

PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
FEBRUARY 27, 2018

CALL TO ORDER

The Chairperson called the meeting to order at 5:30 p.m. with Commissioners Emilson, Falk, Liske, Councilor Hunter, Mayor Clark and Chairperson Canright in attendance. Commissioner Nelson was absent.

PUBLIC HEARING

1. Application for Sketch Plan and Preliminary Plat for Preserve PUD; Location: Savath Subdivision, Part of Outlot A and Woodford Addition; Address: To-be-determined County Road 23; Zone: Residential (R); Applicant: Del-Mont Consultants; Owner: Ridgway River Development, LLC.

Staff Report dated 2-23-18 presenting background, analysis and staff recommendation prepared by The Town Manager, Town Engineer, and Town Planner.

Town Manager Jen Coates presented an application for sketch plan and preliminary plat for the Preserve Planned Unit Development. She noted the preliminary plat was first approved by the Planning Commission on July 25, 2006, the Town Council on August 16, 2006, and a one year extension was granted on September 12, 2007. The developer completed some of the infrastructure work on the property including some river corridor work subject to an Army Corps of Engineers permit. All work ceased on the property in 2010 at the request of the developer and in coordination with the Town to clear up public health and safety concerns. The previous Preliminary Plat approval expired. The Town Manager explained the proposed development shows 25 residential lots with a total of 32 residential units, inclusive of 22 single-family units, two 3-unit lots and one 4-unit lot. However, clarification is needed on Lot 19, as it appears to be duplex lot, which would make a total of 33 residential units.

Manager Coates noted that the application is substantially complete but a number of documents need to be updated or submitted before or coincident with any application for final plat, and these items are identified in the Staff Report. Coates also noted the site application for the lift station has not been approved by the Colorado Department of Public Health and Environment (CDPHE), and this will need to be addressed before any work on the site starts again.

The Town Manager commented on the various plat certificates noted in the Staff Report which must be added or completed with the submittal of a final plat. She also pointed out that the 100-year flood plain is incorrect and therefore not shown with this submittal. The current Federal Emergency Management Agency (FEMA) map is outdated. The flood plain will need to be accurately surveyed, with a Letter of Map Revision or Flood Plain amendment approved by FEMA and then the plat updated. The federally approved flood plain must be indicated on the Final PUD Plat Map. The developer submitted a high-water mark survey dated January 2018 with the application and it provides information regarding how the river corridor interfaces with the property boundary.

Ms. Coates further explained Staff recommends the developer dedicate a 10' wide recreation/easement that extends along the north boundary of the proposed Lot 20 connecting County Road 23 to the Liddell Street right-of-way. The path would provide linkage for the Uncompahgre River Way Trail in this location.

The Town Manager reviewed the plat notes requiring modification which are addressed in the Staff Report. She commented that the cut and fill work that occurred with the proposed lots along the river corridor may have impacted the ability of the lots to gravity feed the sewer, so cut and fill information is needed to assess these lots, and whether or not private lift stations may be needed in certain circumstances. She also explained that Staff and the Applicant have been discussing an appropriate setback from the high-water mark and requests the Applicant augment the verbiage into the setback Plat Note 4, as follows (in bold): *"All lots have an 8' rear setback from the property line abutting the Uncompahgre River (Lots: 1, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20). In addition, there is a 10' setback from the high-water mark for these same lots. Whichever setback is greater applies. The high-water mark line shown on this plat map was surveyed on \_\_\_\_\_, \_\_\_\_\_. An updated survey of the high-water mark is required with any building permit submittal received at Ridgway Town Hall 2 years past this survey date, **or after a significant event that may have altered the location of the previously surveyed high-water mark.** HIGH-WATER MARK is defined as follows: The boundary dividing a river bed from a river bank and defined as the line on the bank up to which the presence and action of water are so usual and long-conditioned as to impress on the bed a character distinct from that of the bank with respect to the nature of the ground surface, soil and vegetation..."*

Manager Coates also explained the Applicant has submitted a draft "General Road and Utility Easement Agreement" with Ouray County due to access needed onto County Road 23 for the south leg of Preserve Drive. Staff explained the necessity of securing the agreement sooner than later to ensure access is available. She also pointed out that the addition of a Plat Note (number 15 on page 11 of the staff report) will grant the developer the right to build between 10'-75' of the high-water mark without triggering a conditional use permit or an ecological characterization study, and in accordance with other zoning and land use regulations.

Manager Coates explained Staff is working with the Applicant to improve the affordable housing language in the plat notes prior to Town Council consideration. The improved language would assist in the governance of the affordable housing units. She also explained that there were previous discussions regarding a crushed gravel recreation path along the property boundary that borders County Road 23. Staff suggests the path should be concreted because the surface requires less maintenance and a gravel path severely degrades over time becoming burdensome to maintain. Coates also commented that while there is a landscape plan, the number of trees should be agreed upon and memorialized prior to final plat.

With the previous application to CDPHE for the lift station at the south aspect of the development, CDPHE required additional mitigation and did not approve the site application. It does not appear that follow up with CDPHE occurred and at this time a new submittal to and approval from CDPHE will be required for the development. The Developer will need to commence the application process to the State and submit the required documents to Town Staff for review, and then to CDPHE for final review and consideration.

Steve Johnson, Attorney and Development Team Member for Ridgway River Development LLC (RRD) stated the property owners are invested in the property and the project. He explained the company is in transition and the transition requires allowing time for new members to be updated on the project. He commented that the Owners and Applicant generally agree with the conditions in the staff report and that they would like to have lot 19 be a duplex lot for a total of 33 residential units. Mr. Johnson recognized meeting the conditions will take longer than 90 days because of the time to process the permit with the Army Corps of Engineers, to process access permits with the County of Ouray, and water rights discussions. He added RRD has shown good faith by investing into a large portion of the property infrastructure. Attorney Johnson requested two years to complete the conditions of approval for the Preliminary Plat as identified in the Staff Report.

Ty Jennings, Managing Member for RRD stated that substantial work and investment of approximately two million dollars has been invested in the lot and that infrastructure work was done to ensure there were no safety issues while the project laid dormant. He suggested that the Town stay with the original agreement of a gravel path along County Road 23 because of the increased cost to provide a concrete path.

The Chairperson opened the hearing for public comment.

Liza Clark commented that the small piece of vacant land surrounded by the access road, Preserve Drive, may become an exempted lot in terms of density in the County.

Gary Dick stated he has seen the river move considerably with increased bank erosion since the purchase of his property in that area of town and inquired about bank stabilization work.

The Chairperson closed the hearing for public comment.

The Commission discussed the potential hazards of the properties in close proximity to the river and the necessity of the Army Corps of Engineers permit and closure of the permit to verify the work is complete to the requirements in the Corps permit. Town Manager Coates commented that staff is requiring a natural hazards and mitigation Plat Note , item number 7 illustrated on page 9 of the Staff Report.

The Commission discussed the application with staff.

ACTION:

Councilor Hunter moved to approve the Sketch Plan submittal for Ridgway River Development LLC. Mayor Clark seconded the motion and it carried unanimously.

ACTION:

Mayor Clark moved to recommend approval of the preliminary plat to the Town Council for the Preserve PUD, Savath Subdivision, Part of Outlot A and Woodford Addition. The approval is subject to the conditions listed on pages 17, 18 and 19 of the Staff Report dated February 23, 2018 with the following additions: 1. The verbiage "or after a significant event that may have altered the location of the previously surveyed high-water mark" be inserted in Plat Note 4 on page 8 of the Staff Report; 2. The recommendation to the Town

Council will include a request to allow the Applicant 2 years to complete the conditions in the Staff Report instead of the required 90 days and in return the Applicant will concrete the recreation path along County Road 23; 3. accessory dwelling units will not be allowed on any single family lot under 9500 sq. ft., or on any lots larger than 9,500 sq. ft. designated as multifamily lots. Councilor Hunter seconded the motion, and it carried unanimously.

## OTHER BUSINESS

### 2. New Member Recruitment-Ridgway Area Joint Planning Board

The Town Planner explained that the Town is still looking for a new member to serve on the Ridgway Area Joint Planning Board. The Planning Commission agreed to continue to ask around to help recruit a new member.

### 3. Master Plan Process Update

The Town Planner explained the Request for Proposal has been published and distributed. The deadline for proposals is March 16. Mayor Clark, Chairperson Canright, Commissioner Nelson will review the proposals, assist with interviews, and make a recommendation to the Town Council.

### 4. Downtown Parking Assessment, DOLA/Colorado Main Street

Planner Coburn explained the Town received funding from the Department of Local Affairs through the Colorado Main Street Program to conduct this Downtown Parking Assessment. Request for Proposals have been sent out for this as well. The assessment will help the Town better understand the current parking inventory and be better informed to make decisions regarding parking in the future.

## APPROVAL OF THE MINUTES

### 5. Approval of the Minutes from the meeting of January 30, 2018.

ACTION:

Mayor Clark moved approve the Minutes from the meeting of January 30, 2018. Councilor Hunter seconded the motion and it carried unanimously.

## ADJOURNMENT

The meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Karen Christian  
Deputy Clerk