

PLANNING COMMISSION MEETING MINUTES

Date: June 12, 2024

Call to order

Chairman Mike Contillo called the meeting to order 6:03.

Present:

Chairman Mike Contillo
Andrew Romanyshyn
Gerrish Willis
Kiplynn Smith (arrive 6:15)

Absent:

Trustees Present: Mayor Nicole Pieterse
Mayor Pro Tem Patrick Fallon
Trustee Benn Vernadakis
Trustee Cristal Hibbard

Trustees Absent:

Trustee Chris Condon
Trustee Joe Dillsworth

Staff Present. Chauncey McCarthy (zoom), Anna Wolf, Jen Stark,

Approval of the Agenda

Motion

To approve the agenda.

Moved by Andrew Romanyshyn, seconded by Chairman Mike Contillo.

Vote. A roll call vote was taken and the motion was approved, 3-0.

Approval of the Minutes

Motion

To approve the minutes from the May 8, 2024 meeting.

Moved by Gerrish Willis, seconded by Andrew Romanyshyn.

Vote. A roll call vote was taken and the motion was approved, 3-0.

Public Comment:

Mayor Nicole Pieterse commented on the great improvement of the court room.

Discussion Items:

Rico Land Use Code global revision

Land Use Code revision was discussed with Board of Trustee and Planning commission members.

Joint meeting to be scheduled for August 14, 2024.

Motion

To adjourn.

Moved by Gerrish Willis, seconded by Andrew Romanyshyn.

Vote. A roll call vote was taken and the motion was approved, 3-0.

Anna Wolf
Rico Town Clerk

Michael Contillo
Chairman



TOWN OF RICO

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RLUC Review

Date: 6.12.2024

Segment: Joint Board Review Articles 1-V

Start: Article I

Stopping point: Article II: Section 250

Notes:

- Overall, making sure there is consistency in vocabulary and interpretation.
- Staff will have legal review and reduce repetition, being clear on final approval and vested rights.
- **Article I:** pending applications, in general, the code that is in affect at the time and the application is complete is what qualifies to be complete and compliant under that LUC. This should be clarified and called out in the RLUC.
- **Article II:** Vinyl siding is looking at what are we including in vinyl siding. Might be easier to say what types are not allowed. If there is not a siding that is not allowed or listed it would have to be approved. That seems really similar to what we allow or what we prohibit. What is the “look” that the Planning and Trustees trying to maintain?
- Vinyl and composite or synthetic materials and how to maintain a look and feel and or what a review would look like in the RLUC. Really try to identify what is not wanted. Reflective metal, nontraditional materials, T-111
- *Building height: Bulk plane building height. Existing grade on survey, parallel plane above that and then the building cannot break that height. Post or preconstruction grade. That cross section at 30 feet.
- Fences: Corrugated non reflective metal not in the front yard but acceptable in other areas.
- Setbacks: lot lines have to be vacated and filed at a staff level. Single tax number. Move up to a minor subdivision to the planning commission unless only two historic lots.
- Maximum Site coverage needs to be references in Article II and in the zone districts indicate.
- There is some concern to be sure that the basement area is under 7 feet that it does not count as part of your living space. Make sure basement definition does not conflict with basement RLUC identification. Note to check this in track changes in Basement- Definitions.
- ADU: likely the ADU will need to remain separate and as long as it works under septic regulations could have shared or require separate septic.

- Roof Pitch: dominant roof form is currently 7/12 pitch. Does the Planning and or the Trustees want to maintain that look and feel or allow what engineeringly can be accomplished. There is a proposal that having roof pitch requirement removed. Flat roof on single story structures. Does this apply to the primary structure or to all structures on the lot like sheds, carports, etc.
- Off Street parking: Make sure it is clarified the required parking spaces unusable.
- Signs, if they are not attached they cannot interfere with pedestrian and traffic flow or be in bike lanes. Sounds like sandwich board sign use needs to be modified to either get a permit or be reworded in the RLUC. Not prohibited by the town in main street only. Add just a sandwich board section. Signs also need to be included in non-conforming section.
- Non-Conforming Lots: add signs
- 210 add temporary dwelling structure, also have that consistent throughout the RLUC.
- Make sure that Recreational Vehicle definition includes the word camper
- Any occupancy on a lot should follow the RLUC for Use or Occupancy. Also is one per area or more?
- Historic Commercial and Commercial request to separate them as headers and cross reference.
- Add car wash and dispensary as prohibited uses.
- To clarify in residential what you can or cannot apply for. Maybe that is what is listed in the commercial and or re-articulate what is in the definition.
- 216.2 changing the opening sentences.
- Residential District Design regulations: Tiny Homes: on foundation and have it not be burdened by additional regulations outside of the residential District Design Regulations. Also, more than two detached dwelling units would have to go through a PUD.
- Historic Commercial Zone district: Compliance is important. An addition of a development agreement at the staff level would aid in making sure there is compliance with review design requirements.
- The change at the RLUC level is the Historic Commercial review will change to review by the Planning Commission.
- Add a definition of service yard in the RLUC? Proposal to not have fences in the Historic Commercial and service yard fences in the commercial district? This will also be a review not by the Board of Trustees but by the Planning Commission.
- Minimum depth of street front is only 22 feet of the primary street front.

Worksession ended: 8:40 p.m.

Stopping point: Article II: Section 250

Dear Board of Trustees and Planning Commission members,

I'd like to provide some comments to the proposed RLUC revisions, using the June 12th planning commission meeting packet, and discussions of that June 12th meeting, as a basis for my comments.

Zoning and PUDs

This area of the land use code I feel could use some clarity and revisions. For disclosure I do own property zoned RPUD.

To start with it has taken me some time to understand the town zoning, PUD process, and how uses permitted by right and design regulations fit into this. When I think of a PUD I think of larger projects that create neighborhoods/communities, and a variety of zoning, such as Gunnison Rising (<https://gunnisonrising.com/masterplan/>). When I look at Dolores River Trail, that to me is a subdivision but not a PUD process. The purpose of PUD zoning in 302.1 states, "The Planned Unit Development Districts (PUD) are intended to permit the use of land with flexibility in design and without rigid application of zoning requirements applied to the platted portion of Town." And in section 302.2, "A mixture of Zone Districts is permitted in PUD applications to permit site specific application of appropriate zoning based on the Rico Regional Master Plan, the purposes of this RLUC, the purposes of PUD and subdivisions, and site-specific development opportunities and constraints." There is no land zoned as PUD though. RPUD and CPUD are essential PUD's that are pre-zoned and come with design regulations and uses by right no different than any other zoning. Without the knowledge of the original intent I am unsure what the acceptable realm of PUD applications would be. For example, is it acceptable to take property zoned as RPUD and propose nothing but commercial lots? Is there any chance of that getting approved? If it is acceptable then wouldn't changing the zone to PUD be more appropriate? Is the purpose of zoning it as RPUD to show the preference for residential and certainty for a developer that lots of a certain size, setback, building type, and square footage are essentially pre-approved? It's likely there was a certain intent with the PUD zoning but I think there is a way to clean the zoning and the process up a bit.

I think the first question to ask with regards to mining claims and tracts/parcels zoned as RPUD or CPUD is do we want to limit those lands to residential or commercial uses only, respectively? If so, I don't think they should be zoned as a PUD. Additional zoning can be created that is different from commercial and residential, such as "rural residential" that requires different setbacks, a different lot size, etc. The new zoning of rural residential or rural commercial could, if legally sound, carry a stipulation that all subdivisions of these properties follow the major subdivision process if that is the desire. If the desire is to allow flexibility of zoning and applications in all RPUD and CPUD applications, then I do think rezoning as PUD is more appropriate. And finally, the PUD process should never result in new tracts/lots, unless not part of the subdivision, that are zoned PUD. The subdivision process should result in rezoning of each new lot.

With regards to “use permitted by right”, I think there is some work to clean that up as well. While the land use code functions, with 106.2 stating that where laws conflict, the one that imposes the greater restriction shall govern, it would be cleaner to eliminate contradictions. A use by right as stated in 270, should not require a public review process before that use can be realized. I think this leads into the discussion of whether some uses should be allowed on CPUD or RPUD zoned properties without going through a major subdivision process. I think for a landowner that isn’t looking to subdivide it is hard to understand the applicability of going through the major subdivision process or why other parts of the land use code that pertain to environmental concerns, excavation permits, and utilities don’t sufficiently scrutinize the development.

After describing some of the issues I see in the current zoning and process, I’ll give my proposal of how these issues should be dealt with in the new land use code. First, let me mention some of the values I have that help me form my decisions.

1. I believe in the “Preferred Scenario - Vision Statement” in the 2004 Rico Regional Master Plan as well as many of the Community Development guidelines.
2. I value the idea of providing certainty to landowners and dislike the idea of a change that feels like a rug pull. I’m more sympathetic to individuals than businesses.

And additionally:

1. I’m uncertain of why a few parcels were zoned CPUD and a few were zoned MU. It is not immediately clear to me those parcels should have different development guidelines from the overwhelming majority zoned RPUD.
2. I dislike the current state where all development activity on RPUD or CPUD zoned land requires going through the major subdivision process.

The following is my proposal:

1. Rezone all RPUD, CPUD, and MU to PUD. CPUD and RPUD zones are eliminated. I’m interested to hear the arguments against this. I haven’t mentioned much about the MU. I just don’t understand why it isn’t zoned RPUD or CPUD. This does result in fewer rights for the two mixed use owners. This creates no additional hardships for CPUD or RPUD owners.
2. Create a new zone called “rural residential”. This zone combines the RPUD and residential design regulations. From the residential side I’d take the 3250 maximum floor area. From the RPUD side I’d take the lot size, set backs, and uses permitted by right. From the June joint planning meeting it seemed the maximum number of accessory dwellings or tiny homes should be limited at two. I like this idea. Therefore, keeping the idea of three units, a triplex could have no adu/tiny homes, a duplex could have one, and a single family house could have two. I’m not set on this, but rural residential zoning could have the additional stipulation that all subdivisions must go through the major subdivision process.
3. All PUD properties could be rezoned “rural residential” at a basic admin level process. This proposal doesn’t take away any options for existing RPUD parcel owners. An existing RPUD owner could go through the PUD process and make their case - based

on design, visibility, nearby housing size - for a home with a maximum floor area over 3250.

4. Create a new zone called "rural commercial". This would be similar to current CPUD use by right and design regulations. Commercial design regulations are more specific to being situated off 145 so this new zone is needed.
5. The result of these zoning and PUD recommendations is that all subdivisions and all residential condo/apartment/housing complexes greater 3 units or 3250 sq ft combined will need to go through a major subdivision process. All commercial development will also need to go through the major subdivision process.
6. The PUD process uses existing and newly created zoning (commercial, rural commercial, residential, rural residential, open space) as the preferred rezoning but accepts applications with other ideas or variances.

Driveway width

There isn't much detail to go off of here but I'll blow it up into a much bigger deal about the way I think about the environment, regulation, and how well Rico fits in with other towns. Please recognize the attempt at humor in my response.

The edits increased the driveway width to 12', and 16' if more serving more than one unit or other non residential uses, with the justification that this is common practice. I don't agree with this change for the following reasons:

1. Most other mountain towns in Colorado have become miserable, over-populated, over-taxed, over-regulated, and over-priced places to live, in other words, perfectly gentrified. I have little interest in seeing Rico follow in their footsteps so if something is "typical" and we choose to adopt it, I want to better understand why and how it serves Rico.
2. To create a change from the existing state you have to identify the current problem. Has the past and present been an unmitigated disaster with regards to driveway width? What problem currently exists with 10' driveways?
3. The language for driveways mandated at 16' applies to far too many properties including ADU and/or tiny homes, as I believe those each count as a dwelling unit. There is one reason a driveway should be wider than the current 10' and that is frequent two way traffic.
4. The town does not set a plowed 16' standard on all roads they maintain. Have navigating the 8-10' plowed alleys been a disaster? I think it's been fun and reinforces what mountain living is all about.
5. The width a driveway needs to be should be about site specific conditions as much as anything. Is the driveway flat or steep, straight or curving, at grade or above grade?
6. Colorado highways, including hwy 145 mostly have 12' lanes. If you can drive in and out of Rico at 65 mph on a 12' lane you can probably navigate a driveway at 10 mph with a

narrower width and you definitely don't need 16'. How about getting over to West Rico on a bridge narrower than 16'? People somehow make it work in the end.

7. Space! Requiring 12' and 16' driveways takes space, and makes it harder to fit septic, house, and a driveway on two lots.
8. The most important reason not to mandate larger driveways is the environment. We live in a lush, verdant, recovering environment. Why mandate denuding properties and replacing vegetation with gravel?

What is the reason for this proposed change? I can't imagine it is legal. Is it because vehicles are getting larger? I'd admit that's true but do I need to design my driveway for the wishes of someone else? Do the needs and wishes of the future owner of my property, who could potentially be driving a vehicle with 3' longhorn mirrors, an 8' bed, dually axle, Texas Steakhouse Edition package - which comes stock from the factory with a 3" lift - come before the needs and wishes I have today? Nothing wrong with those vehicles but the largest vehicles shouldn't be setting the minimum driveway standards. We don't have minimum house size standards to ensure the house is suitable for the largest families and the same should go for driveways. Some will be steeper, some will be narrower, some will be short and wide like parking lots. My mom vowed never to buy a house with a steep driveway again, but that's her choice. No need to outlaw it. There is no one size fits all. If someone asks me the size I'd make my driveway, it's the size that's appropriate to the landscape, the usage, the slope, you know, 10', 11', 12' whatever it takes. <https://www.youtube.com/watch?v=II4-HnWRQK0>

I hope we can keep the 10' driveway width which only needs to be wider based on site specific extenuating circumstances or frequent two way traffic.

Thanks for considering these comments and I look forward to opining on further land use code articles.

Matt Schiff