#### RIDGWAY PLANNING COMMISSION SPECIAL MEETING AGENDA

Thursday, September 22, 2022 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/84100086278?pwd=cUx6dG5MQnFLM3FseURHNIN6MFg2UT09 Meeting ID: 841 0008 6278 Passcode: 277506

To call in dial: 408.638.0968 or 253.215.8782 or 669.900.6833

Written comments can be submitted before the meeting to <u>kchristian@town.ridqway.co.us</u> or delivered to Town Hall Attn: Planning Commission

**ROLL CALL:** Chairperson: Michelle Montague, Commissioners: John Clark, Thomas Emilson, Jennifer Franz, Bill Liske, Russ Meyer, and Jennifer Nelson

#### WORK SESSION:

1. Discussion regarding scope and schedule of updates to Chapter 7 "Planning and Zoning" of the Ridgway Municipal Code

#### ADJOURN



То:	Town of Ridgway Planning Commission
Cc:	Preston Neill, Ridgway Town Manager
From:	TJ Dlubac, AICP, Community Planning Strategies, Contracted Town Planner
Date:	September 15, 2022
Subject:	Ridgway Municipal Code, Chapter 7 Updates Proposal

In response to Ordinance No. 01-2022 establishing a temporary moratorium, Town staff and consultants are presenting their preferred approach to providing updates to Chapter 7 and seeking Commissioner input. The moratorium, effective through March 31, 2023, provides a delay in the acceptance, processing, and approval of various development applications.

The primary objectives of updating Chapter 7, Zoning and Subdivision Regulations include:

- Clarify the zoning and subdivision review process
- Remove contradictions and duplication between Code sections
- Create a system that can easily be updated

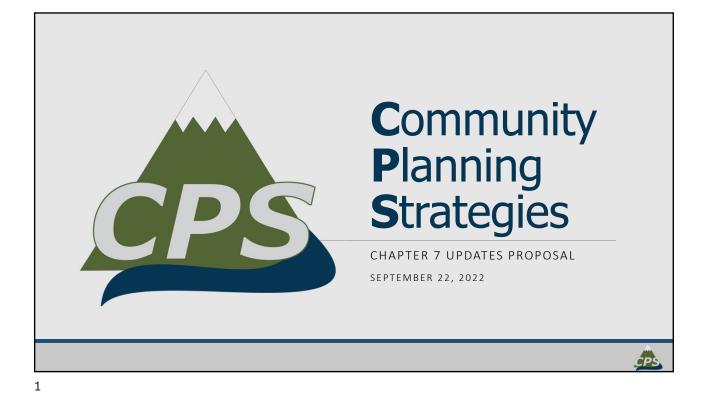
To reach these objectives, CPS is providing a scope of work that will include updating the procedures, evaluating ancillary sections of the Ridgway Municipal Code (RMC) to ensure there are no contradictions, and providing end products to the Town. End products that will be provided to the Town include 1) a graphic clearly describing the application process, 2) internal guidelines for staff identifying who does what/when, and 3) handouts that will outline the application process for applicants.

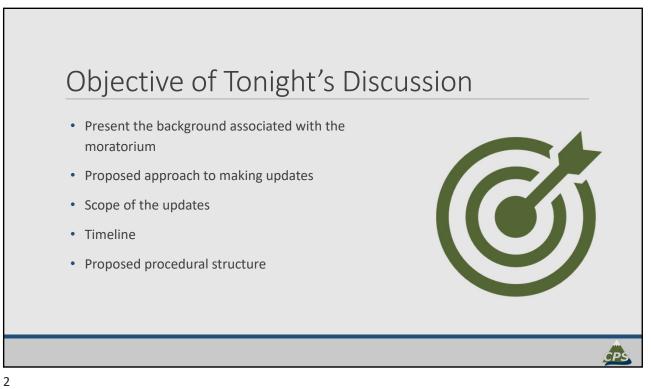
The main focus of proposed amendments is to clarify the application review and approval process. A table will be created to be inserted into the RMC which will clearly depict each application type and required steps for review and approval of that application. Additionally, the existing application types will be evaluated and suggestions made to incorporate new application types into Chapter 7 to improve the development review process.

After creating a standardized application submittal and review process, the application-specific sections of the RMC would be reviewed to ensure that standards for review are clearly listed under each type of application. The end result will be modifications to Chapter 7 that separate the application process from standards of approval, providing a clear understanding of the application process for the community. Both the zoning and subdivision review process will be clearly defined in Chapter 7 including submittal requirements, review procedures, and approval criteria.

#### ATTACHMENTS

- A. Presentation for PC Meeting
- B. Sample of Proposed Concept
- C. Sample Internal Process Outline
- D. Sample Process Handout

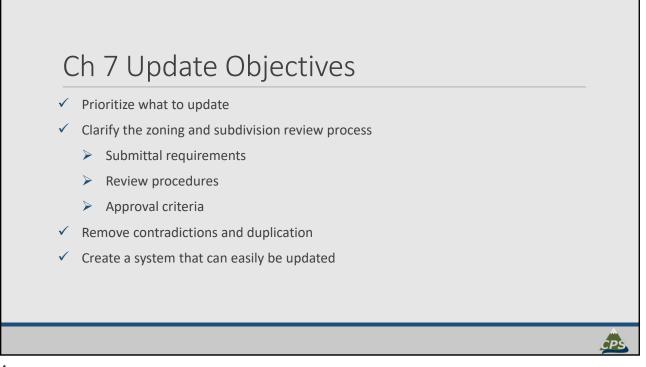


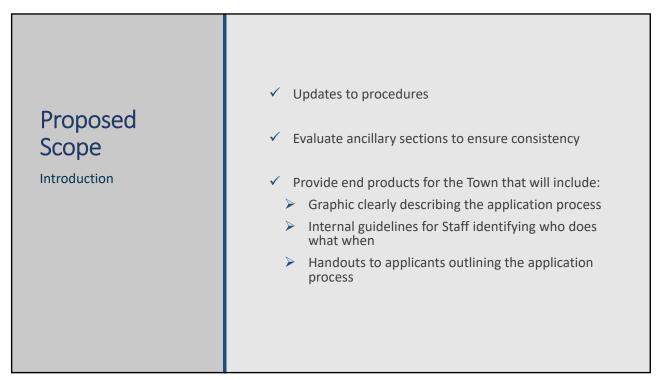


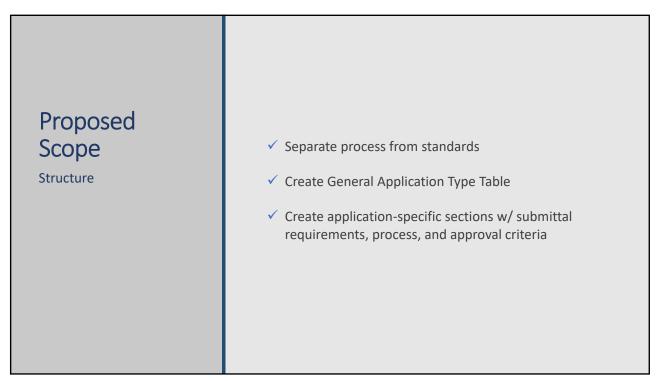
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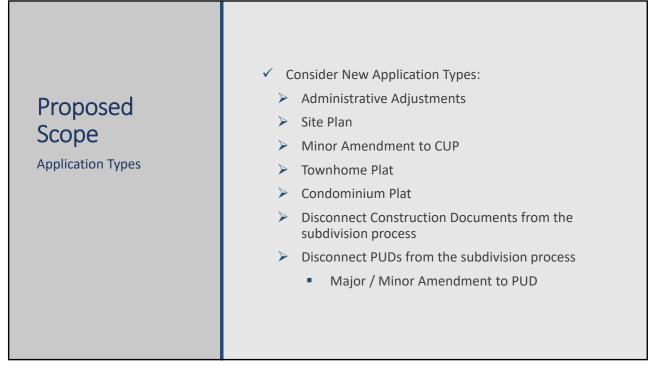
## Moratorium

- Moratorium adopted August 10, 2022 (Ordinance No. 01-2022)
- Effective through March 31, 2023
- Temporary moratorium on the following development applications:
  - o Minor Subdivisions
  - o Lot Splits
  - o Replats and Amended Plats
  - o Multi-Site Developments
  - o Planned Unit Developments
  - o Amendments and Additions to the Official Zoning Map and Zoning Regulations



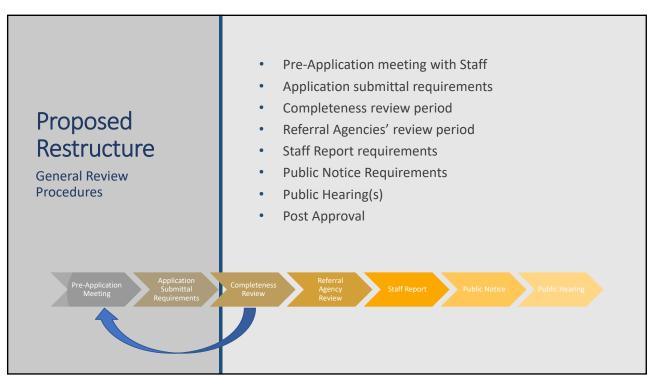






		Pre- Application Meeting (§X.XX)	Completeness Review (§X.XX)	Referrals (§X.XX)	Notice of Hearing (§X.XX)	Town Manager	Planning Commission (§X.XX)	BOCC (§X.XX)	BOA (§X.XX)	
	R=Required; O=Optional; PH=Required Public Hearing; Rec=Recommendation; D=Decision									
Proposed	Map Amendment (§7-3-3 and 7-3-22)	0	R	R	R Publication Mailing	Rec	R PH / Rec	R PH / D		
Proposed Restructure	Text Amendment (§7-3-1 and 7-3-22)	0	R	R	R Publication	Rec	R Rec	R PH / D		
Zoning Application Table	Conditional Use Permit (§7-3-19)	0	R	R	R Publication Mailing	Rec	R PH / D			
0 11	Minor Amendment to Conditional Use Permit (§X-XX)	0	R	0		D				
	Temporary Use Permit (§7-3-18(C))	0	R	0		D				
	Site Plan (§X.XX)	0	R	0		D				
	Administrative Adjustment (§X.XX)	0	R	0		D				
	Variance (§7-3-21)	0	R	R	R Publication Mailing	Rec	R PH / D			
	Appeal (§7-3-21)	0	R	0	R Publication Mailing	Rec			R PH / D	

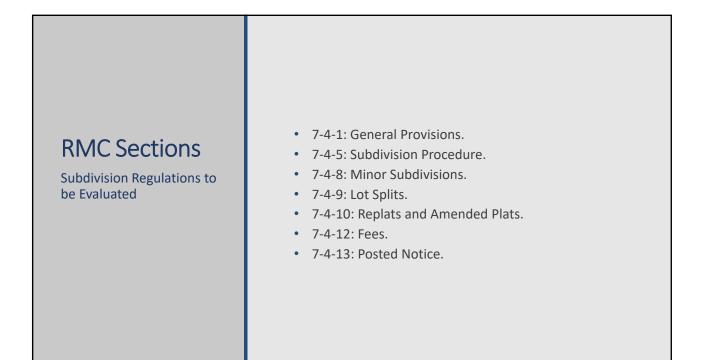
Proposed		Pre- Application Meeting (§X.XX) R=Requir	Completeness Review (5X.XX) ed; O=Optional; P	Referrals (§X.XX) H=Required P	Notice of Hearing (§X.XX) ublic Hearing: F	Town Manager	Planning Commission (§X.XX) ion: D=Decision	BOCC (§X.XX)	воа (§X.XX)
Toposed	Minor Subdivision Plat								
Proposed Restructure	(§7-4-8)	0	R	R		D			
Subdivision Application	Lot Splits (§7-4-9)	0	R	R		D			
Table	Replats and Amended Plats (§7-4-10)	0	R	R		D			
	Townhome Plat (§X.XX)	0	R	R		D			
	Condo Plat (§X.XX)	0	R	R		D			
	Preliminary Plat (§X.XX) Final Plat (§X.XX)	0	R	R	R Publication Mailing	Rec	R PH / D		
		0	R	R	R Publication Mailing	Rec	R PH / D		
	PUD (§7-3-16)	0	R	R		Rec			



### **RMC** Sections

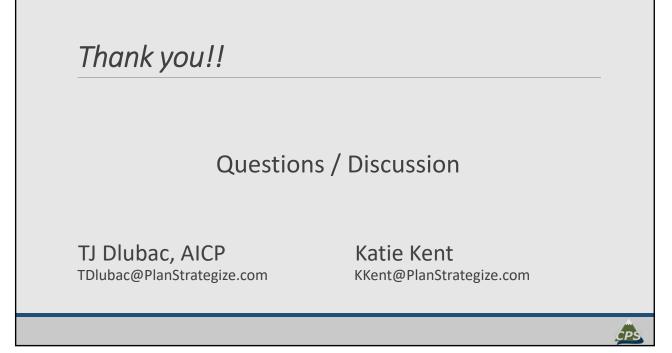
Zoning Regulations to be Evaluated

- 7-3-1: General Provisions.
- 7-3-14: Uncompany River Overlay District.
- 7-3-16: Planned Unit Development (PUD).
- 7-3-17: Sign Regulations.
- 7-3-18(C): Temporary Use Permits.
- 7-3-19: Conditional Uses.
- 7-3-20: Nonconforming Uses.
- 7-3-21: Variances and Appeals.
- 7-3-22: Amendments and Additions to the official Zoning Map and Zoning Regulations.
- 7-3-23: Review Procedure.
- 7-3-25: Fees and Costs









#### Chapter 7, Section XX, General Application Review Procedures

This section outlines the review procedures that are common to all applications regulated within Chapter 7, *Planning and Zoning*. Table X-X.X, *Zoning Application Types and Processes*, identifies the various application types and associated review procedures regulated by this article. The submittal requirements, review procedures, and approval criteria for each application type are laid out in subsequent sections of this article as identified in Table X-X.X. All documents and materials identified in this Section XX, *General Application Review Procedures* and the particular application type sections shall be required.

#### (A) Table of Zoning Application Types and Processes

Pre-Completeness Notice of Planning Referrals Application BOCC BOA Town Hearing Commission Review Meeting (§X.XX) (SX.XX)Manager (SX.XX)(SX.XX)(SX.XX)(SX.XX)(SX.XX)R=Required; O=Optional; PH=Required Public Hearing; Rec=Recommendation; D=Decision Мар R Amendment R R Publication R R Rec 0 PH/D (§7-3-3 and 7-3-PH / Rec Mailing 22) Text R Amendment R R 0 R R Publication Rec (§7-3-1 and 7-3-Rec PH/D 22) Conditional Use R R 0 R R Publication Permit Rec PH/D (§7-3-19) Mailing Minor Amendment to **Conditional Use** 0 R 0 D Permit (SX-XX)Temporary Use Permit 0 R 0 D (§7-3-18(C)) Site Plan Ο R 0 D (§X.XX) Administrative Adjustment 0 R 0 D (SX.XX)R Variance R 0 R R Publication Rec PH/D (§7-3-21) Mailing R Appeal R 0 R 0 Publication Rec PH/D (§7-3-21) Mailing Minor Subdivision 0 R R D Plat (§7-4-8)

Table X-X.X – Zoning Application Types and Processes

Lot Splits (§7-4-9)	0	R	R		D		
Replats and Amended Plats (§7-4-10)	0	R	R		D		
<i>Townhome Plat</i> (§X.XX)	0	R	R		D		
Condo Plat (§X.XX)	0	R	R		D		
Preliminary Plat (§X.XX)	0	R	R	R Publication Mailing	Rec	R PH / D	
Final Plat (§X.XX)	0	R	R	R Publication Mailing	Rec	R PH / D	
<b>PUD</b> (§7-3-16)	0	R	R		Rec		

#### (B) General Review Procedures

The following procedures shall apply to all classifications of development applications which are required under this article.

#### (1) Pre-Application Meeting

If the applicant or Town Manager requests a pre-application meeting, the following process shall be followed:

- (a) Prior to the formal submission of the application, the applicant shall contact the Town Manager to schedule and request an informal pre-application meeting. Following receipt of a request, the pre-application meeting should be set for a date within ten (10) days of the date o the applicant's request. The Town Manager shall advise the applicant of the date and time of the pre-application meeting.
- (b) The applicant shall be prepared to discuss the proposed application with the Town Manager. The applicant is encouraged to present such plats, plans, diagrams, or other preliminary information sufficient to permit the conceptual review of the proposed application.
- (c) The purpose of the pre-application meeting is to assist the applicant in understanding the county's application review processes and to permit the Town Manager to determine the applicable (processes) and regulations for the proposed application.

#### (2) Application Submittal Requirements

All of the following information and materials shall be submitted to the Ridgway Planning Department in a form acceptable to the Town Manager. Additional information and materials required to be submitted for specific application types identified in Table X-X.X are specified in subsequent sections of this article and shall also be submitted in order to receive a determination of completeness.

(a) Basic Application Materials

The following materials are required for all applications regulated by Chapter 7, *Planning and Zoning*, unless waived by the Town Manager.

- 1. Application Form. An application form for the request shall be obtained from the Ridgway Planning Department. Completed application forms and accompanying materials shall be submitted to the Town Manager by the owner, applicant, or their designee.
  - a. Authorized Agent. If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a letter signed by the owner consenting to the submission of the application.
  - b. Applicant is Not the Sole Owner. If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by all owners or an association representing all the owners, by which all owners consent to or join in the application.
- 2. Fees
  - a. Application Fees. All applications must be accompanied by the appropriate application fee. A schedule of fees is available through the Ridgway Planning Department.
  - b. Payment of Consultant Fees. The cost of consultant and referral agency review are the responsibility of the applicant.
    - i. The Town may require a deposit for payment of consultant and referral agency review fees, based upon estimated consultant review costs, at the time of application and in addition to the application fees.
    - ii. The Town may suspend the application review process pending payment of consultant costs.
    - iii. The town may require additional deposits to be made if the deposit drops below twenty-five (25) percent of the original deposited amount.
- 3. Proof of Ownership. Proof of Ownership in the form of a copy of the property deed or a title commitment which has been issued within sixty (60) days of the application submittal along with copes of all documents listed in the exceptions.
- 4. Legal Description. Legal description of the property subject to the development application.
- 5. Adjacent Property Owners. List of all adjacent property owners of the subject property. Such list shall be generated using the Ouray County Assessor's most recent information available.
- 6. Mineral Interest Owners. List of all mineral interest owners with interests severed from the subject property.
- 7. Vicinity Map. A map locating the project limits, parcel(s), and property within Ridgway. The vicinity map shall clearly show the boundaries of the subject property and all property within a three-mile radius of the subject property.
- 8. General Written Narrative. A general written narrative identifying the development team, existing conditions of the property, proposed uses, density, lot layout, end users, financing, public dedications (including rights-of-way, parks, open space, infrastructure), and describing the purpose of the project, how the request meets the applicable approval criteria, furthers the goals and objectives specified in the Master Plan, and identifying any potential impacts on adjacent properties and public infrastructure and how those impacts are proposed to be mitigated.

#### (3) Completeness Review

When a completeness determination is required pursuant to Table X-X.X, the following shall apply:

- (a) Within ten (10) days following receipt of an application, the Town Manager shall administratively review the application and determine whether it includes all the application content requirements of the Ridgway Municipal Code for the requested application type.
- (b) All plans, reports, maps and other information required for the application must be complete and legible A failure of the application to meet the requirements of the zoning regulations and this Land Development Code may delay the processing of the application until the application is sufficient and complete.

- (c) When the Town Manager determines that the application is complete as submitted, the Town Manager shall schedule the application for review in accordance with the provisions set forth in this Chapter *7, Planning and Zoning*.
- (d) In the event the Town Manager determines that the application is incomplete, the Town Manager shall inform the applicant in writing of the deficiencies in the application. No further processing of the incomplete application shall be undertaken until the Town Manager determines that the applicant has remedied the application's deficiencies.

#### (4) Referral Agencies

In accordance with Table X-X.X, applications shall be referred to any of the below referral agencies the Town Manager determines is necessary to the complete and comprehensive review of the request. Referral of applications to other agencies shall be for a minimum time frame of fourteen (14) days. However, the time frame for review and comment may be extended if the application presents technical issues which require additional review, additional information is provided by the applicant, or the application is modified. Referral agencies include, but are not limited to, the following:

- (a) Bureau of Land Management (BLM)
- (b) Colorado Department of Transportation (CDOT)
- (c) Colorado Division of Reclamation, Mining & Safety
- (d) Colorado Division of Water Resources
- (e) Colorado Parks and Wildlife
- (f) Colorado State Forest Service
- (g) Ditch companies
- (h) Fire Protection District(s) or department(s)
- (i) Ouray County Departments (Assessor, Clerk & Recorder, Attorney, Health Department, Building Department, Road & Bridge, Sheriff Office, etc.) as appropriate
- (j) Ridgway Departments as appropriate
- (k) Water Conservation District
- (I) Electric service provider
- (m) Conservancy District
- (n) School district(s)
- (o) Soil conservation district board or boards within the County
- (p) Utility service providers and districts
- (q) US Army Corp of Engineers
- (r) US Environmental Protection Agency (EPA)
- (s) US Forest Service
- (t) Xcel Energy / Public Service of Colorado
- (u) Any other entity or agency deemed necessary by the Town Manager

#### (5) Staff Report

The Town Manager shall review the application to determine if the proposal satisfies the applicable standards. The Town Manager shall prepare a staff report discussing whether the applicable standards of this Ridgway Municipal Code have been satisfied. The staff report should identify issues raised through staff and referral agency review, potential mitigation requirements, any recommended conditions for approval, and any additional information pertinent to the review of the application.

#### (6) Notice Requirements

All public notices of hearings required by these zoning regulations shall include the date, time, place, and purpose of the hearing, a general description of the property affected, and any other information deemed appropriate to apprise the public of the general nature of the action proposed. When required, notice shall be given in accordance with the requirements set forth in

Table X-X.X and may include notice by publication or mailing, or a combination of these methods. Errors or inaccuracies in the notice shall not be deemed sufficient cause to postpone or invalidate a hearing except where such errors are substantive in material and are found to have reasonably mislead or misinformed the public.

- (a) Notice by Mailing
  - (1) When notice by mailing is required for a public hearing by Table X-X.X, public notices shall be sent by first class mail to all property owners identified under Section X.XX.XXX, *Basic Application Materials.* The deposit in the U.S. Mail or delivery by another comparable service shall be made at least seven (7) days before the date of the hearing. Failure of the addressee to receive notice shall not be deemed sufficient cause to require a postponement, remailing of notice, or invalidation of the hearing.
  - (2) When notice by mailing is required for a public hearing, mailed notice shall be addressed to owners of property adjacent to the subject property boundary as their names and addresses appear in the real property records of the Ouray County Assessor.
  - (3) Mineral Estates Notice. Per 24-65.5-103, C.R.S if the surface estate and mineral estate are severed, the owners of severed mineral estates shall be entitled to notification of not less than thirty (30) days before the date scheduled for the public hearing for the application.

#### (7) Public Hearings

When an application requires a public hearing before the Planning Commission, the Town Council, or the Board of Adjustment in accordance with Table X-X.X, the following shall apply:

- (a) The Town shall set the date and time of a public hearing. Notice of the public hearing shall be issued in accordance with Table X-X.X and Section XXX.XX *Notice Requirements*.
- (b) At the public hearing, the reviewing body shall review the application for conformance with the applicable review standards and approval criteria for the request.
- (c) Any public hearing or other action of the body may be continued or postponed at any time to a specified date and time in order to permit preparation of additional information for further review by the reviewing body.
- (d) When required, the Planning Commission recommendation shall be forwarded to the Town Council. Following a public hearing, the Town Council shall approve, approve with conditions, or deny the application or continue the matter to a date certain.
- (e) The applicant shall bear the burden of presenting sufficient competent evidence at the public hearing to support the standards for approval set forth by this Ridgway Municipal Code. Any decision by the reviewing body to recommend, or to act to, approve, conditionally approve, or deny an application shall be based upon a consideration of all evidence presented during the public hearing. Where evidence presented is contradictory, the reviewing body shall weigh such evidence and judge the credibility and sufficiency of the evidence prior to rendering a decision.

#### (C) Post Approval

- (1) **Review.** Prior to recording of the approved documents, the applicant shall submit all final documents reflecting any conditions of approval to the Town Manager for final review and acknowledgement.
- (2) Recording. Any documents required to be recorded with the Ouray County Clerk and Recorder shall be fully executed by the applicant and filed for execution by the county and recorded. Recording of all documents shall be completed within a reasonable period of time from the date of approval by the approving body.
- (3) **Effective Upon Recording.** The approval does not become effective until all approved documents have been properly recorded with the Ouray County Clerk and Recorder.

#### Land Use Application Review Overview

#### **Application Intake**

- 1) Informal/Pre-App
  - Meeting held with Preston, and he will invite Joanne, Bo, and/or TJ depending on the application.
- 2) Application Submittal:
  - Applicant submits application materials to Karen at Town Hall.
    - i. Karen dates the documents, scans them, and puts them into the Development Review DropBox Folder.
    - ii. Karen sends email to TJ that the file has been put into the folder.
  - Applicant submits files electronically to TJ, Preston, and/or Joanne.
    - i. TJ will forward information to Karen, and she will organize and file the materials and send an email out to team.
- 3) <u>Completeness Review:</u> (30 days from submittal 7-3-23(B))
  - CPS will review submitted materials and determine whether or not is complete.
    - i. <u>Incomplete:</u>
      - 1. Email sent to applicant/owner identifying the missing items.
      - 2. Applicant resubmits and a new "Completeness Review" timeline starts.
    - ii. <u>Complete:</u>
      - 1. CPS sends email to applicant/owner accepting the application as complete.

#### **Application Review Process**

- 4) Internal Review (15 business day review)
  - CPS to send link to DropBox folder with completed application materials to Preston, Joanne, and Bo.
    - i. Preston to forward any applications/materials to Public Works, Police, Building, or other internal departments who need to review.
- 5) <u>Coordinated Comment Letter:</u> (5 business days)
  - Internal comments sent to CPS in individual form/format.
  - CPS draft cover letter and attach comments received from reviewing entities.
  - CPS send draft letter with review comments to Joanne, Preston, & Bo.
    - i. Joanne, Preston & Bo review and comment on comments. (1 business day/24hr min)
  - Internal discussion on comments, if needed. (within the 5 business days)
    - i. Determine if application is ready to go to PC hearing.
      - 1. If yes, schedule hearing based on notification requirements.
      - 2. If no, second review needed.
- 6) <u>Comment letter:</u> (sent to applicant/owner team w/in 30 days of acceptance of a completed application)
  - Identifies whether or not application can go to hearing.
    - i. If yes, identify hearing date, notification dates, referral notice, and staff report dates.
    - ii. If no, deficiencies identified in comment letter and provide a deadline for resubmittal.
- 7) **Post-Comment meeting with applicant** (Determined if needed by town staff)

#### Ridgway Development Review Process Outline Internal Review Timeline CPS DRAFT – 8/5/2022

- 8) Application resubmitted by applicant (timeline up to applicant)
  - Same process as outlined in #2 above.
- 9) <u>Second review:</u> (60 calendar days)
  - Same process as outlined in #4 above.

#### Public Hearing Process

#### **10)** <u>PC Hearing scheduled:</u> (Appropriate hearing set by town after application completed (7-3-23(C))

- Referral Notice sent (Due Friday before hearing)
- Property Posting Notice (Due two Fridays before hearing)
- Public Notice Posting (10 days prior to hearing (7-3-23(D))
- Staff Report (Due Friday before hearing date)

#### 11) TC Hearing Scheduled:

- Once all Planning Commission approval criteria or conditions are met, staff with schedule application for the next available Town Council hearing date.
- Referral Notice sent (Due Friday before hearing)
- Property Posting Notice (Due two Fridays before hearing)
- Public Notice Posting (Due two Fridays before hearing)
- Staff Report (Due Friday before hearing date)
- 12) <u>Review Board Decision</u> (Announced within 20 days of hearing (7-3-23(F))

#### 13) Post Approval:

- Action Letter (Sent to applicant within 3 days of meeting)
- Coordinate post-approval requirements/actions

# LAND USE APPLICATION REVIEW OVERVIEW

