

Planning Commission Minutes

February 21, 2023

Member Present and seated as Board: Chair Cary Aloia, Leonard Brown, Jerry Gallegos, Travis Cross, Andrew Atchley, Mike Mitchell and Russell Pratt. Martha Williamson was present as alternates. Dixie Diltz – Secretary and Randy Kern - Advisory.

Members Absent: Charles Stillings

Others Present: Andrew Bowen, Brad Potter and TJ Dlubac by zoom.

Chair Cary Aloia called the meeting to order at 1:30pm and roll call is completed. Cary explains that items #7 on the agenda will be moved to #6 and item #6 will move to #7 to accommodate the Community Planning Strategies Team.

Mike Mitchell moves to accept the agenda as amended; Leonard Brown seconds motion passes unanimously.

Russell Pratt moves to approve the November 15, 2022, meeting minutes as presented, Jerry Gallegos seconds and the motion passes unanimously.

Election of Chairman and Vice chairman for the 2023 year is discussed. Russell Pratt made a motion to reappoint Cary Aloia as Chairman and Leonard Brown as Vice Chair. Travis Cross seconds and the motion passes unanimously.

Randy Kern provide an update to the board on House bill 2213-62 which mandates Cities and County's in Colorado with building codes to update their energy codes. Discussion is held surrounding the new codes being proposed for update and the creation of a model energy board that will draft regulations surrounding the electrification requirements. Randy explains that assistance was provided through Excel energy and most of the communities in the SLV have created a cohort group that has been meeting regularly to try to create consistency throughout the Valley in regards to the rules and regulations. Randy explains that the building department has also been reviewing the fee schedule and has presented a new draft of fee updates to the BOC which has been approved. Also discussed is the IGA's that the building department will be cancelling with several of the surrounding communities.

TJ Dlubac, Brad Potter, and Andrew Bowen from Community Planning Strategies, join the meeting via zoom. Andrew presents a brief update on the progress being made towards the Code book amendments. The 10 original tasks have been evaluated and broken into 3 categories, Low complexity, Medium Complexity and High Complexity. Six of the tasks are now in the Low Complexity category, 2 are in the Medium Complexity although the Division of Land should still be in the medium category not the low and 2 are in the High Complexity category. March 21 will be a formalized work session on all the drafts CPS has prepared and then adoption in April.

Basic Next Steps were explained for all the tasks. The proposed idea for the River Corridor Development is explained. Andrew explains that in the proposal the first 100' from the river banks would be protected by a no disturbance regulation with the next 150 feet having some level of disturbance. How these levels are regulated would be up for the County to determine. Task 9 Cottage Industry/Home Occupations was originally thought to be a difficult task but has moved into the Low complexity category, CPS plans to better distinguish what the Cottage Industry is verses what the Home Occupation use is, threshold for traffic generation, number of off premises employees and how large it is in relation to primary use.

The Summitville Mine overlay district CPS is moving forward concentrating on the regulatory buffer being for the mine area and not looking to a Alpine or high elevation area. The actual code section draft will be to the P&Z in the near future and by April 1st all of the tasks will be in the draft stage.

Cary Aloia asks how the Task 9 Cottage Industry compares to Alamosa code. Secretary Diltz states she has not reviewed Alamosa's but will do so. TJ says that his team has worked in enough areas to see different ways its being done. Travis Cross questions if there would be a need to check with other Counties on the percentage of vacation rentals allowed. Secretary Diltz states that the Board discussed the Vacation Rentals earlier on in this process and had decided not to regulate the number of vacation rentals allowed. The board had made the decision to only add the requirement for escape ladder and proof of insurance to the existing codes.

Secretary Diltz question the statement on the River overlay plan that there would be no disturbance in the first 100' area and whether there has been any considerations about the Firewise regulations and how they may affect this regulation and also the noxious weed regulations. Andrew states that the area would be a no disturbance area and as long as the area is not disturbed there would be no introduction of noxious weeds. Cary states that the weeds are already there. Andrew states that in doing a survey this is the way that river corridors are being protected through out the country and that the no physical disturbance does mean that you cannot get in there and grub around. The purpose of this type of regulation is to protect the riparian area, if cotton wood trees get established they provide shade which helps the spawning of trout. Cary Aloia states that she has seen several conservation projects that did not include weed management and they turn into a disaster. This topic needs to have further discussion. Drafts will be provided in the next few weeks and a formal work session will be on March 21.

Secretary Diltz explains the fee schedule and the possible changes she proposed. She explains that she added up the amount that the County pays the P&Z members each month to come to a meeting and that amount is \$820.00. This cost does not include staff time, publication costs or postage cost to process an application. Cary Aloia suggests that the fee should be \$1,000.00. The rest of the Board agrees that the amount should be \$1,000.00 for any of the Land Use applications that are required to go before the P&Z Board. Leonard Brown questions if staff must go to each of them every year. Diltz explains that if there were enough staff, yes, they would go to Cottage Industries every year, Home Occupation may not need a yearly inspection. P&Z Board makes recommendation to change the Home Occupation application fee to \$150.00 and leave the \$50.00 annual fee and add a Cottage Industry fee of \$300.00 application fee and a \$100.00 annual fee. A new permit listed on the fee schedule is for the zoning inspection for buildings that do not require a building permit, this is often an Agricultural building. This has been done by the building department but we are planning to move it the land use department. Randy has the same fee on the building schedule and has had his fee amendments already approved. Mike Mitchell states that the \$100.00 fee seems appropriate for the "Hobby" type ag buildings, however the larger buildings that are "for profit" should be more like \$400.00. The fee for vacation rentals was discussed. The P&Z Board feels strongly that the fee should be \$1,500.00 for a new application and \$1,000.00 fee for renewals with the proceeds from this to be dedicated to helping cover the wage and expense of hiring another Land Use Department employee to help with the enforcement.

Travis Cross would like to revisit the Short-Term rental regulations and the idea of placing some type of limits on the number of allowed rental units. South Fork has unofficially placed a 15% cap on vacation rentals. The issue of no rentals for locals is still a big problem. Discussion was held surrounding South Forks current processes, the trend for corporations to buy several houses, the fear that people will buy more in the county if the towns are putting the brakes on. Leonard Brown questions if it is the boards authority to tell people what they can do with their property and more specifically that the property can not be sold to someone who wants to use it for a vacation rental.

Meeting was adjourned at 3:55 pm. Next meeting will be March 21 @ 1:30pm