

# **Pagosa Springs Planning Commission**

## **Meeting Minutes – January 8, 2008**

### **I. Call to Order / Roll Call**

The Planning Commission meeting was called to order by Chairman Tracy Bunning. Commissioners Atkinson, Woodruff, Lattin and Conrad were present. Staff Allen and Nigg were present.

### **II. Announcements**

### **III. Consent Agenda**

**A. Approval of the December 11, 2007 meeting minutes** – Cmmr. Woodruff motioned to approve the December 11, 2007 meeting minutes. Cmmr. Atkinson seconded the motion. The motion was unanimously approved.

**B. Planning Commission Meeting Dates...Discussion** – Staff stated the Planning Commission has been meeting twice (2) a month since January 2007 in an attempt to reduce lengthy agenda's and provide applicant's with a reduced timeframe between meeting dates. Staff requested direction from the Planning Commission on whether the current meeting dates are appropriate. The Planning Commission agreed that two (2) meetings per month was appropriate.

### **IV. Planning Commission**

**A. Pradera Pointe Subdivision Preliminary Plan** – Staff introduced the request by the applicant, Gazunga LLC, represented by Trinity Land Consultants, to review the preliminary plan of a subdivision consisting of 119 single family residential lots that range from 0.29 acres to 1.47 acres. Staff stated the project was located on approximately 163 acres, has an overall density of 0.73 units per acre and preserves 82 acres as open space. Staff stated the applicant has submitted a letter (dated July 23, 2007) identifying an intent to contribute a total of \$105,000 to an attainable housing fund to be operated by the Town or appropriate entity. Staff continued to explain that the developer has proposed the contribution to be made in the form of a \$5,000 deposit for each lot sold in proposed phase 3. Staff stated in return, the developer is requesting that the Planning Commission and Town Council remove the requirement for curb, gutter and sidewalk along one side of Paramount Place and the sidewalk required throughout phase 3 & 4 and a portion of phase 5 as conditioned at sketch plan. Staff stated the developer will complete the paving of Cemetery Road with proposed phase I from the end of pavement near Bienvenido Circle to a point approximately 70' past the planned intersection of Pradera Drive. Staff noted the applicant will need to secure right-of-way prior to final plan submittal to complete the Cemetery Road improvements. Staff stated Phase II road improvements will include the following: (1) re-aligning and reconstructing the Rainbow Drive, Crestview Drive and Pradera Drive into a functional four-way intersection; (2) the developer will place 3 inches of surface gravel to improve the structural integrity of Rainbow Drive per the request of Archuleta County; and (3) complete the connection of Eagle Drive to Pike Drive (behind Big-O-Tires). Chairman Bunning questioned whether the access easements to complete this connection were in place. Staff stated the easement behind Big-O-Tire should be in place; however, the easement perpendicular to Eagle Drive will need to be acquired. Staff stated the final road improvement would include the emergency access to Fritz and Mabel's Place within proposed phase III. Staff stated the applicant had requested exceptions to the following subdivision design standards (1) roadway gradients; (2) roadway curvature; and (3) lighting. Cmmr. Woodruff contested that

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lighting had been addressed with the sketch plan. Staff stated lighting was indeed discussed; however, it was not clear from the previous minutes whether a lighting exception had been granted. Staff stated the developer should be required to install dark sky compliant lighting at the main intersections as noted in the staff report. The Planning Commission concurred that lighting should only be placed at the main intersections. Project representative, Guiseppa Margiotta stated the developer has implemented wider roads than required by code to address pedestrian movement throughout the subdivision. Project engineer, Mike Davis stated at sketch plan the Town Council requested the developer to consider affordable/attainable housing. Cmmr. Atkinson questioned whether the savings of not constructing the infrastructure was equal to the amount attributed towards the attainable housing fund. Davis stated it was a trade-off and likely not comparable. Davis stated affordable/attainable housing in this development was probably not appropriate based on the high infrastructure costs; however, the developer was willing to contribute to a fund if the infrastructure identified above was removed. Cmmr. Conrad stated the contribution seemed very low compared to the number of lots within the subdivision. Chairman Bunning stated the developer has agreed to construct internal subdivision roads that exceed Town minimum standards. Chairman Bunning also noted that removing the curb, gutter and sidewalk requirements for this portion of roadway would establish continuity with other proposed internal subdivision roads while still providing adequate surface width to accommodate pedestrian circulation. Chairman Bunning opened the public hearing for comment. Robin Nay questioned whether Fritz and Mabel's Place would be paved. Davis stated the road would be paved to Roxanna's Court and a crash gate would still be installed to eliminate through traffic. Nay questioned whether the infrastructure improvements would affect her property taxes and whether vegetation could be planted to protect her residence from vehicle lights. Ron Chacey questioned what the community would receive in exchange for the requested exceptions to design standards and suggested the exceptions may be inappropriate for this type of topography. Chacey cited additional concerns relating to affordable/attainable housing, open space calculations and proposed sections within the subdivision codes and covenants. Davis stated language within the CC&R's will be addressed and guest house language will be removed. Staff stated many of the issues addressed by Chacey in regards to codes and covenants are monitored through the Town's Municipal Code. Nay stated noise pollution and barking dogs should also be addressed in the codes and covenants. Bill Hudson stated the Town has made a commitment to the LUDC which requires sidewalks and the developer should not be allowed to pay an in lieu fee towards attainable housing to get out of infrastructure improvements. Hudson continued to explain that the Town needs to establish an organization for affordable housing and should not accept the contribution in lieu of sidewalks and other infrastructure. Davis stated the Town does not have a requirement for affordable/attainable housing and the developer would be willing to install the infrastructure as conditioned at sketch plan if the Town does not wish to accept the proposed contribution. Davis stated the curb, gutter and sidewalk would be worth approximately \$200,000; therefore, the developer is saving a little and also addressing concerns expressed by the Town Council. Cmmr. Atkinson stated the contribution should be equivalent to the infrastructure costs. Davis noted this type of infrastructure in a rural subdivision may become a burden to the Town. Cmmr. Atkinson stated design standard exceptions do have an economic value. Cmmr. Lattin stated the proposed trade off did not appear to be fair. Vicki Hujus requested clarification on the reconstruction of the Pradera Drive, Rainbow Drive and Crestview Drive intersection. Davis stated that the Hujus driveway would not be affected. Hujus questioned whether the intersection lighting could be removed as it would likely affect her property. Chacey stated the offsets for road improvements should be re-evaluated and

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further stated the traffic study attributed only 30% of project traffic onto Rainbow Drive which seemed skewed. Julie Morlach stated affordable/attainable housing within this project did not make sense based on economics. Chairman Bunning closed the public hearing for comment. Cmmr. Atkinson stated the Planning Commission was in safe territory by requiring sidewalks and not accepting the attainable housing fund contribution. Chairman Bunning stated widened roads that accommodated paved bike and pedestrian lanes seemed appropriate based on surrounding development. Cmmr. Woodruff concurred that surrounding development has no sidewalks and would likely never include this type of infrastructure. Cmmr. Atkinson stated if the attainable housing fund was accepted then it should be representative of the infrastructure costs and not a reduced percentage. Cmmr. Atkinson recused herself from the meeting. Cmmr. Woodruff stated it may be more acceptable for the developer to provide the funds upfront with proposed phase I. Staff suggested the possibility of implementing a real estate transfer assessment to address the affordable/attainable housing issue and/or escrow the funds to complete the infrastructure that has been deemed inappropriate for this development and complete sidewalk improvements elsewhere in Town. Cmmr. Lattin and Cmmr. Woodruff agreed that kids need a safe place to walk. Cmmr. Woodruff stated the developer should escrow the funds or pay the in lieu fee with recording of phase I. Davis stated the applicant would request the following modifications to the approval conditions: revise item No. 8 to state the Town will work with the developer to secure any right-of-way for the Eagle Drive/Pike Drive connection and modified to a Phase II improvement; and (2) revise item No. 12 to a generic statement on the plat requiring an engineer to certify an appropriate building envelope prior to issuance of a building permit. Chairman Bunning stated the Eagle Drive/Pike Drive connection in phase II was appropriate as only 20 lots would be platted in phase I. Guiseppe Margiotta thanked the Planning Commission and Town Council for their volunteer work. Cmmr. Woodruff stated the attainable housing fund contribution in lieu of sidewalks was an acceptable idea; however, the amount and timeframe may not be acceptable and should be determined by Town Council. Cmmr. Woodruff motioned to approve the Pradera Pointe Subdivision Preliminary Plan with the following conditions: (1) accept an attainable housing fund contribution and remove the requirement for curb, gutter and sidewalk along one side of the roadway in the identified phases; (2) dedicate Tract C & D (11.7 acres) to the Town to fulfill the required 8% public land dedication requirement; (3) revise Codes and Covenants per staff's comments; (4) submit any required Army Corps of Engineers permitting with final plan, if applicable; (5) address easement dedication language per staff's comments; (6) submit Final Wildlife Impact Evaluation Report with final plan submission; (7) secure right-of-way to complete Cemetery Road improvements prior to final plan submission; (8) work with Town to acquire any needed ROW and submit engineering plans for the Eagle Drive/Pike Drive connection to be completed with proposed phase II; (9) submit verification the development has received access to Rainbow Drive and Cemetery Road; (10) address private driveway grades per staff's comments (plat note); (11) obtain the required drainage easement on Lot 57, Pagosa Hills No. 3 prior to recording of the phase II plat or revise engineering plans to eliminate the encroachment issues; (12) establish acceptable building envelopes for Lots 65-71 and lots 97-100 to eliminate the possibility that structures will be placed in drainage corridors; (13) complete hydraulic water model per PAWSD requirements and address other issues as identified in the staff report; (14) complete Line Extension Agreement (LEA) and submit construction plans to the District Engineer for review per PSSGID requirements; and (15) submit signed and completed Development Improvement Agreement with the final plan. Cmmr. Lattin seconded the motion. Cmmr. Conrad expressed concern that the Planning Commission was pushing decisions onto the Town Council that should be

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completed prior to forwarding a Planning Commission recommendation. Cmmr. Woodruff stated decisions were not being pushed onto the Council and it should be the Council's decision on an acceptable attainable housing fund contribution and timeframe. The motion was unanimously approved.

**B. Pradera Pointe Subdivision Rezone Request** – Staff introduced the request by the applicant, Gazunga LLC, represented by Trinity Land Consultants, to review the submitted request to rezone the subject property from an unzoned designation to A-District (Single-Family Residential). Staff noted the proposed rezone request was consistent and most compatible with the intent of the Comprehensive Plan. Chairman Bunning opened the public hearing for comment. Ron Chacey requested clarification on whether manufactured housing was allowed in the A-District. Staff stated the permitted land use chart with the LUDC does not allow manufactured housing in the A-District. Chacey stated the development should revert to an unzoned designation if the developer does not complete the subdivision. Staff stated the comprehensive plan will still be used to review projects and contended that an unzoned designation was more of a threat than an A-District designation. Bill Hudson stated the proposed development was rural and questioned whether a more appropriate zone district was available. Staff stated the LUDC does not include many options and the A-District, in the opinion of staff, was the most appropriate designation. Staff noted there was an apparent discord between the future land use map and existing zone districts which would be rectified with the completion of the land use and development code. Chairman Bunning closed the public hearing for comment. Cmmr. Lattin motioned to approve the rezone request with the following conditions: (1) the applicant shall agree to pay all costs associated with this rezone request which may include: Town zoning map revisions and recording fees; and (2) submit revised plat for recording prior to commencement/recording of proposed Pradera Pointe Phase I.

**V. Reports and Comments**

**A. Staff** – Next meeting January 22, 2008 @ 5:00 p.m.

**B. Land Use and Development Code Update** – Staff stated Clarion Associates will be meeting with the LUDC Advisory Committee on February 4<sup>th</sup> and 5<sup>th</sup> to discuss Module 1.

**C. Downtown Master Plan** – Staff noted the Town Council adopted the Downtown Master Plan at the January 2, 2008 meeting.

Minutes approved: \_\_\_\_\_  
Tracy Bunning, Chairman