To: Town of Ridgway Planning Commission
Cc: Preston Neill, *Ridgway Town Manager*
TJ Dlubac, AICP, *CPS, Contracted Town Planner*
From: Angela Kemp, AICP, *Town of Ridgway Senior Planner*
Date: October 25, 2024
Subject: Haaland-Ballantyne Resubdivision for October 29th Planning Commission Meeting

APPLICATION INFORMATION

Request: Approval of a Resubdivision from one (1) lot to two (2) lots.
Legal: Lots 21-25, Block 25, Town of Ridgway
Address: 615 Moffat St., Ridgway, CO, 81432
General Location: Southeast Corner of Moffat Street and Cora Street
Parcel #: 430516311006
Zone District: Historic Residential - HR
Current Use: Vacant
Applicant: Chris Haaland
Owner: Chris Haaland and Sara Ballantyne

PROJECT REVIEW

BACKGROUND

The property is a singular 0.32-acre parcel and is zoned Historic Residential - HR. Figure 1 depicts the general location of the project site.

The site is cleared of a former home and garage. The shed still stands and is meant to be used for construction management purposes while construction happens on Lot 2. When a building permit is pulled for Lot 1, it must require the removal of the shed.

No formal building plans have been submitted for either lot. The applicant has expressed an interest in building a single-family home with a detached accessory dwelling unit (ADU) on Lot 1 and selling Lot 2. Lot 2 will utilize the existing water and sewer taps, while Lot 1 will be served by a new water and sewer tap that will connect to the line in Cora Street. Tap fees will be required with the resubdivision, but installation and connection won't be required until building permit is pulled for Lot 1.

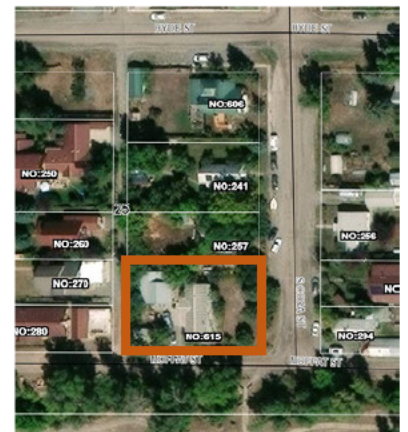


Figure 1. General Location

While it is anticipated that both lots would be developed as residences, any use allowed within the HR District may be proposed, provided provisions of the RMC are met.

REQUEST

The Applicant is requesting approval of a Resubdivision. The Resubdivision will subdivide the existing parcel into two lots: Lot 1 and Lot 2.

CODE REQUIREMENTS

RMC §7-5-2(J)(3) APPROVAL CRITERIA FOR A RESUBDIVISION

A resubdivision may be approved and accepted by the Town Council if the application is found to meet the following criteria:

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

RMC §7-5-2(J)(2) 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.
- (f) 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.
- (g) Review and Recommendation by the Planning Commission.
 - (i) The Planning Commission shall review the resubdivision application in a manner consistent with Table T-5.1 to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission may provide either a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section [7-5-2\(J\)\(3\)](#), Approval Criteria.
 - (ii) The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.
- (h) Review and Action by the Town Council.
 - (i) The final decision to approve, approve with conditions, or deny a resubdivision application shall be made by the Town Council in a manner consistent with Table T-5.1 and be based upon the criteria set forth in Section [7-5-2\(J\)\(3\)](#), Approval Criteria.
 - (ii) The Town Council may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.

RMC §7-5-4 DESIGN STANDARDS

(A) General Provisions:

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

(2) All subdivisions shall be developed in accordance with the Town's Master Plans, Zoning Regulations, Floodplain Regulations, and other applicable Town ordinances, regulations and specifications.

ANALYSIS

COMPLIANCE WITH THE MASTER PLAN

This parcel is identified as *Town Core Neighborhoods* on the Future Land Use Map (updated Feb. 2024) of the 2019 Master Plan. This anticipates the following land uses and development patterns on this parcel:

Maximum Density / Height	6 to 12 du/ac; 3 stories
Primary Uses:	Single-family homes, duplexes, and smaller multifamily residential uses
Supporting Uses	Professional offices and service businesses, limited retail, parks and recreational facilities, community gardens, civic and government facilities
Characteristics	<ul style="list-style-type: none"> • Town Core Neighborhoods are characterized by a gridded street pattern and alleys. • Historic preservation and adaptive reuse of existing structures are a priority to maintain the historic character of this area. New development should respect the scale and character of existing development. • While single-family homes and duplexes are the primary housing types found within these neighborhoods, they also support a range of higher density housing types such as townhomes and smaller multi-family buildings. Accessory dwelling units are encouraged where permitted. • Office, service businesses, and retail uses are only allowed along Sherman Street. Such uses must appear "residential" to differentiate this section of Sherman Street from uses in the Town Core and maintain the character of the neighborhood.

The project should be in general conformance with the goals and policies identified within the 2019 Master Plan and the Future Land Use Map. Figure 2 depicts the Future Land Use classification of the subject property and surrounding area. The Master Plan provides important insight into the community’s vision. Though these goals are not firm requirements, it is important that the applicant showcase the various ways their project meets these goals.

Based on the review of the proposed development, the following Master Plan policies and goals appear to be met by the proposed project:

- GOAL COM-2: Encourage a diversity of housing options that meet the needs of residents
- GOAL CHR-1: Support vibrant, diverse, safe and well-connected neighborhoods.



Figure 2. Future Land Use Map

LAND USES

The Applicant is proposing two lots. While the indicated plan is for a single-family home with a detached accessory dwelling unit for each lot, the Applicant is not proposing any construction for either lot at this time.

Table T-4.3 of the RMC identifies the uses by right and conditional uses permitted in the HR zone district. Single-family dwellings and accessory dwelling units are both allowed in the HR zone district.

The breakdown of each lot is shown in the table below.

<i>Lot</i>	<i>Lot Size SF</i>	<i>Use</i>
Lot 1	7,100sf	Future residence with ADU
Lot 2	7,100sf	Future residence with ADU
Totals	14,200 sf	-

DIMENSIONAL STANDARDS

Table T-4.4 sets forth the required dimensional standards that shall be met for various uses within each zone district. For the HR zone district, the following standards apply to single-family and duplex uses:

<i>Standard</i>	<i>Requirement</i>	<i>Proposed</i>	
		<i>Lot 1</i>	<i>Lot 2</i>
Min. Lot Width	25'	50'	50'
Min. Lot Size	3,000sf	7100sf	7100sf
Max. Lot Coverage	60%	TBD with building permit	TBD with building permit
Min. Front Setback	15'	TBD with building permit	TBD with building permit
Min. Rear Setback	8' (2' if abuts alley)	TBD with building permit	TBD with building permit

Min. Side Setback	3' (2' if abuts alley)	TBD with building permit	TBD with building permit
Max. Side on Corner Lot	7.5'	TBD with building permit	N/A
Structure Height	27'	TBD with building permit	TBD with building permit

**These dimensional standards will be confirmed at the time of building permit review.*

SUPPLEMENTAL REGULATIONS

(A) Accessory Dwelling Units.

All ADU criteria have been met and will undergo further review at building permit.

(M) Parking Standards.

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

<i>Use</i>	<i>Required Parking Spaces</i>
Residences	Single-Family and Duplex: 2 spaces per dwelling unit. All Other Residential: 1 space per dwelling unit

Parking on Lots 1 & 2 will be reviewed at the time the building permit for each lot is submitted.

DESIGN STANDARDS.

(A) General Provisions:

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

(2) All subdivisions shall be developed in accordance with the Town's Master Plans, Zoning Regulations, Floodplain Regulations, and other applicable Town ordinances, regulations and specifications.

The project is not proposing any new roads, streets, cul-de-sacs, or alleys; therefore, the existing infrastructure will be used and provides adequate access. All utility services have been addressed below and meet requirements outlined in this section.

An existing shed will be removed with Building permit for Lot 1.

UTILITIES

Water Service: Service to Lot 1 will come from a new tap and connection to the main in Cora Street. Lot 2 will be served by Cora Street water main via an existing tap. This will have to be finalized prior to the town issuing any additional building permits and if additional easements are necessary, those would have to be attained at that time.

Sewer Service: Service to Lot 1 will come from a new tap and connection to the main in Cora Street. Lot 2 will be served by Cora Street sewer main via an existing tap. This will have to be finalized prior

to the town issuing any additional building permits and if additional easements are necessary, those would have to be attained at that time.

Electric Service: Service for Lots 1 & 2 will be via an electrical junction box near the alley on the northwest corner of the property. A 10' easement is shown on the plat where electrical service will be undergrounded to each lot (see plat).

Natural Gas Service: A natural gas main line exists in the alley to the west of the properties. The application was forwarded to Black Hills for review, and they did not return any comment. This will have to be finalized prior to the town issuing any additional building permits and if additional easements are necessary, those would have to be attained at that time.

PUBLIC NOTICE AND PUBLIC COMMENT

The application was forwarded to referral agencies on May 31, 2024, with a due date of June 25, 2024. The materials were sent to ten referral agencies and three responded. All referral comments have been adequately addressed.

The applicant has submitted a hearing application, associated fees, plat materials, and other required support materials for this public hearing to the Town.

The property has been posted and proper notification has been completed by the Town in accordance with RMC §7-5-2(B)(6).

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

STAFF RECOMMENDATION

Upon review of the application against applicable Town standards, staff recommends that the Town of Ridgway Planning Commission recommend approval of the Resubdivision to the Town Council with the following condition:

1. Prior to the Town recording the Resubdivision Plat with the Ouray County Clerk and Recorder's Office, all signatures shall be obtained and the Tap Fees and excise tax for the created lot shall be paid.

Recommended Motion:

"I move to recommend approval of the Haaland Ballantyne Resubdivision, finding that the criteria set forth in RMC §7-5-2(J)(3) have been met with the following conditions:

1. Prior to the Town recording the Resubdivision Plat with the Ouray County Clerk and Recorder's Office, all signatures shall be obtained and the Tap Fees and excise tax for the created lot shall be paid.

Alternative Motions:

Approval with conditions:

"I move to approve the Haaland Ballantyne Resubdivision, finding that the criteria set forth in RMC §7-5-2(J)(3) have been met with the following conditions:

1. _____
2. _____
3. _____

Denial:

"I move to deny the Haaland Ballantyne Resubdivision, finding that the criteria set forth in RMC §7-5-2(J)(3) have not been met."

ATTACHMENTS

1. Application
2. Project Narrative
3. Haaland-Ballantyne Resubdivision Final Plat

Attachment 1

APPLICATION

Official Use Only:

Receipt #

714

Date received

5-14-24

Initials

CB

General Information

Applicant Name

Chris Haaland
Sara Ballantyne

Application Date

5/14/2024

Mailing Address

755 Sabeta, Ridgway CO

Phone Number

Email

Owner Name

Chris Haaland, Sara Ballantyne

Phone Number

Email

Address of Property for Hearing

615 Moffat

Zoning District

HR

Brief Description of Requested Action

Request to split Block 25 Lots 21, 22, 23, 24
into 2 residential lots

Lots 21, 22 = Lot 2

Lots 23, 24 = Lot 1

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 checked="" 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 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 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 *Chris Kroll* **Date** *5/14/24*

Owner Signature *Chris Kroll* **Date** *5/14/24*

Eva Ballantyne *5/14/24*

Town of Ridgway, Colorado Acknowledgment of Fees and Costs

Chris Haaland ("Applicant") and Chris Haaland / Sara Ballantyne ("Owner") do hereby acknowledge that with the filing of an application, or seeking Town review under Chapter 7, Section 3 or Section 4 of the Town of Ridgway Municipal Code, that it is subject to the requisite fees and costs associated with such action, in accordance with 7-3-20 and 7-4-12, including out-of-pocket legal fees and/or engineering fees.

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

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

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

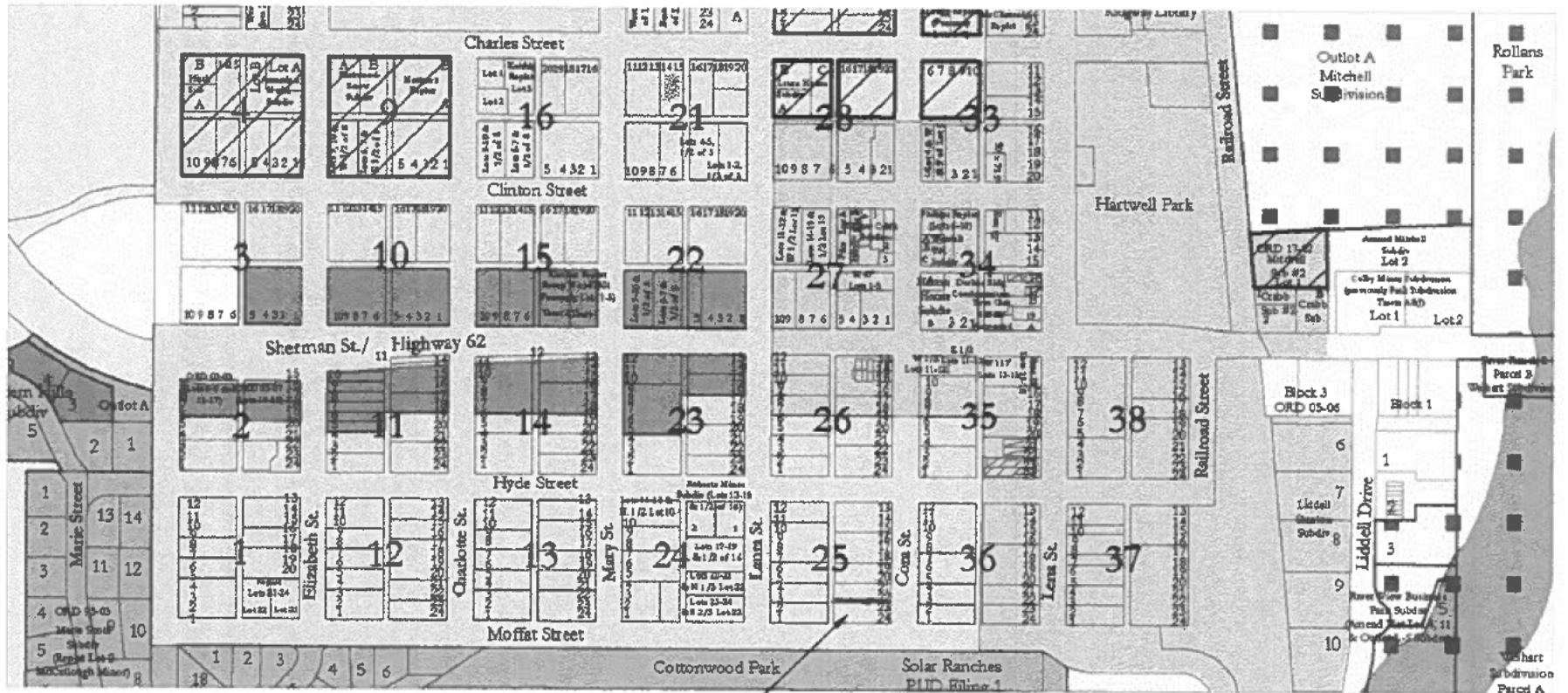
Acknowledge this 14 day of May, 2024.

APPLICANT:

By: Chris Haaland
(Signature)
Chris Haaland, authorized signer
(Print Name)

PROPERTY OWNER:

By: Chris Haaland / Sara Ballantyne
(Signature)
Chris Haaland / Sara Ballantyne, authorized signer
(Print Name)



LOT SPLIT

615 MOFFAT ST. RIDGWAY, COLORADO
 MUNICIPAL ZONING : HR

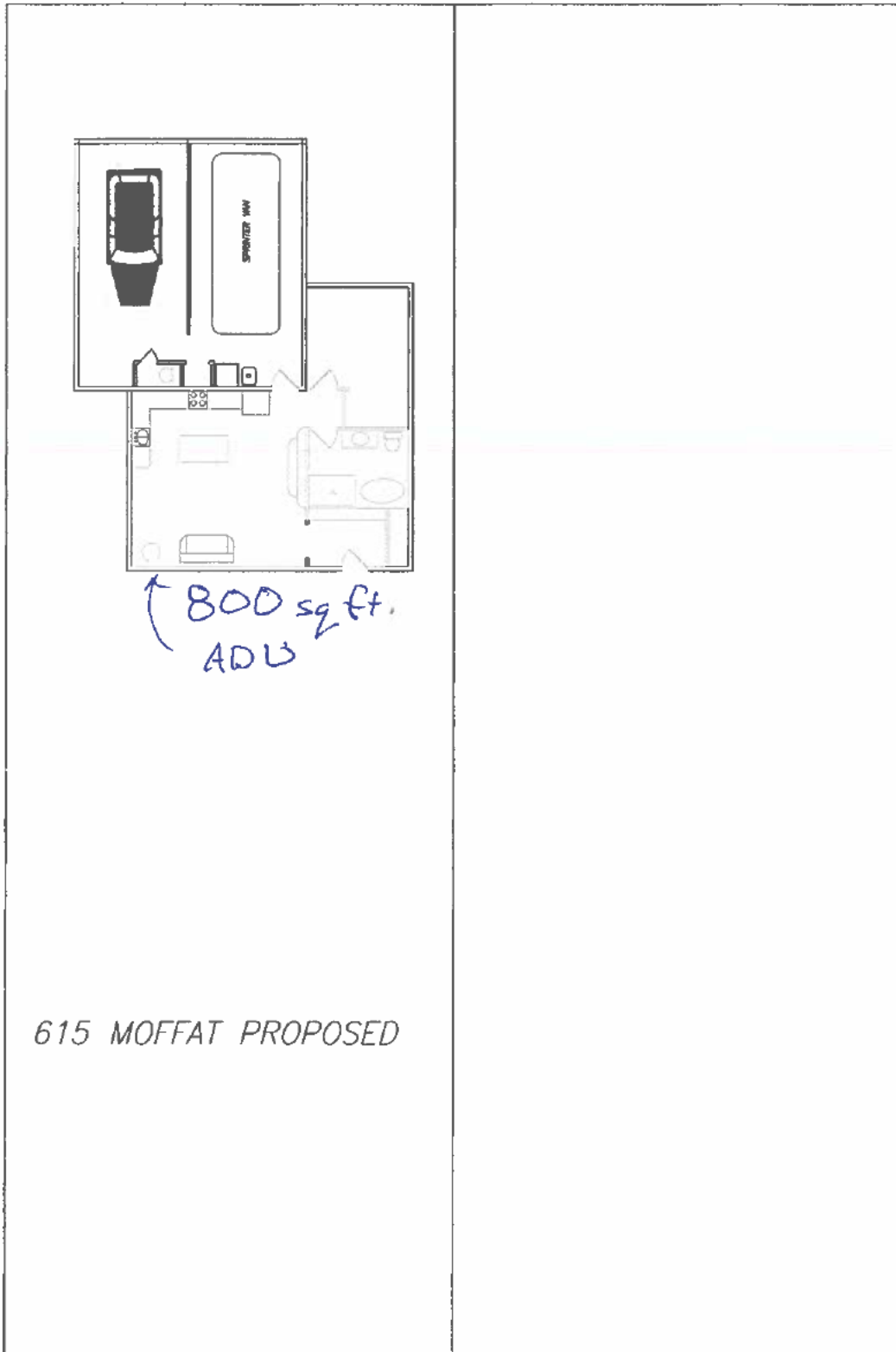
PRESENT CONFIGURATION: BLOCK 25 LOTS 21,22,23,24
 PRESENT LOT DIMENSION: 150' X 100' (15,000 SQ.FT.)

PROPOSED CONFIGURATION: LOT (21, 22) & LOT (23, 24)
 PROPOSED LOT DIMENSIONS: (2) @ 150' X 50'
 (2 @7,500 SQ.FT)

ALLEY

50'

50'



MOFFAT ST.

150'
142'

615 MOFFAT PROPOSED

150'
142'

50'

50'

S. CORA STREET

Account: R001974

Location

Situs Address 615 MOFFAT ST
City Ridgway
Tax Area Id 201 - 201

Parcel Number 430516311006

Legal Summary Subd: TOWN OF RIDGWAY
Lot: 21 Block: 25 Subd: TOWN OF RIDGWAY
Lot: 22 Block: 25 Subd: TOWN OF RIDGWAY
Lot: 23 Block: 25 Subd: TOWN OF RIDGWAY
Lot: 24 Block: 25 S: 16 T: 45 R: 8

Mining District

Owner Information

Owner Name HAALAND CHRISTEN
Owner Address 755 SABETA DR
RIDGWAY, CO 81432

Assessment History

Actual (2023 - SB23001-Residential applied)	\$451,010
Assessed	\$30,220
Tax Area: 201 Mill Levy: 63.341	
Type	Actual Assessed Acres SQFT Units
Improvements	\$109,670 \$7,350 0.000 2536.000 0.000
Land	\$341,340 \$22,870 0.000 14200.000 0.000

Transfers

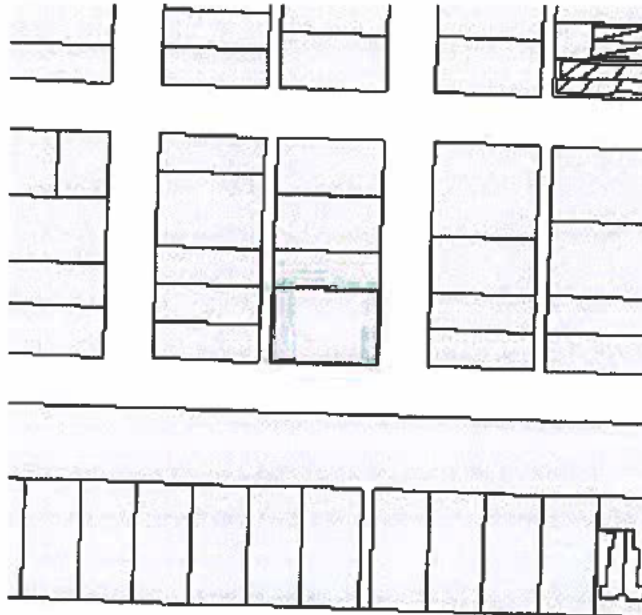
Reception Number	Sale Date	Sale Price	Doc Description
213835	04/16/2015		WARRANTY DEED JOINT TENANTS
213834			AFFIDAVIT
207104	03/20/2012		WARRANTY DEED JOINT TENANTS
195334	07/03/2007		QUIT CLAIM
193983	01/17/2007		WARRANTY DEED JOINT TENANTS
184715	05/31/2004		DEATH CERTIFICATE
128396	06/03/1980		WARRANTY DEED
	09/07/1909		TREASURER'S DEED
			PLAT

Tax History

Tax Year	Taxes
2023	\$1,914.16
2022	\$1,076.68

Images

- [Google Map \(May not be accurate\)](#)
- [Photo](#)
- [Sketch](#)
- [GIS](#)



ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: OUB5003698-2

Property Address:

615 MOFFAT ST, RIDGWAY, CO 81432

1. Effective Date:

01/28/2015 at 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

Owner's Extended Coverage Policy - ALTA Owner's Policy 06-17-06 (For Residential Land)

Proposed Insured:

CHRISTEN HAALAND AND SARA BALLANTYNE

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

A FEE SIMPLE

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

DEBRA HYNES

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

LOTS 21, 22, 23 AND 24, BLOCK 25, TOWN OF RIDGWAY, COUNTY OF OURAY, STATE OF COLORADO

Copyright 2006-2024 American Land Title Association. All rights reserved.

The use of this Form is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

AMERICAN
LAND TITLE
ASSOCIATION



Attachment 2

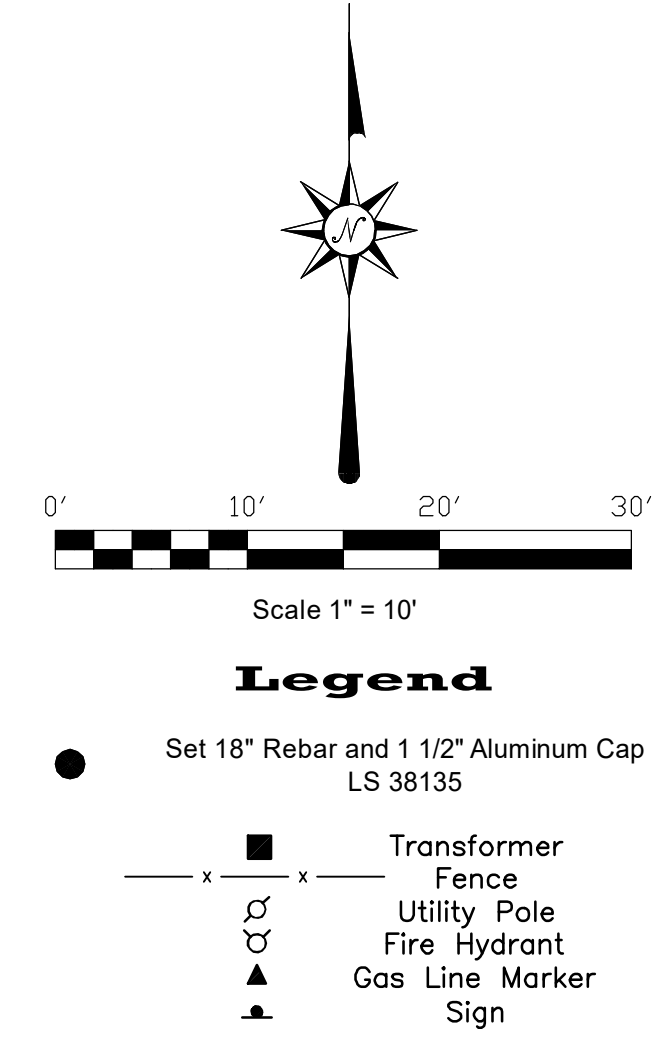
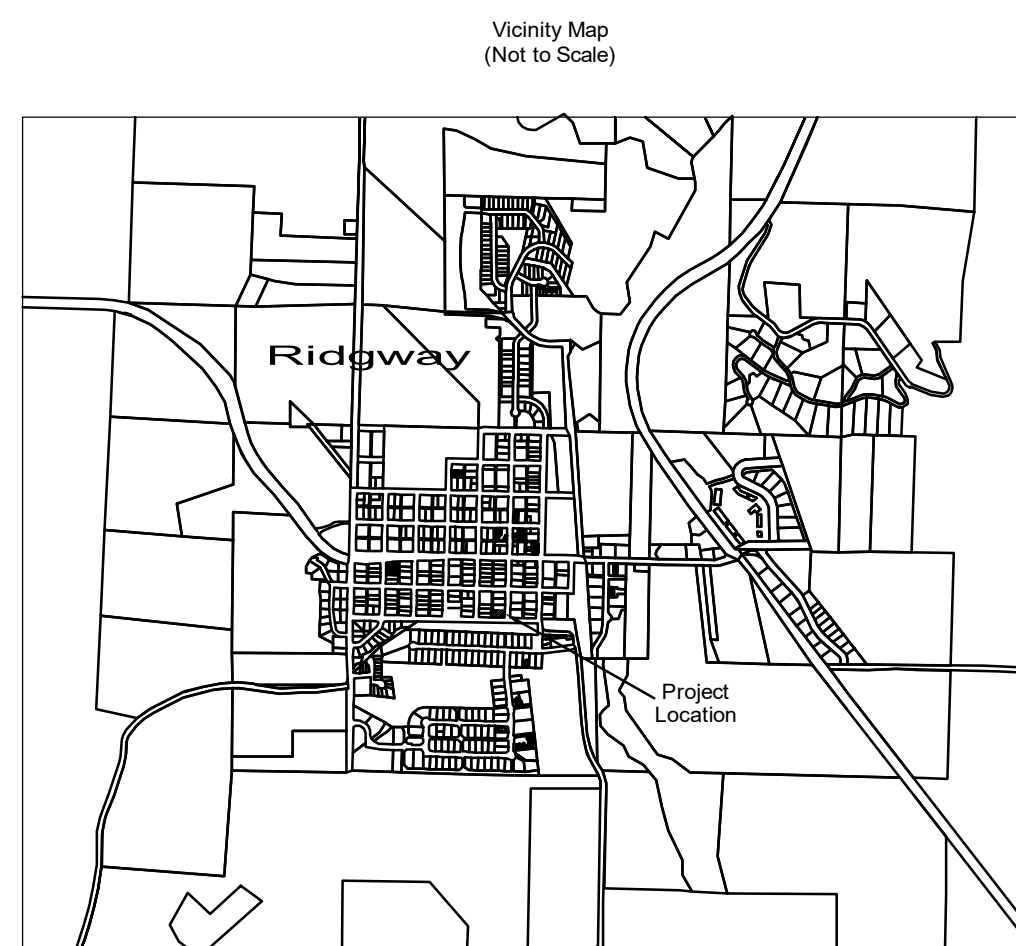
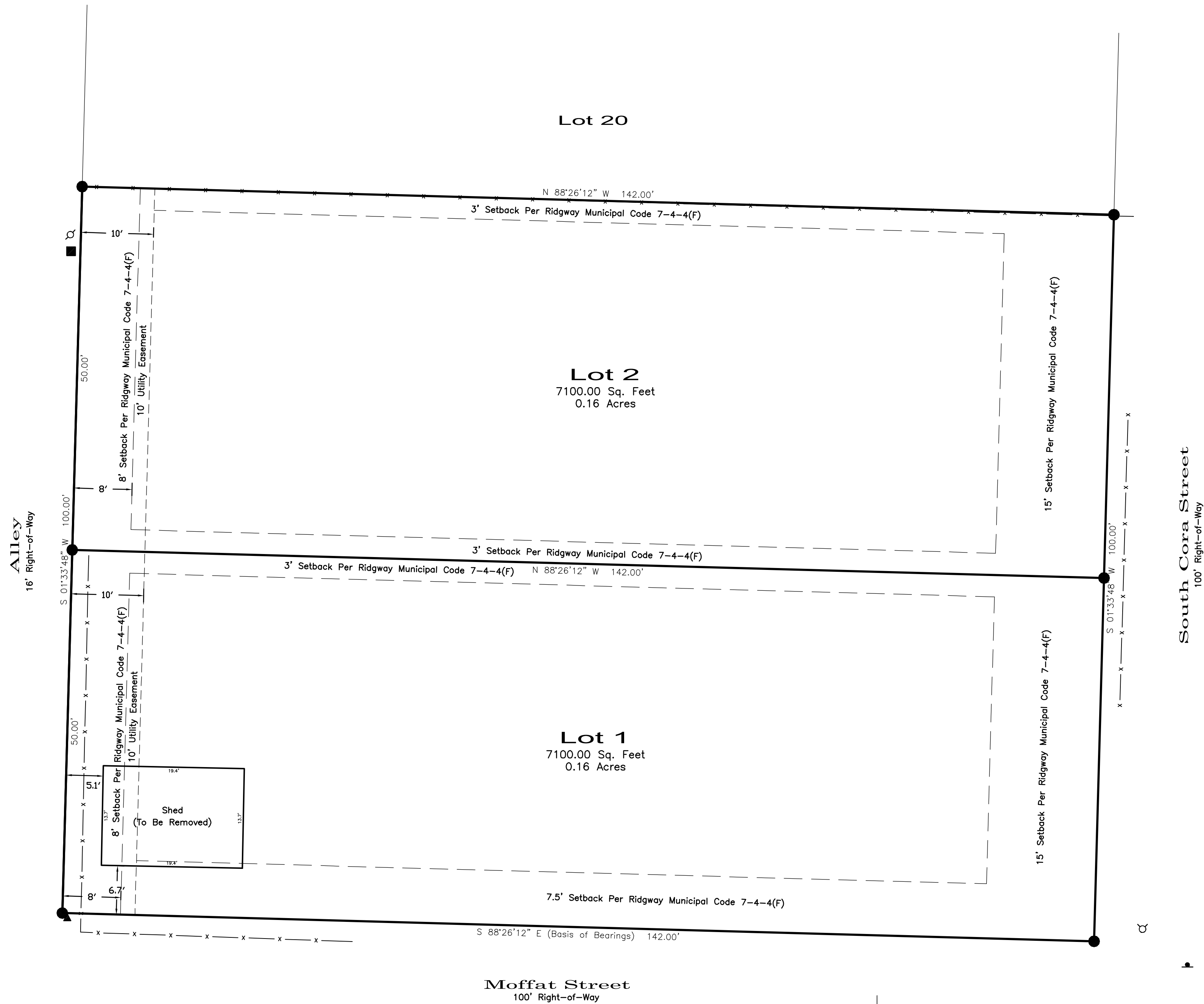
615 Moffat Street
Ridgway, Colorado
81432
10/10/24

2nd Planning Letter Response (Corrected)

2. Owner has met with San Miguel Power. Electric Power will be supplied from NW power pole transformer. Power will supply both lots 1 & 2 underground via 10' utility easement.
3. Lot #2 will be served by the existing water and sewer Taps.
Lot #1 will be served by new Water & Sewer taps to be located in the Cora Street existing Right of way. **The new water and sewer taps will be paid for at the time as set forth in the Town of Ridgway Regulations.**
4. The existing shed will be used for construction storage for the building process for lot #2. It will be removed or relocated to setback regulations when building begins for lot #1.
5. The title has been changed from "Subdivision" to "Resubdivision".
8. No public Infrastructure improvements will be required with the lot split. No Engineering Certificate will be required.

Final Plat for Haaland - Ballantyne Subdivision
A Resubdivision of the Lots 21, 22, 23 and 24, Block 25, Town of Ridgway

Section 17, Township 45 North, Range 8 West, New Mexico Principle Meridian, Town of Ridgway, Ouray County, Colorado



CERTIFICATE OF OWNERSHIP AND DEDICATION:

Know all persons by these presents: Christen Haaland and Sara Ballantyne, ("Owner"), being the owner of the land described as follows:

Lot 21, 22, 23 and 24, Block 25, Town of Ridgway, County Of Ouray, State Of Colorado ("Property"), has laid out, platted and subdivided same as shown on this plat under the name of FINAL PLAT FOR HAALAND - BALLANTYNE SUBDIVISION, A RESUBDIVISION OF LOTS 21, 22, 23 AND 24, BLOCK 25, TOWN OF RIDGWAY, 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__.

By: _____
 Printed Name: Christen Haaland
 Title: Owner

By: _____
 Printed Name: Sara Ballantyne
 Title: Owner

NOTARIAL:

STATE OF _____)
) ss.
 COUNTY OF _____)

The foregoing Certificate of Ownership and Dedication was acknowledged before me this ____ day of _____, 202__ by Christen Haaland & Sara Ballantyne.

Witness my hand and official seal.

My commission expires: _____

Notary Public

SURVEYOR'S CERTIFICATE

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

Peter C Sauer
 License No. 38135

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__.

_____, Attorney at Law

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

NOTES

- Outdoor Lighting; All outdoor lighting shall conform to Ridgway Municipal Code Section 7-4-6(K) "Outdoor Lighting Regulations", as may be amended.
- The property platted hereon is subject to the prior easements as shown hereon.
- All construction will conform with Ridgway Municipal Code.
- BASIS OF BEARINGS: The south line of LOT 24, BLOCK 5, TOWN OF RIDGWAY, COLORADO is recorded as as being S 88°26'12" E, as shown hereon.
- Linear Units: US Survey Foot.
- The maximum Number of Dwelling units allowed is two (2), one (1) on each lot, for which the applicable excise tax has been paid. If any additional units added the excise tax for said units shall be due with the building permit or upon any further subdivision.
- All existing accessory structures shall be removed from Lot 2 prior to the sale of Lot 2.

NOTICE

According to Colorado law you must commence any legal action based upon any 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.

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

CERTIFICATE OF IMPROVEMENTS COMPLETION:

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

RECORDER'S CERTIFICATE

This plat was filed for record in the office of Clerk and Recorder of Ouray County at _____ M. on the _____ day of _____, A.D. 202__, under

Reception No. _____

By: _____
 Cristy Lynn Sulewski, Ouray County Clerk and Recorder

Deputy

PROJECT MANAGER: PS CADD TECH: PS CHECKED BY: PS START DATE: 5/5/24	REVISIONS	DATE	DESCRIPTION	BY
	1			
	2			
	3			
	4			
5				
	OFFICE (970) 249-5349 CELL (970) 729-1289 23414 INCOMPARE ROAD MONTROSE, CO 81403 WWW.ORIONSURVEYING.COM			
	DRAWING PATH: Replat 4-24		SHEET No. 1 OF 1	

AGENDA ITEM #2



To: Town of Ridgway Planning Commission
Cc: Preston Neill, *Town of Ridgway Town Manager*
Angie Kemp, AICP, *Town of Ridgway Town Planner*
From: TJ Dlubac, AICP, CPS, *Contracted Town Planner*
Date: October 25, 2024
Subject: Dalwhinnie-Ridgway Athletic Park Annexation Zoning Map Amendment for October 29th Planning Commission Meeting

APPLICATION INFORMATION

Request: Zoning of parcels of land in conjunction with the Dalwhinnie-Ridgway Athletic Park Annexation.

Legal: Situated In Sections 16 & 21, Township 45 North, Range 8 West, New Mexico Principal Meridian Town Of Ridgway, County Of Ouray, State Of Colorado

General Location: Located adjacent to County Road 23, southeast of Ridgway Athletic Park.

Current Use: Agricultural and Vacant

Applicant: Chris Hawkins, Alpine Planning, LLC

Owner: Robert Dow, Dalwhinnie Group, LLC

LAND DEVELOPMENT OVERVIEW

The property is a total of 3.53-acres parcel and includes County Road 23 right-of-way. All property is currently located in Ouray County. Figure 1 depicts the general location of the project site, area being annexed, town boundary, and the adjacent PUD.

The areas petitioning to be annexed into the Town include one portion that is owned by the Town and is part of the Town's Athletic Park and the other is a portion of The Preserve subdivision where a significant portion of the property is already in the Town limits. The annexation would extend property within the Preserve PUD to the south to continue the Town street network and provide adequate space to install the necessary public facilities to serve this development. Furthermore, the annexation includes a triangular portion of property at the southeast corner of Ridgway Athletic Park which is currently not within the Town limits. Portions of CR 23 right-of-way adjacent to these areas is included in the annexation as well.



Figure 1. Subject Property being Annexed.

PROJECT OVERVIEW

PROJECT BACKGROUND

The Preserve PUD team took part in a joint meeting with the Town of Ridgway and the Ouray County BOCC in October 2022. The joint meeting resulted in conditions that were added to address outstanding conditions applicable to the Preliminary Plat and associated infrastructure. A significant outcome of this meeting was that the property should be annexed to the Town. The Town approved a Future Land Use Map amendment to include the area to be annexed as shown in the attached Annexation Map, which was required prior to the applicant being able to submit a petition to annex. The Master Plan amendment amended the future land use map to show the Annexing Area within the Urban Growth Management Area (UGMA) Boundary and applied the Town's Residential land use designation to the portion of the property south of the Preserve PUD. The property owner has now applied for the next steps in the process to achieve the outcomes identified in the Town Letter with the annexation petition and the zoning map amendment.

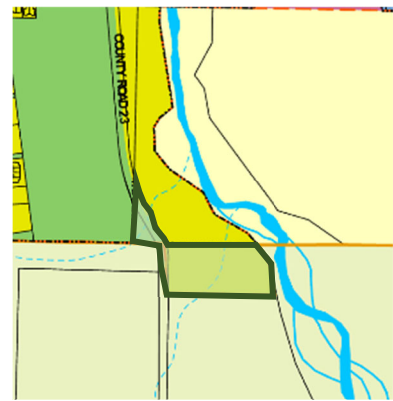


Figure 2. Updated FLUM

SUMMARY OF ANNEXATION AND PETITION

A Petition for Annexation for the Dalwhinnie-Ridgway Athletic Park Annexation has been submitted to the Town. The petition and the supplemental materials were determined to be complete, and that Town staff was able to process the petition in accordance with C.R.S. and RMC requirements. The Town Council adopted a Resolution Finding Substantial Compliance at their September 6, 2024, meeting.

REQUEST FOR PLANNING COMMISSION

The Applicant is requesting approval of Residential zoning for the proposed Parcel A and Commercial zoning for proposed Parcels B and C.

CODE REQUIREMENTS

RMC §7-4-3(C)(2) PROCEDURES:

The procedure for the remainder of the Zoning Map Amendment process is as follows:

- (g) Review and Recommendation by the Planning Commission. The Planning Commission shall review the zoning map amendment application in a manner consistent with Table T-4.1, Zoning Application Types and Processes, to evaluate compliance with applicable standards. Following its review of the application, the Planning Commission may provide either a recommendation to approve, approve with conditions, or deny the application to the Town Council based on the criteria set forth in Section 7-4-3(C)(3), Approval Criteria. The Planning Commission may, in its sole discretion, continue or postpone the public hearing to a specified date and time in order to permit preparation of additional information for further review by the Planning Commission prior to providing a recommendation to the Town Council.
- (h) Review and Action by the Town Council. The final decision to approve, approve with conditions, or deny a zoning map amendment shall be made by the Town Council in a manner consistent with Table T-4.1 and be based upon the criteria set forth in Section 7-4-3(C)(3), Approval Criteria. (ii) The Town Council may, in its sole discretion, continue or postpone the public hearing

to a specified date and time in order to permit preparation of additional information for further review by the Town Council prior to making a final decision.

RMC §7-4-3(C)(3) APPROVAL CRITERIA FOR A ZONING MAP AMENDMENT

Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon a determination following public hearing that the following criteria are met:

- (a) The amendment is not adverse to the public health, safety, and welfare, and;
- (b) Either:
 - i. The amendment is in general conformity with the Master Plan; or
 - ii. The existing zoning is erroneous; or
 - iii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.

ANALYSIS

EXISTING CONDITIONS

The area is located west of Uncompahgre River, but is located outside the flood hazard area as shown in the Annexation Map. Parcel A has an approximately 5% grade from west to east, going towards the river. A portion of Parcel A is located within the Uncompahgre River Overlay District (UROD).

ELIGIBILITY FOR ANNEXATION

Upon review of application materials, Town staff has determined the proposed development is eligible for annexation. As outlined in the Annexation Act, an Annexation must meet the following criteria to be eligible for annexation:

- Be signed by a minimum of 50% of property owners owning or than 50% of the area petitioned to be annexed and have applicable contact information.
- Submit an annexation map containing the required information.
- The property must be eligible to be annexed to the Town. Eligibility is defined as:
 - (a) Not less than one-sixth of the perimeter of the areas proposed to be annexed is contiguous to the annexing municipality.
 - (b) A community of interest exists between the area being proposed for annexation and the Town.

COMPLIANCE WITH THE MASTER PLAN AND THREE MILE PLAN

The subject parcels are identified as *Open Space* (Parcel B and C) and *Single-Family Residential* (Parcel A) on the Future Land Use Map (updated Feb. 2024) of the Master Plan. The project should be in general conformance with the goals and policies identified within the Master Plan and the Future Land Use Map. Figure 3 depicts the Future Land Use classification of the subject property and surrounding area. The Master Plan provides important insight into the community's vision. Though these goals are not firm requirements, it is important that the applicant showcase the various ways their project meets these goals. The Future Land Use Map for the 2019 Master Plan was amended to show the Annexing Area within the Urban Growth Management Area ("UGMA") Boundary which includes and complies with the Three Mile Plan for the Town of Ridgway.



Figure 3. Future Land Use designation.

Based on the review of the proposed development, the following Master Plan policies and goals appear to be met by the proposed project:

- GOAL ENV-1: *Preserve, protect, and restore natural habitats, including for wildlife and ecosystems.* The subject property is located within Sensitive Natural Areas, as shown in the Master Plan. The Plat and Annexing Area are already approved for development and avoid environmentally sensitive areas. It does not adversely impact wildlife habitat because the area is already graded for the approved development. The property is also actively managing any noxious weeds.
- GOAL COM-1: *Maintain Ridgway as a community that is accessible to a range of income levels, ages, and households.* The proposed development with support the utility infrastructure of the Preserve PUD which will provide four affordable housing units.
- GOAL GRO-1: *Manage growth and development in order to maintain Ridgway's small town character, support a diverse community, and create employment opportunities.*

LAND USES

The Applicant is proposing three parcels and is not proposing any construction for either parcel at this time. Parcel A will be split into two lots as shown in Figure 4. Parcel A will need to be further subdivided through a Major Subdivision process. Parcel B is solely Right-of-Way of County Road 23. Parcel C is proposed to have Commercial zoning, consistent with the adjacent Commercial zoning for the Ridgway Athletic Park.

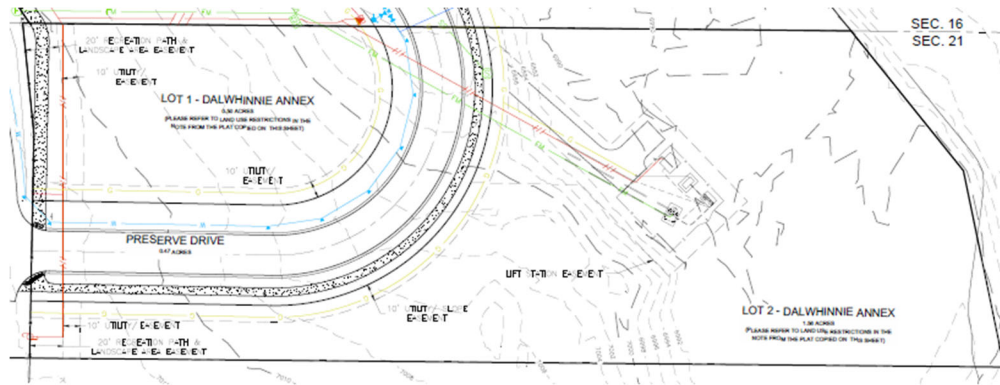


Figure 4. Dalwhinnie Annexation proposed layout.

The breakdown of each lot is shown in the table below.

<i>Lot</i>	<i>Lot Size (AC)</i>	<i>Proposed Use</i>
Parcel A	2.53	ROW, Utility Infrastructure
Parcel B	0.72	ROW
Parcel C	0.28	Parks and Open Space
Totals	3.53	-

INITIAL ZONING

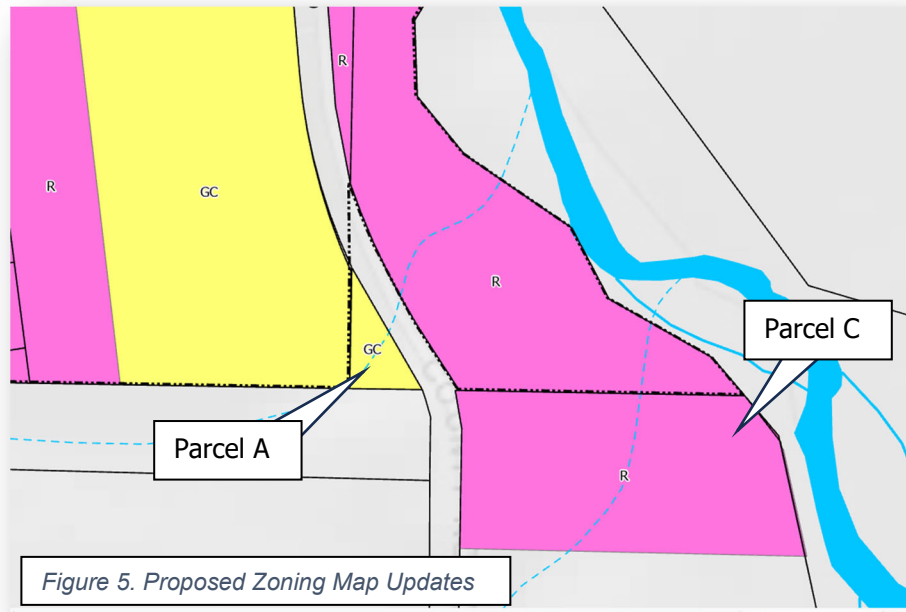
The applicant is requesting the following zoning districts for each of the parcels:

<i>Lot</i>	<i>Zone District</i>	<i>Use</i>
Parcel A	(R) Residential	ROW, Utility Infrastructure
Parcel B	N/A	ROW
Parcel C	(GC) General Commercial	Parks and Open Space

Parcel A is adjacent to and south of the Preserve PUD. Parcel A is proposed to have a private road and utility infrastructure, including a lift station, to support the Preserve PUD residential development. These uses are permitted in the Residential zoning district.

Parcel B, the right-of-way, is not zoned in other areas of the Town, therefore, Parcel B does not need to be initially zoned and therefore, the recommendation should only include Parcels A and C.

Parcel C is requesting GC zoning consistent with the Ridgway Athletic Park adjacent to the north. The parcel will be a continuation of the park as well.



UTILITIES

All utilities will be further reviewed for consistency with approved plans and Town standards through the Major Subdivision process.

PUBLIC NOTICE AND COMMENT

The application was forwarded to referral agencies on September 19, 2024, with a due date of October 3, 2024. The materials were sent to 19 referral agencies and 5 responded. Four of those responses, received from the County Assessor, Town Engineer, CDPHE, and Uncompahgre Water Partnership, had no comments. The Ouray County Planning Manager responded with the following comment:

Hi Max,

Thank you for the referral regarding the 'Dalwhinnie-Ridgway Athletic Park Annexation'. The County is aware of this matter and has been in discussion with various involved parties for several months. The Land Use Department has reviewed the proposed annexation and has no concerns at this time. It is important to note however that the annexation, if approved, will likely trigger necessary updates to the County/Town IGA as well as the UGMA boundary/map. Those actions, if required, will likely be deferred until after the County Master Plan update project has been completed.

Let me know if you have any questions.

Mark Castrodale

*Planning Director
Ouray County*

The applicant has submitted a hearing application, associated fees, plat materials, and other required support materials for this public hearing to the Town.

The property has been posted and proper notification has been completed by the Town in accordance with RMC §7-8-5(H).

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

STAFF RECOMMENDATION

Upon review of the application against applicable Town standards, staff recommends that the Town of Ridgway Planning Commission recommend approval of the Zoning Map Amendment as requested to the Town Council with the following condition finding that the criteria set forth in RMC §7-4-3(C)(3) have been met:

1. Parcel B not be attributed a zone district because it is public right-of-way.

Recommended Motion:

"I move to recommend approval of the Dalwhinnie Athletic Park Annexation Zoning Map Amendment as requested to the Town Council with the following condition finding that the criteria set forth in RMC §7-4-3(C)(3) have been met:

1. Parcel B not be attributed a zone district because it is public right-of-way.

Alternative Motions:

Approval with conditions:

"I move to recommend approval of the Zoning Map Amendment, finding that the criteria set forth in RMC §7-4-3(C)(3) have been met with the following conditions:

1. _____
2. _____
3. _____

Denial:

"I move to deny the Zoning Map Amendment, finding that the criteria set forth in RMC §7-4-3(C)(3) have not been met."

ATTACHMENTS

1. Land Use Application
2. Vicinity Map
3. Project Narrative
4. Annexation Map



APPLICATION

Official Use Only:

Receipt # _____

Date received _____

Initials _____

General Information

Applicant Name

Alpine Planning, LLC

Mailing Address

chris@alpineplanningllc.com

Phone Number

970.964.7927

Owner Name

Dalwhinnie Group, LLC

Phone Number

303.921.0435

Address of Property for Hearing

No assigned address

Zoning District

No zoning assigned yet - parcel is proposed for annexation and zoning map amendment

Application Date

07/15/2024

Email

chris@alpineplanningllc.com

Email

michael@dalwhinnieranch.com

Brief Description of Requested Action

Annexation and rezoning to bring parcels into the Town of Ridgway jurisdiction as outlined in the project narrative.

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 checked="" 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 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 checked="" 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 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 of Councilor from participating in your hearing.

Please contact staff with any questions.

Applicant Signature

Robert Dow **Chris Hawkins**
Robert Dow (Jul 17, 2024 10:31 EDT)

 Digitally signed by Chris Hawkins
Date: 2024.07.16 14:34:26 -06'00'

Date

07/15/2024

Owner Signature

Robert Dow
Robert Dow (Jul 17, 2024 10:31 EDT)

Date

7/17/24

Town of Ridgway, Colorado Acknowledgment of Fees and Costs

Alpine Planning, LLC (“Applicant”) and Dalwhinnie Group, LLC (“Owner”) do hereby acknowledge that with the filing of an application, or seeking Town review under Chapter 7, Section 3 or Section 4 of the Town of Ridgway Municipal Code, that it is subject to the requisite fees and costs associated with such action, in accordance with 7-3-20 and 7-4-12, including out-of-pocket legal fees and/or engineering fees.

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

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

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

Acknowledge this 16 day of July, 2024.

APPLICANT:

By: Chris Hawkins Digitally signed by Chris Hawkins
Date: 2024.07.16 14:31:35 -06'00'
(Signature)

Chris Hawkins, authorized signer
(Print Name)

PROPERTY OWNER:

By: Robert Dow
Robert Dow Jul 17, 2024 10:21 EDT
(Signature)

Robert Dow, authorized signer
(Print Name)











Dalwhinnie Annex Annexation Application Form

Final Audit Report

2024-07-17

Created:	2024-07-16
By:	Chris Hawkins (chris@alpineplanningllc.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAyMTwkhvMEsIHI_gtBRSiqns2Lyv8C4Lc

"Dalwhinnie Annex Annexation Application Form" History

-  Document digitally presigned by Chris Hawkins (chris@alpineplanningllc.com)
2024-07-16 - 8:31:35 PM GMT
-  Document digitally presigned by Chris Hawkins (chris@alpineplanningllc.com)
2024-07-16 - 8:34:26 PM GMT
-  Document created by Chris Hawkins (chris@alpineplanningllc.com)
2024-07-16 - 8:35:08 PM GMT
-  Document emailed to michael@dalwhinnieranch.com for signature
2024-07-16 - 8:35:42 PM GMT
-  Email viewed by michael@dalwhinnieranch.com
2024-07-16 - 8:58:18 PM GMT
-  Document signing delegated to Robert Dow (bobdow99@gmail.com) by michael@dalwhinnieranch.com
2024-07-16 - 9:19:45 PM GMT
-  Document emailed to Robert Dow (bobdow99@gmail.com) for signature
2024-07-16 - 9:19:45 PM GMT
-  Email viewed by Robert Dow (bobdow99@gmail.com)
2024-07-17 - 2:29:13 PM GMT
-  Document e-signed by Robert Dow (bobdow99@gmail.com)
Signature Date: 2024-07-17 - 2:31:35 PM GMT - Time Source: server
-  Agreement completed.
2024-07-17 - 2:31:35 PM GMT

Vicinity Map



Dalwhinnie Annexation and Zoning Map Amendment



July 19, 2024

BACKGROUND

The Preserve PUD team, consisting of Del-Mont Consultants, Inc., Alpine Planning, LLC, and Dalwhinnie Group, LLC, took part in a joint meeting with the Town of Ridgway Planning Commission and the Ouray County BOCC on October 26, 2022. The purpose of this joint meeting was to discuss the path forward to meet the following Preserve PUD Preliminary Plat (“Plat”) conditions:

“Condition 10. The south end of Preserve Drive (outside of the town boundary) requires access approval from the County as it is their jurisdiction (certificate on plat map as indicated in this report) as well as an access/utility easement from the property owner (Ridgway River Development LLC [Dalwhinnie]). This road section of Preserve Drive from the Town boundary to CR 23 will need to be dedicated to the Town, as well as dedication of the continuation of the recreational path along CR 23 to continue to the south road. Staff recommends securing written approval from both the BOCC and RRD LLC at this time and prior to final plat filing.

Condition No. 11. Related to Completion of requested edits to the General Road and Utility Easement Agreement, inclusive of a dedication of a recreation path easement to continue along CR 23 through Preserve Drive. Staff recommends securing this easement agreement soon, and before Final Plat.

Condition No. 12. Completion of 3-inch asphalt road on Chipeta Drive from Lena Street to County Road 23, then on County Road 23 to the south access on the south loop of the subdivision. Approval needs to be obtained from the County to pave County Road 23 to where the south end of Preserve Drive connects with County Road 23.”
(Collectively “Town Approval Conditions”.)

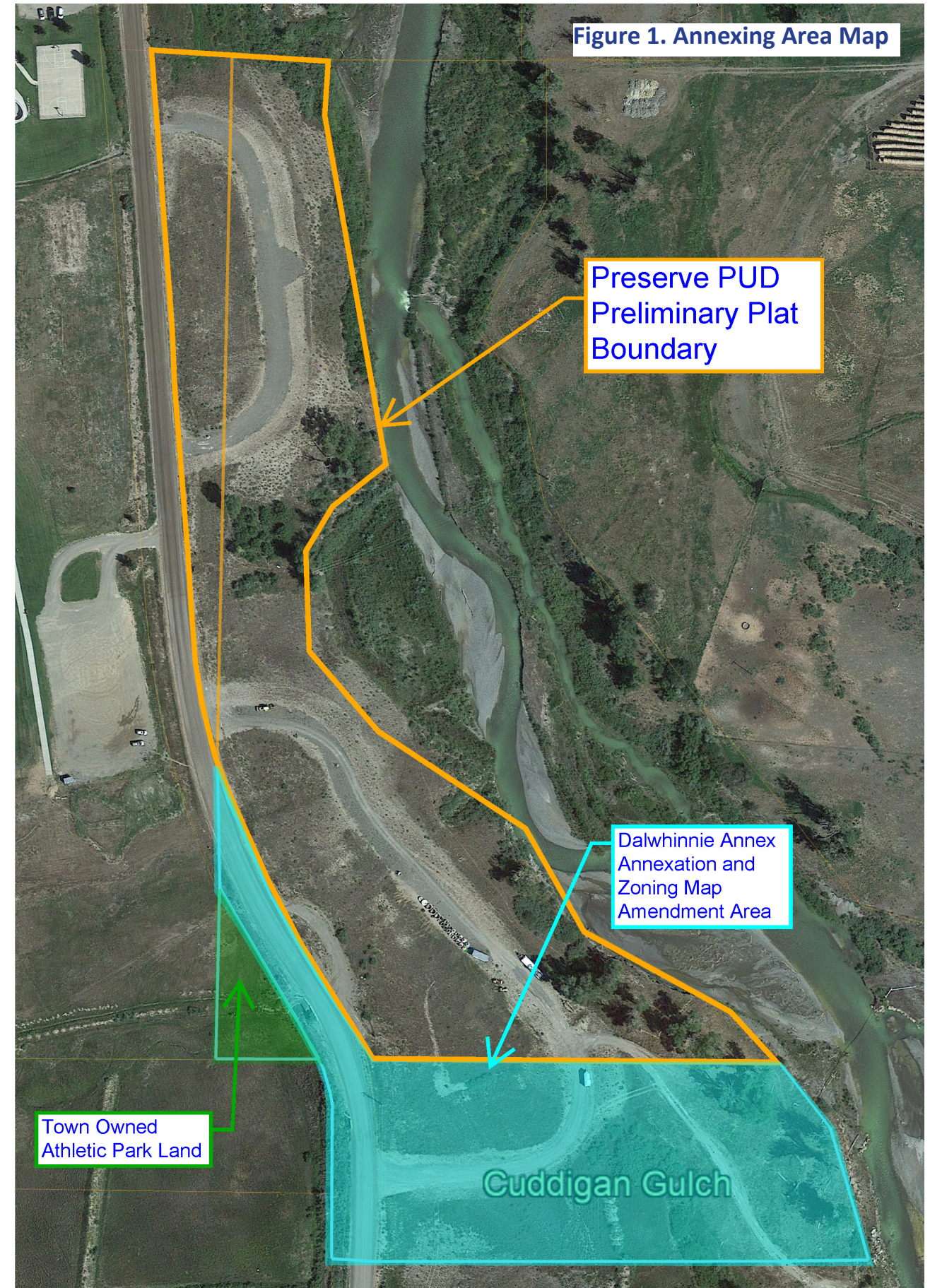
The Town Approval Conditions were added to address Town-approved Plat infrastructure located in the unincorporated area of Ouray County to the south of the Plat area as shown in Figure 1. The path forward from the joint meeting is in a letter from the Town of Ridgway (“Town”) dated November 14, 2022 as shown in Exhibit A (“Town Letter”), with the first step to submit a request to update the Town of Ridgway Master Plan (“Master Plan”). The Town approved the Master Plan amendment to include the area to be annexed as shown in Figure 1 and Figure 2 that includes the Dalwhinnie Group LLC land, the CR 23 Right-of-Way, and Town owned Athletic Park land that is currently outside the Town limits (“Annexing Area”) The Master Plan amendment amended the future land use map to show the Annexing Area within the Urban Growth Management Area (“UGMA”) Boundary and the Town’s Residential land use designation. The Preserve PUD team is now applying for the next steps identified in the Town Letter with the annexation and a zoning map amendment applications.

ANNEXATION OVERVIEW

The Annexing Area has three (3) parcels as follows:

Parcel A. Parcel A is owned by Dalwhinnie Group LLC (“Dalwhinnie”) and is legally described in Exhibit B containing 2.53 acres. Parcel A is currently in the County’s Valley Zone District and used for agricultural land uses. Parcel A is not irrigated. Parcel A was approved by the Town for infrastructure uses for the Preserve PUD Preliminary Plat as shown in Figure 3, including required secondary paved access for Preserve Drive and associated right-of-way/easement that serves ten (10) lots in the Plat; an extension of the required recreational path and associated easement next to CR 23; stub out to the sewer line; and subdivision grading and drainage.

Parcel A is proposed to be in the Residential Zone District with no density permitted on this



parcel, with a note on the subdivision plat that will prohibit any residential homes on Parcel A. The only new use proposed on Parcel A is a lift station that is to be relocated from within the Plat area to meet Colorado Division of Public Health and Environment setbacks that were adopted after the Town's approval of the Plat. The Preserve Drive Right-of-Way, lift station easement, and recreational path easement will be dedicated to the Town with the subdivision for the Annexing Areas. The subdivision application will be submitted after the Council adopts a resolution finding the petition for annexation to be in substantial compliance with state law as allowed by Land Use Regulations Section 7-8-3-1.

Parcel B. Parcel B is owned by Ouray County as a public right-of-way and is legally described in Exhibit B containing 0.72 acres. Parcel B is approved by the Town for infrastructure uses for the Plat as shown in Figure 3, including grading, drainage and paving improvements to CR 23 and a looped water line. Parcel B is proposed to be included as the same zone district as the Ridgway Athletic Park which is interestingly the General Commercial Zone District. It is our understanding that the Parcel B CR 23 Right-of-Way is automatically conveyed to the Town upon annexation, with it dedicated on the subdivision plat for the Dalwhinnie Annex area.

Parcel C. Parcel C is owned by the Town and is legally described in Exhibit B containing 0.28 acres. Dalwhinnie is voluntarily including Parcel C in the annexation and rezoning applications to help the Town by annexing and zoning the property so it falls within its jurisdiction and may be used as a part of the Ridgway Athletic Park. Parcel C is currently in the County's Valley Zone District and is vacant land adjacent to a planned bike park lease area in the Ridgway Athletic Park Master Plan. Parcel C is proposed to be in the General Commercial Zone District consistent with the Ridgway Athletic Park zoning. The Town provided an agency letter to include Parcel C in the annexation that is included in the required application materials.

The annexation map is shown in Figure 2 that depicts all three parcels proposed for annexation and a zoning map amendment as described in this narrative.

ANNEXATION REVIEW CRITERIA

Ridgway Land Use Regulations ("LUR") Section 7-8-3 establishes the following Statement of Policy and Review Criteria, with our compliance comments shown in blue text:

- A. Annexation is a discretionary act. Except for the initiated petition for the annexation of an enclave, the Town shall exercise its sole discretion in the annexation of territory to the Town. The development team understands annexations are discretionary. We would point out that the only reason the annexation is requested is due to the Ouray County BOCC direction on annexing versus simply meeting the Town Approval Conditions. The Town has also been supportive of the path forward outlined in the Town Letter.
- B. The land to be annexed and the uses proposed for the land shall conform to the goals, policies, and strategies of the Master Plan and to the land uses depicted on the Future Land Use Map, as amended. The Town Planning and Zoning Commission approved, and the Town Council ratified, an amendment to the Master Plan that showed the Annexing Area being included within the Town boundary, within the UGMA and in the Residential land use classification. The proposed annexation therefore conforms to the Master Plan and the Future Land Use Map. There are no additional impacts to surrounding properties due to the annexation or rezoning because these applications allow the land uses approved under the Plat, with the exception of the relocated lift station. Dalwhinnie owns the property subject to the Plat, Parcel B where the lift station will be

Figure 2. Annexing Area

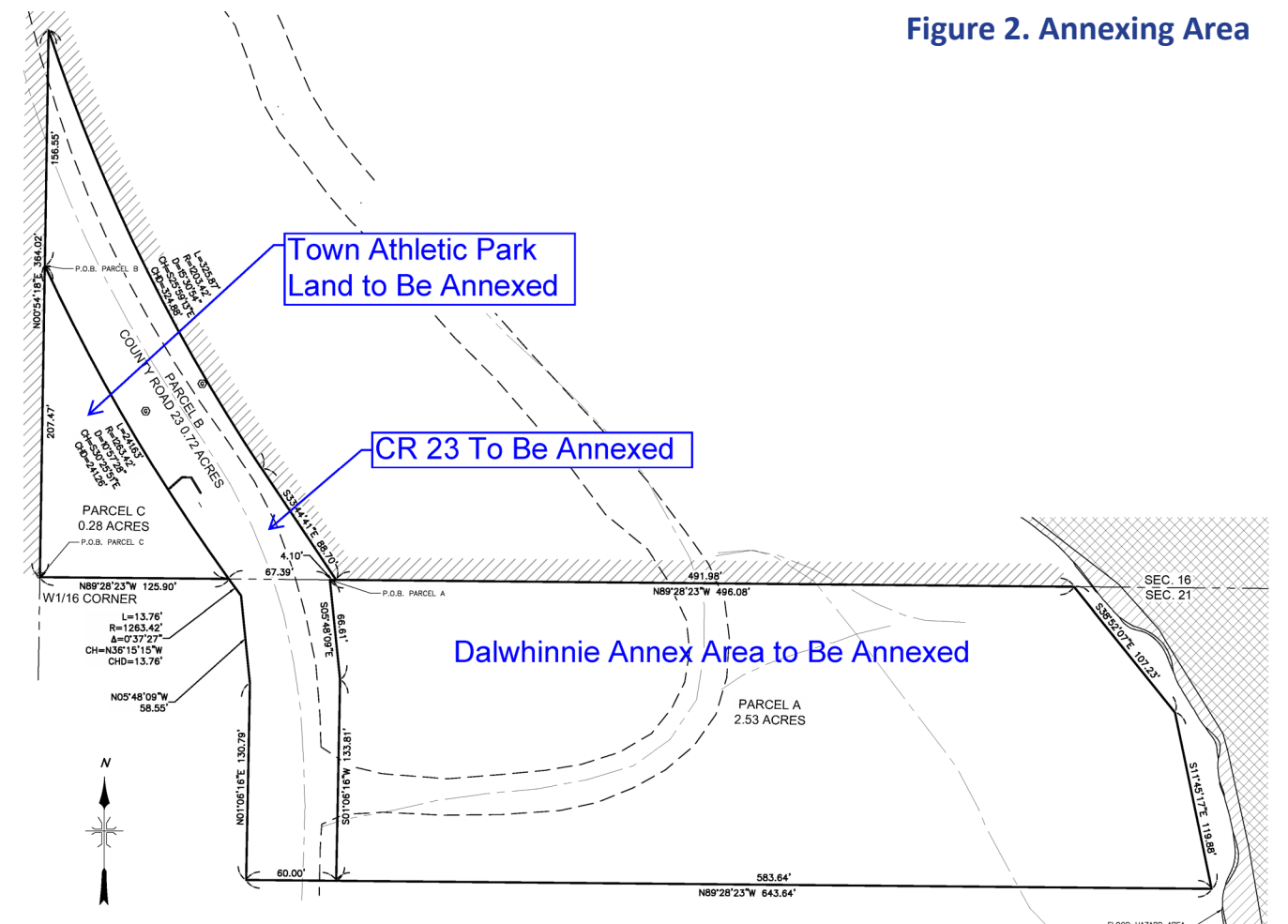
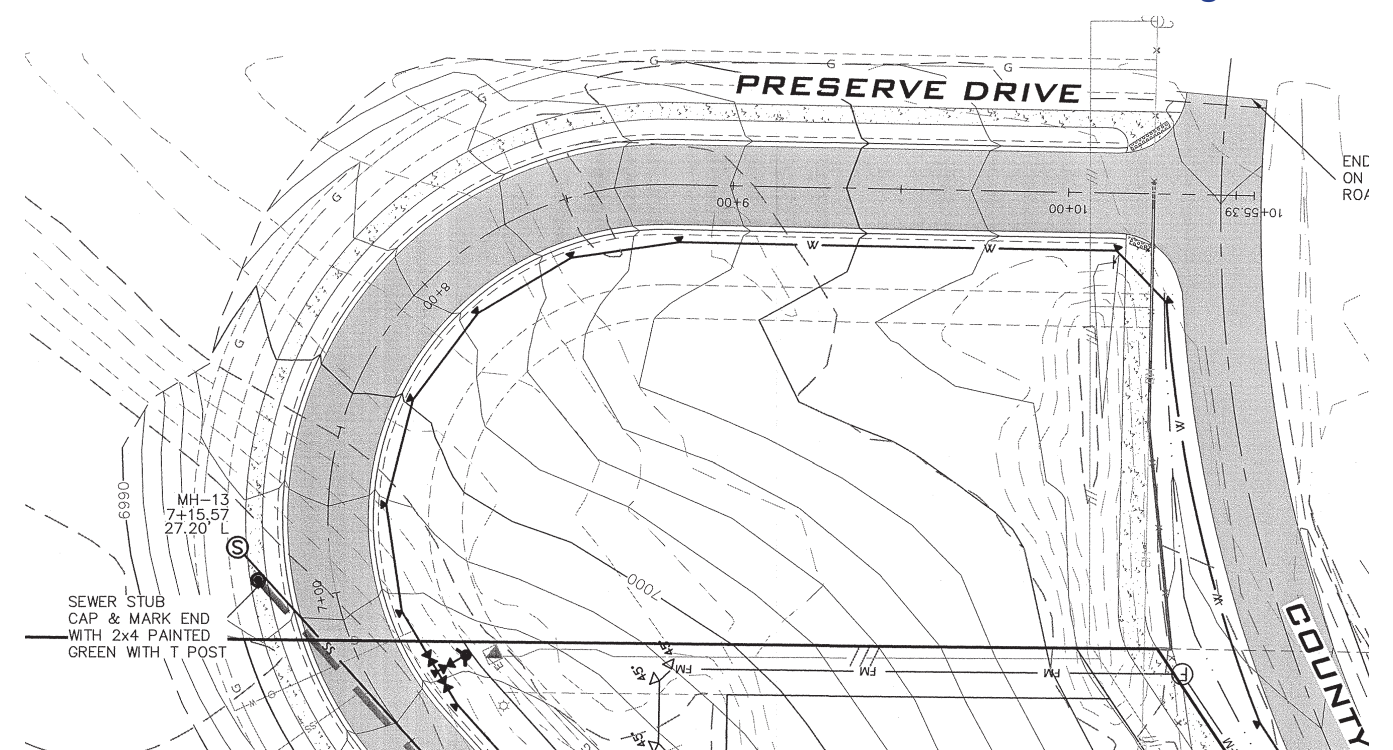


Figure 3. Approved Plat Infrastructure for Annexing Area



located, and the land to the south which will continue to be used for agricultural purposes. There is no adverse impact to surrounding agriculturally zoned and used lands, and the lift station will be screened by opaque wood or composite fencing with appropriately sized gates as approved by the Town.

- C. Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the Town in order that the public needs may be served by such facilities. These facilities include, but not limited to, streets, bridges, public parks and recreation areas, school sites, and storm drainage facilities. The annexation of lands to the Town shall not create any additional cost or burden on the then-existing residents of the Town to provide such public facilities in any newly annexed area. [Public facilities associated with the Plat are shown in Figure 3 and will be reflected on the subsequent subdivision for the Annexing Areas. These improvements are documented in the Annexation Overview section above for Parcel A.](#)
- D. The petitioner for annexation shall be responsible for paying the Town's full cost for processing the annexation petition, from initial discussion with Town staff before submittal of the petition through the approval and recording of the final annexation documents, in the event of the Town Council's approval of annexation. [Understood and agree.](#)
- E. Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels (for example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property). [The future annexation of lands adjacent to the Annexing Areas is not prevented by the proposed annexation.](#)
- F. Adequate water rights are to be deeded to the Town, as determined necessary by the Town, at the time of annexation, to provide sufficient water for the annexed property and the uses thereon. [Restrictive plat notes will prohibit the residential dwelling on Parcel A so there are no new water demands created by this annexation.](#)
- G. The annexation process can be complex. A property owner considering an annexation petition may wish to consult with an attorney familiar with municipal annexation law. While the Town staff will cooperate with the property owner in the process of complying with state law or the Land Use Regulations, the Town cannot be bound by any representations made by the Town staff regarding the status of or the requirements of state law or the Land Use Regulations. As a general rule and except in extraordinary circumstances, annexation petitions should be accompanied by a request for zoning and, when appropriate, a sketch plan or other application(s), which may be needed pursuant to Chapter 7, Section 4, Land Use Regulations. [The annexation complies with State annexation law as documented in the Annexation Petition. A concurrent zoning map amendment for the Annexation Area is proposed as outlined in this narrative.](#)
- H. The property owner may request that the annexed property be placed in a specific zone district, or the Town may initiate a zoning action as part of the annexation process. However, no zoning action shall become effective prior to the effective date of the annexation ordinance concerning the property. [We are seeking concurrent annexation and zoning map amendment applications pursuant to the LUR that will be considered by the Planning and Zoning Commission and Town Council.](#)
- I. The Town may conduct zoning and subdivision review for the area proposed to be annexed after the Town Council adopts a resolution finding the petition for annexation (or annexation election) to be in substantial compliance with the state law and that the area is eligible for annexation. The Town Council shall not pass any ordinance approving a request for zoning and/or subdivision until

an ordinance annexing the property to the Town has been approved by the Town Council. The development team intends to submit a subdivision application for the Annexing Area after the Council adopts a resolution finding the petition for annexation to be in substantial compliance with state law.

- J. The petitioner(s) shall enter into an annexation agreement with the Town for the development of the property to be annexed. [The Plat area is subject to an annexation agreement as recorded at Reception Number 191629. We respectfully submit that no further annexation agreements are needed for the Annexing Area.](#)

ZONING MAP AMENDMENT

LUR Section 7-4-3(C)(2) establishes the zoning map amendment process and the following specific requirements to be addressed in the narrative per LUR Section 7-4-3(C)(2)(c)(ii), with our compliance comments shown in [blue text](#):

- a. A general written narrative describing the purpose of the project. [This narrative meets this requirement.](#)
- b. The source and quantity of water required for the proposed use(s) within the project. [No new density is proposed with the annexation area. The Preserve PUD Preliminary Plat includes the Town approval for extension of the Town water system.](#)
- c. The method of wastewater treatment and anticipated quantity of wastewater generated. [No new density is proposed with the annexation area. The Plat includes the Town approval for extension of the Town sewer system.](#)
- d. When water or wastewater service would be provided by a municipality or a water or sanitation district or other public entity, written confirmation that such entity is willing and able to provide such service. [The Town has approved the extension of the water and sewer system to serve the lots and approved density with the Plat.](#)
- e. A description of any natural or man-made hazard within or in the vicinity of the land within the application and a statement describing how the anticipated impact of such hazards would be mitigated if the proposed request requires such mitigation. [The Annexing Area is not in any identified floodplains or geohazard areas.](#)
- f. A vicinity map showing to scale the proposed project area in relationship to the surrounding municipal and unincorporated area. [Please refer to Figure 4.](#)
- g. A description of any unique features, such as historical sites, unique landforms or scenic vistas, contained within the project area. [There are no unique features such as historical sites, unique landforms or scenic vistas within the proposed Annexing Area.](#)

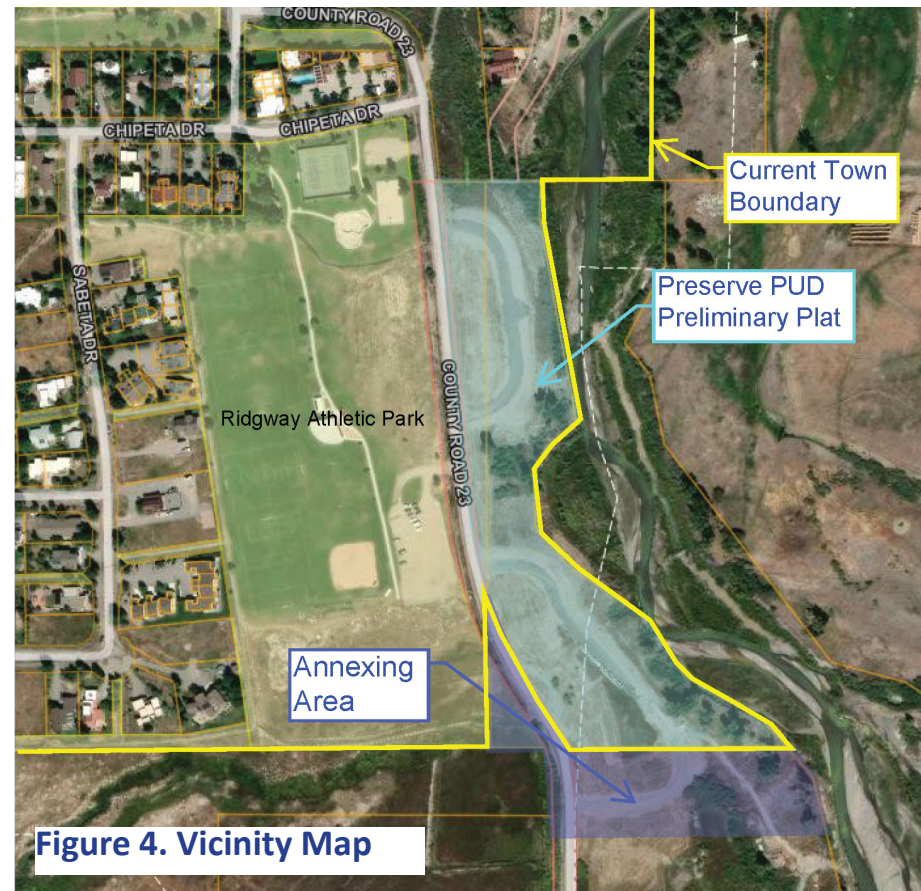


Figure 4. Vicinity Map

LUR Section 7-4-3(C)(3) establishes the following review criteria to amend the Official Zoning Map as proposed in Figure 5 and described above in the background section, with our compliance comments shown in blue text:

(a) The amendment is not adverse to the public health, safety and welfare, and

The Zoning Map Amendment is needed to address the Town Approval Conditions and the Ouray County BOCC direction to annex Parcel A (Dalwhinnie Annex area) and Parcel B (CR 23 Right-of-Way). The Town has already approved the development envisioned for Parcel A and Parcel B as a part of the Plat where the Town approvals ensure that the public health, safety and welfare will be protected through provision of water, sewer, safe access, new paved roads, new recreational path, an affordable housing lot, and site development that meets the Town's Infrastructure Standards and engineering design requirements. The Annexing Area avoids lands with any identified natural hazards or geohazards. Police protection will be provided by the Town Marshall.

(b) Either:

(i) The amendment is in general conformity with the Master Plan; or

The zoning map amendment is in general conformity with the Master Plan because the Future Land Use Map envisions the Annexing Area into the Town with Parcel A in the Residential Zone District. Parcel B is envisioned by the Future Land Use Map as a public right-of-way and Parcel C is envisioned as parks and open space. The Town's LUR does not establish an open space and parks zone district as envisioned for Parcel C by the Master Plan so we are proposing to zone Parcel C into the General Commercial Zone District to match the current Athletic Park zoning.

1. The request furthers the community vision, goals, and policies of the Master Plan because the Plat meets several of the Master Plan policies as follows:

Goal ENV-1. The Plat and Annexing Area are already approved for development that preserves, protects and restores natural habitats. The development avoids wetland areas and restored some of the Uncompahgre River wetlands.

Policy ENV-1.1. The Plat and Annexing Area are already approved for development and avoids environmentally sensitive areas.

Policy ENV-12.2 The Plat and Annexing Area do not adversely impact wildlife habitat with the area already graded for the approved development.

Policy ENV-1.3. The Plat and Annexing Area are being actively managed for noxious weeds.

Goal ENV-3. The Plat and Annexing Area are already connected into the Town's water system for its water supply.

Policy COM-1.1. The Plat and Annexing Area provide for four (4) units of affordable housing on Lot 20.

Goal CHR-1. The Plat and Annexing Area support vibrant, diverse, safe and well-connected neighborhoods. The annexation and zoning map amendment are sought because the County BOCC prefers annexation over the implementation of the Town Approval Conditions. The annexation, zoning map amendment and subsequent subdivision of the Dalwhinnie Annex area allow for the Plat and associated improvements to create a vibrant, safe and well-connected neighborhood because it enables the required secondary access onto from Preserve Drive onto CR 23; allows for the PUD to be developed and provide affordable housing; allows for the provision of a recreational path along CR 23 for neighborhood walking and biking; and also the construction of a sewer lift station that meets Colorado Department of Public Health and Environment lift station setbacks.

Policy GRO-1.2. The Plat and Annexing Area allow for the Town to provide new single-family lots into the community in an area that has already been approved for development.

Policy GRO-2.1. Dalwhinnie will complete the construction of the Plat improvements at no costs to the Town or its residents.

Policy GRO-2.2. The Plat and Annexing Area have adequate public facilities with portions of the water lines and sewer system already installed and connected into the Town systems.

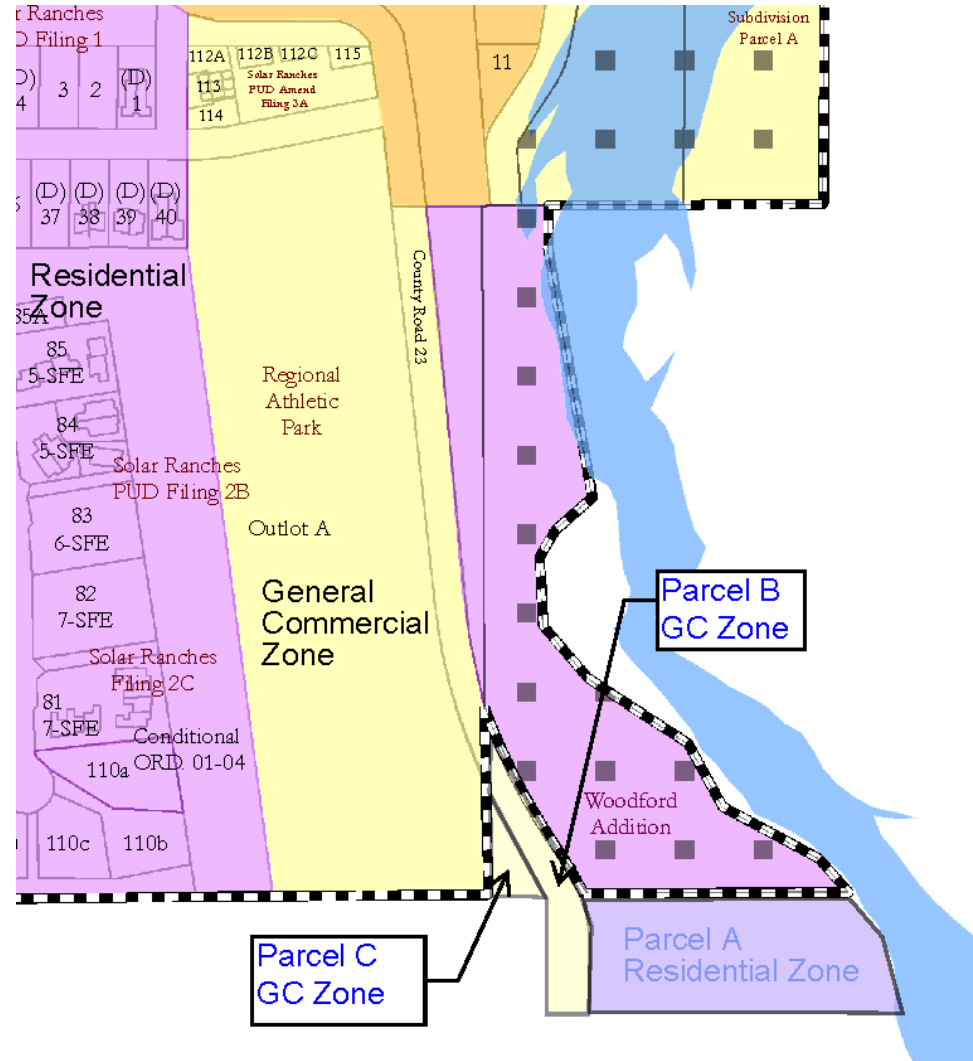
Policy GRO-3.1. The Plat and Annexing Area avoid hazardous areas including floodplains and steep slopes, with most of the subdivision grading work already completed.

Policy GRO-3.2. The Plat and Annexing Area do not have to provide stormwater detention per Town Regulations because discharge of already installed drainage infrastructure is to the Uncompahgre River.

(ii) The existing zoning is erroneous; or

(iii) Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.

Figure 5. Proposed Zoning



The Approved Plat

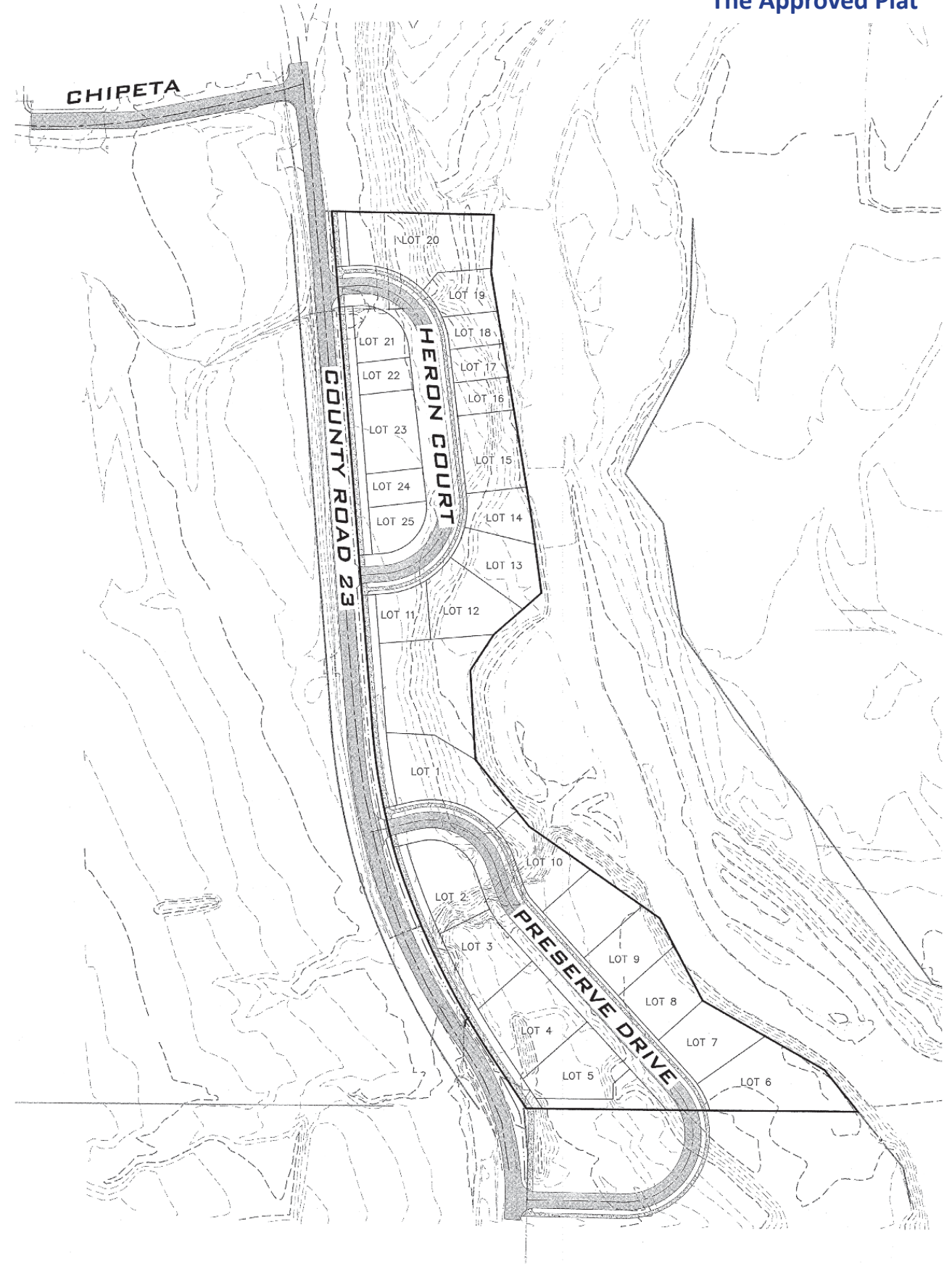


Exhibit A



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

November 14, 2022

Chris Hawkins
Alpine Planning
P.O. Box 654
Ridgway, CO 81432

SENT VIA E-MAIL: chris@alpineplanningllc.com

RE: Preserve PUD Annexation and Preliminary Plat Amendment

Dear Chris,

I am writing in response to your email dated November 17, 2022, concerning the annexation petition and amendment to the Preserve PUD Preliminary Plat approval that your team is planning to submit.

In our joint meeting with the Ouray County Board of County Commissioners on October 26, 2022, it became evident that the path forward is to 1) annex the portion of the Preserve PUD development that is currently located outside of the Town boundaries into the town, 2) apply Town zoning classification to that annexed portion of the project, and 3) amend the preliminary plat to reflect the new project limits and town boundaries. Town staff met last week to discuss the necessary procedures and submittal requirements to accomplish all of this, and this letter lays out the outcomes of that meeting.

First off, as you know, the Town of Ridgway, via Emergency Ordinance No. 01-2022, has imposed a temporary moratorium and delay on the acceptance, processing, and approval of a wide array of development applications. The temporary moratorium and delay shall terminate the earlier of an updated Chapter 7 "Planning and Zoning" of the Ridgway Municipal Code or March 31, 2023, unless terminated earlier by the Town Council or extended in its duration by enactment of another ordinance by the Town Council. Based on the scope of the temporary moratorium, the Town is not able to process an amendment to the Preserve PUD Preliminary Plat approval.

Next, although authorized to do so by the Home Rule Charter, the Town has not adopted an annexation procedure separate from the Colorado Municipal Annexation Act of 1965 ("Act"). While staff recognizes that having a Town-adopted procedure for annexation is



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

not fully necessary, Town staff would prefer having one in place prior to an annexation petition for the portion of the Preserve PUD currently located outside of the town boundaries being submitted. In the spirit of that, staff would request that your team hold off on submitting an annexation petition until after the Chapter 7 updates are adopted via ordinance by the Town Council as these updates are anticipated to include procedures for annexation requests.

The initial draft of the proposed updates to Chapter 7 "Planning and Zoning" is slated to be presented to the Ridgway Planning Commission on November 29, 2022. Staff will take the feedback garnered during that meeting to further refine the updates to Chapter 7 and will aim to present a formal ordinance for the Planning Commission's consideration in early 2023, and the Town Council's consideration and approval subsequent to that.

Lastly, even if we followed the Act with its statutory requirements, C.R.S. 31-12-105 (1)(e)(I) states, "*Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area.*" Accordingly, in order to meet the annexation criteria, the first step must be to update the Town of Ridgway Master Plan ("Master Plan") and Future Land Use Map to include the area of the Preserve PUD currently outside of the town limits to be within the Town's Urban Growth Boundary and assign a Future Land Use Classification. As called for in the Master Plan, any update "*should include opportunities for involvement by the public, Town staff, elected and appointed officials, and other relevant or affected stakeholders.*"

With all that being said, to keep the project moving forward in lieu of the temporary moratorium, staff recommends that a request to update the Master Plan and Future Land Use Map be the first step in the process. Staff also interprets this to be an allowed request under the temporary moratorium. While this amendment is being processed, the petition for the annexation and initial zoning can be prepared. Once the Chapter 7 updates are adopted and the moratorium is lifted, the petition and applications for annexation, zoning, and preliminary plat amendment can be submitted and processed. Staff believes this to be the most efficient path forward for this project.

In the coming weeks, staff will propose a process for updating the Master Plan to recommend to the Town Council. It is anticipated that since this is a request associated



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

with a development, much of the process will have to be led by the Preserve team with Town staff support. We recommend that you draft and submit a formal request to kickstart this updating process.

We appreciate your partnership and attention to this, and we look forward to hearing back from you.

Sincerely,

Preston Neill
Ridgway Town Manager

- Cc: Michael Cox
- Nick Barrett
- Michael Lynch
- Joanne Fagan
- TJ Dlubac
- Bo James Nerlin



PARCEL A:
 A parcel of land situated in Section 21, Township 45 North, Range 8 West, New Mexico Principal Meridian, County of Ouray, State of Colorado being better described as:
 Beginning at a point on the North line of said Section 21, said point being S89°28'23"E 193.29 feet from the West 1/16 corner common to said Sections 16 and 21;
 Thence along said North line S89°28'23"E 496.08 feet;
 Thence S38°52'07"E 107.23 feet;
 Thence S11°45'17"E 119.88 feet;
 Thence N89°28'23"W 583.64 feet to a point on the East Right of Way of County Road 23;
 Thence the following two courses along said Right of Way:
 Thence N01°06'16"E 133.81 feet;
 Thence N05°48'09"W 66.61 feet to the Point of Beginning.
 Containing 2.53 Acres more or less as described.
 County of Ouray, State of Colorado



PARCEL B:

A parcel of land situated in Sections 16 & 21, Township 45 North, Range 8 West, New Mexico Principal Meridian, County of Ouray, State of Colorado being better described as:

Beginning at a point on the West line of the SE1/4SW1/4 said Section 16 being N00°54'18"E 205.89 feet from the

West 1/16 corner common to said Sections 16 and 21;

Thence along said West line N00°54'18"E 156.55 feet;

Thence the following five courses along the East Right of Way of County Road 23:

Thence 325.87 feet along the arc of a curve to the left with a radius of 1203.42 feet, an interior angle of 15°30'54"

and a chord of S25°59'13"E 324.88 feet;

Thence S33°44'41"E 88.70 feet;

Thence N89°28'23"W 4.10 feet;

Thence S05°48'09"E 66.61 feet;

Thence S01°06'16"W 133.81 feet;

Thence N89°28'23"W 60.00 feet to a point on the West Right of Way of County Road 23;

Thence the following three courses along said Right of Way:

Thence N01°06'16"E 130.79 feet;

Thence. N05°48'09"W 58.55 feet;

Thence 256.11 feet along the arc of a curve to the right with a radius of 1263.42 feet, an interior angle of 10°57'28" and a chord of N30°45'33"E 255.67 feet to the Point of Beginning.

Containing 0.72 Acres more or less as described.

County of Ouray, State of Colorado



PARCEL C:

A parcel of land situated in Section 16, Township 45 North, Range 8 West, New Mexico Principal Meridian, County of Ouray, State of Colorado being better described as:

Beginning at the W 1/16 corner common to said Sections 16 and 21;

Thence along the West line of the SE1/4SW1/4 said Section 16 N00°54'18"E 207.47 feet to a point on the West

Right of Way of County Road 23;

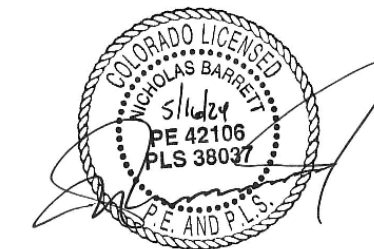
Thence 241.63 feet along the arc of a curve to the left with a radius of 1263.42 feet, an interior angle of 10°57'28"

and a chord of S30°25'51"E 241.26 feet to the South line of said SE1/4SW1/4;

Thence along said South line N89°28'23"W 125.90 feet to the Point of Beginning.

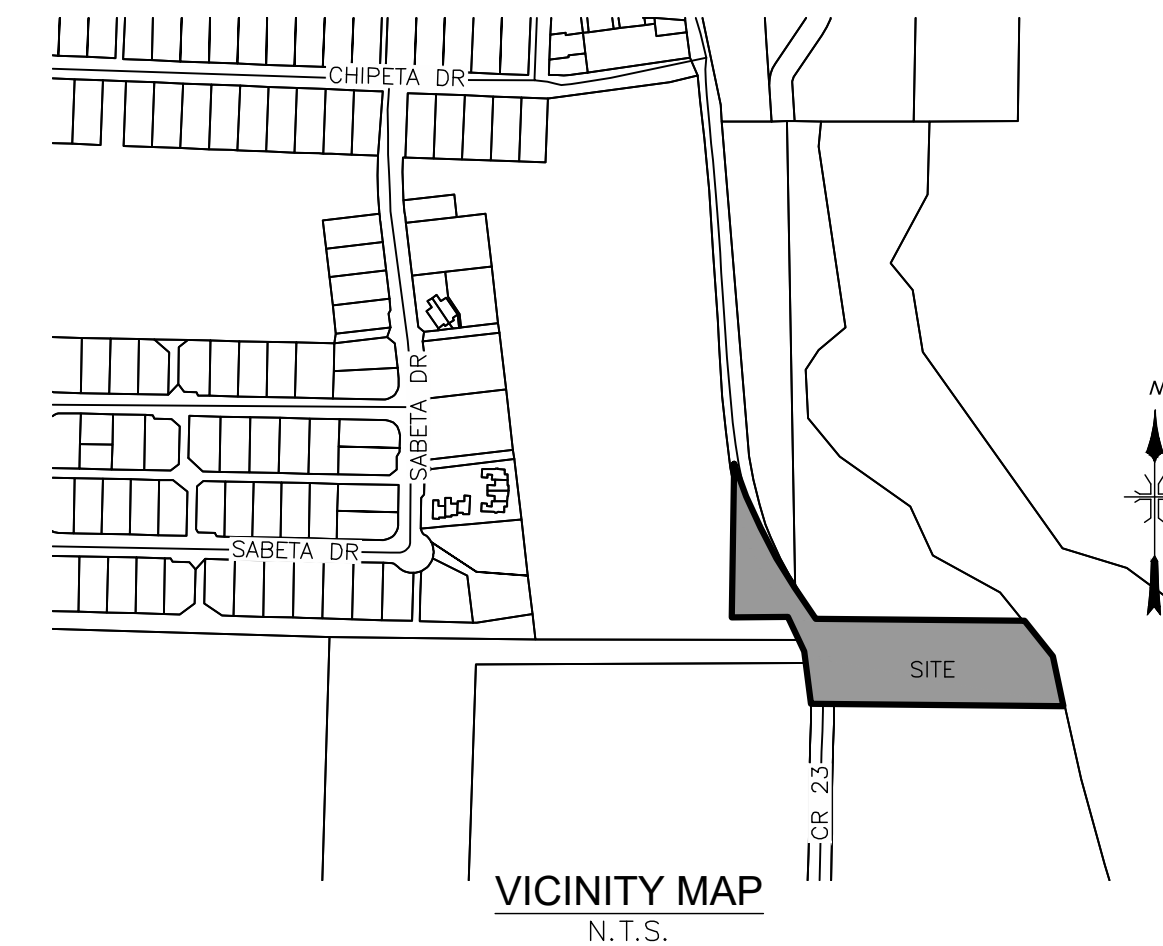
Containing 0.28 Acres more or less as described.

County of Montrose, State of Colorado



ANNEXATION MAP OF DALWHINNIE ADDITION

SITUATED IN SECTIONS 16 & 21, TOWNSHIP 45 NORTH, RANGE 8 WEST, NEW MEXICO PRINCIPAL MERIDIAN
TOWN OF RIDGWAY, COUNTY OF OURAY, STATE OF COLORADO



LEGEND

- BOUNDARY CONTIGUOUS WITH TOWN LIMITS
- PROPERTY BOUNDARY / LIMITS OF ANNEXATION
- FEMA ZONE AE (FLOODWAY)
- FEMA ZONE AE (100 YEAR FLOODPLAIN)
- FEMA ZONE X (500 YEAR FLOODPLAIN)

OWNERSHIP:

Parcel A: Dalwhinnie Group, LLC
Parcel B: Ouray County
Parcel C: Town of Ridgway

ZONING:

Parcels A-C are located in the county's Valley Zone District

PROPOSED ZONING:

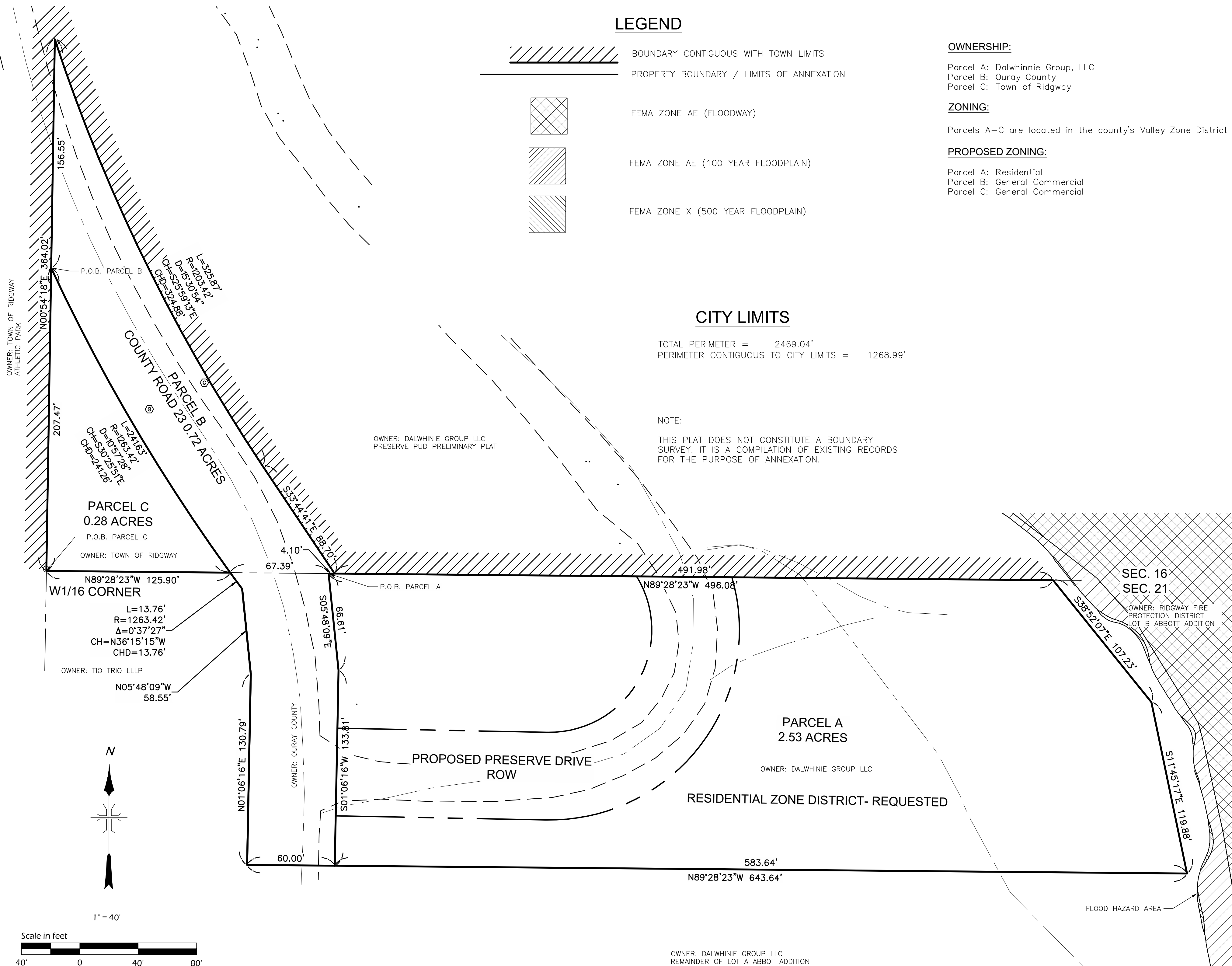
Parcel A: Residential
Parcel B: General Commercial
Parcel C: General Commercial

CITY LIMITS

TOTAL PERIMETER = 2469.04'
PERIMETER CONTIGUOUS TO CITY LIMITS = 1268.99'

NOTE:

THIS PLAT DOES NOT CONSTITUTE A BOUNDARY SURVEY. IT IS A COMPILATION OF EXISTING RECORDS FOR THE PURPOSE OF ANNEXATION.



PROPERTY DESCRIPTION:

PARCEL A:
A parcel of land situated in Section 21, Township 45 North, Range 8 West, New Mexico Principal Meridian, County of Ouray, State of Colorado being better described as:
Beginning at a point on the North line of said Section 21, said point being S89°28'23"E 193.29 feet from the West 1/16 corner common to said Sections 16 and 21;
Thence along said North line S89°28'23"E 496.08 feet;
Thence S38°52'07"E 107.23 feet;
Thence S11°45'17"E 119.88 feet;
Thence N89°28'23"W 583.64 feet to a point on the East Right of Way of County Road 23;
Thence the following two courses along said Right of Way:
Thence N01°06'16"E 133.81 feet;
Thence N05°48'09"W 66.61 feet to the Point of Beginning.
Containing 2.53 Acres more or less as described.
County of Ouray, State of Colorado

PARCEL B:
A parcel of land situated in Sections 16 & 21, Township 45 North, Range 8 West, New Mexico Principal Meridian, County of Ouray, State of Colorado being better described as:
Beginning at a point on the West line of the SE1/4SW1/4 said Section 16 being N00°54'18"E 205.89 feet from the West 1/16 corner common to said Sections 16 and 21;
Thence along said West line N00°54'18"E 156.55 feet;
Thence the following five courses along the East Right of Way of County Road 23:
Thence S25.87 feet along the arc of a curve to the left with a radius of 1203.42 feet, an interior angle of 15°30'54" and a chord of S25°59'13"E 324.88 feet;
Thence S33°44'41"E 88.70 feet;
Thence N89°28'23"W 4.10 feet;
Thence S05°48'09"E 66.61 feet;
Thence S01°06'16"W 133.81 feet;
Thence N89°28'23"W 60.00 feet to a point on the West Right of Way of County Road 23;
Thence the following three courses along said Right of Way:
Thence N01°06'16"E 130.79 feet;
Thence N05°48'09"W 58.55 feet;
Thence 256.11 feet along the arc of a curve to the right with a radius of 1263.42 feet, an interior angle of 10°57'28" and a chord of N30°45'33"E 255.67 feet to the Point of Beginning.
Containing 0.72 Acres more or less as described.
County of Ouray, State of Colorado

PARCEL C:
A parcel of land situated in Section 16, Township 45 North, Range 8 West, New Mexico Principal Meridian, County of Ouray, State of Colorado being better described as:
Beginning at the W 1/16 corner common to said Sections 16 and 21;
Thence along the West line of the SE1/4SW1/4 said Section 16 N00°54'18"E 207.47 feet to a point on the West Right of Way of County Road 23;
Thence 241.63 feet along the arc of a curve to the left with a radius of 1263.42 feet, an interior angle of 10°57'28" and a chord of S30°25'51"E 241.26 feet to the South line of said SE1/4SW1/4;
Thence along said South line N89°28'23"W 125.90 feet to the Point of Beginning.
Containing 0.28 Acres more or less as described.
County of Montrose, State of Colorado

SURVEYORS CERTIFICATE:

I, Nicholas Barrett, a Professional Land Surveyor in the State of Colorado, do hereby certify that the above described parcel has been surveyed by me and/or under my direct supervision and that such survey is accurately represented hereon, and is based on my knowledge, information and belief, and is in accordance with applicable standards or practice and is not a guaranty or warranty, either expressed or implied. This survey does not include easements except those specifically shown hereon.

Nicholas Barrett P.L.S. 38037

MAYOR'S CERTIFICATE:

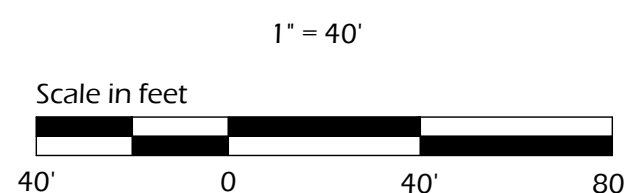
This is to certify that the Town of Ridgway, a municipal corporation in the County of Ouray, State of Colorado has by its Ordinance No. _____ adopted on this _____ day of _____ 2024, A.D., annexed the property described hereon to the Town of Ridgway.

Mayor

RECORDER'S CERTIFICATE:

This plat was filed for record in the office of the Clerk and Recorder of Ouray County at _____ m. on the _____ day of _____, 20____. Reception No. _____

County Clerk & Recorder by Deputy



OWNER: DALWHINNIE GROUP LLC
REMAINDER OF LOT A ABBOT ADDITION

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) 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 (10) years from the date of the certification shown hereon.

\\DMS14\PROJECTS\ACTIVE_PROJECTS\2024\24018-PRESERVE_RIDGWAY\C3D\24018V_ANNEX.DWG

DMC		DEL-MONT CONSULTANTS, INC.		ANNEXATION MAP OF DALWHINNIE ADDITION	
ENGINEERING & SURVEYING		125 Colorado Ave W Montrose, CO 81401 W (970) 249-2251		CLIENT: DALWHINNIE GROUP	
www.del-mont.com service@del-mont.com		ADDRESS & PHONE: PO BOX 1419 RIDGWAY, CO 81432		DATE: 2024-07-18	
FIELD BOOK:	DATE:	FILE:	JOB NO.:	TYPE: ANNEX	
1 of 1	24018V_ANNEX	24018	24018		

AGENDA ITEM #3

To: Town of Ridgway Mayor and Town Council

Cc: Preston Neill, *Ridgway Town Manager*
Angie Kemp, AICP, *Ridgway Town Planner*

From: TJ Dlubac, AICP, *CPS, Contracted Town Planner*
Max Garcia, AICP, *CPS Contracted Town Planner*

Date: October 25, 2024

Subject: Proposed Accessory Dwelling Unit Standards for the October 29th Planning Commission Meeting.

At the September 10, 2024, Town Council meeting, the proposed amendments to the ADU standards were discussed and referred it back to the Planning Commission for further discussion. Below is a summary of the elements to the ADU standards that were identified by the Town Council as needing additional review, and will need to be discussed with Planning Commission:

- A. Number of permissible ADUs on one lot . Some Council Members were concerned with the potential permissible quantity of ADUs based on the lot square footage.
- B. Owner occupancy provision. Council asked the Planning Commission to try to address the owner occupancy provision in this proposed update rather than at a later date.

At their September 20th meeting, the Planning Commission discussed these two items and directed staff to proceed with bringing forward the proposed amendments for public hearing.

BACKGROUND

At the January 30, 2024, Planning Commission meeting, CPS and the Planning Commission kicked off the 2024 Land Development Code Update project. At the end of that discussion, the direction given to CPS was to broadly research ADU regulations and bring that research back to the Planning Commission. This research resulted in multiple meetings to discuss and evaluate the proposed language.

While the Town does allow for ADUs, and these are widely present throughout Ridgway, this effort identified adjustments to Section 7-4-6(A), Accessory Dwelling Units, of the RMC based on the best practices research.

MEETINGS AND INPUT

Since the project kicked off in January, several meetings have been held. The table below identifies the meetings held and summarizes the topics discussed:

January 26, 2024	<i>Project kickoff with Planning Commission. Identified ADUs as one of the four projects to complete first. PC provided direction to prepare research to present at the next meeting.</i>
February 23, 2024	<i>Discussed best practices research and developed strategy for code update. PC directed CPS to begin preparing a draft of updated code regulations.</i>
March 26 ,2024	<i>Edited and updated the draft based on the PC discussion.</i>
April 30, 2024	<i>Reviewed code draft with PC and evaluated ADU density scenarios.</i>
May 29, 2024	<i>Edited and updated the draft based on the discussion.</i>
June 25, 2024	<i>Edited and updated the draft based on the discussion. PC provided direction to finalize document and prepare for public hearing in August.</i>
July 30, 2024	<i>Made final edits to draft based on discussion.</i>

August 27, 2024	<i>Reviewed final draft and recommended approval to Town Council.</i>
September 24, 2024	<i>Town Council rejected the proposed ADU code update. Planning Commission discusses updates to code draft in alignment requests by Town Council.</i>
October 24, 2024	<i>Review 2nd ADU code draft and prepare a recommendation to Town Council.</i>

PROPOSED UPDATES AND ANALYSIS

Below is a summary of the changes to the ADU Standards, based on Town Council input from the September 11th meeting and Planning Commission discussion on September 20th:

- a) Modified the permitted quantity of ADUs to 2 on a lot, with the exclusion of the Affordable Housing Provision in Sec. 7-4-6(A)(3)(a).

This allows the density to increase at an appropriate scale for the Town. As lot sizes get larger, additional ADUs are allowable. It's also important to note that all other dimensional standards of the zone district must also be met. The new standard for Sec. 7-4-6(A)(2) is as follows:

- 1) One ADU is allowed on lots that are at least between 3,000 square feet.
- 2) Two ADUs are allowed on lots that are greater than 7,501 square feet.

- b) Removed the Owner-Occupied requirement and clarified standards for allowing rental occupancy. (See Sec. 7-4-6(A)(4))

Modified ownership requirements to allow rental occupancy and removed the standard that owner occupancy of single unit on the property is required. The updated section also clarifies that the minimal rental period length does not apply to property owners and that Short Term Rentals are not permitted for ADUs. The new standard for Sec. 7-4-6(4) is as follows

- c) Remove duplicate definitions.

There are currently two conflicting definitions of ADUs in Sec. 7-9-2, General Definitions. The proposal was to remove the definition of "Accessory Dwelling Unit" and the definition of "Dwelling Unit, Accessory" is proposed to be read as follows:

"DWELLING UNIT, ACCESSORY: A dwelling unit located within, attached to, or detached from the principal structure, that the unit includes its own independent living facilities with provisions for sleeping, cooking, and sanitation, and is designed for residential occupancy independent of the primary use. The use is associated with and subordinate to the principal structure and is located upon the same lot as the principal structure."

- d) Clarify permitted uses in Land Use Table.

Within Table T-4.3, triplexes are permitted in the GC zone district, however, ADU's are not. We suggest updating Sec. 7-4-4, Tables T-4.3 Land Use Table, to allow ADUs in all zone districts to remove a potential conflict. The Table below should be included in recommendations considered at the October 29, 2024, Planning Commission meeting:

Use Category	Land Use	R	HR	MR	FD	HB	DS	GC	LI	GI	Use-Specific Standards
Accessory Uses	Accessory Dwelling Unit (ADU)	R	R	R	R	R	R	R	R	R	7-4-6(A)

PUBLIC COMMENTS AND NOTICE

The public meeting has been noticed in accordance with Sec. 7-4-3(B)(6) of the RMC.



Significant public comment and feedback have been received during Planning Commission and Town Council public meetings and hearings related to the owner occupancy requirement and quantity of ADUs per lot. The comments were received and discussed by the Planning Commission; the Planning Commission recommended approval of the attached language which has amended the requirements identified by Town Council.

APPROVAL CRITERIA

The Planning Commission may recommend approval of Ordinance 03-2024 upon finding that the following criteria, set forth in RMC §7-4-3(D)(3), have been satisfied:

- (a) The text amendment is consistent with the intent of applicable portions of the Master Plan in the reasonable judgement of the approving body; and
- (b) The proposed text amendment is necessary to correct an omission or error in the code; or
- (c) The proposed text amendment is necessary to adapt to a change in conditions within the town; or
- (d) Changes in public policy are needed to advance the general welfare of the town.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend approval of Ordinance No. 03-2024, an Ordinance of the Town of Ridgway, Colorado, amending Section 7-4 "Zoning Regulations" of the Ridgway Municipal Code regarding Accessory Dwelling Units.

Recommended Motion:

"I move to recommend the Town Council approve Ordinance No. 03-2024, an Ordinance of the Town of Ridgway, Colorado, amending Section 7-4 "Zoning Regulations" of the Ridgway Municipal Code regarding Accessory Dwelling Units, finding that the criteria set forth in RMC §7-4-3(D)(3) have been met."

Alternative motions:

Approval with conditions:

"I move to recommend the Town Council approve Ordinance No. 03-2024, an Ordinance of the Town of Ridgway, Colorado, amending Section 7-4 "Zoning Regulations" of the Ridgway Municipal Code regarding Accessory Dwelling Units, finding that the criteria set forth in RMC §7-4-3(D)(3) have been met with the following conditions:

- 1. _____
- 2. _____
- 3. _____

Denial:

"I move to deny Ordinance No. 03-2024, an Ordinance of the Town of Ridgway, Colorado, amending Section 7-4 "Zoning Regulations" of the Ridgway Municipal Code regarding Accessory Dwelling Units, finding that the criteria set forth in RMC §7-4-3(D)(3) have not been met."

ATTACHMENTS:

- 1. Ordinance No. 03-2024
- 2. ADU Code update – redlined version



**TOWN OF RIDGWAY, COLORADO
ORDINANCE NO. 03-2024**

**AN ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO
AMENDING SECTION 7-4 “ZONING REGULATIONS” OF THE RIDGWAY MUNICIPAL
CODE REGARDING ACCESSORY DWELLING UNITS**

WHEREAS, the Town of Ridgway, Colorado (“Town”) is a home rule municipality existing pursuant to the laws of the Colorado Constitution, the Colorado Revised Statutes and the Town's Home Rule Charter; and

WHEREAS, the zoning and land use powers conferred upon the Town by the State of Colorado as a Home Rule Municipality empower the Town to manage land use to ensure the public health, safety, and welfare; and

WHEREAS, the Town currently regulates land uses within the Town limits in accordance with Chapter 7 “Land Use Regulations” of the Ridgway Municipal Code (“RMC”), adopted pursuant to its Home Rule Constitutional authority and the Local Government Land Use Control Enabling Act of 1974, as amended, §§29-20-101, et seq. C.R.S; and

WHEREAS, Accessory Dwelling Units (“ADUs”) are a vital form of housing in the state of Colorado and in the Town of Ridgway, and is generally encouraged as an effective means to improve housing affordability, provided that each ADU complies with the Town’s ADU standards; and

WHEREAS, the Town has determined that ADU development is a potential solution to the housing affordability issue, and has made substantial efforts to evaluate the current ADU standards against lessons learned and best practices gleaned after years of the ADU movement; and

WHEREAS, the Town has determined that it is appropriate to amend RMC Subsection 7-4-6(A) “Accessory Dwelling Units” as the new standards will facilitate the development of ADUs within the Town and are necessary for maintaining orderly growth and development patterns; and

WHEREAS, modifications to the Town’s ADU regulations will help advance ***POLICY COM-2.2: HOUSING OPTIONS*** in the Town of Ridgway Master Plan; and

WHEREAS, Town staff and the consultant team provided public engagement opportunities, held a number of discussions with the Ridgway Planning Commission, and received recommendations from the Planning Commission; and

WHEREAS, the Ridgway Town Council finds that this ordinance furthers and is necessary to promote the health, safety and general welfare of the Ridgway community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO the following:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

Section 2. Amendment of Subsection (A) of Section 7-4-6 “Accessory Dwelling Units”. Subsection (A) of Section 7-4-6 of the Ridgway Municipal Code is hereby repealed and reinstated to read as set forth in ***Exhibit A***.

Section 3. The definition of “Dwelling Unit, Accessory”, within Section 7-9-2 General Definitions is amended to read as follows:

DWELLING UNIT, ACCESSORY: A dwelling unit located within, attached to, or detached from the principal ~~structure~~dwelling, ~~that~~ The unit includes its own independent living facilities with provisions for sleeping, cooking, and sanitation, and is designed for residential occupancy independent of the primary use. ~~contains no more than 800 square feet of gross floor area,~~ The use of which is associated with and subordinate to the principal ~~dwelling-structure~~ and ~~that~~ is located upon the same lot as the principal ~~dwelling~~structure.

Section 4. The definition of “Accessory Dwelling Unit” within Section 7-9-2 General Definitions, is repealed in its entirety.

Section 5. Amendment of Table T-4.3, Land Use Table, of Section 7-4-4. Amend the permitted uses for “Accessory Dwelling Unit” in Table T-4.3, Land Use Table, hereby repealed and reinstated to read as set forth below:

Use Category	Land Use	R	HR	MR	FD	HB	DS	GC	LI	GI	Use-Specific Standards
Accessory Uses	Accessory Dwelling Unit (ADU)	R	R	R	R	R	R	R	R	R	7-4-6(A)

Section 6. Codification of Amendments. The Town Clerk, as the codifier of the Town’s Municipal Code, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Ridgway Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 7. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 8. Effective Date. This Ordinance shall take effect thirty (30) days after the date of final passage in accordance with Article 3-7 of the Ridgway Charter.

Section 9. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Ridgway, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 10. No Existing Violation Affected. Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision

hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

Section 11. Publication. The Town Clerk is ordered to publish this Ordinance in accordance with Article 3-7 of the Ridgway Charter.

INTRODUCED AND REFERRED TO PUBLIC HEARING on November 13, 2024, and setting such public hearing for December 11, 2024, at Ridgway Town Hall, located at 201 N. Railroad Street, Ridgway, Colorado.

BY:

ATTEST:

John Clark, Mayor

Pam Kraft, Town Clerk

ADOPTED on December 11, 2024.

BY:

ATTEST:

John Clark, Mayor

Pam Kraft, Town Clerk

APPROVED AS TO FORM:

Bo James Nerlin, Town Attorney

Exhibit A:

Amendment of Subsection (A) of Section 7-4-6 “Accessory Dwelling Units”.

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 standards of these regulations.
 - (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 to increase long-term affordability.
 - (c) The burden shall be upon the owner of any 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 an ADU.
 - (d) A dwelling unit constructed before a principal building, which meets these criteria, may be converted to an ADU following construction of a new principal dwelling unit.
 - (e) Plan review fees as calculated by the Building Official may be waived by the Town Manager for ADU(s) as set forth below.
 - (i) Plan review fees may be reduced by up to one-hundred (100) percent for attached ADU(s).
 - (ii) Plan review fees may be reduced by seventy-five (75) percent for detached ADU(s).
 - (iii) Permit fees may not be reduced for any ADU.
- (2) Dimensional and Design Standards.
 - (a) ADUs are only allowed as accessory to single-family, duplex, and triplex dwellings in accordance with the following:
 - (i) One (1) ADU is allowed on lot(s) that are at least 3,000 square feet
 - (ii) Two (2) ADUs are allowed on lot(s) that are greater than 7,501 square feet.
 - (b) ADUs may be located within a detached structure, attached to the principal structure, or a converted room or rooms within the principal structure.
 - (c) The ADU(s) must be constructed in accordance with applicable requirements of Town Building Codes.
 - (d) All lots where an ADU is proposed shall comply with all dimensional standards applicable to the underlying zone district.
 - (i) Required setbacks may be reduced by up to fifty (50) percent, or two (2) feet, whichever is greater, when adjacent to open space. Such a reduction shall be approved by the Town Manager or their designee.
 - (e) The ADU shall not be located within the sight triangle as determined by Section 7-4-8(F)(8), Sight Triangles.
 - (f) The architectural design of the proposed ADU shall be compliant with the regulations set in RMC 7-4-9, Residential Design Standards.
 - (g) The parking requirements shall comply with the requirements as set out in subsection 7-4-6(M).
 - (h) The maximum size of an ADU shall not exceed 1,000 square feet of gross floor area unless otherwise allowed by this section.

- (i) The calculation for the “gross floor area” shall be the total square footage of the ADU measured to the interior walls of the area comprising the unit excluding internal parking areas and stairways.
 - (i) The proposed landscaping shall be compliant with an approved Landscape Plan, consistent with Section 7-4-8, Landscape Regulations, if one exists.
 - (3) Incentives.
 - (a) ADU Affordable Housing Provisions. All single-family, duplex, triplex dwelling uses may be allowed to construct one (1) additional ADU above the allowed quantity in subsection 7-4-6(A)(2)(a) when the ADU is income-restricted to moderate-to-low-income residents only, pursuant to this subsection.
 - (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 equal to or 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. 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 the Town of Ridgway or Ouray County, the property owner shall submit a compliance report outlining how the restricted 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 income-restricted unit.
 - (b) Landscaping. When a property owner requesting an ADU meets one of the applicable water conservation standards below, the proposed ADU may increase its maximum gross floor area by up to ten (10) percent without an administrative adjustment.
 - (i) The proposed live ground cover does not include more than 750 square feet of turf or;
 - (ii) The proposed landscape area has a minimum of eighty (80) percent non-live ground cover.
 - (c) Sustainable construction methods. When an applicant meets the applicable sustainable construction standards as set out below, the proposed ADU may exceed the maximum gross floor area by two hundred (200) square feet.
 - (i) The proposed construction is certified by a professional sustainable construction organization.
 - (ii) The applicant provides proof of energy efficient design that exceeds industry standards from a certified construction professional.
 - (iii) The applicant sources fifty (50) percent of the construction materials from the State of Colorado.
- (4) Ownership and Occupancy.
 - (a) A minimum of a ninety (90) day rental period shall be required by written lease for an ADU, unless the ADU is owner-occupied.
 - (b) An ADU shall not be used as a Short Term Rental, in accordance with RMC Section 8-5.

- (c) The ADU, principal residential unit(s), and the lot or parcel upon which they are located, shall remain in undivided ownership.
- (5) Utilities
- (a) The ADU(s) should 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.

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 standards of these regulations.
 - (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 to increase long-term affordability.
 - (c) The burden shall be upon the owner of any 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 an ADU.
 - (d) A dwelling unit constructed before a principal building, which meets these criteria, may be converted to an ADU following construction of a new principal dwelling unit.
 - (e) Plan review fees as calculated by the Building Official may be waived by the Town Manager for ADU(s) as set forth below.
 - (i) Plan review fees may be reduced by up to one-hundred (100) percent for attached ADU(s).
 - (ii) Plan review fees may be reduced by seventy-five (75) percent for detached ADU(s).
 - (iii) Permit fees may not be reduced for any ADU.
- (2) Dimensional and Design Standards.
 - (a) ADUs are only allowed as accessory to single-family, duplex, and triplex dwellings in accordance with the following:
 - (i) One (1) ADU is allowed on lot(s) ~~between~~ that are at least 3,000 square feet ~~and 7,500 square feet.~~
 - (ii) Two (2) ADUs are allowed on lot(s) that are greater than ~~between~~ 7,501 square feet ~~and 15,000 square feet.~~
 - ~~(iii) Lot(s) that are greater than 15,000 square feet may 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. All properties that propose two (2) or more ADU(s) on a lot shall be subject to a Site Plan review as set out in Section 7-4-3(H), Site Plan.~~
 - (b) ADUs may be located within a detached structure, attached to the principal structure, or a converted room or rooms within the principal structure.
 - (c) The ADU(s) must be constructed in accordance with applicable requirements of Town Building Codes.
 - (d) All lots where an ADU is proposed shall comply with all dimensional standards applicable to the underlying zone district.
 - (i) Required setbacks may be reduced by up to fifty (50) percent, or two (2) feet, whichever is greater, when adjacent to open space. Such a reduction shall be approved by the Town Manager or their designee.
 - (e) The ADU shall not be located within the sight triangle as determined by Section 7-4-8(F)(8), Sight Triangles.

- (f) The architectural design of the proposed ADU shall be compliant with the regulations set in RMC 7-4-9, Residential Design Standards.
 - (g) The parking requirements shall comply with the requirements as set out in subsection 7-4-6(M).
 - (h) The maximum size of an ADU shall not exceed 1,000 square feet of gross floor area unless otherwise allowed by this section.
 - (i) The calculation for the “gross floor area” shall be the total square footage of the ADU measured to the interior walls of the area comprising the unit excluding internal parking areas and stairways.
 - (i) The proposed landscaping shall be compliant with an approved Landscape Plan, consistent with Section 7-4-8, Landscape Regulations, if one exists.
- (3) Incentives.
- (a) ADU Affordable Housing Provisions. All single-family, duplex, triplex dwelling uses may be allowed to construct one (1) additional ADU above the allowed quantity in subsection 7-4-6(A)(2)(a) when the ADU is income-restricted to moderate-to-low-income residents only, pursuant to this subsection.
 - (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 equal to or 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. 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 the Town of Ridgway or Ouray County, the property owner shall submit a compliance report outlining how the restricted 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 income-restricted unit.
 - (b) Landscaping. When a property owner requesting an ADU meets one of the applicable water conservation standards below, the proposed ADU may increase its maximum gross floor area by up to ten (10) percent without an administrative adjustment.
 - (i) The proposed live ground cover does not include more than 750 square feet of turf or;
 - (ii) The proposed landscape area has a minimum of eighty (80) percent non-live ground cover.
 - (c) Sustainable construction methods. When an applicant meets the applicable sustainable construction standards as set out below, the proposed ADU may exceed the maximum gross floor area by two hundred (200) square feet.
 - (i) The proposed construction is certified by a professional sustainable construction organization.
 - (ii) The applicant provides proof of energy efficient design that exceeds industry standards from a certified construction professional.

(iii) The applicant sources fifty (50) percent of the construction materials from the State of Colorado.

(4) Ownership and Occupancy.

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

(a) A minimum of a ninety (90) day rental period shall be required by written lease for an ADU, unless the ADU is owner-occupied.-

(b) An ADU shall not be used as a Short Term Rental, in accordance with RMC Section 8-5.

(c) The ADU, principal residential unit(s), and the lot or parcel upon which they are located, shall remain in undivided ownership.

(5) Utilities

(a) The ADU(s) should 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.

7-9-2 GENERAL DEFINITIONS

~~ACCESSORY DWELLING UNIT: A second, subordinate dwelling unit located on the same lot as a primary dwelling unit or commercial unit. The unit includes its own independent living facilities with provisions for sleeping, cooking, and sanitation, and is designed for residential occupancy independent of the primary dwelling unit or commercial unit. The unit may have a separate entrance or an entrance to an internal common area accessible to the outside~~

DWELLING UNIT, ACCESSORY: A dwelling unit located within, attached to, or detached from the principal ~~structure~~dwelling, ~~that~~ the unit includes its own independent living facilities with provisions for sleeping, cooking, and sanitation, and is designed for residential occupancy independent of the primary use. ~~contains no more than 800 square foot of gross floor area, t~~he use of which is associated with and subordinate to the principal ~~dwelling~~structure and ~~that~~ is located upon the same lot as the principal ~~dwelling~~structure.

7-4-4 ZONING DISTRICTS

Sec. 7-4-4, Tables T-4.3 Land Use Table, is amended to allow ADUs in all zone districts:

Use Category	Land Use	R	HR	MR	FD	HB	DS	GC	LI	GI	Use-Specific Standards
Accessory Uses	Accessory Dwelling Unit (ADU)	R	R	R	R	R	R	R	R	R	7-4-6(A)

AGENDA ITEM #4

To: Town of Ridgway Planning Commission

Cc: Preston Neill, *Ridgway Town Manager*
Angie Kemp, AICP, *Ridgway Town Planner*

From: TJ Dlubac, AICP, *CPS, Contracted Town Planner*
Max Garcia, AICP, *CPS, Contracted Town Planner*

Date: October 25, 2024

Subject: 2024 RMC Updates: Affordable Housing

At the Planning Commission's September 24th meeting, we discussed the various approaches to designing an Affordable Housing program. It was conveyed from Commissioner's that there was still confusion and misunderstanding of the "mitigation equation" and requested to provide a simplified analysis of affordable housing programs.

Based on this guidance, staff is intending to provide the Planning Commission with the following discussion considerations at their October 29th meeting:

- 1) Using Riverfront Village as an example, we will walk through the peer communities programs to see what the result of various approaches is in hopes of identifying what element(s) is/are important to the Ridgway community.
- 2) Presentation and review of additional communities and approaches to affordable housing programs.
- 3) Upon brainstorming and thinking outside the box, staff intends to present a whole new approach which focuses on providing incentives for developers to provide affordable housing units. While this concept has been discussed for some time amongst staff.

AGENDA ITEM #6

PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
SEPTEMBER 24, 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, Nelson, Petruccelli, Mayor Clark, Mayor Pro Tem Meyer and Chairperson Montague were in attendance. Commissioner Liske was absent.

PUBLIC HEARING

1. Application for Re-Subdivision; Location: Parkside Subdivision, Lot 6; Address: 779 & 783 N. Laura Street; Zone: Residential; Applicant: Home Trust of Ouray County; Owner: Home Trust of Ouray County

Staff Report dated September 20, 2024, providing background, analysis and staff recommendation, and Power Point presentation dated September 24, 2024, prepared by TJ Dlubac, AICP of Community Planning Strategies, LLC.

TJ Dlubac presented the application via Power Point presentation and noted that the current Lot 6 is designated as a duplex parcel and a duplex structure is currently under construction. He explained the request is to create 2 townhouse properties along the shared party wall and 2 building footprints so that each unit can be sold separately. He further explained that the Home Trust will retain ownership of the land, sell the individual units, and then lease the land to the homeowners to control the land costs and keep the lease rate low. Dlubac recommended approval of the re-subdivision request because it is in general conformance with the 2019 Master Plan and the Future Land Use Map, with no outstanding conditions.

Andrea Sokolowski, Executive Director for the Home Trust of Ouray County explained the organization operates under a community land trust model which means land is held in perpetuity by the Trust for the benefit of affordable housing and further explained how the organization functions and manages the land inventory.

The Chairperson opened the hearing for public comment and there was none.

The Commissioners discussed the application with Ms. Sokolowski.

ACTION:

Mayor Clark moved to approve the Parkside Townhouse Subdivision, finding that the criteria set forth in the Ridgway Municipal Code (RMC) 5-2(K)(3) have been met. Mayor Pro Tem Meyer seconded the motion, and it passed on a vote of six to one.

ACTION ITEM

2. Consideration for Deviation to Roof Pitch Design Standards; Location: Amended Plat of Lot A, Le Ranch Subdivision, Lot 5; Address: 432 Amy Ct, 100 & 200; Zone: General Commercial; Applicant: Geoffrey Kembel; Owner: Geoffrey Kembel

Staff Report dated September 20, 2024, providing background, analysis and recommendation; and Power Point presentation dated September 24, 2024, prepared by TJ Dlubac, AICP.

Planner Dlubac explained the Town issued a building permit for Mr. Kembel's home in July because it met all the Town standards. The home is currently under construction, and the neighbors have expressed concerns in the design. Mr. Kembel addressed the neighbors' concerns and amended the design which has resulted in a proposed roof pitch of 4:12, instead of the subdivision's design standard requirement of 6:12. Furthermore, the parcel's plat note indicates the Planning Commission shall approve any deviations to the subdivision's design standards. Dlubac reviewed the roof pitch proposed by Mr. Kembel in the Power Point presentation and recommended approval of the newly proposed roof pitch as presented because it conforms to the Town Standards and the change would not affect the structure's functionality.

The Chairperson opened the hearing for public comment.

Resident CJ Garvey asked why the Town issued the building permit without the Homeowners approval and noted that he and the surrounding neighbors are expecting the home to be constructed under the same standards as the existing homes in the subdivision.

The Chairperson closed the hearing for public comment.

ACTION:

Commissioner Foyster moved to approve a deviation to allow a reduced roof pitch of 4 to 12 on Lot 5, Amended Plat of Lot A, Le Ranch Subdivision, a Planned Unit Development. Commissioner Petruccelli seconded the motion, and it was passed unanimously.

WORK SESSION

3. Discussion to Amend Ridgway Municipal Code (RMC) Section 7-4 "Zoning Regulations" for Accessory Dwelling Units (ADU).

Staff Report dated September 20, 2024, providing background, analysis and recommendation, and Power Point presentation dated September 24, 2024, prepared by TJ Dlubac, AICP, and Max Garcia AICP, of Community Planning Strategies, LLC.

Dlubac explained that the proposed amendments for the ADUs were considered by the Town Council for approval at the September 10 Town Council Regular Meeting. The Council referred the amendments back to the Planning Commission due to concerns regarding the owner occupancy provision and the "potential permissible quantity of ADUs based on the lot square footage." The Planner noted discrepancies in RMC Section 7-9-2 for definitions of ADUs; and in Section 7-4-4, for the Land Use Table, and explained the updates for those will be included in the next revision to be sent to the Town Council for approval.

The Commissioners discussed the owner occupancy requirement with the Planner. Residents Kuno Vollenweider, Robert Savath, and Beth Lakin participated in the discussion. The Commissioners directed Planner Dlubac to revise the owner occupancy requirements and produce samples of language to use in the Code for the Commissioners' consideration at the October Regular Planning Commission Meeting.

4. Presentation and Recommendations Regarding Analysis of the Economic Implications of Ridgway's Land Use Mix

Economic Implications of Land Use Summary Memorandum dated September 19, 2024, prepared by Elliott Weiss, Principal for Economies of Place. providing background, analysis and recommendations, and Power Point presentation dated September 24, 2024, prepared by Max Garcia AICP, of Community Planning Strategies, LLC.

TJ Dlubac presented the Memorandum and reviewed the recommendations made by Elliott Weiss via Power Point presentation and explained how the recommendations could be managed. The Planning Commission discussed the recommendations with Dlubac and resident Robert Savath participated in the discussion.

5. Discussion Regarding Amendments To the Ridgway Municipal Code for Affordable Housing.

Staff Report dated August 27, 2024, and Power Point presentation dated September 24, 2024, providing background, analysis and recommendation, prepared by TJ Dlubac, AICP, and Max Garcia AICP, of Community Planning Strategies, LLC.

Planner Dlubac presented the Staff Report that provided examples of mitigation measures used in peer communities. The concept of calculating affordable housing mitigation measures and the methods for achieving compliance were discussed with the Commissioners. The Planning Commission requested Dlubac to provide scenarios using Ridgway developments to show how mitigation measures would help to provide a supply of affordable housing and how new developments can produce affordable housing based on the mitigation measures at the next Regular Planning Commission Meeting.

WRITTEN REPORT

6. 2025 Planning Projects

Staff Report dated September 20, 2024 providing background analysis and recommendation, prepared by TJ Dlubac, AICP of Community Planning Strategies, LLC.

Dlubac presented the Staff Report identifying the topics in RMC Chapter 7 to be examined by the Commissioners. He asked the Commissioners to prioritize the topics for the 2025 Work Plan so that the action plan could be addressed at the next Regular Planning Commission Meeting.

APPROVAL OF THE MINUTES

7. Approval of the Minutes from the Meeting of August 26, 2024

ACTION:

Mayor Pro Tem Meyer moved to approve the Minutes from August 26, 2024. Mayor Clerk seconded the motion, and it was carried with Commissioner Nelson abstaining.

OTHER BUSINESS

8. Updates From Planning Commission Members

Commissioner Petruccelli said he has obtained a variety of plan sets for accessory dwelling units with a variety of price ranges that other Commissioners can review for consideration of the Town approved building plans concept.

ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Karen Christian
Deputy Clerk