

**TOWN OF DILLON
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING
WEDNESDAY, November 1, 2017
5:30 p.m.
Town Hall**

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, November 1, 2017, at Dillon Town Hall. Chairperson Amy Gaddis called the meeting to order at 5:35 p.m. Commissioners present were: Teresa England, Kevin Stout, Jerry Peterson and Derek Woodman. Staff members present were Dan Burroughs, Town Engineer; Ned West, Town Planner; and Corrie Woloshan, Recording Secretary.

APPROVAL OF THE MINUTES OF OCTOBER 4, 2017 SPECIAL MEETING

Commissioner Teresa England moved to approve the minutes from the October 4, 2017 regular meeting. Commissioner Kevin Stout seconded the motion which passed unanimously.

PUBLIC COMMENTS

There were no public comments.

REVIEW: TOWN OF DILLON COMPREHENSIVE PLAN

Dan Burroughs, Town Engineer explained we are doing this to find out if you want us to look at something, something you're concerned about, things you want updated, things you want to expand. We recently did this and just focused on chapter 6 which focuses on housing. Every year we should go through this. This is separate from the Three Mile Plan. Chairperson Amy Gaddis asked, are there items that we're struggling with when projects come on board that we need to look at in the Comprehensive Plan? Ned West, Town Planner replied, no I don't think so. Commissioner Kevin Stout – From the standpoint of people coming in and proposing to the Town, is there anything in the Comp Plan that's been an issue for them to deal with? Dan Burroughs, Town Engineer answered, yes and no. It's always people that want to do things totally different than the Comp Plan allows. More incorrect uses in certain areas. We involved the comp plan quite a bit earlier this year. Ned West, Town Planner added, the beginning of Comp Plan talks about changes we made. Section 6, land use amendments to reflect community's desire to have attainable housing and a mix of different types. We updated the land use map. There are certainly typos and references that aren't entirely accurate. We would hate to pick on little things if we're not making broader changes. Commissioner Kevin Stout asked, who owns the Comp Plan. Dan Burroughs, Town Engineer clarified, The Town Does. Commissioner Kevin Stout continued, so in terms of changes, who is responsible for implementing changes? Dan Burroughs, Town Engineer explained, starts with staff, then Planning and Zoning would make a recommendation to approve, then Council would approve.

Chairperson Amy Gaddis asked, On Denver Water parcels, there are 4 parcels and there's one that's considered possibly developable on page 2-2 & 2-3. Commissioner Teresa England added, they're all developable, it's a question of whether they'll ever sell them. Ned West, explained, parcel E is the only one zoned for potential development. Chairperson Amy Gaddis questioned, so it's parcel E that's zoned for 14 units. Dan Burroughs, Town Engineer continued, it's where the nature preserver is. When

we annexed the peninsula, we gave that a zoning district of residential low. Where the other pieces are zoned urban reserve. Commissioner Teresa England clarified, but they own it and there's no intention to put them on the market? Dan Burroughs, Town Engineer answered, as of today that's correct. C, D and I believe B are all inside the Town. Whereas A is outside the Town. Chairperson Amy Gaddis asked, I know we talked about this before. We get first right of refusal but I think we were talking about A, is there reason to have discussion with them on some of the other parcels? For more availability for development? Dan Burroughs, Town Engineer do you want us to talk to them and see if they want to develop it, is that the direction you would like staff to go? Commissioner Teresa England answered, No. Because there's nobody that wants to buy it to develop it. You have parcels right now you want to sell for development. I really think we should concentrate on those parcels inside the city. Ned West, Town Planner added, we have over the years spoken to Denver Water to see if there's any potential.

Dan Burroughs, Town Engineer pointed out utilities. Commissioner Teresa England clarified, that would include any conversion of these lots to additional residential use. So, you're saying we have excess capacity? Dan Burroughs, Town Engineer answered, Yes. That's one thing we probably need to update what we say in the Comp Plan and make sure what we say about the water and sewer systems match what we've done in the past couple of years. The sewer treatment plant in Silverthorne we've paid for expansion, we've added a lot of capacity. 2400 is the number of EQR's that we have the ability to serve through the sewer plant and right now we're close to 1800. So, we're only using about 2/3 of our capacity. Reason we charge capital water and sewer tap fees is to build additional facilities and additional capacity in the sewer treatment plant in Silverthorne. Someday they'll do an expansion for their purposes and we can buy into that expansion. The same is true with our water system. We can build new water tanks and even purchase additional water rights if necessary. We just had an engineering company study our water system last year and talk about our alternatives for adding additional water capacity. If you would like to look at that we can bring that to you at that next meeting to get a feel of how we're coming up with these numbers. Jerry Peterson asked, isn't Straight Creek maxed out? Dan Burroughs, Town Engineer – no they're not. Our flow rate can support probably 2 to 3 times the development. We have plans to provide for more water. We will bring that study to you next time. We update that every couple of years to make sure nothing's really changed in our system. As development comes in we will certainly encourage that development right away by selling the water and sewer tap fees. Over time we will use up quite a bit of those tap fees and we'll have to talk about the next steps. There could be a time when we say there's no more development because we can't provide any more water or any more sewage capacity based on the way we do things now. One of the big things we're working on with the Joint Sewer Authority is that the allowances we put in use for treatment, amount of flow, that kind of stuff per EQR is way off the charts in compared to what we deliver. We've fixed a lot of our problems so we already have that additional capacity built into the system too. There are 4 entities that drain in the Joint Sewer Authority, JSA the plant in Silverthorne. It's Silverthorne, Dillon Valley District, Town of Dillon, and Hamilton Creek. We all participate in the management in paying for operations of the sewer plant. We realize when those numbers were originally created they were pretty conservative. There's additional plant capacity that through a paper expansion that we all agree to we could increase the amount of flow that we could take.

Commissioner Kevin Stout commented, Silverthorne is doing a lot of large development. It would also be good to see that in the context to what Silverthorne is doing. I'd like to see how this affects the plan. Dan Burroughs, Town Engineer said, the easy way to answer that is that they're looking out for themselves. They've purchased enough capacity to meet their needs. They're doing the same thing we've done. As far as whether or not the sewage plant would be affected by Silverthorne's growth projections right now, I don't really know the answer to that. Except they're happy with what they have today and I know what they're talking about doing is another paper expansion or something to create more capacity with the physical plant. There isn't a problem today. Commissioner Kevin Stout continued, I understand there's

not a problem today. Every time I look in the paper there's another large development going on in Silverthorne. And when they do max out that will impact us. Commissioner Teresa England answered, no. They'll just increase their capacity. Dan Burroughs, Town Engineer explained, they will have to either stop the development or increase the sewage plant to meet their needs. Commissioner Kevin Stout clarified, it doesn't affect us at all. Dan Burroughs, Town Engineer said, No. It wouldn't affect us. It's their problem to fix based on our agreements. Commissioner Teresa England – just to be clear, the developer pays for it, not Silverthorne. It's all passed through. It makes the ground more expensive to develop which has its own needs of slowing down development.

Commissioner Kevin Stout stated, it talks about an updated Comp Plan on a 3-year time frame. Are we just reviewing this, or is our objective to make this as accurate as possible? Commissioner Teresa England questioned, is it necessary to make minor changes to this between now and 2018 when we'll look at the complete thing? Dan Burroughs, Town Engineer said, No. This is to start a review and see what's missing. Commissioner Teresa England asked, have you been in the habit of annual updating this? Dan Burroughs, Town Engineer replied, not annually but probably every 2 years, and it's usually because it comes up. Like this year we changed the whole housing section because it came up. Commissioner Kevin Stout questioned, the last update was 2017. The next update isn't until 2020. So, anything we do in the interim is a fix. Before we get into nickel and diming, what is it that we want to accomplish as a commission on this document? Chairperson Amy Gaddis replied, we don't want to go through and do a large change, but if we see items that are no longer something we want to be putting out there then we change it. Dan Burroughs, Town Engineer added, if there's something you think we need to get community input on, you have a choice. If you think there's something lacking and you'd like the input of the community next year is the perfect opportunity where we can host community sessions where we talk about specific issues that you guys are concerned about. If you think there are areas we need to work on, like the bike path system, we can study that. Commissioner Kevin Stout clarified, so again, one is we have things that need correction. Editorial or data related. Two, we have areas as a commission that we want to look at and say we need to start rethinking this now in anticipation for the next step. As we sit here today are we looking at both? Ned West, Town Planner explained, part of what started us on this process, when we got a new Town Manager, Tom Acre, suggested that we get PNZ fully vested in our documents. He wanted to make sure we were diving into this. He felt we should make sure the committee was on board with the documents. To really dig into the Three Mile Plan and the Comp Plan and understand what they say. Commissioner Teresa England asked, do you disagree with any of the goals, the internal policies or any of the big picture items that are in here. It's a comprehensive plan upon which the Town will go forward for the next three years. If you have something you think the Town shouldn't be doing, or a direction it shouldn't be taking, or a goal that isn't appropriate, then we'd have to talk about that. The last time we did this it was explained that it was more of a tutorial education. Dan Burroughs, Town Engineer added, if you guys read it and think it's ok then we don't have to do anything with it. Just think about the community in general. I think we need more sidewalks. That's something you guys can work on. That's not a goal in here today but it could be. We typically list specific goals to accomplish over the next decade. We want you to develop a goal for Town staff to work on. What you'd like to see this community evolve into.

Commissioner Kevin Stout clarified, step 1 is just to make sure the information we have is accurate and complete. If it needs to be updated because it's 2014 let's update it. Then 2nd is what are the gaps or areas that we need to focus on where the Comp Plan comes up short. I want us to be as specific as possible so we can give staff the direction they need. Is what I'm saying correct? Commissioner Derek Woodman – it certainly seems if there are outdated goals in this, that we should update them as appropriate even if it is next year, in advance of the 3-year window. Clearly there will be, as you mentioned, the amphitheater and that whole area down there. There's no reason to have a goal to update the amphitheater when it's already done. That could be modified to the other parks. If there's something that's been completed, there's also

reference to the Farmers Market area, there's no reason for those goals to exist for another 3 years. Chairperson Amy Gaddis stated, I agree. I feel like if we could take a couple sections each meeting and dive into them and talk about them. See how we feel as a commission, where we feel like it needs to change I feel like we'll get more out of it than doing the whole thing. Commissioner Teresa England added, I agree. Commissioner Derek Woodman said, I think going with that, it would be advantageous for us to at least review this in advance bring some ideas. Not to just start cold. Chairperson Amy Gaddis, even if next time we talk about nature, and urbanism and you're coming to us like you know the background some of these items. Dan Burroughs, Town Engineer said, well maybe not. Commissioner Teresa England agreed, I like your idea, let's put it in more manageable bites. Chairperson Amy Gaddis specified. Let's look at one or 2 sections and see if there's anything there.

Commissioner Derek Woodman asked, is there anything staff has identified that should be corrected, or any recommendations in that regard? Dan Burroughs, Town Engineer responded, I think it'd be nice to develop a Town sidewalk plan. There are real issues with implementing some sidewalk segments like Tenderfoot hill. Trying to maintain that in the winter. Ice, the liability and all that. We need to look at a map and talk about it. Commissioner Teresa England added, we need a master plan for sidewalk expansion.

Chairperson Amy Gaddis commented, section 1, 2, & 3 is what we are, it's a background, it's not going to change. To me it's reading it, understanding the background. Then 4 is do we agree let's discuss the nature. Dan Burroughs, Town Engineer added, I think 1 through 3 are pretty quick. For next meeting let's add 4 & 5 to it. 6 is pretty much done but we can review it and make sure we're all on board. Then 7 & 8 are the next big questions we can do at the January meeting. Remember we have a joint work session with Council November 21st. Commissioner Kevin Stout asked, again what is the objective? Dan Burroughs, Town Engineer replied, to update it to your satisfaction. If there's something wrong you can fix it. Commissioner Kevin Stout clarified, the objective of the November 21st meeting, I'm talking about that meeting? Chairperson Amy Gaddis so next time we're going to come and 1 through 5 discussion. Dan Burroughs, Town Engineer, Yes. Let's talk in other business about what we want to get out of joint work session with Council. Most important thing is we want you to read it and understand it so you can review planning applications and tell us if there's something that particular planning application is violating.

Chairperson Amy Gaddis asked, have we done a survey lately based on How Are We Doing, the Town? Dan Burroughs, Town Engineer answered, we do surveys for different things. The last comprehensive survey we did was in probably 2007. Kerstin's done other things since but nothing on that scale. Commissioner Teresa England continued, but you have quarterly, Come Talk To Us about the Town's plans. Dan Burroughs, Town Engineer said, Town Council does, so they hear about some issues. Chairperson Amy Gaddis asked, what do they hear a lot of, is what I'm asking? Dan Burroughs, Town Engineer replied, it's usually when people are kind of irritated. As staff, we try to stay away, one of the complaints we get is that the staff kind of runs the Town. Commissioner Teresa England added, which is really true of every Town. You're the paid professionals. Dan Burroughs, Town Engineer replied, so those are the ideas so at the meeting we're going to have in 3 weeks, think about what you'd like the Town to do. If you'd like the Town to do a survey, just tell us what you would like included in that survey.

OTHER BUSINESS

Commissioner Kevin Stout questioned, I was approached by somebody on Town Council to talk a little bit about what we wanted to do at that meeting on the 21st. I know from my own personal standpoint being new to this group, one thing that's not totally clear to me is where the responsibility for our group versus Town Council starts and ends. If we get a proposal and it meets code and it basically fits the Comp Plan, are we obliged to approve it and if it doesn't are we obliged to reject it? And once we do that, whatever

our recommendation is, it then goes to Town Council and they can either call it up or not? It's not to me clear. I think there is a general question in terms of where our responsibilities start and end, and where the Town Council starts and ends. It may be very well defined by law but personally, I don't know. Dan Burroughs, Town Engineer responded, that basically means you're ready for legal training. Chairperson Amy Gaddis commented, I think there's a smaller discussion that could be had in terms of the rolls. Commissioner Teresa England added, you have discretion. But you need to use your discretion wisely if an application meets all the requirements and there are no requested amendments or variances. Doesn't mean you can't turn it down but you need to think long and hard about it. Dan Burroughs, Town Engineer continued, if you were to deny an application that met code, that's ok because you can do that based on, that's how you feel. You might say this is just the wrong application. There's a mechanism in the code for an applicant to appeal the decision. And they would appeal it to Council. So that's different from the call-up motion. Planning and Zoning is established in the Town Charter. You're pretty much an advisory committee. If you're really against a project, if you think even though it meets all code requirements but you don't like it, you can say no. Commissioner Kevin Stout asked, again, I'll ask the question, this is helping me serve my roll. So, if I look at the projects and I personally do not believe it's appropriate for that location is it my right to turn that down even though it meets code? Dan Burroughs, Town Engineer replied, again that's why there's five of you. Commissioner Kevin Stout clarified, my point is, if something is approved by code and I'm on Planning and Zoning, because I disagree with the code, I can say no. Commissioner Teresa England answer, I think you can unless it's a personal effect on your life or your property that's affecting your decision. Then you need to recuse yourself. Commissioner Kevin Stout added, this was part of the discussion I had with the member of Town Council. We've gone through a lot of changes. How is that group operating, how is our group operating, are we operating the correct way together? Do we understand what each other is responsible for? As opposed to, let's get together and decide whether we jointly agree whether the Comp Plan is correct. I'm just trying to understand the objective of the meeting on the 21st. Dan Burroughs, Town Engineer explained, this is why legal training is really important. They go through all these things and help you feel more comfortable making decisions. To give you the background on why you exist as a commission and what responsibilities you have. We need to schedule legal training after 1st of the year. There are five of you here, you're an advisory board. You can make a decision, but there's an appeal process. Your opinion does count and most of the time it doesn't go anywhere in Council. Commissioner Kevin Stout said, again, the question is, what's our objective for the November 21st meeting?

Dan Burroughs, Town Engineer explained, there's a list of things we'd like you to discuss with Town Council on the 21st. I want to know is what you guys expect to get out of it. They're going to ask you, what do you want to do? Commissioner Kevin Stout replied, I'm going to take a different view. The ultimate arbitrator in this Town is Town Council. They're the final decision makers. We're a commission, we have a set of objectives and a charter that's been defined. The more I can understand that, the better. I'll go back to my discussion, and again it wasn't about any specific items, it was about the operating model. EDAC, PNZ, are these comities operating effectively, do they understand what their objectives are, what does the Town expect to get from them over and above the charters as they're written? That understanding is what was laid out to me. For you to come to us and say, what do we want to get, I think is premature. I'm going to turn it around and say what do you want us to do? Dan Burroughs, Town Engineer added, the question is coming. 2 things, one is Section 16 the Zoning & Signage Code, it says that every change to that code has to come through you guys. So, what that says to me is if there are problems with the zoning code, if there are problems with the sign code, it is your responsibility to bring those to staff and say we need to solve this problem. Commissioner Kevin Stout asked, is it our responsibility to bring it to you, or is it your responsibility to say based on what we see in town this is an issue, we need you to look at it. Dan Burroughs, Town Engineer said both. We always bring you the code changes because they're always coming from us. But you can bring us a code change that you want implemented.

Ned West, Town Planner read what the charter states about the Planning and Zoning Commission in the Town Charter chapter 16. Dan Burroughs, Town Engineer added, it basically says you are here to assist the Town in creating planning policies. A lot of other planning and zoning commissions in other towns play a much bigger roll in developing the comp plans. This job is what you make of it. When it comes down to it what do you guys want to do with your time. You could take the minimal roll and just review applications. You can also be more proactive like a sidewalk plan for the community. And the Council would 100% support you on saying, hey you guys want to come up with a sidewalk plan, let's do that and hire consultants or whatever to do that. But that really is kind of your roll, you're here to assist the Town Council in making planning decisions for the Town. Commissioner Kevin Stout said, my whole point here is even today on the agenda, there was an item that said Comp Plan. There's no clarification on what we were doing with the Comp Plan. I would like to get us to a point, and I'm asking the same question about the November 21st meeting. I want to walk into that meeting with a clear understanding of what I need to do at that meeting and what I need to do to prepare for it. Dan Burroughs, Town Engineer clarified, we'll get you an agenda of what we're going to cover. The bottom line is Council's going to ask, what do you guys want to do. Commissioner Kevin Stout said, again, I just come in today I wasn't sure what we were supposed to be doing as far as the Comp Plan. That's my only point. I just wanted clarification on why I'm here and what I'm supposed to accomplish in a meeting. Dan Burroughs, Town Engineer clarified, so at the next meeting what I'm asking you to do is read sections 1 through 5 and tell me what changes you see, what are the problems. If it reads perfect, there are no changes, then we're good. But if you have some concerns, or you want to expand some of the ideas that's what we're asking. So, at the next meeting we'll review chapters 1 through 5. We will have a public hearing for an application first. And I'll get you the paperwork we've handed out for legal training.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:50 p.m.

Respectfully submitted,

Corrie Woloshan

Corrie Woloshan
Secretary to the Commission