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## **TOWN COUNCIL MEETING MINUTES TUESDAY JANUARY 15, 2007 12:00 P.M.**

**CALL MEETING TO ORDER** – Mayor Aragon, Council Member Atkinson, Council Member Holt, Council Member Middendorf, Council Member Simmons and Council Member Steinert

### **Appointing of additional Members to the Land Use Development Code**

**Advisory Committee** – There are currently 11 members on the advisory committee as one member has recently resigned. Council Member Cotton suggests that we replace the resigned spot and add one additional member. Council Members Steinert and Middendorf think a total of 14 would be more appropriate. By consensus there will be 14 committee members and three (3) additional appointments will be made tomorrow

### **Appointment of Members to the Wayfinding Signage and Logo Development**

**Advisory Committee** – There are 8 interested members and 3 elected official that would like to be a part of this advisory committee. Council Member Holt moved to appoint all 8 interested members and the 3 elected/appointed officials as identified in from staff's recommendation. Council Member Cotton seconded, the motion carried unanimously.

**Residential Height Discussion; Ordinance No. 704** - Council Member Steinert stated he would not participate in the discussion based on the possibility of a conflict of interest. Mayor Aragon opened the meeting for public comment. Clifford Lucero – Introduced a petition, all signers are from the Town of Pagosa Springs, they are against buildings 35 feet in height in residential areas. He does see where there might be places this can happen if it is not going to block anyone's view. Lucero also thinks that there should be a better review process in place so that the building that is already constructed will not happen elsewhere. As a constituent he went to Council Member Simmons and asked for help and apologized for getting him in the situation he is in now. This issue is very important and needs to be addressed. His views are already destroyed but he is fighting for other people's views. He believes that 35 feet is working with the developers. He is against these buildings where they do not fit in residential neighborhoods. Teddy Herzog stated the Town has a future plan and he thinks it is important that 35 feet to midspan be the minimum to support higher density especially in the South Pagosa area, and this will help us in the future. He believes that builders aren't building because of affordability

and leaving this height will help people be able to build. Bob Hart – based on land costs in Pagosa, it is not uncommon to pay \$100,000 for a lot then when you take building and impact fees you get to 120,000. So by increasing density you lower the square footage cost which essentially makes the product more affordable. He believes that the 35 feet to the mid span is the right decision for that area. Todd Shelton – His biggest concern is that everyone is pointing a finger at them. He thinks that there was a mismanagement of government. The second thing is what do you want Pagosa Springs to be? If you limit to 2 story houses in downtown Pagosa then do it for all people not just him. If you make a 28 foot height restriction you limit all buildings to 2 stories. The board needs to make a decision as to what they want and then do it and stick to it, don't give variances. You are going to block someone's view no matter what you build. Bobbie Hart – resident of South Pagosa, bought his house when things were still affordable. He is part of the younger generation that is trying to move here and make a life here, but can't find jobs to support a living like they could find somewhere else. At this rate his kids will not be able to live in this town and he disagrees with Clifford Lucero. Sean Thomson stated affordable housing and property rights were major issues. People are acquiring property in this area thinking they can build on it. This height limit is infringing on people's property rights. The densities don't support a family of 4 or 5 very easily. Most of the small builders are building in the County because they don't have as many requirements and they can build for cheaper. Ron Chacey – There are 2 sides of this issue. The first issue is a desire to protect the established neighborhood and the second idea that densities need to increase in the downtown core. He would like to see site specific criteria so there could be higher buildings in certain parts of the neighborhood and let people go through a review process. This way you don't damage growth or development or the neighborhood. Bill Hudson – The County Planning Commission is looking really hard right now at some ways to preserve open space. One way to preserve open space is to increase density in the urban core, this will allow people to move into this area without continuing to sprawl further and further out. The Mayor closed public comment. Council Member Holt asked Todd Shelton and Clifford Lucero if it would have helped if as neighbors if you would have been able to consult each other before the building was built. Clifford said yes but he didn't do it and he knows that Todd did nothing wrong. Would a discussion process between neighbors and the builder help? Clifford said yes, Todd said he sees this as block busting, and making one more process which leads to more money and less development. Council Member Atkinson stated that Bootjack did do something similar to this and she believes it worked out well and may have actually saved some money. She believes it is a good option, not necessarily a requirement. Council Member Cotton stated that if you consider viewscape in this process you have to be very careful or you might have unbuildable lots. Council Member Simmons stated that the Town has 4 different residential densities, and he gave multiple examples. Simmons stated there are projects that have been built that meet height and density requirements as established in the Comp Plan. He also gave examples of other communities that have high costs to build and have lower residential heights than the Town. Council Member Middendorf stated Council needs to look at our Comp Plan during these decisions. This needs to be our guiding document when making this decision. On the affordable argument, he is not completely convinced that the height of buildings means affordable or economical and he is worried about the 2<sup>nd</sup> home

syndrome that has been plaguing other counties north of us. He believes that you can keep to 2 stories and still be economical. Council Member Atkinson sees it as fixed costs versus variable costs and how it fluctuates as you add additional stories. Todd Shelton stated his three story building has four living units and he can make them affordable. What about backfill and cutting out hills? Make the rules what they are and then stick with them, don't change things mid stream. Sean Thomson – height limits in other communities that Council Member Simmons mentioned he believes are mainly only in residential areas. Bobbie Hart – stated that the vacant lot next to him is selling for \$180,000. You have to get to 3 stories to make it affordable when you add the land costs. You also have to look at who lives in the other communities that have the lower heights, they have a lot more money than people here. Ron Chacey – recommends a 2 way process that the builder can choose one or the other. Susan Ward – she suggests that when someone comes in to do a project they submit a development plan and have a plan overview meeting then a report in writing could state what the parameters are for the development. Bob Hart – The flaw he sees with that idea is that if you buy a lot for a large amount of money thinking you can build this project then the neighbors say we don't want to see that then you can't build on your property. That doesn't promote people to buy property. Sean Thomson – thinks much of this discussion could be mitigated with architectural standards. Council Member Middendorf recommends 28 feet to the mid span not to exceed 6 feet over for the 2 story areas as defined in the Comp Plan, but isn't sure in the areas that have 2-3 stories designations. Council Member Atkinson stated some flexibility is important. She doesn't have an answer and feels that the LUDC needs to be finished first. Council Member Cotton agrees with Council Member Atkinson that the LUDC needs to address height issues. Council Member Simmons moved for the following maximum building heights based on Comp Plan designations: 2 story areas shall be limited to 28 feet, 2-3 story areas shall be limited to 35 feet and in the 18 unit per acre residential areas a maximum height of 41 feet. This would be 1<sup>st</sup> reading of Ordinance 704 to include the intent that amendments provided by this ordinance shall apply to all applications for approval of a building permit that have been filed but not yet granted. Chris Smith cautioned the Council on the economic impacts this decision may cause. Smith noted that Telluride and Aspen are selling things for 2-3 times what we can get here. Mayor Aragon thinks 35 feet max might be too restrictive. Council Member Middendorf seconded. Council Member Atkinson stated the establishment of heights would be more appropriately handled in the LUDC process. Council Member Atkinson suggested the Town implement a triggering event that would cause a neighborhood meeting? The motion failed 3 ayes (Simmons, Middendorf, and Holt) and 1 abstention (Steinert). Council Member Holt moved to 28 feet to mid span on residentially zoned property excluding the 18 unit per acre designation as defined in the Comp Plan that would allow 35 feet to mid span. This is 1<sup>st</sup> reading of Ordinance 704 to include the intent that amendments provided by this ordinance shall apply to all applications for approval of a building permit that have been filed but not yet granted. Council Member Middendorf seconded. Council Member Cotton still thinks that Council Member Atkinson is correct by suggesting that the heights be determined in the LUDC process. The motion carried with 4 ayes (Middendorf, Simmons, Holt, and Aragon) and 1 abstention (Steinert).

**Review of Proposal from High Country R & C** – This is a request to use the old landfill site on Trujillo Road. There is no file that we can find in regards to what has transpired at that site. The landfill has been closed for many, many years. There have been some easements granted to landowners across the property. Staff would recommend to continue to use site as is and not do anything different. This may be problematic on an old dump site. By consensus we don't want to open up this site for use.

**Approval of Quit Claim Deed for Lucero Property** – This is part of the Putnam Annexation. This property is very narrow and not developable, and is basically right of way. The Lucero's are willing to take \$5000 for the property and we can do it by quit claim deed. Council Member Cotton moved to allow staff to execute this quit claim deed. Council Member Holt seconded, the motion carried unanimously.

**Retreat Proposal Presentation by Patti Schull** – Our retreat is set for tomorrow, January 16, 2008. Ken Charles is also here to discuss our retreat. We really don't have ample time to have everything ready for a retreat, but we will have a meeting from noon on. We need to discuss capital improvement stuff and organizational changes. The retreat will not go past 2:00 p.m. Then at 2:00 we will do the LUDC Committee appointments. Patti Schull has been a resident of Pagosa for 3 years. She works with leaders and their teams. She would like to withdraw her retreat proposal because she sees the issues that the Council as leaders are dealing with are way beyond her being able to facilitate a retreat. She is more of a process coach rather than a technical coach. She is available to meet with the Council on an individual basis or collectively later but in a different setting other than a retreat. Ken Charles – thinks that overall this afternoon was really productive and that the Council went over the dynamics well. As far as spending time in a retreat, what do you need a retreat for? Training, mediation, improve and make more efficient decisions, or decision making and decision making issues. Come up with specific issues to talk about is what he does in retreats. If you need mediation then there are other consultants out there that can help with that. Mark thinks that we need to wait on delving into some of these issues until after our April election so we don't have to discuss everything again. From staff perspective it may be beneficial to spend some time in the Comp Plan document like we did with the DTMP. If it needs to be changed then we need to change it. We really need to vest some time into it and go through it page by page. We could do this as part of a retreat and Ken could facilitate this as this is his area of expertise. Ken recommends that we submit a grant and bring a consultant in to do a 5 year capital improvement plan and that will also be staffs recommendation. A lot of our capital improvement projects have grant funds tied to them so they are pretty straight forward as far as priorities, we have to do them so we don't lose our grant funding.

Council Member Steinert moved to adjourn the meeting. Council Member Simmons seconded, the motion carried unanimously. The meeting adjourned at 3:05 p.m.