The City of Durango encourages the participation of all its citizens in its public meetings. If an accommodation is needed, please contact the City of Durango ADA Coordinator at (970) 375-5005

AGENDA

CITY COUNCIL REGULAR MEETING
DURANGO CITY HALL, SMITH CHAMBERS
02/06/2024
5:30 PM

MAYOR
Melissa Youssef

MAYOR PRO-TEM
Jessika Buell

CITY COUNCILORS
Olivier Bosmans – David Woodruff - Gilda Yazzie

CITY MANAGER
José Madrigal

ASSISTANT CITY MANAGER
Erin Hyder

MANAGING DIRECTOR
Bob Brammer, Public Safety

CITY ATTORNEY
Mark Morgan

CHIEF FINANCIAL OFFICER
Devon Schmidt

CITY CLERK
Faye Harmer

AIRPORT
Tony Vicari, Director

911 COMMUNICATIONS
Zeta Fail, Director

LIBRARY SERVICES
Luke Alvey-Henderson, Director

PARKS AND RECREATION
Kelly Schmidt, Director

TRANSPORTATION
Sarah Hill, Director

INFORMATION TECHNOLOGY
Justin Carlton, Director

PUBLIC WORKS
Allison Baker, Director

HUMAN RESOURCES
Bonnie Kling, Director

COMMUNITY DEVELOPMENT
Scott Shine, Director

MISSION
The City of Durango and our employees provide efficient city services, effectively maintain city assets and manage growth, are accountable, ethical and fiscally responsible, and collaborate with regional partners to improve the quality of life for our entire community.

VISION
Durango is an authentic, diverse, multigenerational, and thriving community. Our residents value and enjoy our unique natural environment and benefit from the management of our city’s resources in a fiscally responsible, environmental, and socially sustainable manner.

VALUES
• Teamwork
• Dependability
• Professionalism
• Service
• Respect
• Innovation
• Well-Being

STRATEGIC GOALS
• Affordability & Economic Opportunity (AEO)
• Diversity, Equity, Inclusion (DEI)
• Effective Infrastructure Network (EIN)
• Enhanced Livability & Sense of Place (ELSP)
• Environmental Sustainability & Resilience (ESR)
• Financial Excellence & High Performing Government (FE)
• Engaged & Collaborative Governance (ECG)
1. CALL TO ORDER AND ROLL CALL 5:30 PM

2. INTRODUCTION OF TRANSLATOR

3. OPENING REMARKS BY MAYOR AND COUNCIL - Information Only
   3.1. Durango High School Update

4. PRESENTATIONS/PROCLAMATIONS - Information Only 5:40 PM
   4.1. Update on Lake Nighthorse Motorized versus Non-Motorized Use - Sara Humphrey
   4.2. Update on Lake Nighthorse Pipeline - Allison Baker

5. CITY MANAGER UPDATES - Information Only 6:00 PM
   5.1. Visit Durango Board of Directors Update
   5.2. Trash and Recycling Update

6. COMMITTEE, BOARD AND LIAISON REPORTS - Information Only 6:30 PM

7. PUBLIC COMMENT ON AGENDA ITEMS ONLY (Items 8, 9 & 11) 6:40 PM

8. CONSENT AGENDA - Action Items without discussion 6:50 PM
   8.1. Approval of Meeting Minutes
       8.1.1. Approval of Minutes January 16, 2024 City Council Regular Meeting - ECG
   8.2. Final Reading of Ordinances
       8.2.1. Final Reading of Ordinance O-2024-0001 for 2900 Block of W 2nd Ave Right-of-Way Abandonment- ELSP - Submitted by Community Development
       8.2.2. Final Reading of Ordinance O-2024-0002 for Land Use and Development Code Text Amendments regarding Detached Condominiums and Updated Flood Insurance Study - AEO & ESR – Submitted by Community Development

This meeting is being held in a virtual/In Person format (Durango Resolution R 2022-00017 dated 4/5/2022). Link to the virtual meeting at http://durangogov.org/zoom. If this link fails, please copy and paste into your browser.
8.3. Adoption of Resolution(s) by Consent

8.3.1. A Resolution Authorizing the Mayor to Execute an Intergovernmental Agreement with La Plata County Regarding Funding for the Annexation of County Roads 250 and 251 - EIN

8.4. Approval of Other Administrative Items - NO ITEMS

8.5. Land use and Development Action Items - NO ITEMS

8.6. Request for Public Hearing - NO ITEMS

9. ITEMS PULLED FROM THE CONSENT AGENDA - Action Item with discussion

10. LAND USE AND DEVELOPMENT - Action Items with Discussion 6:55 PM

10.1. DURANGO CROSSINGS PARTNERSHIP 1480-1540 Florida Road

10.1.1. A Public Hearing for the Annexation, Initial Zoning, and Conceptual Planned Development for the Durango Crossings Partnership - AEO- submitted by Community Development

10.1.2. An Ordinance Approving the Durango Crossings Partnership Annexation and Declaring an Effective Date, 1480-1540 Florida Road - AEO- submitted by Community Development

10.1.3. A Resolution Approving the Conceptual Planned Development for the Durango Crossings Partnership, 1480-1540 Florida Road - AEO - submitted by Community Development

11. RESOLUTIONS - CONSIDERATION OF ADOPTION - Action Items with discussion - NO ITEMS

12. FIRST READING OF ORDINANCES - CONSIDERATION OF ADOPTION AND PUBLIC HEARING - Action items with discussion - NO ITEMS

13. PUBLIC COMMENT ON NON-AGENDA ITEMS - No discussion 7:20 PM

14. INTRODUCTION OF ORDINANCES AND REQUEST FOR PUBLIC HEARING - Action Item with limited discussion

14.1. Introduction of an Ordinance Amending Chapter 18, Parks and Recreation, of the Code of Ordinances of the City of Durango and Declaring an Effective Date - AEO

15. OTHER NEW BUSINESS - Non-Dispositive with limited discussion 7:30 PM

15.1. Appointments of Community Development Commission Members - DEI/ECG

16. REQUESTS FOR EXCUSED ABSENCES

17. ADJOURNMENT 7:45 PM

NOTE THAT ALL TIMES ARE APPROXIMATIONS

This meeting is being held in a virtual/In Person format (Durango Resolution R 2022-00017 dated 4/5/2022). Link to the virtual meeting at http://durangogov.org/zoom. If this link fails, please copy and paste into your browser.
The public may view the meeting live on Zoom at durangogov.org/zoom or on YouTube at https://www.youtube.com/@CityofDurango6512. An email link for public comment is located at DurangoGov.org/meetings at the top of the page as well as on the agenda itself under Public Participation. Comments must be submitted no later than noon on the Monday preceding the meeting. Each email should contain the corresponding agenda item in the subject line of the email if there is one. The sender’s full name and address should be included for the record. If comment by email is not possible, comments may also be placed in the drop box located in front of City Hall no later than noon on the Monday preceding the meeting. All written comments will be provided to the Council for review. Written comments may be read into the record and/or attached to the minutes of the meeting at the direction/discretion of Council. Email comments should be directed to: PublicComment@durangogov.org.

Members of the public who wish to provide verbal comments can use the Virtual Meeting Information at the top of this agenda to join the meeting. Please ensure you have the Zoom app installed on your computer or mobile device prior to the meeting (https://zoom.us/download). The mayor will provide additional details during the meeting when public comment is accepted.
1. CALL TO ORDER AND ROLL CALL
Mayor Youssef called the meeting to order at 5:30 p.m.

Present for the Durango City Council were Mayor Melissa Youssef, Mayor Pro Tem Jessika Buell, and Councilors Olivier Bosmans, Gilda Yazzie, and David Woodruff.

Staff present on behalf of the City of Durango were City Manager José Madrigal, Deputy City Clerk Ben Florine, and City Attorney Mark Morgan.

2. INTRODUCTION OF TRANSLATOR
Diego Pons and Liz Torrez of Community Language Cooperative provided translation services for Spanish speakers.

3. OPENING REMARKS BY MAYOR AND COUNCIL - Information Only
There were no opening remarks.

4. PRESENTATIONS/PROCLAMATIONS - Information Only
There were no presentations or proclamations.

5. CITY MANAGER UPDATES - Information Only

5.1. Community Development & Engineering Building Renovation Completion and Grand Opening
On behalf of Assistant City Manager Erin Hyder, Community Development Director Scott Shine provided an update on the City’s move from River City Hall to the former Big Picture High School building, now the Community Development and Engineering Building. He said that, as of the previous weekend, City staff completed the move, and the departments are operative at the 215 East 12th Street address. He acknowledged the various teams that contributed to the project – Facilities, IT, Finance, Public Works, Parks and Recreation, the City Attorney’s Office, and departmental staff. He thanked the City Manager’s Office and the City Council for their vision and support. He also expressed thanks to the Capital Improvement Projects team, who managed the project in partnership with FDI Construction and designers at Reynolds-Ash Associates, and specifically noted Jennifer Holland and Owen Talmadge. He said the project was completed ahead of schedule and within budget. He said a ribbon-cutting event, celebration, and walkthrough were scheduled for Friday, February 9th.

6. COMMITTEE, BOARD AND LIAISON REPORTS - Information Only
Councilor Woodruff reported on the Durango Chamber of Commerce meeting held earlier in the day. He said new board members were in attendance and Executive Director Jack Llewelyn provided an overview of the Chamber’s accomplishments, focus, and scope.

Councilor Woodruff reported he attended the Fort Lewis College Southwest Colorado Economic Outlook meeting, along with Mayor Pro Tem Buell. He said the outlook report included not only the state of Colorado but also Durango and regional economies.

Mayor Pro Tem Buell said the Economic Outlook meeting was “great” and well attended. She said it's important to have an overall perspective and to see how Durango fits into the big picture.

Mayor Pro Tem Buell said the Economic Alliance held its regular board meeting and topics included the strategic plan, investment policies, housing, and workforce training. She said the next meeting would be on February 13th, due to the Economic Summit.

Councilor Yazzie reported that she attended a meeting of the Fort Lewis College Native American Alumni Association at their invitation.
Councilor Yazzie reported she attended a meeting of the Regional Housing Alliance (RHA), which has partnered with the Economic Development Alliance on the Catalyst Fund to provide upfront funding for below marketing housing development. She said there was discussion that the term “regional” should apply Countywide.

Councilor Yazzie reported she did an interview with KDUR on her first City Council term, which will be airing on their “Spotlight” section soon.

Councilor Bosmans had no report.

Mayor Youssef reported on her office hours, which were held earlier in the day. She said quite a few people came.

Mayor Youssef said she spoke with Mary Handrick and Jim Cross, both of whom were proponents of more “no-wake” time at Lake Nighthorse. She said the current no-wake times are three days a week (M-W-F) from 7 a.m. to 10 a.m., with no weekend wakeless time scheduled. She said when the lake was opened, there were two full days of wakeless activities. She said there had been an increase in the number of users at the lake. She said they will be requesting that Council schedule for review and discussion at future Council meeting.

Mayor Youssef said she spoke with Sweetie Marbury, who was concerned about the pipe and design money for getting water out of Lake Nighthorse. She said Ms. Marbury asked why the City was not being more proactive about securing a redundant water supply in a time of drought and requested an update at an open public meeting. She said Ms. Marbury is also concerned about minimum lot size for accessory dwelling units (ADUs) and the need to provide equity to all property owners and create financial opportunities to create more housing. Ms. Marbury said Council should be having public discussions now, in anticipation of a November ballot, regarding the reauthorization of the 2005 sales tax. Lastly, the Mayor reported Ms. Marbury was still concerned about the 50/50 sidewalk program.

Mayor Youssef said she spoke with Rick Cobb, who was concerned about citizen input for Parks and Recreation projects. She recommended he speak with the Financial Advisory Board about the prioritization of the projects.

Mayor Youssef said that she with spoke with Denise Lane and Tom Dehudy about the La Posta road development. She said they were concerned about where the parks, fire station, schools, and similar amenities for families with children will be located and they were not seeing land for those types of uses included in the development plan.

Mayor Youssef said she spoke with Buck Skillen and Trish Pegram, whose concerns were about Perrins Canyon. They requested Council drive down Rosemary Lane and look up into the canyon, where they noted the sediment basin is completely full and needs to be cleaned out before storm runoff occurs.

Mayor Youssef said she spoke with several members of the Durango Minimum Wage Coalition, who will be reaching out to all council members individually regarding addressing affordability issues from a wage perspective. She said the group is in its beginning stages and they are gathering more data.

7. PUBLIC COMMENT ON AGENDA ITEMS ONLY (Items 8, 9 & 11)

Lisa Bloomquist, City resident and executive director of Homesfund, thanked Council for their partnership in allocating Community Development Block Grant(CDBG) funding to allow the continuance of its mortgage assistance program for low and moderate income households. She said that in 2023 the HomesFund deployed more than $3.5 million to 44 households in mortgage assistance loans. She said 307 households attended the HomesFund homeownership education classes.

8. CONSENT AGENDA - Action Items without discussion

8.1. Approval of Meeting Minutes

8.1.1. Approval of Minutes January 2, 2024 City Council Regular Meeting - ECG

8.1.2. Approval of Minutes January 9, 2024 City Council Special Meeting - ECG

8.2. Final Reading of Ordinances - NO ITEMS

8.3. Adoption of Resolution(s) by Consent - NO ITEMS

8.4. Approval of Other Administrative Items - NO ITEMS
8.5. Land use and Development Action Items - NO ITEMS

Deputy City Clerk Ben Florine read the Consent Agenda.

There were no items pulled from Consent Agenda.

Mayor Pro Tem Buell moved to approve the Consent Agenda. Councilor Woodruff seconded the motion.

There was no discussion.

A roll call vote was taken, and the motion passed unanimously.

Passed: For 5; Against: 0; Abstain: 0; Absent: 0

9. ITEMS PULLED FROM THE CONSENT AGENDA - Action Item with discussion

No items were removed from the Consent Agenda.

10. LAND USE AND DEVELOPMENT - Action Items with Discussion

10.1. Public Hearing To Consider A Resolution Amending The Future Land Use Map For Tree Farm Village (Located North Of State Highway 160, East Of CR 233, In The Vicinity Of Elmore’s Corner) - AEO - Submitted by Community Development

Planner Vicki Vandegrift provided the staff report on the request from Tree Farm Village to amend the Future Land Use Map to designate the property as residential, low density. She said the request aligns with the Strategic Plan to create housing opportunities to support a multigenerational and mixed income community workforce and supports the production of a variety of housing types. She said there are three parcels totaling 81.11 acres, and access will occur via an extension of County Road 233. She said the applicants are requesting City water service by designing and extending the waterline that currently ends at Three Springs Boulevard, and the Future Land Use Map must be amended in order for that to occur. She provided an aerial of the site and noted the property's location relative to the City limits. She said the City has policies regarding use of water within the City’s service area. She said the proposal must comply with the Comprehensive Plan, meet City development standards, and be a part of the Joint Planning Area Map. She noted the City's Comprehensive Plan and Service Area represent the same properties. She said the process is governed by the Intergovernmental Agreement (IGA) on Joint Planning between the City and the County, and the request was heard jointly by the City and County Planning Commissions. She said the City Planning Commission recommended Council deny the change to the Future Land Use Map by a two-to-one vote. She said the County approved changing the Joint Planning Area Map and that change has become effective.

Regarding the questions of land use, Ms. Vandegrift said that the Tree Farm Village property currently has four different land use designations on the Future land Use Map: commercial, mixed use, low density, and residential, large lot. She provided a map showing the four different uses on the parcels. She said the request for residential, low density use is to create a manufactured home community on the property with approximately 310 units.

Ms. Vandegrift reviewed the criteria for amendments to the Comprehensive Plan. She reviewed policies in the Comprehensive Plan, the Grandview Area Plan, and the Housing Plan that support growth in the area. She said there was a neighborhood meeting in April of 2023 and most concerns were focused on the potential manufactured home development, which is not yet under review. She said the Durango and County Planning Commissions met in a joint meeting, and the minutes were included in the agenda documentation. She reiterated that only the land use designation was being presented for review.

Ms. Vandegrift said the City Planning Commission recommended denial due to concerns about the City’s ability to provide water service and lack of redundancy. She said the City’s 2022 Water Master Plan does not suggest that development should be reduced or halted until redundancies are accomplished, however, and there is adequate water at this time, with redundancy scheduled to occur by 2045. She stated that staff recommends approval of the request.

Councilor Yazzie moved to approve the resolution changing the Tree Farm Village Properties to Residential, Low Density on the Future Land Use Map. Councilor Woodruff seconded the motion.

Mayor Youssef opened the public hearing.
IN-PERSON PUBLIC COMMENT

Developers Brandon Sindell and Mark Coleman gave a presentation on their project and noted their experience in owning and operating manufactured home communities, over 40 in the United States and Canada. Mr. Sindell said they are long-term holders and have no plans to sell. He commented on the shortage of workforce housing in La Plata County and noted the median price of a home in Durango is rapidly rising. He said Tree Farm Village would be an all-age community with amenities, including a clubhouse, pool, basketball courts, sports fields, walking trails, barbecue and picnic pavilions, and a community garden. He provided photographs of modern manufactured homes and pointed out they are not mobile homes or trailers. He noted the price differences for a manufactured home as compared to a site-built home. He said the target price is $225,000, and a homebuyer could put down as little as $17,000. He highlighted aspects of the development: rent control, compatibility, traffic, water infrastructure, and the extension of a portion of County Road 233. He provided a site plan.

Mr. Sindell said the application was rejected by the Planning Commission on August 17th because of an incorrect interpretation of the 2021 Durango Water Master Plan, because the motion said there was insufficient water and a lack of waterline redundancy to the site. He reviewed statistics that he said proved there is sufficient water and he noted redundancy is not currently a requirement. He stated that Paul O’Neill, who helped write the City Water Master Plan, was present to answer questions.

Mayor Youssef opened the floor to public comment.

Rita Hoest, City resident, spoke in support of the project. She said she raised her children in Durango as a single mom and struggled to find housing. She said, in her position as Community Director for Sunshine Gardens, it’s difficult to keep good employees because they can’t find local housing. She said the proposed project would help Durango retain its diversity and inclusiveness.

Patrick Vaughn, chair of the Regional Housing Alliance of La Plata County, read a letter of support for Tree Farm Village. The letter highlighted the inclusion of self-imposed rent control for affordable housing in a sustainable community. The letter stated that the Tree Farm Village aligns with the RHA’s mission and will benefit the region. He noted voting members of the RHA who had conflicts of interest recused themselves from writing the letter of support.

Mike Fouz said he was no longer a City resident, although he was born in Durango and lived in the City for many years. He spoke in support of modular factory-built homes that can be trucked in. He noted he recently purchased a new car in Durango, and his salesperson was from Cortez and the finance officer drove from Bloomfield every day. As an employee of FDI Construction, he said that the company recruits from major universities in the Midwest and it’s hard to get employees to come to Durango because housing is so expensive. He said he spent eight years on the school board in Bayfield and noted housing costs are particularly hard on teachers. He commented on rocketing house construction and labor costs since 2020. He said government assistance has its place in solving housing problems, but there needs to be more product. He said the community values diversity and noted there was community support for saving the Westside Trailer Park several years ago. He said now there is an opportunity to create a similar housing supply that provides diversity to the community, and modular, prefabricated housing has to be a part of the solution.

Sweetie Marbury, City resident, spoke with regard to the Tree Farm development. She noted comments from two of the City of Durango Planning Commissioners and said that she too wanted to know more about the City’s water service obligations. She said Lake Nighthorse is not a part of the equation because no pipeline has been designed and constructed, another of her concerns. She said she would like to know the timeline for the extension of water and sewer service to the Tree Farm development and the timeline for the development of the project itself. She said the City is obligated to provide water and sewer service if it approves the project. She asked for Public Works Director Allison Baker to address her concerns later in the meeting. She said she understood the need for affordable housing but was also concerned about stable water and sewer service.

Shaq Powers, nonresident, spoke in support of the Tree Farm project. He said he works in Durango multiple days a week but cannot afford to live in the City. He said he works for the Region 9 Economic Development District, which sent a letter of support for Harmony Community’s proposal to build manufactured homes in Durango. He read the letter into the record. He said the Tree Farm development would take a large step toward meeting the regional affordable housing goals. He noted Durango’s current median home price ($730,000) and the scarcity of family housing options. He said manufactured homes cost...
significantly less but appreciate in value similar to stick built homes and commented on the project's self-imposed rent control policy. The letter requested that Council support the project, which the Region 9 Economic Development District Board considers the proposal to be a valuable housing option for Durango.

Joe Lewandowski, City resident, noted he formerly sat on the Planning Commission. He said he thought the project needed deeper consideration and, perhaps, should be denied. He commented that homeowners in the Tree Farm development would not own the land beneath their homes. He said, although there were nice amenities, the homes would not increase in value, and the residents would pay rent to the developers for their site, making it, basically, a rental development. He asked Council to consider comments made by Planning Commission members Evans and Ulery and said he shared Ms. Marbury's concerns, noting the water flow in the Animas and Florida Rivers has declined 40% - 50% in the last 20 years. He said having water rights and having enough water are two separate things.

Susan Ulrey, City resident and member of the Durango Planning Commission, said it was unusual for the commissioners to not come to the same conclusion as staff. She said the staff is excellent, but in this case, she disagrees with their recommendation. She said water was a major concern, even though the City has excellent water rights and a water plan. She said, however, the Grandview storage tank currently has only a two-day water supply. She felt that, once a water line is extended to Grandview, everyone is going to want to tap it. She said she read relevant sections of the Comprehensive and Water Plans and was not reassured because those documents said it was critical to have a redundant water source for Grandview. She said, because the County road doesn’t go through, it would be expensive for the City to maintain the infrastructure and it would take a lot to bring the area up to City standards. She commented that the developer is trying to sell affordable housing to the City, but their buyers don’t own the land, will buy a box on a frame that can be rolled out, and the project is not designed to provide equity to the person who buys the box.

Heather Holland, City resident, stated her property backs up to the proposed development and she had several concerns. She said water is an issue, but so is traffic, and the intersection with Highway 233 is dangerous. She said more traffic will necessitate a traffic signal and changes to the intersection. She noted the homeowners would not receive equity, and the proposal is not affordable housing, with a rent that is 2/3 the cost of a mortgage and a 10% going back to the developers. She said the development proposal cuts out realtors, banks, construction workers and journeymen and does not benefit the community. She said no commercial zoning is planned, so there will be no grocery stores, no gas stations, and no bus stops. She asked Council to consider how the project effects Durango’s citizens and to weigh its actual contribution to affordable housing.

Frank Sinton, City resident and owner of the subject property, said he was at first elated to receive an offer from the applicant, but was skeptical when he learned more about their plans. He said he began to study mobile home parks and came to the conclusion that people accepted mobile homes as a viable way to live. He said he is impressed with modern manufactured homes and was impressed with the quality and livability of the units. He said he researched the Harmony Homes website and found that modern manufactured home communities are very different from the traditional idea of a mobile home park. He emphasized the project's rental control policy, pricing in the $200,000 range, and reasonable down payment (10%). He asked Council to approve the request and allow the project to move through the review process, where many of the questions and concerns will be addressed.

VIRTUAL PUBLIC COMMENT

Alma Evans, City resident and member of the Planning Commission, stated she also voted to deny the project. She commented on the Comprehensive Plan Section 5-3.1 regarding the need to ensure that new growth does not exceed the City’s ability to serve. She said the expansion of the water falls into that category. She said the Comprehensive Plan Objective 10-1 requires adequate public services to be in place or assured prior to approval of organized development and phased development subject to installation of improvements in accordance with the C.I.P. She said the Planning Commission has already approved over 840 units in South Fork and Three Springs. She said Phase Two of Three Springs has not been initiated but offers full homeownership within the City’s current boundaries. She said she found infill in Three Springs preferable to spreading into areas outside of the Durango District Plan. She said the Water Master Plan in Section 7.6-11 recommends that a redundant water supply line to be scheduled before expanding water service. She said transfer of water is the issue, not the sourcing or the treatment of the water. She said those were her concerns in August at the Planning Commission meeting, and they are still her concerns.
Rex Yden - Antisemitic hate speech, unrelated to City business during the public comment portion of the meeting was stopped and ruled to be out of order by the chairperson. Antisemitic comments made prior to intervention by the council were removed from the recording of the meeting.

The City Attorney stated that when public comments are out of order, they can rightfully be terminated by the chair.

Mr. Scott Mason, - Antisemitic hate speech, unrelated to City business during the public comment portion of the meeting was stopped and ruled to be out of order by the chairperson. Antisemitic comments made prior to intervention by the council were removed from the recording of the meeting.

Ramon (Name Unclear) - Antisemitic hate speech, unrelated to City business during the public comment portion of the meeting was stopped and ruled to be out of order by the chairperson. Antisemitic comments made prior to intervention by the council were removed from the recording of the meeting.

Alex Weaver - Antisemitic hate speech, unrelated to City business during the public comment portion of the meeting was stopped and ruled to be out of order by the chairperson. Antisemitic comments made prior to intervention by the council were removed from the recording of the meeting.

The City Attorney reminded Council and the public that Council is required to hold a public hearing on the request and all comments must be limited to the issue under consideration. He said similar incidents have occurred in other jurisdictions across the country and must be tolerated under the right to freedom of speech. However, he said, when the remarks veer from the scheduled topic, they can be considered out of order and the chair can stop it. He said if the comments are stopped beforehand, the City can be accused of limiting free speech.

Glenda Farmer, an unhoused City resident, said she formerly lived in a mobile home in the subject area that was torn down. She said that, while she was living there, the water at the property was excellent and the well was never in short supply. She stated her support for the proposed project.

Two speakers were given the opportunity to speak but did not.

Matthew (Name Unclear) - Antisemitic hate speech, unrelated to City business during the public comment portion of the meeting was stopped and ruled to be out of order by the chairperson. Antisemitic comments made prior to intervention by the council were removed from the recording of the meeting.

The City Attorney suggested a brief recess.

Mayor Youssef moved to recess the meeting. Councilor Yazzi seconded the motion.

There was no discussion.

A roll call vote was taken, and the motion passed unanimously.

Passed: For 5; Against: 0; Abstain: 0; Absent: 0

Recess

IN-PERSON PUBLIC COMMENT

Paul O’Neill, City resident and member of the project team, said his firm, S.E.H. Engineering, was hired by the City in 2001 to write the City’s Water Master Plan and he wanted to clarify some of the comments with regard to the plan and a section of the plan regarding the Ewing Mesa/Grandview Finished Water Supply Line. He said there is currently a 16” water supply line that runs through Bodo Park, Walmart, and Home Depot and is pumped up into the Grandview tank at Three Springs. He said there is a section that says a redundant line should be installed, but part of that statement is that the line is needed for capacity when the City hits 15 million gallons or the year 2045, based upon growth projections. He reiterated Mr. Sinton’s comments that there are still a lot of steps that must be taken, such as traffic studies, water studies, design plans, and reviews before final approval.

Andy Farley, a neighbor to the project and a resident of Mariposa, said he could support expansion but could not support a rental development of manufactured homes that doesn’t offer many jobs to the community and with the rent checks going to California. He agreed with others who were concerned about water.

Mayor Youssef closed the public hearing and opened the floor to comments from Council.
Woodruff moved to extend Council member’s comments and question to 10 minutes each. Mayor Youssef seconded the motion.

There was no discussion.

A roll call vote was taken, and the motion passed four to one, with Councilor Yazzie voting no.

Passed: For 4; Against: 1; Abstain: 0; Absent: 0

Woodruff asked Public Works Director Allison Baker to comment on the water concerns.

Ms. Baker said the cost of extending the water supply would be borne by the developer. She said the cost would be difficult to estimate the cost until the route is determined and if pumping is necessary.

Councilor Woodruff said he was a resident of Three Springs and noted the development in the area. He asked if the 4 million gallon tank at Three Springs can handle the influx of new residents.

Ms. Baker responded that she wasn't familiar with the calculations that went into the design of the tank, but the Comprehensive Plan anticipated development, including the Phase 2 expansion of Three Springs, which is a significant number of units. She said flow was not expected to become problematic until flow reaches the 15-million-gallon threshold.

It was noted there are no existing residences on the property.

Councilor Woodruff asked the developer to comment on potential lenders for the manufactured homes.

Mr. Sindell said there are some regional banks that offer that type of financing, but they are not traditional loans. He said payments are anticipated to be $2,000 to $2,400 per month. He said the rental space would cost approximately $700 to $750 per month, with principal and interest at $1,600, rent at $750, plus insurance at $83. He said he is committed to the project and plans to move ahead as soon as possible. He said changing the land use is the first step. He said the developers will be working with CDOT and complete a full traffic study. He said preliminary calculations don’t indicate the need for a traffic light but are prepared for that if required.

Mayor Pro Tem Buell confirmed the property was in the County and asked if there were plans to annex the property into the City.

Ms. Vandegrift said there were no plans to annex the property, noting annexation requires a contiguous boundary to the City. When asked how many projects the City has extended water to, she replied that there had been quite a few. She said the property is in the service area and the Comprehensive Plan states that the City will provide water within the boundary.

Ms. Vandegrift clarified that Council would not have final approval of the project, but the City Planning Commission would be involved in the joint review process. She said it will be a County project, but if they accept water from the City, they must develop to City standards. She said the project is not in the City’s Sewer District and the sewer provider would be the South Durango Sewer District.

Mayor Pro Tem Buell said she liked the idea of rent control. She said that it was also Council’s last chance to comment on the project. She said it wasn’t all about home ownership and creating wealth, and the City needs a variety of types of homes. She said the first home she bought in the Durango area was in Breen and was a manufactured home, so she had no problem with manufacturing housing. She was, however, concerned about the number of units already approved in the area and the long-term availability of water.

Housing Innovations Manager Eva Henson said that the Fair Share Program is underway and will come to Council in the spring. She said that, right now, home ownership applies, but if rentals are added to the program, Tree Farm would be included.

Mayor Pro Tem Buell commented that it was difficult to separate land use from other aspects of the project, and it was important to ensure the City’s ability to serve its other residents is not impaired.

Yazzie asked Mr. O’Neill to return to the podium. She asked for comment on the 16-inch waterline and the 15-million-gallon waters per day threshold.

Mr. O’Neill said the population would need to grow 50% to reach the 15-million-gallon per day mark.

Councilor Bosmans asked if the property has the same density now as it would have with the change in land use, only clustered at the southern end of the property. He also asked if changing the Joint Area Planning Map was an option or a requirement for the City.
Ms. Vandegrift replied the density is the same. Also in reply, she said that the Joint Area Planning Map has nothing to do with the water service, except that the City has stated that it will not allow the extension of water outside of the Joint Area Planning Map because it wants the City’s Planning Commission and its standards to apply. She said extending the Joint Area Planning Map would allow the City to have that control. She said that Joint Area Planning Map has already been amended by the joint City and County Planning Commission.

Ms. Vandegrift confirmed that the property was once included in the Joint Planning Area, was removed, then put back in again, and the change was about access to water, even though there is no guarantee. She said that when the property was removed from the map, it was a negotiated amendment to the City’s agreement with the County and was approved by Council in 2014. She said the agreement also gave the County Planning Commission power to change the boundaries, which she acknowledged was one of the problems with that agreement.

Mayor Youssef asked how the City reconciles with its Comprehensive Plan Section 5.5 that says that adequate public service be in place or assured prior to approval of urbanized development subject to installation of improvements in accordance with the C.I.P.

Ms. Baker said that the City does require that a Water Plan be submitted and reviewed by a certified by City Engineering. She commented that currently the City’s maximum water day is at 8.5 million gallons, with an average of 3.5 million gallons of water per day. She said the Engineering review considers whether the water plan fits into the water system as the City plans to develop it. She said the Planning Commission wants to make sure that plans are in place for future development.

Mayor Youssef asked how the City reconciles with its Water Master Plan that recommends that a redundant water supply be constructed to Grandview and should that not be included in the City’s CIP plan and scheduled before the City extends services.

Ms. Baker said the City would not need to construct the redundant water supply until 2045 and CIP planning doesn’t extend that far out.

It was restated that the South Durango Sewer District would provide sewer services.

In response to a question from Mayor Youssef, Ms. Baker said that, based on the Master Plan, the City has sufficient capacity and has more water rights than it has the capacity to treat. She said the City would need an additional plant to use all of its water rights. She said from a land use point of view, the Master Plan supports supplying water within the Comprehensive Plan boundary.

Mayor Youssef asked staff if the City would have an opportunity to amend its Fair Share Agreement guidelines to include rentals. She said it appeared to her that, if the City is going to supply water, the project should fall under the City’s Fair Share Agreement.

Ms. Henson responded that Fair Share would be applicable if Council adopts the proposed guidelines that include rental development before the application goes before the Joint Planning Commission.

Ms. Vandegrift said that project review by the Joint Planning Commission would not be soon. She added that, if approved, the implied consent agreement with the developer allows the City to add the Fair Share requirement.

Mr. Sindell said that he and his partner are the developers, and any buyers will purchase their home through 21st Mortgage or Triad (the lenders), which serve as the bank and pays the developer a space rental.

Councilor Woodruff commented that the Colorado Housing and Finance Authority considers spending over 30% of gross household income as “cost burdened.”

Ms. Henson said that, as an example, a four-person household earning 100% of the area median income could earn at or below $103,900, and a two-bedroom modest property would not be cost-burdened up to $2,340 per month. She said the 80% threshold for a four-person household could not exceed $83,120 and rental could not exceed $1,872.

Mr. Sindell responded that Tree Farm homes would be offered for as low as $175,000 with payments as low as $2,002 per month. He said homes would be two- to three-bedrooms and would range from $175,000 up to $275,000.

Councilor Bosmans asked why the City was concerned with density when it’s a County property.

Ms. Vandegrift answered that, in order for the City to provide water service, the development must meet the Comprehensive Plan, which is the purpose of the hearing. She said, if approved, the developer would be under contract to meet all of the City’s development
standards, so the project will be reviewed jointly by Engineering and Planning staff before it goes before the Joint Planning Commission. She said the County doesn’t have zoning, but they do have a land use map, and they tend to defer to the City’s map, which is what occurred. She said the property will have the same designated density under both City and County. She said the developer could decide not to use City water and go through the County process, but they entered the process because they would like to have City water. She said the City’s Comprehensive Plan extends outside of the City limits because it plans for the growth of the City, commenting the state requires a minimum of 3 miles. She said the City’s Comprehensive Plan does not give the applicant any vested rights; they must go through the County’s review process before they can develop. She said she didn’t know what the density was with the County’s old plan, but the City must okay the water. She said that other than staff and engineering time, the City would not be committing any funding.

Councilor Youssef said Durango’s needs housing, and water is the place to start. She said she was willing to accept the testimony of experts.

Councilor Yazzie thanked staff and the applicant for the information. She said the City has adequate water for “quite a while” and redundancy is not a requirement until 2045. She said the City needs workforce housing.

Regarding increased traffic, Mayor Youssef said she was concerned about the increasing number of people using the intersection.

Mr. O’Neill said the applicant has not performed a traffic study but has made preliminary estimates of the traffic volume using a manual that provides average traffic rates for housing types. He said the estimate is 756 trips per day for the development. He said traffic peaks during the morning and evening rush hours. He said the development must obtain an access permit from CDOT. He said the peak in the morning is 133 trips per hour. He said the numbers equate to 2.2 cars per minute in the morning and 3 cars per minute in the evening. He said it would be an increase but would still be relevant to what exists in the City now.

There were no more questions.

Mayor Youssef asked for a roll call. She noted the motion was to approve the amendment to the Future Land Map.

A roll call vote was taken, and the motion passed unanimously.

Passed: For 5; Against: 0; Abstain: 0; Absent: 0

The Mayor Pro Tem moved to delete any antisemitic comments that were ruled out of order by the meeting chair from the audio recording of the meeting. The Mayor seconded the motion.

Councilor Yazzie said she was opposed to the “colorful” language that was used and would normally agree to removing the language, but there needs to be a record of what happened at the public forum and how it can get out of control. She said the comments were offensive to hear and she felt personally attacked. She said although it was offensive, she would leave it in the record.

Councilor Bosmans said a motion is not related to the agenda item and could be brought up under Other Business. He said there may need to be changes in the process, so it doesn’t happen again.

The City Attorney stated that City Council meetings are fluid, and extraordinary circumstances sometimes require extraordinary motions. He said there were people in the audience who were offended, and given the circumstances, it was reasonable to make the motion, if a majority of Council agrees. He said Councilor Bosmans’ remark was well-taken in that it would be more proper to make the motion under New Business.

A roll call vote was taken, and the motion passed, with Councilor Yazzie abstaining.

Passed: For 4; Against: 0; Abstain: 1; Absent: 0

11. RESOLUTIONS - CONSIDERATION OF ADOPTION - Action Item with discussion

11.1. A Resolution Authorizing an Additional Appropriation to the Housing Fund in the 2024 Budget for a Community Development Block Grant - AEO - Submitted By Community Development
Housing Innovation Manager Eva Henson provided the staff report on the request for appropriation to the Housing Fund. She said the initiative applies to the Affordability and Economic Opportunity objectives in the Strategic and Operating Plan. She noted that local governments are the only entities eligible to apply, and the grant does not require a local match and there is no fiscal impact to the City. She said the grant terms would be effective through June 20, 2026 and the City has served as grant administrator for HomesFund since 2012. She said the City received pass-through revenue funds of $1,881,400 to HomesFund to assist the HomesFund in providing mortgage assistance loans to families making less than 80% of the area median income in La Plata County and surrounding areas. She summarized the timeline of the grant application process, which was awarded through the Department of Local Affairs (DOLA).

Councilor Woodruff moved to approve Resolution R-2024-10 authorizing an additional appropriation to the Housing Fund in the 2024 budget for a Community Development Block Grant. Councilor Yazzie seconded the motion.

The Mayor noted the item was discussed under Agenda Item No. 7.

Mayor Youssef stated it was an opportunity to continue the program and increase the pool of qualified applicants for mortgages and bridge the affordability gap.

A roll call vote was taken, and the motion passed unanimously.

Passed: For 5; Against: 0; Abstain: 0; Absent: 0

12. FIRST READING OF ORDINANCES - CONSIDERATION OF ADOPTION AND PUBLIC HEARING - Action items with discussion

12.1. A Public Hearing to Consider an Ordinance for 2900 Block of West Second Avenue Right-of-Way Abandonment Request - ELSP - Submitted by Community Development

Planner Mallory St. Pierre provided the staff report. She stated the abandonment request was brought forth by the property owners of the 2900 block of West Second Avenue. She said the parcels were annexed in 1948 and 80 feet of right of way width currently exists, and City code only requires local streets to have 60 feet of right of way. She said the right of way has historically been used as front yard space, such as fences and landscaping. She said if the abandonment is approved, the property will become private. She provided a context map showing the block with the current and requested property lines. She reviewed the criteria for approval of requests for abandonment of right of way and said the request is not in conflict with the City’s adopted policies. She said Engineering requires that the abandoned right of way be retained as a utility easement should it be needed. She there were no public comments, and the Planning Commission heard the request in their December 2023 regular meeting and unanimously recommended approval.

Mayor Pro Tem Buell moved to approve the Ordinance for the 2900 block of West Second Avenue right of way abandonment with the findings and conditions as outlined in the staff report and discussed at this public hearing. Councilor Woodruff seconded the motion.

Mayor Youssef opened the public hearing and opened the floor to public comment.

There was no public comment.

Mayor Youssef closed hearing and opened the floor to Council discussion.

Councilor Yazzie asked if any of the properties would be eligible for accessory dwelling units (ADU) with the additional site square footage.

Ms. St. Pierre said she thought the properties already met the minimum, but the additional square footage might allow a detach ADU.

A roll call vote was taken, and the motion passed unanimously.

Passed: For 5; Against: 0; Abstain: 0; Absent: 0

12.2. A Public Hearing to Consider an Ordinance for Land Use and Development Code Text Amendments regarding Detached Condominiums and Updated Flood Insurance Study - AEO & ESR – Submitted by Community Development

Code Reform Administrator Lily Oswald provided the staff report. She said the amendments were administrative in nature and were in regard to flood insurance rate maps (FIRMs) and a study (FIS) and for detached condominiums. She noted that it was the first reading of the
ordinance. She said the initiatives apply primarily to the Affordability and Economic Opportunity and Environmental Sustainability and Resilience objectives in the Strategic and Operating Plan.

Regarding the flood insurance rate maps and study, Ms. Oswald said that FEMA issued a letter of final determination to the Mayor and City adopting an updated FIS and FIRMs for La Plata County and incorporated areas, with an effective date of April 25, 2024. The updated FIRMs and FIS must be updated and codified in the LUDC to incorporate the floodplain provisions. She said current FIS and FIRMs guiding the City’s floodplains and regulations were adopted in 2010 and the amendment would update the effective date to match FEMA’s effective date and would allow Durango to continue to be a participating jurisdiction.

Regarding detached condominiums, Ms. Oswald said that the current LUDC does not allow detached condominiums as a subdivision option. She said incorporating the model into the LUDC would allow for an additional subdivision provision without deleting or negatively affecting other subdivision or development regulations. She reviewed the changes as proposed and the anticipated timeline, with final reading scheduled for February 6, 2024. She reviewed the criteria for approving text amendments, and said staff found the proposed amendments meet all those that were applicable. She said there were no advance public comments and noted the Planning Commission unanimously recommended approval of the text amendments at regular December meeting.

Councilor Buell moved to approve the ordinance to update portions of Chapter 27 of the City of Durango Municipal Code (the Land Use and Development Code (LUDC) with the finding that the proposal complies with the criteria for text amendments as described in the City of Durango Land Use and Development Code. Councilor seconded the motion.

Mayor Youssef opened the public hearing.

Mohammed (name unclear) - Antisemitic hate speech, unrelated to City business during the public comment portion of the meeting was stopped and ruled to be out of order by the chairperson. Antisemitic comments made prior to intervention by the council were removed from the recording of the meeting.

Mayor Youssef closed the public hearing and opened the floor to Council discussion and questions.

In response to a question from Councilor Bosmans, Ms. Oswald said that there are many communities in Colorado adopting this type of common ownership subdivision and provides an option for all property owners. She said the City has received a common ownership subdivision application, but the amendments were not slated for one project but for all property owners, and there is interest in this type of development. She said single detached dwelling units are not required to be modular units but could be if they meet all regulations. She said the City does not currently have a definition for modular homes, but they are different in terms of standards and codes that they must meet. She said, however, the modular homes would be on a permanent foundation and could receive traditional financing.

Code Enforcement Officer Steve Barkley said the modular buildings would be allowed in commercial areas and planned developments, and the intent was to be consistent with density in established neighborhoods (EN), which currently are zoned for low density and condominiums are prohibited.

Councilor Yazzie asked if the new FEMA maps would impact the ability for property owners to purchase flood insurance.

Ms. Oswald said it wouldn’t change the ease or ability for homeowners to receive flood insurance, but it will be impossible for anyone within the City of Durango to receive flood insurance if the City misses the April deadline because Durango would no longer be a participating jurisdiction for that insurance. She said the amendment only reflects the new FEMA date. She said the new mapping has been a multiyear process coordinated through FEMA and the Colorado Water Conservation Board. She said the new mapping better reflects Colorado’s floodways and floodplains. She said that all affected property owners were notified in December of 2022 and there was a 90-day appeal period. She said flood maps change periodically and each revision is made effective by changing the date in the text.

A roll call vote was taken, and the motion passed four to one, with Councilor Bosmans voting no.

Passed: For 4; Against: 1; Abstain: 0; Absent: 0

13. PUBLIC COMMENT ON NON-AGENDA ITEMS - No discussion
The City Attorney stated that, considering the events of the night, the public commenters should know that for public comment on non-agenda items, topics should be stated prior to being given the floor. Additionally, he said, hate speech can and should be stopped immediately because City Council meetings are a limited public forum for the City to conduct its business and not a completely open forum. He said there is no constitutional requirement to host general public comment, and Council’s invitation is to engage the citizenry on City-specific items, not general public speech. He said that hate speech is properly stopped under public comment on non-agenda items because it disrupts the business of the City. He said it is within the Mayor’s right to stop the speech or not allow it.

IN PERSON PUBLIC COMMENT:

Sweetie Marbury, City resident, requested an update on when the Nighthorse pipeline will be executed. She said drought and more projects requesting water service will require planning and execution, which will take years to accomplish. She said that during the 416 fire, the Mayor had to request water to be taken from the Animas River, because there wasn’t enough water in the reservoirs. She said that Ms. Baker’s previous statement that the City is not prepared for long-term drought was accurate. She urged Council to move forward with getting water out of Lake Nighthorse and to be prepared for the next “perfect storm.”

Mary Handrick, City resident, spoke on behalf of a group of ten nonmotorized users of Lake Nighthorse and asked for nonmotorized use at the lake to be put on Council’s agenda. She said the issue is timely because usually the Parks and Recreation Department puts out its brochure for use at the lake at the end of January. She noted that there is currently no park director and there’s not a Park board that residents can go to, so she said she was bringing the matter to Council. She said nonmotorized users are restricted to non-wake times, but motorized users are allowed seven days a week. She said data shows that 90% of the lake’s users are nonmotorized and are only allowed relatively few hours a week.

Jim Cross, a resident of Durango West, also spoke with regard to nonmotorized use at Lake Nighthorse and agreed with the former speaker, Ms. Handrick. He said originally no-wake use was all day on Mondays and Wednesdays. He said it’s not just a wake issue; it’s also a noise issue. He said it was also a pressing issue, because once the brochures are printed, the hours can’t be changed. He said the new Parks and Recreation Director is not scheduled to be on board until March 1st, and the nonmotorized users would love to be on Council’s agenda for further discussion.

VIRTUAL PUBLIC COMMENT

Julie Cooley, City resident, asked Council to consider a weather activated emergency shelter for unhoused community members, with criteria that’s generally based on temperature and relative humidity.

14. INTRODUCTION OF ORDINANCES AND REQUEST FOR PUBLIC HEARING - Action Item with limited discussion

14.1. Request for Public Hearing to Consider Approval of the Elk Grove Preliminary Plan at 455 and 589 High Llama Lane, and to Introduce the Annexation Ordinance (February 6, 2024) - AEO - Submitted by Community Development

Mayor Pro Tem Buell moved to set a public hearing to consider the Elk Grove Preliminary Plan at 455 and 589 High Llama Lane and introduction of the annexation ordinance (February 6, 2024). Councilor Woodruff seconded the motion.

There was no discussion.

A roll call vote was taken, and the motion passed unanimously.

Passed: For 5; Against: 0; Abstain: 0; Absent: 0

15. OTHER NEW BUSINESS - Non-Dispositive with limited discussion

15.1. Assignment of Two Councilors to the Interview Team for the Community Development Commission - ECG

Mayor Youssef introduced the item. She said the two Councilors will be joined by a member of the Community Development Department to form a three-person committee to interview qualified candidates for the board and provide their recommendations to all of council at the February 6th meeting.
Mayor Youssef moved to appoint Councilor Woodruff and Councilor Yazzie to the Community Development Commission. Mayor Pro Tem Buell seconded the motion.

Councilor Bosmans was concerned about the process and the possibility that two Councilors would make a decision as to who is appointed to the commission without input from other Councilors.

Mayor Youssef said she thought the two Councilors were appropriate because they would be the ones that would work with the commission the longest over time.

A roll call vote was taken, and the motion passed four to one, with Councilor Bosmans voting no.

Passed: For 4; Against: 1; Abstain: 0; Absent: 0

Other New Business:

Mayor Pro Tem Buell asked to move the CC meeting to March 12 from March 19th, because Durango 9R will be on spring break. She asked if there was any support for the move.

Councilor Woodruff said that he too would be out of town on March 19th.

Councilor Buell moved to amend the adopted Council calendar and move the March 19th meeting to March 12th. Councilor Woodruff seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

Passed: For 5; Against: 0; Abstain: 0; Absent: 0

Councilor Yazzie suggested two study sessions to consider the wake issue at Lake Nighthorse to provide Council with more information about the use schedule.

Mayor Pro Tem Buell said an update would be helpful to give direction on how to move forward.

Mayor Youssef thought it would be appropriate to have the update in a regularly scheduled Council meeting and agreed with the need for an update on current usage. She said the schedule could be changed if there was Council support to do that.

Councilor Yazzie moved to have a staff update on the Lake Nighthorse pipeline. Mayor Youssef seconded the motion.

There was no discussion.

A roll call vote was taken, and the motion passed unanimously.

Passed: For 5; Against: 0; Abstain: 0; Absent: 0

The City Manager reported that he spoke with the new Parks and Recreation Director, and she will begin working remotely on January 29th and will begin in Durango on February 28th. He said that some citizens have already reached out to her regarding the issue.

Councilor Yazzie moved to have a staff update on the Lake Nighthorse pipeline. Mayor Youssef seconded the motion.

There was no discussion.

A roll call vote was taken, and the motion passed unanimously.

Passed: For 5; Against: 0; Abstain: 0; Absent: 0

Mayor Youssef moved to have Council review all events held within the City limits and to direct the City Attorney to draft an amendment to Section 18.32 of the Code to require City permits for events at public facilities within City limits. Councilor Buell seconded the motion.

The City Attorney said that the County owns facilities within the City and has issued permits for events within the City. He said nothing in the Code precludes that because of the way the special permit section is worded. He said permitting within the City limits would allow the City, such as the Police Department, for example, to prepare for some of the major events held within the City limits.

Councilor Yazzie thought it was a good idea but asked how it would affect staff time.

The City Attorney said that, if directed, he would work with the City Manager and bring forth language to amend the Code for Council consideration. He said staff time would be included in that presentation.

A roll call vote was taken, and the motion passed unanimously.
16. REQUESTS FOR EXCUSED ABSENCES

The City Manager requested an excused absence from the Joint Meeting with the County scheduled for the following week.

Mayor Youssef also requested an excused absence from the Joint Meeting with the County scheduled for the following week.

Councilor Buell moved to excuse the City Manager and the Mayor from the Joint Meeting with the County. Mayor Youssef seconded the motion.

There was no discussion.

A roll call vote was taken, and the motion passed unanimously.

Passed: For 5; Against: 0; Abstain: 0; Absent: 0

17. ADJOURNMENT

Mayor Pro Tem Buell moved to adjourn. Mayor Youssef seconded the motion. The motion passed by acclamation.

Mayor Youssef adjourned the meeting at 9:45 p.m.

APPROVED: ATTESTED:

Melissa Youssef, Mayor Ben Florine, Deputy City Clerk
ORDINANCE NO. O-2024-0001
AN ORDINANCE ABANDONING A PORTION OF THE PUBLIC RIGHT-OF-WAY ALONG W 2nd AVE WHILE RETAINING A UTILITY EASEMENT AND DECLARING AN EFFECTIVE DATE.

WHEREAS, a request has been made to the City to abandon a portion of the public right-of-way along W 2nd Ave, north of W 29th St and south of W 30th St; and

WHEREAS, the request for abandonment involves a 20-foot strip of right-of-way, on the easterly side of W 2nd Ave, south of W 30th St for a length of approximately 520 feet, totaling approximately 10,400 square feet; and

WHEREAS, the abandonment of the designated right-of-way and dedication of a utility easement is in conformance with the criteria outlined in the City’s Land Use and Development Code and is consistent with the Comprehensive Plan Policy; and

WHEREAS, the Planning Commission has recommended approval of the requested abandonment after a public hearing held on December 4, 2023; and

WHEREAS, the Council has determined that the portion of right-of-way to be abandoned and utility easement to be dedicated comply with C.R.S, § 43-2-303(3); and

WHEREAS, a public hearing has heretofore been held before the City Council of the City of Durango, and the Council has determined, subsequent to said hearing, that the granting of the requested abandonments would not be detrimental to the interests of the citizens of the City of Durango;

NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:

Section 1. That the City of Durango does hereby abandon those portions of the public right-of-way along W 2nd Ave, north of W 29th St and south of W 30th St, as described in Exhibit A, hereto attached, the contents of which are incorporated herein. The City reserves an access and maintenance easement for utilities within the area of right-of-way to be abandoned.

Section 2. This ordinance shall become effective ten (10) days after its passage and final publication as provided by law.

CITY COUNCIL OF THE CITY OF DURANGO
Attest:

_________________________________          ______________________________
City Clerk Mayor

STATE OF COLORADO         )
) SS.
COUNTY OF LA PLATA         )

I, Faye Harmer, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2024-0001 was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the 16th day of January 2024, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the 21st day of January 2024, prior to its final consideration by the City Council.

_________________________________
City Clerk
I further certify that said Ordinance No. O-2024-0001 was duly adopted by the Durango City Council on the ____ day of ______, 2024, and that in accordance with the instructions received from the Durango City Council, said ordinance was published by title only in the Durango Herald on the ___ day of ___________, 2024.

___________________________
City Clerk

Exhibit A

Legal Description of Abandonment
A tract of land lying in the northwest ¼ quarter of the southeast ¼ of Section 17, Township 35 North, Range 9 West, New Mexico Principal Meridian, in the City of Durango, County of La Plata, State of Colorado, being more particularly described as follows:

The easterly twenty (20) feet of the existing 80-foot right-of-way of West 2nd Avenue adjoining Lots 21 through 40, Block 24, in that part of the City of Durango known and platted as the Animas City Annexation to the City of Durango, as recorded in the office of the La Plata County Clerk and Recorder under Reception Number 196734,

Together with the easterly (20) twenty feet of the existing 80-foot right-of-way of West 2nd Avenue adjoining the abandoned portion of West 30th Street right-of-way by Ordinance Number O-2004-24 as recorded in the office of said Clerk and Recorder under Reception Number 891157,

And together with the easterly (20) twenty feet of the existing 80-foot right-of-way of West 2nd Avenue adjoining the abandoned portion of West 29th Street right-of-way by Ordinance Number O-1960-0974 as recorded in the office of said Clerk and Recorder under Reception Number 300263.

Dedication of Utility Easement
The abandoned right-of-way is hereby retained as a utility easement, dedicated to the City of Durango, Atmos Energy Services, La Plata Electric Association, Century Link Communications and Spectrum Communications for the purposes of ingress, egress, installation, operation, maintenance, repair, replacement and removal of their respective utilities and related equipment.
ORDINANCE NO. O-2024-0002
AN ORDINANCE AMENDING CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF DURANGO (LAND USE AND DEVELOPMENT CODE) BY THE AMENDMENT TO PORTIONS OF CHAPTERS 4, 6 AND 7 UPDATING THE EFFECTIVE DATE ON THE CITY’S FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS TO REFLECT APRIL 25, 2024; ESTABLISHING A DETACHED CONDOMINIUM PROCESS AND RELATED DEFINITIONS; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, as part of the City’s participation in the National Flood Insurance Program, the City is required pursuant to state and federal regulation to incorporate certain floodplain provisions in its municipal ordinances; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has issued a final determination adopting an updated Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM) for La Plata County, Colorado and Incorporated Areas with an effective date of April 25, 2024; and

WHEREAS, the amendments enacted by this ordinance meet the federal requirement, and will improve safety for persons and property in the City; and

WHEREAS, the Land Use and Development Code defines regulations and procedures related to different classifications of land subdivision; and

WHEREAS, many communities and land use codes are adopting a type of condominium ownership termed ‘detached condominiums’, which is not included in the existing City of Durango regulations; and

WHEREAS, the Condominium Subdivision section of the Durango Land Use Development Code must be amended to include a process to approve detached condominiums and related definitions in order to provide an additional regulated classification of common ownership subdivision, to provide an avenue for housing unit creation via detached condominiums; and

WHEREAS, after a public hearing held on December 4, 2023, the Planning Commission unanimously voted to recommend approval of these amendments to the LUDC; and

WHEREAS, a public hearing has heretofore been held before the City Council of the City of Durango, and the Council has determined, subsequent to said public hearing, that the proposed text amendments to portions of Chapters 4, 6 and 7 to the Land Use and Development Code are in the best interest of the citizens of the City of Durango;

NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:

Section 1. That Chapter 27 of the Code of Ordinances of the City of Durango should be and the same is hereby amended, with the sections described below being added or amended as is more specifically described on Exhibit ‘A’ attached hereto and incorporated herein:
1) Section 4-4-6-4.B Application is amended to read in its entirety, as described on Item 1 of Exhibit ‘A.’

2) Section 6-3-6-1 Classification of Subdivisions is amended to read in its entirety, as described on Item 2 of Exhibit ‘A.’

3) Section 6-3-6-3.C Preliminary Plan is amended to read in its entirety, as described on Item 3 of Exhibit ‘A.’

4) Section 6-3-6-4 Final Plat is amended to read in its entirety, as described on Item 4 of Exhibit ‘A.’

5) Definitions for Single-Family Detached Condominium Dwelling Unit and Modular Home are hereby added to Article 7-3 Definitions and adopted to read in their entirety, as described on Item 5 of Exhibit ‘A.’

Section 2. This ordinance shall become effective ten (10) days after its passage and final publication as provided by law.

CITY COUNCIL OF THE CITY OF DURANGO

Attest:

________________________________   __________________________________
City Clerk Mayor

STATE OF COLORADO )
)
) ss.
COUNTY OF LA PLATA )

I, Faye Harmer, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2024-0002 was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the 16th day of January 2024, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the 21st day of January 2024, prior to its final consideration by the City Council.

________________________________
City Clerk

I further certify that Ordinance No. O-2024-0002, was duly adopted by the Durango City Council on the ____ day of ________________, 2024, and that in accordance with instructions received from the Durango City Council, said amended ordinance was published by title only in the Durango Herald on the ____ day of ________________, 2024.

______ City Clerk
Item 1.

**Sec. 4-4-6-4 Application**

**B. Establishment of Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "Flood Insurance Study for La Plata County, Colorado and Incorporated Areas", dated **August 19, 2010 effective April 25, 2024**, with accompanying flood insurance rate maps ("FIRM"), and any revisions thereto, are hereby adopted by reference and declared to be a part of this LUDC. The flood insurance study and FIRM are on file and may be reviewed at the offices of the Department.

Item 2.

**Sec. 6-3-6-1 Classification of Subdivisions**

A. **Generally.** There are three types of subdivisions for the purposes of this LUDC: minor subdivisions, major subdivisions, and **condominium** subdivisions.

B. **Minor Subdivision.** A minor subdivision is a subdivision containing five or fewer lots.

   1. **Requirements and processing:** Proposed minor subdivisions shall require preliminary plan and final plat filing, processing, and approval in accordance with Section **6-3-6-3, Preliminary Plan**, and Section **6-3-6-4, Final Plat.** The conceptual subdivision plan stage (see Section **6-3-6-2, Conceptual Subdivision Plan**) shall be disregarded.

   2. All applicable materials and information required to be submitted in the conceptual plan stage (see Section **6-3-6-2, Conceptual Subdivision Plan**) shall be submitted in addition to other required submittal materials and information required in the preliminary plan stage.

   3. The final plat submittal shall incorporate review comments provided during the preliminary plan stage.

C. **Major Subdivision.** A major subdivision is a subdivision containing six or more lots. Proposed major subdivisions shall require conceptual subdivision plan, preliminary plan, and final plat filing, processing, and approval in accordance with Section **6-3-6-2, Conceptual Subdivision Plan;** Section **6-3-6-3, Preliminary Plan;** and Section **6-3-6-4, Final Plat.**

D. **Condominium Subdivision.**

   1. **Requirements and processing:** Proposed **condominium** subdivisions, including the conversion of an existing structure to multiple ownership interests, shall be processed as either a minor subdivision (see Subsection B., above) or a major subdivision (see Subsection C., above) and shall have the same requirements and processing as set out in those Sections.

   2. The requirements and standards set out below shall apply to all structure conversions, when a structure in a single ownership converts to multiple ownership interests.
a. The conversion of an existing structure to multiple ownership interests shall not be permitted if the use in the structure is nonconforming (see Section 6-1-2-1, Nonconforming Uses).

b. If the structure or the property is nonconforming (see Section 6-1-2-5, Nonconforming Structures (Except Buildings)), the conversion may occur if all the applicable provisions and requirements as set out in this Article can be met.

c. The structure shall comply with current building, plumbing, electrical, and fire codes.

d. Master water meters shall be installed for each building cluster.

e. Amenities generally associated with home ownership or condominium living shall be provided. Such amenities may include common laundry facilities, open space suitable for recreation, clubhouses, meeting rooms, spas, swimming pools, etc. The adequacy of the proposed amenities shall be determined when the subdivision application is being reviewed as per this Article.

f. The conversion of a structure for the purpose of providing residential dwellings shall conform with the following:
   1. Each dwelling unit shall meet single-family housing requirements, as specified in the Uniform Building Code.
   2. Any commercial/industrial structures proposed for conversion to accommodate a residential use shall be rezoned for compliance with this Code as necessary.
   3. Condominiums are not allowed on single-family and duplex zoned lots in EN-1 thru EN-6, RA and RL zones.

g. The installation or repair of public improvements on or adjacent to the parcel under consideration may be required as a condition of approval of a condominium application.

3. If the land on which the condominium structure exists or is to be built is not a platted parcel, all provisions, requirements, standards, and procedures of this Article shall be met for the land as well as the structure. The land shall be shown as a "lot" on a final plat and recorded in accordance with this Article.

E. Detached Condominium Subdivision.

1. Requirements and processing: Proposed detached condominium subdivisions, including the conversion of an existing subdivision of fee simple ownership to a common interest ownership model, shall be processed as either a minor subdivision (see Subsection B., above) or a major subdivision (see Subsection C., above) and shall have the same requirements and processing as set out in those Sections. Detached condominium subdivisions shall contain no fewer than three (3) residential units. Detached condominium subdivisions shall meet the following criteria:
   a. The common interest community must contain common elements such as parking areas, roads, amenities, or driveways.
   b. New detached condominium subdivisions must be filed with a rezoning development application to create a single-family common interest community if the lot is in a zone that prohibits condominiums.
   c. For conversions to existing detached condominium subdivisions, one hundred percent (100%) of all property owners must approve the conversion to condominium ownership.
d. Detached single-family dwellings must meet the dimensional standards of a similar and appropriate single-family zone district based on existing dimensional features of buildings and lots and the immediate surroundings, as determined by the Administrator.

e. Submitted documents related to the concurrent subdivision approval must include a plat note and development agreement prohibiting lot line vacations and lot line adjustments that would allow for a larger home than the original condominium subdivision would have allowed. These exclusions may be conditions applied by the Community Development Commission during the review process.

f. Detached condominiums are not allowed on single-family and duplex zoned lots in EN-1 through EN-6, RA, and RL zones.

Item 3.

**Sec. 6-3-6-3 Preliminary Plan**

C. **Submittal Requirements.** Engineering information submitted on preliminary plans are construction quality drawings. It should be a graphic presentation / plan that shows the intent of development and answers engineering questions. The submittal shall address all comments assembled during the conceptual subdivision plan review process. The preliminary plan submittal shall include:

1. A location map, drawn at a one inch equals five hundred feet (1” = 500’) scale, either separate or composite with the preliminary plan, covering a one-mile radius of the subdivision showing the following:
   a. Major topographical features;
   b. Existing and planned streets and highways;
   c. Zone boundaries, municipal limits, taxing districts, and any other special districts; and
   d. Significant watercourses.

2. Clear, high-contrast copies of a 22” X 34” preliminary plan of the proposed subdivision. The plan(s) shall be in a format approved by the Administrator. The following information shall be shown on the plan sheet(s):
   a. The name of the proposed subdivision (no subdivision shall bear the same name as another subdivision unless adjoining and using consecutive filing numbers);
   b. Name and address of the owner of the property, developer(s), planner / registered engineer, and / or surveyor preparing the plan / document, including the engineer and / or surveyor stamps;
   c. The date of preparation, an engineering graphic and written scale, and a symbol designating true North;
   d. Location and an accurate outer boundary survey with dimensions, certified by a registered land surveyor licensed to work in the State of Colorado, of the proposed subdivision, including a traverse of the monumented perimeter. The traverse shall have an error of closure of not greater than one part in ten thousands;
   e. One survey tie into the City grid system. Monumentation shall conform to the survey requirements of Colorado Revised Statutes;
f. Designation of survey monuments proposed to be used for control during construction;

g. Identification of any proposed excepted parcels (outlots);

h. Adjacent land uses;

i. Names of all adjoining subdivisions; and

j. Lot and street layout, including:
   1. Lots and blocks, numbered consecutively;
   2. Dimensions, rounded to the nearest foot, of all lots;
   3. Lot widths at the required front setback lines;
   4. Any tracts of land proposed to be platted in a size larger than the requirements of the zone district within which the property is located, which shall be oriented and delineated in a manner that will permit a future division of such tract;
   5. Existing structure(s) that will remain;
   6. Outlines and dimensions of any property or properties, other than a street or alley, that is/are proposed for dedication for public use, with the area(s) marked "Public Site" and showing the proposed use(s); and
   7. Outlines and dimensions of any property or properties and/or structures to be owned in common and showing proposed use(s).

3. A table showing the total land area (acres) contained in the proposed subdivision, and the number of acres and percentage of total acreage of all land uses, gross density of residential areas, number of lots, area of each lot, and the length, in feet, of public streets.

4. The names and addresses of owners, departing property lines, and zoning of adjoining property (subdivided or not subdivided).

5. Existing structures within 200 feet of the proposed subdivision boundaries.

6. **Condominiums.** If the plan is for a condominium subdivision:
   a. Building location(s) with perimeter dimensions with two or more ties to the corners of the building(s) and to the perimeter boundary of the parcel.
   b. Condominium units, lettered or numbered, with totals included in the table required by Subsection C.3., above.
   c. Locations and designations of common elements (e.g., hallways, stairs, elevators, etc.).
   d. Condominium units:
      1. Interior frontage dimensions and elevations.
      2. Wall thickness of all exterior and common walls to one hundredth of a foot.
      3. Floor elevations to one hundredth of a foot.
      4. Floor and ceiling thickness and height dimensions between them.
      5. Identification of fireplaces, balconies, chimneys if part of the unit, or included in the description required by Subsection C.6.c., above, if there are to be common elements.
   e. Statement as to whether airspace is finished or unfinished.
   f. Access from the condominium unit through the building and across the parcel to a public street.
   g. Building elevations, including front, side, and rear views.

7. **Detached Condominiums.** If the plan is for a detached condominium subdivision:
   a. Existing streets, bikeways, sidewalks, paths, alleys, and easements within and abutting the proposed subdivision (locations, names, surface improvement widths and types, curbs, curb cuts, gutters, crosspans, and right-of-way centerlines and widths).
   b. Proposed street system, showing:
      1. Plan View:
         a. Right-of-way, centerline of right-of-way and pavement widths.
         b. Curbs, gutters, crosspans, curb cuts, and sidewalks with horizontal dimensions.
         c. Proposed street names.
         d. Any special treatments proposed within rights-of-way, such as medians, channelization, traffic control, and/or landscaping.
         e. Stationing and dimensions.
      2. Profile View:
         a. Center line and flowline profile.
         b. Grades and vertical curves.

   a. Overall utility plan (without contours) showing locations and sizes of existing and proposed utilities and easements within, adjacent to, and abutting the subdivision.
   b. Individual utility plans showing sizes and locations of all existing and proposed easements and sewer, water, and storm drain lines, including existing and proposed manholes, hydrants, gate valves, and all-weather access to all improvements. All new public sewer lines and water mains 12 inches and larger shall be shown in profile.
   c. Any rerouted, underground, or new irrigation ditches, and irrigation water system. Written approval shall be obtained and submitted for any rerouting of irrigation ditches from the appropriate irrigation company or association.

10. Grading, Drainage, Storm Runoff, and Flooding.
    a. Within the proposed subdivision and to points 50 feet beyond its boundary, the existing and proposed contours at two-foot intervals for predominant ground slopes up to 10 percent grades, at five-foot intervals for predominant ground slopes over 10 percent grade, and 10-foot intervals for predominant ground slopes over 20 percent grade. Elevations shall be based on USGS sea level datum. Existing contours shall be indicated by broken lines and proposed contours by solid lines. Permanent benchmarks shall be indicated within the proposed subdivision or within 200 feet of its boundary.
    b. Existing drainage features including pipes, structures, culverts, gutters, crosspans, ditches, or swales within or adjacent to the subdivision. Show where drainage enters and leaves the property, and include size and direction of flow(s), and any existing drainage easements.
    c. Proposed drainage system:
1. All proposed pipes, structures, culverts, gutters, crossspans, ditches, and swales, including size and directions of flow;
2. Proposed drainage easements; and
3. Drainage outlets for the subdivision with an explanation of any impact of the subdivision drainage on locations downstream from outlets.

11. Hydrology.
   a. The percentage of the total acreage that will be covered with impervious surfaces such as roads, roofs, and driveways.
   b. Storm drainage calculations based on existing and proposed 10- and 100-year design frequencies.
   c. Any intended draining, filling, dredging, or excavation of wet areas.
   d. Boundaries of areas of special flood hazard, if applicable.

12. Reports. The following preliminary reports, maps, or texts (see Appendix C for standards) shall be required, if applicable:
   a. Function, ownership, and maintenance responsibility of any common open spaces not proposed to be dedicated for public use.
   b. The preliminary draft of all grants of easements and/or dedications of property within and adjacent to the proposed subdivision; and any restrictions, covenants, or conditions to be imposed upon the use of land, buildings, and structures.
   c. Proposed condominium declarations and bylaws for ownership association, if applicable.
   d. Preliminary improvements agreement.
   e. Flood hazard report.
   f. Soils and geologic report.
   g. Wildlife mitigation report.
   h. Historical/archaeological report.
   i. Traffic study.
   j. Drainage report.
   k. Water supply.
      1. Estimated total number of gallons of treated water per day required for consumption by, and provisions for fire protection in, the proposed subdivision uses.
      2. Adequate evidence that a water supply sufficient in terms of quality, quantity, and dependability will be available. The evidence may include, but not be limited to: Letter from the City Engineer or an established district or company.
   l. Sewerage.
      1. Estimated total number of gallons per day of sewage to be treated that will be generated by the proposed subdivision.
      2. An analysis of any impacts on all downstream lift stations, if existing.
      3. A letter of acknowledgement from any established or proposed district, if a new treatment facility is proposed.

13. If a newly platted street will intersect with a State highway, a copy of State Highway Department approval.
14. **Title.**

   a. An exact copy of a certificate of a title insurance company or attorney's opinion, which shall set out the names of all owners of property included in the plan and shall include a list of all individuals or entities who may have an interest via mortgages, judgments, liens, easements, contracts, and agreements of record which affect the property covered by the plans.

   b. If a portion of an existing easement or right-of-way is contiguous to a proposed easement or right-of-way of the new subdivision, proof of the dedication of the existing easement or right-of-way shall be submitted.

15. **Covenants, Conditions, and Restrictions.** A statement of intent regarding the formation of a homeowners' / property owners' association; and a draft copy of any restrictions, covenants, or conditions proposed to be recorded with the final plat.

16. **Additional Information.** Additional information may be required by the Department in order to adequately review the proposed subdivision.

B. **Review Criteria.** The following criteria shall be used to evaluate preliminary subdivision plans:

   1. The proposed subdivision is in conformance with adopted plans(s) and policies, and the standards of this LUDC.

   2. The proposed subdivision is compatible with existing or approved development of adjacent properties under existing zoning.

   3. The proposed streets are correctly named.

   4. The proposed engineering solutions are sound for all of the major physical site features.

   5. Public facilities will be available and adequate to serve the potential population of the proposed subdivision as it is occupied.

   6. The impacts of the subdivision do not materially compromise the safety or welfare of the public.

C. **Timing of Subsequent Approvals.**

   1. If a final plat covers only a portion of the land area within an approved preliminary plan, such preliminary plan approval for the remaining area shall be automatically renewed for an additional period of one year from the date of approval of each subsequent final plat approval, unless the City Council notifies the Applicant, in writing, to the contrary.

   2. An entire preliminary plan area shall be recorded as a final plat(s) within three years of preliminary plan approval. After that time, any unrecorded portion of the preliminary plan shall be required to be reprocessed in accordance with then current City Code(s), or such portions shall become null and void.

   3. The Applicant may request, in writing, a withdrawal of the preliminary plan at any time.

Item 4.

**Sec. 6-3-6-4 Final Plat**

A. **Generally.** Final plats are approved administratively pursuant to the standards of this Section. Final plat review is used to ensure that the final plat implements the approved preliminary plan (including conditions of approval), meets the technical requirements for a final plat, and is accompanied by all required supporting documentation, approvals, and agreements. A preliminary plan may be implemented by more than one final plat (each covering a different phase or area).
B. **Procedures.** With respect to final plats, the procedures of Division 6-3-3, *Standard Development Approval Procedures*, are modified as follows:

1. If the final plat implements the preliminary plan, all requirements of approval of the preliminary plan have been met in the final plat submittal, and no adverse comments are received from referral departments / agencies, the Administrator shall approve the final plat.

2. If the final plat has been modified to reflect improvements in design or changes which have occurred since the time of the preliminary plan review and approval, the Administrator may require the submittal of material(s) necessary to adequately review the changes. Such modified plans shall be processed in the same manner as a preliminary plan.

C. **Restrictions.**

1. Parcels that are not contiguous shall not be included in the same plat, nor shall more than one plat be made on the same sheet.

2. Contiguous parcels owned by different parties may be included in the same plat, provided that all owners join the dedication and acknowledgement.

D. **Technical Requirements.** The Applicant shall submit the number of copies of the final plat and related documents requested by the Department. The submittal shall include the following drawings, materials, and information:

1. **Drawing Standards.** Drawings shall comply with the following standards:
   a. The plat shall be delineated at a scale of not less than one inch equals two hundred feet (1" = 200'), on a waterproof, reproducible medium such as mylar, which is twenty-two inches by thirty-four inches (22" × 34") in size. The mylar shall be three-mil thick.
   b. The plat shall be prepared and certification made as to its accuracy and the placement of all monuments, as described by a registered land surveyor licensed to do such work in the State of Colorado.

2. **Mapping Format.** The plat shall show:
   a. An engineering graphic and written scale;
   b. A north arrow;
   c. Date of preparation of the final plat;
   d. The name of the subdivision;
   e. Legal description or reference thereto. The metes and bounds legal description of the perimeter boundary of the subdivision shall have the point of beginning tied to the established City grid system;
   f. A statement that the survey was performed by, or under, a professional land surveyor’s direct responsibility, supervision, and checking;
   g. A statement by the land surveyor explaining how the basis of bearing was determined;
   h. Name, signature, date, and seal of the professional land surveyor; and
   i. A vicinity map at a scale of one inch equals five hundred feet (1" = 500').

3. **Multiple Sheets / Composite Maps.** A final plat may be drawn on multiple sheets covering representative and reasonable portions of the subdivision tract. In these cases, the surveyor shall include a composite map at a lesser scale indicating the sheets, numbered accordingly, and shall include title, legend, matchlines, and other information. The number of copies of the composite map shall equal the number required for final plat submittal, as established by the Administrator.
4. **Required Information.** The following subdivision information shall be shown on the plat. Sufficient data shall be provided to enable the reestablishment of the property lines of the subdivision on the ground.

   a. **Boundaries.** The outer boundaries of the subdivision:
      1. Bearings, distances, and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the subdivision is bounded by an irregular shoreline or a body of water, the bearings and distances of a closing meander traverse shall be given and a notation made that the subdivision includes all land to the water’s edge, or otherwise.
      2. On curved boundaries and all curves on the plat, circular curve data shall include radius of curve, central angle, tangent, arc length, chords, and notation of nontangent curves.
      3. Distances to one hundredths of a foot, and angles and bearings shall be shown to seconds of arc.
      4. Description of all monuments, both found and set, which mark the boundaries of the property, and a description of all control monuments used in conducting the survey.
      5. Any conflicting boundary evidence.
         a. Areas of conflict or overlapping deed descriptions should be clearly identified.
         b. When measured dimensions differ from recorded dimensions, clearly indicate both on the final plat.

   b. **Classification of Land.** All land within the boundaries of the subdivision shall be accounted for either as:
      1. Lots;
      2. Land to be dedicated to the public or to common ownership. These parcels shall be labeled "Public Site" or, in case of land to be owned in common, shall be labeled "Common Site." If the future use is known at the time the plat is prepared, it may also be noted on the respective parcel(s);
      3. Street, alley, walkway, bikeway, trail rights-of-way, or easements; or
      4. Excepted parcels (outlots) under different ownership shall be marked "Not included in this subdivision" or "Not included in this plat," as appropriate, and the boundary(s) completely indicated by bearings and distances.

   c. **Tabular Data.** A table shall be on the plat showing:
      1. The percent of total quantities of land in each classification (see Subsection D.4.b., above), which must be accounted for;
      2. Net and gross densities;
      3. Acreage (to the nearest 0.001 acre) of each land use, as applicable;
      4. Area of each lot;
      5. The length, in feet, of all streets; and
      6. Total area of the subdivision to the nearest 0.001 acres.

   d. **Condominium Requirements.** If the plat is for a condominium subdivision, it shall also show the following information:
      1. Building location(s) with perimeter dimensions with two or more ties to the corners of the building(s) and to the perimeter boundary of the parcel.
2. Condominium units, lettered or numbered, with totals included with the tabular data (see Subsection 3.4.c., above.

3. Location and designation of common elements (e.g., hallways, stairs, elevators, etc.).

4. Condominium units:
   a. Interior frontage dimensions and elevations.
   b. Wall thickness of all exterior and common walls to one hundredth of a foot.
   c. Floor elevations to one hundredth of a foot.
   d. Floor and ceiling thickness and height dimensions between them.
   e. Identification of fireplaces, balconies, chimneys if part of the unit, or include in with common elements, above, if to be common elements.
   f. Statement as to whether airspace is finished or unfinished.

5. Access from the condominium unit through the building and across the parcel to a public street.

6. Building elevations, including front, side, and rear views.

e. **Detached Condominium Requirements.** If the plat is for a detached condominium subdivision, it shall also show the following information:
   1. Detached condominum plats shall be processed as an as-built plat, to be filed after construction or installation of the detached condominum.
   2. **Detached Condominium Requirements.** Plats for a detached condominium subdivision shall include the following information:
      1. **Building footprints.**
      2. **Access from the condominium unit across parcel to a public street.**
      3. **Foundation ownership and maintenance responsibility.**

f. Numbering. All blocks, all lots within each block, and condominium units (if applicable) shall be consecutively numbered.

g. Bearings and Distances. All bearings and distances shall be given for all lot or parcel lines in the same manner as the plat boundaries (see Subsection D.4.a., above), except that bearings and distances need not be given for interior lot lines where the bearings and lengths are the same as those of both end and lot lines.

h. Easements and Rights-of-Way. All streets, alleys, walkways, bikeways, and trails shall be designated as such. Public streets shall be named.
   1. Right-of-way lines, including centerlines, shall show bearings and distances including delta angle, radius, arc length, chord, and chord bearing.
   2. All existing easements, or easements to be created, shall be designated as to type, with bearings and dimensions given.
   3. Existing easements shall be labeled with their reception number noted.
   4. If easements are created by the recording of the final plat, a dedication statement indicating the allowed uses and who has the right to use the easement shall be included on the plat.
   5. Indicate adjacent property lines departing from the subdivision boundary (to scale, but no dimensions are required).
6. Construction limit lines, e.g., geologic hazard lines, floodplain lines, or other restrictive areas shall be shown with adequate dimensions to locate said lines on the ground.

   i. Dedication Statement. A dedication statement deeding all public land or land to be owned in common including, but not limited to, streets, walkways, bikeways, trails, and public sites (e.g., open space, parks, etc.); indicating use, ownership, and maintenance of all public or private rights-of-way and land areas; and dedication of all easements.

   j. Signature Blocks. The plat shall contain the following signature blocks:

      1. Space for the original signature of owner(s) and a space for a notary's signature for each owner's signature. All owners, lien holders, or interests shall sign the plat.

      2. Spaces for original signatures of all utility providers (gas, electric, telephone, cable) showing utility company name, signature slot, and date of signature. The Applicant shall obtain these signatures prior to submittal of the final plat.

      3. Space for City officials' certificates of approval showing title, signature slot, and date of signature for the following:

            a. City Engineer;

            b. Director of Community Development;

            c. Mayor; and

            d. City Clerk.

   k. Monument Record. A monument record delineated on the plat for required benchmarks including:


      2. All lot and block corners and street intersection centerlines.

      3. At least one elevation benchmark based on established City datum shall be set (where practical to tie in within every subdivision or subsequent filing prior to submission of the final plat for approval).


E. **Other Documents.** The following final reports, maps, or texts shall be submitted, if applicable:

   1. The following plans and reports are interrelated. They may be shown on the same sheet if this does not result in undue confusion and congestion on the sheet. If separate sheets are used, all drawings shall be to the same scale.

            a. Grading and drainage plan.

            b. Erosion control plan.

            c. Composite improvement plan.

            d. Subsurface soils investigation.

            e. Any other plan required by the preliminary plan approval.

   2. Utility plans.


   3. An exact copy of a current certificate of title which shall set forth the names of the owners of property included in the plat and shall include a list of all individuals or entities who may have an interest via mortgages, judgments, liens, easements, contracts, and agreements of record which
affect the property covered by the plat. If the opinion of title discloses any of the above, the holders of such mortgages, judgments, liens, easements, contracts, or agreements, shall be required to approve the plat, in writing, signed and notarized, before the plat may be recorded.

4. A signed improvements agreement to be recorded.
5. A signed improvements guarantee to be recorded.
7. A final document setting forth covenants, conditions, and restrictions to be recorded.
8. Proposed condominium declarations and bylaws for ownership association, if applicable.
9. Notification of approval from the State Health Department for the construction of any sewer system, or part thereof, when required by State Health Department regulations.

Item 5.

**Article 7-3 Definitions**

**Single-Family Detached Condominium Dwelling Unit** is a detached building containing only one (1) dwelling unit that is located within a condominium community with at least three (3) or more detached single-family condominium dwelling units located on one (1) lot. Detached condominium ownership consists of the entire structure, including all exterior walls, roofs, decks, and porches.

**Modular Home** means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, able to meet the applicable building code as administered by the building official. A modular home is different than a manufactured home and modular homes are not subject to regulations enacted in this code applicable to manufactured homes.
TO: DURANGO CITY COUNCIL  
FROM: JOSÉ R. MADRIGAL, CITY MANAGER  

SUBJECT  RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH LA PLATA COUNTY REGARDING FUNDING FOR THE ANNEXATION OF COUNTY ROADS 250 AND 251. - EIN

RECOMMENDATION:  
The City Council approve the resolution authorizing the mayor to execute an intergovernmental agreement with La Plata County regarding funding for annexing county roads 250 and 251.

BACKGROUND SUMMARY:  
The City and the County recognize mutual benefits and advantages to be obtained by working together to address transportation and development issues in the 250/251 area. The intergovernmental agreement outlines the process for County Roads 250 and 251 to be annexed and maintained by the City of Durango. La Plata County agrees to provide $4.4M in funding to the City for annexing the area and as payment for La Plata County being relieved of future maintenance obligations.

The $4.4M of County funding has been included as revenue in the City’s 2024 Annual Budget for roadway improvements and construction of the 250/251. The $4.4M will be paid in two installments, the first installment of $2.2M no later than 60 days after the City has provided written acknowledgment to the County that the City has accepted the County's petition for annexation. The final installment of $2.2M will be made within 15 days of the completion of the annexation. The annexation process is estimated to be completed within 4-6 months. If the annexation is not completed within a year, the City would be responsible for repaying the first installment to the County.

STRATEGIC PLAN ALIGNMENT:  
Effective Infrastructure Network

ALTERNATIVE OPTIONS CONSIDERED:  
N/A

FISCAL IMPACT:  
Receipt of $4.4M in funding.

POTENTIAL ADVERSE IMPACTS:  
N/A

NEXT STEPS AND TIMELINE:  
The annexation process will begin immediately, and the funding will be used for the 250/251 construction project, which has been awarded and is anticipated to begin in the spring.
RESOLUTION R-

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH LA PLATA COUNTY REGARDING FUNDING FOR THE ANNEXATION OF COUNTY ROADS 250 AND 251

WHEREAS, The provisions of Section 18 of Article XIV of the Colorado Constitution and C.R.S. § 29-1-203 allow Colorado local governments to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each local government, including but not limited to the function of planning or regulating the development of land;

WHEREAS, C.R.S. § 29-20-105 authorizes and encourages Colorado local governments to cooperate or contract with each other for the purposes of planning the orderly development of land through the joint adoption of planning, zoning, building, subdivision, and related regulations, including agreements containing provisions concerning annexation;

WHEREAS, The City and County agree that improvements to the roadways and intersections, combined with additional multimodal features, will enhance safety and traffic flow within the project area;

WHEREAS, The City and County are currently seeking ways to promote economic development within La Plata County to increase employment opportunities and economic vitality within the County;

WHEREAS, The City and County recognize that providing arterial access to developable land within the City and in adjacent County properties will provide economic opportunity, which may increase local housing stock and local employment and generate additional tax revenues to the benefit of the City and the County;

WHEREAS, The City and County recognize that there are mutual benefits and advantages to be obtained for the Parties and for the public by cooperatively working together to address transportation and development issues, and the Parties, therefore, desire to participate with one another in the adoption of this Agreement;

WHEREAS, The City and County desire to have the City annex CR 251 from the current city limits (near the east side of 850 E. 32nd Street and approximately 660 feet west of Holly Ave.) east to and through the easternmost edge of the intersection with CR 250...
and to CR 250 from approximately 367.47 feet north of the intersection of CR 251, CR 250, and Metz Lane south to Florida Road;

WHEREAS, The City and County desire to clarify the Parties’ maintenance obligations of the county roads within the pending annexation area;

WHEREAS, Many of the properties adjoining the CR 250 and CR 251 project areas have already been annexed by the City, and the County and the City desire that the City annex all portions of CR 250 and CR 251, including the related intersections, with the Project Area, therefore be it

RESOLVED, That the City Council of the City of Durango, in regular meeting assembled,

Section 1. Authorize the Mayor to execute the intergovernmental agreement with La Plata County regarding funding for the annexation of county roads 250 and 251.

Approved and adopted this 6th day of February, 2024.

CITY OF DURANGO,

COLORADO

By:

Mayor

ATTEST:

By: Faye Harmer, City Clerk

Commented [HF1]:
INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF DURANGO, COLORADO AND LA PLATA COUNTY, COLORADO REGARDING FUNDING FOR THE ANNEXATION OF COUNTY ROADS 250 AND 251

THIS INTERGOVERNMENTAL AGREEMENT (this “Agreement”) is entered into as of the Effective Date defined below by and among the BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO, whose address is 1060 E. 2nd Avenue, Durango, CO 81301 (the “County”), and the CITY OF DURANGO, a Colorado Home Rule Municipality whose address is 949 E. 2nd Avenue, Durango CO 81301 (the “City”) (collectively, the “Parties”).

A. The provisions of Section 18 of Article XIV of the Colorado Constitution and C.R.S. § 29-1-203 allow Colorado local governments to cooperate or contract with one another to provide any function, service or facility lawfully authorized to each local government, including, but not limited to, the function of planning or regulating the development of land.

B. C.R.S. § 29-20-105 authorizes and encourages Colorado local governments to cooperate or contract with each other for the purposes of planning the orderly development of land through the joint adoption of planning, zoning, building, subdivision, and related regulations, including agreements containing provisions concerning annexation.

C. The City and the County agree that improvements to the roadways and intersections, combined with additional multimodal features, will enhance safety, and traffic flow within the project area.

D. The City and the County are currently seeking ways to promote economic development within La Plata County to increase employment opportunities and economic vitality within the County.

E. The City and County recognize that providing arterial access to developable land within the City and in adjacent County properties will provide economic opportunity, which may increase local housing stock and local employment and generate additional tax revenues to the benefit of citizens of the City and the County.

F. The County and the City recognize that there are mutual benefits and advantages to be obtained for the Parties and for the public by cooperatively working together to address transportation and development issues, and the Parties therefore desire to participate with one another in the adoption of this Agreement.

G. The County and the City desire to have the City annex (the “Project”) CR 251 from the current city limits (near the east side of 850 E. 32nd Street and approximately 660 feet west of Holly Ave.) east to and through the eastern most edge of the intersection with CR 250 (the “CR 251 Project Area,” which contains approximately 3,510.39 feet of CR 251) and to CR 250 from approximately 367.47 feet north of the intersection of CR 251, CR 250, and Metz Lane south to Florida Road (the “CR 250 Project Area,” which contains approximately 1,014.28 feet) (collectively, the “Project Area”).

H. The County and the City desire to clarify the Parties’ maintenance obligations of the county roads within the Project Area pending annexation of the Project Area.
I. Many of the properties adjoining the CR 250 Project Area and CR 251 Project Area have already been annexed by the City, and the County and the City desire that the City annex all portions of CR 250 and CR 251, including the related intersections, within the Project Area.

Now, Therefore, in consideration of the mutual promises, covenants, and obligations herein set forth, the parties hereby mutually agree as follows:

1. Annexation

It is the City’s intent to annex County Roads 250 and 251 rights-of-way within the Project Area, and the County is willing to allow annexation. The County has been largely reliant upon the City’s willingness to annex the CR 250 Project Area and CR 251 Project Area. The County agrees to document transfer of said rights-of-way on CR 251 and CR 250 within the Project Area to the City when annexation is complete. The County will support the City’s annexation efforts in this regard. The County desires that the City annex the Project Area as promptly as is possible. As an accommodation to avoid unnecessary delay with the Project, the County is willing to pay one half of the County Contribution (as defined below) once annexation begins, and the other half of the County Contribution upon completion of annexation.

CR 250 and 251 Construction

If the City desires to begin construction of any improvements to the applicable roads before annexation of the Project Area is complete, then in no event shall construction begin within the Project Area before the City or its contractor have obtained a permit from the County to perform work within the County’s right-of-way within the Project Area. The terms and conditions of such permits are generally set forth in Section 74-9 of the County’s land use code, and the City acknowledges and agrees that such permitting is a prerequisite to any construction or site preparation work of any kind within a county right-of-way. These county permitting requirements shall not apply if the Project Area is annexed by the City prior to construction.

2. Staff Resources.

The City and the County agree to share information and to allocate time to provide resources to facilitate the Project. The County’s primary allocation of time and resources is the provision of the County Contribution (defined below) and permitting work within the County’s right-of-way if the City desires to proceed with construction prior to completing annexation of the Project Area. The City is responsible for diligently pursing annexation of the Project Area, and any and all construction the City desires to conduct in the Project Area.

3. Funding Formula and Payment

The County agrees to provide funding to the City for the Project. The County has agreed to provide $4,400,000.00 towards the Project ("County Contribution"). The County Contribution includes the costs of consultants, surveyors, or others necessary for the preparation of an annexation petition and proposed annexation map and payment of any annexation related fees to the City. The County agrees to provide payment to the City of one-half (1/2) of the County Contribution ($2,200,000.00), minus the costs of consultants, surveyors, or others necessary for the County’s preparation of an annexation petition and proposed annexation map and payment of any annexation related fees to the City, which first payment out of the County Contribution shall be contingent upon the City’s formal, written
acknowledgement to the County that the City has accepted the County’s petition for annexation of the Project Area as a complete and sufficient annexation petition that will be processed to final vote by the City. Such payment shall occur no later than 60 days after City’s acceptance above. Thereafter, the City commits to diligently pursue completion of annexation of the Project Area. Upon the City’s completion of annexation of the Project Area, the County shall provide payment to the City of up to a maximum of the remaining $2,200,000.00, less any additional costs outlined above, for a total maximum County contribution of $4,400,000.00. Such payment shall be made within 15 days of the completion of annexation.

The City acknowledges and agrees that the County’s interest and willingness in assisting the City in pursuing the annexation of the Project Area to meet City desires for the Project Area are reliant and contingent upon the City’s actually accomplishing annexation of the Project Area. As such, if the City has not completed its annexation of the entire Project Area within one year of the date that the City accepts the annexation petition, then the City agrees to repay any County payment of the first half of the County Contribution to the County within sixty (60) days of written demand from the County to the City for such repayment. The City and County have agreed to this clawback provision and repayment of the County Contribution as the County’s sole and exclusive remedy for the City’s failure to timely complete annexation of the Project Area as contemplated by this Agreement.

4. Maintenance

As of the date that construction or any other site preparation work begins within the CR 250 Project Area or CR 251 Project Area, the City acknowledges and agrees that it shall immediately assume all repair and maintenance (including all removal of snow or other debris) obligations for the portions of CR 250 and CR 251 within the Project Area and the County will not be responsible for any such repair or maintenance obligations within the Project Area. The City acknowledges and agrees that the County’s intention to make payments pursuant to the terms of paragraph 3 above are expressly contingent upon the City’s acceptance and performance of these repair and maintenance obligations, it being the Parties’ intent that the Project Area be annexed and maintained by the City as soon as is reasonably practicable.

The City further agrees that once its repair and maintenance obligations under this paragraph 4 are in effect, the City shall be solely responsible and liable for any and all costs, claims, judgements, awards of damages, including without limitation attorney’s fees and other costs of defense, asserted or otherwise arising directly or indirectly from, on account of, or in connection with the City’s performance (or failure to perform) its repair and maintenance obligations within the Project Area, notwithstanding whether or not annexation of the Project Area has been completed.

5. General Provisions.

   a. Effective Date. The effective Date of the Agreement shall be the date of the last party to sign.

   b. Entire Agreement. This Agreement embodies the entire Agreement between the parties pertaining to the subject matter set forth herein and supersedes all prior agreements and understandings, if any. This Agreement may be amended or supplemented only by an instrument in writing executed by all parties to the Agreement.
c. No Third Party Beneficiaries. The Parties to this Agreement do not intend to benefit any person not a party to the Agreement. No person or entity, other than the Parties to this Agreement shall have any right, legal or equitable, to enforce any provision of the Agreement.

d. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to be an original and all of which together shall constitute on original Agreement.

e. No assignment. Neither Party may assign their rights or obligations under this Agreement without the prior written consent of the other Party. No contract, subcontract or other agreement shall release either Party of its responsibilities under this Agreement.

f. Authority. Each person signing this Agreement in a representative capacity expressly represents that the signatory has the subject Party’s authority to so sign and that the subject Party will be bound by the signatory’s execution of this Agreement.

g. Public Funds. Because this Agreement contemplates the expenditure of public funds, this Agreement is contingent upon continued availability of such funds for payment. The obligations described herein shall not constitute a general obligation, indebtedness or multiple year direct or indirect debt or other financial obligation whatsoever within the meaning of the constitution or the laws of the State of Colorado.

In Witness Whereof, the Parties hereby execute this Agreement on this day and year set forth below.

(Seal)                                              BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO

Matt Salka, Chairperson
Date: 1/23/2017

(S Seal)                                      CITY OF DURANGO, COLORADO

Melissa Youssef, Mayor
Date: __________________________

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Page 7 of 7
RECOMMENDATION

It is the recommendation of Community Development staff and the Planning Commission that the City Council, by motion,

1. Move to open a public hearing for the annexation, initial zoning, and conceptual planned development for the Durango Crossings Partnership.

Following the completion of the public hearing:

2. Move to approve an ordinance annexing the Durango Crossings Partnership Addition with the initial zoning of Planned Development with the findings and conditions as outlined in the staff report and discussed at this public hearing.
3. Move to adopt a resolution approving the proposed Durango Crossings Partnership Conceptual Planned Development with the findings and conditions as outlined in the staff report and discussed at this public hearing.

SUMMARY

This is a public hearing considering the Durango Crossings Partnership Annexation and Conceptual Planned Development. This project is a public-private partnership between the City of Durango and the Durango Crossings Partnership, led by Ken Trujillo. Three separate actions are required by City Council:

1. Conduct a public hearing considering this request;
2. Approve an ordinance annexing the property; and
3. Adopt a resolution approving the Conceptual Planned Development.

The partnership between the City and Mr. Trujillo came out of a directive from City Council to consider the development of City-owned land with workforce housing. In this case, about 6 acres of City-owned property will be contributed to the development, which is proposed with 149 residential units as a mix of condominiums, townhomes, and apartments, as well as a small scale commercial component. In addition to the City owned land, the developer is contributing property that he owns or will acquire, bringing the total acreage of the development to 8.3. The agreement with the developer requires that a minimum of 50% of the residential units will be deed restricted as workforce housing for individuals making 70-120% of Area Median Income, with the remainder of the units offered at market rates. At least half of the units must be offered for sale. The current proposal would create a minimum of 75 permanently affordable units, with 45 of these as deed-restricted ownership units. Both the developer and the City are actively pursuing funding options that may allow the project to exceed the 50% minimum. Even without exceeding this percentage, Durango Crossings would become the single largest deed-restricted housing development within City limits at full build out.

The City-owned properties are vacant and were acquired in the late 1990s and early 2000s for the purpose of an extension of Jenkins Ranch Road. This connection was prioritized as an alternative to North College Drive but has never been built. Under this proposal, the applicant will build the first leg of this road connection through to the eastern edge of the development. Accordingly, the project will accomplish the original goal of the property acquisition while also addressing the more current need for workforce housing. The full completion of this road connection is not specifically considered with this proposal and would require further right-of-way acquisition before becoming feasible.

Based on the complexity of the project, staff has worked with the developer on how to appropriately phase the project. If the annexation and conceptual plan are approved, the project will be reviewed and built out in three phases. Each phase will require detailed submittals and reviews by City staff and the Community Development Commission prior to City Council approval. Additional information on phasing will be provided in the staff presentation.

Staff’s analysis of the Conceptual Planned Development layout has sought to balance the possible impacts of the project with the need to maximize the density and therefore the quantity of workforce housing units that can be built. It is anticipated that the proposed layout will be modified as the project moves on to Preliminary Planned Development reviews, though the requested unit count does appear feasible even at the maximum allowable density of 24 units per acre. Staff reviews will focus on preserving the context of the Florida Road corridor, minimizing traffic impacts, and protecting the steep slopes in the area, in addition to ensuring that typical development standards are met.
The annexation of the property is relatively straightforward on paper, as all property owners have petitioned for annexation and the territory exceeds the state requirement that it must be 1/6th contiguous with existing City limits. Annexation will require the execution of both an Annexation Agreement and a plat, both of which are currently in draft form. As the property is being annexed at the conceptual stage and will be zoned Planned Development, the annexation agreement will also serve as the initial Planned Development Agreement. Pages 6 and 7 of the Planning Commission staff report lay out the crucial aspects of the agreement, which should be reflected in the conditions of approval.

The Planning Commission reviewed this proposal at its December 4, 2023, meeting. The Commissioners found that the project aligns with the Land Use and Development Code’s standards for both annexations and Conceptual Planned Developments. Though there were 4 members of the public who live in the area and voiced opposition to the proposal, the Commission unanimously voted 3-0 to recommend a conditional approval of the annexation, initial zoning, and conceptual development plan.

Attachments: Planning Commission Staff Report
Planning Commission minutes
Application package
Notice of Award
Written Public Comment
Vicinity & Context Maps
Presentation Slides
Ordinance O-2024-___ with Exhibits A & B
Resolution R-2024-___

STRATEGIC PLAN ALIGNMENT
The proposed annexation and conceptual planned development conform with the policy statements contained within the Strategic Plan’s Affordability and Economic Opportunity section.

ALTERNATIVE OPTIONS CONSIDERED:
1. Allow the City owned parcels to remain undeveloped (the status quo); or
2. Pursue using the City owned parcels for a road connection only, subject to the acquisition of the additional necessary right-of-way.

FISCAL IMPACT:
This project requires the commitment of City-owned land for development. These parcels have not been appraised, but were acquired for approximately $775,000 and have a current estimated valuation of $1,487,360 according to the County Assessor. Developing these properties with both the road connection and workforce housing represents a substantial return on the City’s investment, as it accomplishes both the originally intended goal of the acquisition and addresses a current need within the community. Should the project fail to materialize, clauses within the annexation agreement will allow the City-owned land to revert back to City ownership.

The annexed property will be provided with City services, which incurs a cost. Residents of the new development will pay a portion of their property taxes to the City of Durango and will contribute to City funds through sales tax.

On August 1, 2023, City Council approved Resolution R-2023-31 authorizing support for submitting a Department of Local Affairs (DOLA) HB22-1304 Strong Communities Infrastructure Grant Program Letter of Intent (LOI) to seek additional grant funding for the Durango Crossings development. The LOI requested $4 million in infrastructure needs and would have included a 20% (up to $800,000) local match requirement. The Housing Innovation Division was notified on December 12, 2023, that the city was unfortunately not selected to move forward in the grant selection process. Staff will continue to monitor and track state and federal funding opportunities in the future and may request further funding as needed. At this time, no additional City resources are committed to this development beyond the land contribution and standard development fee waivers that are provided for the construction of workforce units.

POTENTIAL ADVERSE IMPACTS:
The project will generate additional traffic on the roadways in the area, including Florida Road. The applicant’s traffic study suggests that the traffic increases stemming from this project will be minimal and will not alter the level of service provided by the corridor.

NEXT STEPS AND TIMELINE:
Following the approval of the Conceptual Development Plan and the Annexation, the applicant will submit for Preliminary Planned Development reviews in 3 phases. Preliminary reviews will require the review of the Community Development Commission and the approval of City Council, so this project will return before this body for at least 3 additional public hearings. The application for Phase 1 is anticipated to commence during the Spring of 2024, with groundbreaking possible in the Fall of 2024. Immediately following annexation, the City expects to initiate a conditions assessment for the property to determine if Urban Renewal designation may be an option. If successful, tax increment financing may help to offset the significant infrastructure costs and help the project exceed the 50% workforce minimum.
COMMUNITY DEVELOPMENT DEPARTMENT

PUBLIC HEARING DATE
December 4, 2023

PROJECT NAME
Durango Crossings Conceptual Development Plan, Annexation, & Initial Zoning

PROJECT STAFF
Dan Armentano, AICP
Planner III

PROJECT NUMBER
#23-106

PROJECT TYPE
Conceptual Development Plan and Annexation

APPLICANT (PROPERTY OWNER)
City of Durango

PROPERTY ADDRESS/LOCATION
Even numbers from 1480-1540 Florida Rd

PROJECT SUMMARY
The Durango Crossings development is a public-private partnership between the City of Durango and the Durango Crossings Partnership, led by Ken Trujillo. This request will annex 16 parcels into the City with an initial zoning designation of Planned Development, subject to the approval of the Conceptual Development Plan. The properties comprise about 8.3 acres located immediately south of the Florida Road and County Road 250 intersection. The project is a high-density residential and mixed-use development currently proposed with 149 residential units as a mix of condominiums, townhomes, and apartments. A mixed-use building will include commercial uses on the first and second floors. About 6 acres of the development is on City owned land, so staff have negotiated a requirement that a minimum of 50% of the new units will be restricted as workforce housing for individuals making 70-120% of area median income. Major public improvements are required including a new City street which will eventually connect with Jenkins Ranch Road. Following the annexation and Conceptual PD review, the Preliminary and Final PD reviews will be submitted and built out in three phases.

EXISTING COMPREHENSIVE PLAN LAND USE DESIGNATION
Mixed-Use, High Density, Conservation/Open Space

CURRENT LAND USE
Residential/Vacant

CURRENT ZONING
N/A

EXISTING SIZE OF PROPERTIES
8.3 acres

PROPOSED LAND USE
High Density Residential, Mixed Use, Open Space

ADJACENT ZONING
PD, MU-N

PROPERTY HISTORY
The subject properties are developed with residential uses or are vacant. City-owned properties are vacant and were acquired in the late 1990s and early 2000s for the purpose of an extension of Jenkins Ranch Road. This connection was prioritized as an alternative to North College Drive but has never been built. Based on City Council directives to pursue housing developments on City-owned land, staff initiated the process to develop the vacant properties in 2022. Durango Crossings was selected as the development partner and has brought 5 privately owned parcels into the proposal. The subject properties were approved for Future Land Use Map Amendments earlier this year.

COMPREHENSIVE PLAN COMPATIBILITY
The Comprehensive Plan’s future land use map was modified earlier in 2023 to accommodate the desired land uses within this proposal. The designations for the property are High Density Residential, Mixed-Use, and Conservation/Open Space for the steeper hillside areas.

STAFF RECOMMENDATION
APPROVE WITH CONDITIONS

RECOMMENDED MOTION
Move to recommend approval of the proposed Durango Crossings Conceptual Development Plan, Annexation, and Initial Zoning with the findings and conditions as described in the staff report and discussed at this public hearing.

ATTACHMENTS
☒ APPLICANT NARRATIVE
☒ SUBMITTED PLANS
☒ CONTEXT MAP, ZONING MAP & SITE AERIAL
☒ DEVELOPER’S NOTICE OF AWARD
☒ ANNEXATION PETITIONS
☒ PUBLIC COMMENTS
☒ LUDC EXCERPTS
☐ OTHER:
PROJECT OVERVIEW

Background
This project is the Conceptual Planned Development and Annexation of Durango Crossings, a public-private partnership that will create a mixed housing development on 8.3 acres of land currently owned by both the City and a private partner, Ken Trujillo. The City owned properties, which encompass roughly 6 acres, were acquired in the late 1990s and early 2000s for the purpose of a future connection to Jenkins Ranch Road. At the time, it was envisioned that this connection would offer an alternative to North College Drive as a route to the College mesa. As the road connection became a lesser priority over the past 2 decades, City officials began considering whether this acreage could be developed with much needed workforce housing. Staff put out a Request for Qualifications in 2022 to work towards selecting a developer. Mr. Trujillo presented a concept that would include 3 adjacent properties that he owned, as well as two additional properties that he intended to acquire. The City selected this proposal, dubbed Durango Crossings, about a year ago. A Notice of Award was presented to the applicant in February of 2023 which spelled out several required conditions, including construction of the first leg of the road connection. Since this time, the future land use designations for the area have been modified to help facilitate the proposal. A high level description of the project was provided to the Planning Commission and City Council this past Spring with the Comprehensive Plan map amendments, which were adopted in June. With the approval of the amendments, the project is now proceeding with the Conceptual Planned Development and the Annexation.

Current Proposal
The Durango Crossings development is located along Florida Road immediately south of its intersection with County Road 250/East Animas Road. The 8.3 acres are spread across 16 different parcels with an unusual configuration. The City owns 11 of these parcels, Mr. Trujillo owns 3, and two are privately owned by individuals who currently reside on their properties. Mr. Trujillo has indicated that he has verbal purchase agreements with these owners, Gustavo Mondragon and Louise Romero. Both Mr. Mondragon and Ms. Romero have provided annexation petitions and written consent for their properties to be included in this development proposal.

The overall layout of the development is based around two accesses from Florida Road. The primary access will be the future North Jenkins Ranch Road (actual name TBD), with a secondary access as a one-way entry coming into the development at its eastern frontage. The main roadway is to be designed to collector standards with an 80’ right-of-way dedication. It will begin at the existing stoplight for Florida Road and CR 250, turning that intersection from a 3-way to a 4-way. The road will initially head south before swinging to the east along the hillside. Water and sewer main extensions will be included within the right-of-way, and the water main will loop back to Florida at the secondary access point. The street section is currently shown with sidewalks, landscape strips, and on-street parking, though the final designs will be determined at a later stage. A proposed roundabout is shown on the conceptual plans near the Florida Road intersection, though this may or may not be feasible. At the far eastern end of the right-of-way, a temporary turnaround will need to be constructed. While there is no current plan to connect the new roadway through to the existing Jenkins Ranch Road, the City’s intent is to preserve this option by not requiring a cul-de-sac with this development.

The property slopes significantly towards Florida Road, generally from south to north, with the grades increasing further from the arterial corridor. Drainage and stormwater systems will need to be located close to Florida Road. The current proposal indicates that the applicant will pursue underground stormwater detention, though this option is not preferred by the City’s Engineering Division and will be scrutinized further in later reviews. The most easily buildable area is immediately south of Florida Road, and this is accordingly where the majority of the units will be located. To maximize the developable area and allow for adequate parking, it is anticipated that retaining wall systems will be incorporated into many areas across the site. Townhome units located along the upper slopes above the new roadway will need to be built into the hillsides and use foundation walls for retention.

The Conceptual PD design will likely occur in three phases. The first phase includes the most significant infrastructure expense, which is the first leg of the future North Jenkins Ranch Road. The initially proposed vertical construction with Phase 1 includes a 4-story residential condominium building with 32 units, generally located at the southwest corner of the new 4 way intersection. This phase also includes 26 townhome units built into the hillside south of the road. The townhome portion of Phase 1 will likely be built out later than the condominium building and is therefore referred to in the updated proposal as Phase 1A.
The second phase of the proposal will include three 20-unit apartment buildings along the eastern portion of the property’s Florida Road frontage. This phase includes a second access to the development from Florida, currently shown as a one-way private drive connecting through to the new road extension. The apartment buildings will be oriented towards the private drive and will be three stories in height with 1 and 2 bedroom units. At this time, the buildings are designed with only a 15’ rear setback, though the immediately adjacent property is an undevelopable 6 foot strip of land that further buffers the development from residential properties to the east.

The project’s third phase is a 4-story mixed use building that will anchor the development with it’s central location and dual frontage along both Florida and the new section of Jenkins Ranch Road. The mixed-use building is anticipated to have commercial uses on the ground level, a mix of commercial and residential on the second floor, with the upper 2 floors containing the remaining residential condominiums. A total of 31 residential units are proposed in this building, which also includes some tuck under parking. The intended commercial uses include a small scale market, a childcare facility, and a coworking space, all of which would provide convenience for the residents of the development.

The basic facts of the annexation are relatively straightforward. The lands are nearly 40% contiguous with the existing City limits, and 6 of the 8.3 acres are already owned by the City. All additional property owners consent to the annexation. However, minor complications with the title work for two of the City owned parcels have been unearthed during the initial annexation review and will need to be resolved. Though the complications have caused the City’s annexation petitions to be delayed, the petitions have been drafted and are out for signatures as of the date of this report. The specific title issues are difficult to explain, but the applicant’s legal team has indicated that they are able to be addressed. Once this occurs, the annexation process will require a platting exercise to be completed following the public hearings and drafting of the City’s ordinance.

While the platting and petitioning for the Annexation is straightforward aside from the title issues, the Annexation Agreement for the development will be detailed and involved. As the project is a public-private partnership with many conditions already imposed by the City’s Notice of Award, there are layers of complexity that must be clearly spelled out within the agreement. In addition, the agreement must serve as the baseline for the Planned Development zoning designation, despite the fact that the project will have not completed the Preliminary and Final reviews. The details of the annexation agreement, which are discussed later in this report, have mostly been negotiated with the applicant and are reflected in the recommended conditions of approval.

Process
The Annexation, proposed phasing of the Planned Development, and the desire to pursue an Urban Renewal Authority designation will lead to a complex approval process for this project. The Conceptual Planned Development and Annexation proposal will be considered by the Planning Commission before going before the City Council for a final decision, likely in early February. Between the Planning Commission hearing and the City Council’s approval of the Annexation and Initial Zoning ordinance, staff will work with the applicant to produce a final Annexation Agreement and ensure that the plat is acceptable before having both documents executed. The initial zoning of the development will be Planned Development.

Once the project is within the City limits, the City will initiate a conditions assessment to determine if it is possible to have the project and perhaps the surrounding areas designated as an urban renewal district. This approach would allow the use of tax increment financing to help fund some of the necessary infrastructure. Staff have held very preliminary discussions about this option and the URA designation is not a guarantee, but it has potential to be a useful financial tool for the project.

Preliminary and Final Planned Development reviews will occur as required by the LUDC with each of the proposed phases for the project. Preliminary reviews will require further public hearings before the Planning Commission and City Council. As with any Planned Development proposal, the Preliminary reviews will require much more detail on engineering solutions, building character and design, as well as landscaping and amenity spaces. As the new road is a crucial improvement for the success of the project, the road design will be included with the Preliminary Plan submittal for Phase 1. A subdivision and lot consolidation plat will also be necessary with the completion of Phase 1. This plat will dedicate the right-of-way, clean up the unusual lot configurations, and subdivide the property into the 3 different phases. Staff anticipates that additional written agreements will be drafted at the completion of each phase of the development that will describe the approved land uses, required improvements, and affordability components. These agreements will be appended to the Annexation agreement as each one is executed.
In addition, the City owned lands in each phase are expected to transfer to the developer upon the completion of each phase’s review.

As an additional reference, a generalized process outline is included with the staff comments attached to this report.

ANALYSIS AND FINDINGS

Conceptual Planned Development

Division 6-3-10 of the Land Use and Development Code describes the purposes for new Planned Developments and provides the criteria against which these proposals must be measured. Language from several sections within this Division are provided below, with staff responses.

Section 6-3-10-1, Purpose of Planned Development Zone

B. Purposes. In order that the public health, safety, integrity, and general welfare may be furthered in an era where innovation and responsiveness in real estate development is often needed to meet shifting market demands, the PD zone is established to provide project variety and diversity through the modification of standards within this LUDC, so that maximum long-range neighborhood and community benefits can be gained for the following purposes:

1. To encourage a pattern of development that enhances the landscape in a manner which could not otherwise be accomplished using a different zone, such that placement and construction of buildings, hard surfaces, paths, roads, retaining walls, and new trees, tend to enhance the structure, natural assets, and unique landforms which are already present;
2. To encourage major innovations in residential, commercial, recreational, and industrial development so that the demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to the development;
3. To relate the type, design, and layout of residential, commercial, recreational, and industrial development to the particular site, preserving the site’s natural characteristics and resources in a manner which could not be accomplished using a different zone;
4. To implement changes in the technology of land development and service delivery which may not be anticipated by this LUDC, so that there are resulting public and private economic savings;
5. To provide for necessary commercial, recreational, and educational facilities conveniently located in proximity to residential uses;
6. To lessen the burden of traffic on streets and highways by internal trip capture, multimodal linkages, and transit-supportive development; and
7. To encourage integrated planning in order to achieve the above purposes.

Staff Response:

In the opinion of staff, the Durango Crossings development will align with many of the purposes described in 6-3-10-1. The project’s main purpose is to provide as much workforce housing for the community as is economically feasible for the developer. Despite the dire need for lower priced residential units in the community, current market conditions are not conducive to the construction and creation of workforce housing. As a partner, the City is able to contribute resources to the development, including lands, to help offset significant upfront costs. Maximizing the density of the project allows for the highest number of workforce units and the greatest benefit to the community at large. Accomplishing the densities proposed will require innovation and flexibility to the standards that are imposed by other zone districts—setbacks and building heights are two simple examples. The Planned Development zoning designation, therefore, is necessary to allow for a more creative approach that still preserves the overall character of the corridor.

Section 6-3-10-5.B, Conceptual Development Plan

Purpose. The purpose of a conceptual development plan (CDP) is not to require in-depth site analysis, but to allow for review of the substance of the proposal to determine if the public and / or private benefits derived through the use of a PD zone justify the request...

The CDP may be approved if it is demonstrated that it meets all of the following criteria (a-h):

a. The proposed PD zone will further the objectives of the Comprehensive Plan and other adopted plans of the City.

Staff Response:

The Comprehensive Plan was recently modified to allow for the land uses proposed within this application. The development’s ability to provide workforce housing units that are available to middle income
individuals and families also specifically aligns with Goal 15 within the Comprehensive Plan’s chapter on Housing. This goal reads as follows:

“Goal 15: Increase housing opportunities for workforce and special needs housing populations (target populations) through public/private partnerships.”

The City’s adopted Housing Plan also includes language that supports this type of development. Broadly, the Housing Plan promotes including residential units with Mixed-Use development, encourages annexations of new developments that include innovative housing affordability components, and recommends continued development along the Florida Road corridor.

Lastly, City Council’s adopted Strategic Plan directly seeks to promote “Affordability and Economic Opportunity (AEO).” Within the AEO section of the Plan, the use of several different approaches are recommended to increase affordability and create workforce housing opportunities, including committing City resources and pursuing partnerships.

b. The proposed PD is compatible with, or blends into, the development patterns and densities in the area, or establishes a more desirable pattern in terms of implementing City plans in an area that is in transition.

Staff Response:
The development patterns and densities along the Florida Road corridor do support high density residential and mixed use development. The project’s location is immediately south of a neighborhood commercial district with numerous businesses and a mixed-use zoning designation, and all the adjacent properties along Florida Road have high-density future land uses. However, the proposed 4 story masses of some buildings will be out of context with the area’s existing built environment. This is especially true of the residential condominium building included in Phase 1, which is proposed immediately east of 2-story townhome units at 1470 Florida Road. This building should be limited to 3 stories and pushed further east towards the southwest corner of the intersection. While the mixed-use building is also proposed at 4 stories, this may be less problematic with its location in the center of the development, further from the existing adjacent residential properties. The proposed 4-story mass of this building can be stepped back from the Florida Road corridor and perhaps be designed to blend into the hillside. Staff will assess the details of this building’s design during Preliminary reviews for compatibility with the area context.

c. If the proposed PD includes more than 100 dwelling units, it is within a reasonable distance to urbanized areas providing jobs, services, shopping, and community facilities, or it will provide such features within the PD.

Staff Response:
The Durango Crossings development is currently proposed with 149 residential units and will also include some smaller scale commercial uses including coworking spaces. Immediately across Florida Road is a neighborhood commercial center that includes a diverse mix of established commercial businesses, from restaurants to medical offices. Given the opportunities in the immediate vicinity, many residents of this development may be able to find jobs and services within walking distance. For those that cannot, downtown Durango and the North Main business district are both within about 2 miles.

d. Adequate public services such as sewer, water, schools, roads, transit service, parks, fire, and police protection will be available to serve the PD as the service demands occur.

Staff Response:
This project requires a significant investment in infrastructure, including new water and sewer mains, a new collector class roadway, and improvements to a major intersection along the arterial Florida Road. Information provided in the application suggests that these improvements will be adequate to address the increased demand for services. Further analysis of the project’s traffic generation and likely impacts on the Florida Road corridor are included later in this report.

A transit stop is available to the future residents of this development along County Road 250 at the Ptarmigan Center, which is about 400’ from the new intersection. Public parks in the immediate area are somewhat limited, though there will be some small scale outdoor amenities included with the development. Emergency services for this property are already provided by the Durango Fire Protection District. The Durango Police Department should be able to seamlessly incorporate the development into their service area, as they already service annexed areas that are further east along Florida Road.

e. The design and proposed public and private amenities incorporated into the PD provide for a high-quality environment.
Staff Response:
The public and private amenities described by the conceptual proposal include a recreation and picnic area with a playground as well as a new streetscape with sidewalks. The Florida Road corridor will also be improved with sidewalks along the development’s frontage. While the proposed picnic area and playground will be a nice amenity, staff has recommended that smaller scale outdoor amenity areas be spread throughout the development. The proposal will also preserve the steepest portion of the hillside as open space, which may provide an area for a natural walking path if the topography allows.

The proposed commercial uses within the mixed-use development are also notable private amenities for residents. The coworking space may allow more residents to work remotely, and the inclusion of a daycare on the property will be very convenient for families.

f. Streets that provide access to the proposed PD will have the capacity to serve the proposed PD at the time the impacts of the PD on the street system occur.

Staff Response:
This development will have impacts to traffic along Florida Road and improvements to this corridor along the property’s frontage will be necessary. The most obvious improvement is the southern leg at the signalized intersection for the new street and the necessary modifications to the signal that are required with this change. In addition, the applicant is proposing a left turn lane into the development for westbound traffic on Florida Road. The traffic study does not indicate that this turn lane is truly warranted by the CDOT standards that are referenced, but the existing pavement can accommodate this feature through restriping. Its inclusion will help to improve the safety and function of the intersection. The applicant’s traffic study concludes that with the proposed improvements, the intersection’s level of service will continue to function at acceptable levels for the next 20 years.

It is important to note that the traffic study also concludes that the Florida Road corridor and the intersection at CR 250 and 32nd Street/Metz Lane will see reduced levels of service and functionality over the coming decades. These future traffic issues are anticipated to be caused by additional growth further east along Florida Road in unincorporated La Plata County and are projected to occur with or without the additional traffic generation for this project. The traffic study suggests that these issues will need to be addressed at a municipal level, and Public Works staff are aware of this conclusion. Further analysis of the traffic study and the proposed roadway improvements will occur at the Preliminary stage of review.

g. Geologic hazard areas, steep slopes, visually prominent ridgelines, and natural resources are appropriately protected from the impacts of development, and long-term management is provided for these resources.

Staff Response:
The Durango Crossings development is located immediately south of steep hillsides that exceed 30% in some areas. During the Comprehensive Plan amendments process, the City prioritized protecting these areas by designating them as Conservation/Open Space. The conceptual proposal includes some minor encroachments of residential units into these steeper areas, and staff has directed the applicant to ensure that these encroachments are eliminated. Even if all units are sited outside of the steepest areas, the development will require the use of retaining walls in all proposed phases and the slopes may expose hillside units to increased wildfire risk. When required by code, retaining wall designs must be stamped by a professional engineer and meet City standards. Maintenance of these walls will be the responsibility of the homeowner’s association(s) unless they are located within rights-of-way. Fire resistant construction and landscaping methods should be used for all structures located within areas of 20% slopes. The designs of these buildings should also align with the City’s hillside regulations found in LUDC Division 4-4-3.

The applicant did provide a geotechnical report with their application. The report acknowledges the challenges inherent with the steep slopes and indicates that expansive clay soils are present. Despite these concerns, the report concludes that development of the property is feasible “using relatively conventional techniques.” Staff and the applicant will continue to evaluate the necessary solutions for the site’s geological constraints as the project moves through the Preliminary stages of review.

h. The site design is energy efficient, including the solar orientation of the lots, and water-wise.

Staff Response:
The proposed development is mostly oriented to the north due to the Florida Road frontage and the north-facing slopes. While this makes solar orientation somewhat challenging during the winter months, the area may stay cooler in the summer. The developer has verbally indicated that the units and...
development could use electrical appliances only, though this has not yet been confirmed. Staff will continue to encourage the project’s development team to pursue energy efficiency measures through the upcoming stages of review.

Annexation
Division 6-3-11 of the Land Use and Development Code outlines the requirements for the annexation of property into the City of Durango. The code language in this section explains the necessary procedures and authorizes the City to impose conditions on the Annexation. Applicable conditions are typically described in an Annexation Agreement, which is to be recorded upon the annexation of the property. The LUDC does impose one standard condition on all annexations, which is included below:

“The Applicant for annexation and initial zoning must agree that the City shall formally consider at a public hearing a change of the area back to the least dense residential zone designation if the Applicant fails to carry out any commitment concerning annexation or fails to commence substantial construction of the approved development for the site within three years from the date of annexation.”

This Division of the LUDC also states that annexations are subject to State law. The critical State statutes governing annexations require the following to be true:

1. That the territory to be annexed is a minimum of 1/6 (16.7%) contiguous with existing City limits; and,
2. Persons comprising more than 50% of the landowners and owning more than 50% of the territory to be annexed must sign petitions for annexation.

In this case, the annexed territory is approximately 38% contiguous with City limits. All private property owners within the annexation have submitted signed petitions. Additional state requirements, including the submittal of an Annexation Impact Report, are imposed upon annexations of 10 acres or more and do not apply to this request.

As was briefly discussed above in the Process description, the Annexation Agreement for the development must spell out many of the specific requirements and parameters of the public-private partnership. Many of the conditions imposed by the original Notice of Award (NOA) will be carried over into the Agreement, though some of these must be expanded upon or modified. For example, the NOA states that workforce homes must be affordable at 70-125% of Area Median Income, but the Annexation Agreement will narrow this range to 70-120% and require an average of 100% to reflect the likely range of the soon to be updated Fair Share ordinance. In addition to the standard language found in a typical Annexation Agreement, the items described below need to be included. These items are broadly included as recommended conditions of approval for the project.

1. A description of the Planned Development approval process. The Annexation Agreement is to serve as the initial PD Agreement governing the development, with subsequent agreements to be recorded for each phase.
2. A description of the public improvements necessary for the project, including the construction of a collector class roadway with 80’ of dedicated right-of-way.
3. A detailed description of the project phasing, with a phasing map to be included as an exhibit.
   a. The phasing descriptions must provide the maximum total number of units included in each phase and indicate whether units will be offered for sale or as rentals.
   b. Phase 1 must include a subdivision splitting the project into phases and dedicating the R-O-W, as well as the design and construction of the new North Jenkins Ranch Road.
   c. Phase 2 must include the design and construction of the secondary, one-way access connecting Florida Road to the new road.
   d. A minimum of 50% of the residential units in each phase must be dedicated as workforce housing that is affordable to individuals and families making 70-120% of Area Median Income, with an average of 100%.
4. A description of the parameters upon which the City-owned land will transfer to the ownership of Durango Crossings.
   a. The land should transfer upon the completion of the Final Planned Development reviews for each phase. The agreements for each phase would be used to spell out the developer’s commitments to building required infrastructure and provide workforce housing.
   b. Reversion clauses may need to be included for the City-owned parcels to protect the City’s interests in the event that the development fails to proceed.
5. A broad description of the workforce housing requirements, to include the following:
   a. A minimum of 50% of the units within the development shall be offered for sale.
Fair Share

The Durango Crossings Partnership is intended to provide many housing opportunities for Durango’s workforce in a manner that far exceeds the requirements of the Fair Share ordinance. However, the project will still need a Fair Share Agreement. Multiple agreements will likely be completed for the development as each phase is approved.

Public Comment

As of the date of this report, one written comment on the proposal has been received. This comment did not express general support or opposition to the project, but did indicate a concern that the new road may not take direct access off of the intersection of Florida Road and CR 250. The comment encouraged City staff to require the new road to tie into the existing intersection. Staff ensured this commenter that the new road will in fact connect at this point.

CONCLUSION AND RECOMMENDED ACTION

This project, while complex, represents an exciting opportunity for the City to partner with a private developer and help create a development that includes deed restricted workforce housing on a scale that has not yet been seen in Durango. Despite some site constraints and substantial infrastructure needs, the developer has presented a conceptual development plan that maximizes density while still preserving the character of the area. Comments provided on the project do indicate that there is a significant amount of work to be done, but this is typical for a project of this scale at the conceptual stage of review. With the conditions described below, staff feels that the City’s interests in the project are protected and that the conceptual designs align with the intent of the Land Use and Development Code.

Possible Actions

A. **Recommend approval** of the proposed Durango Crossings Conceptual Development Plan, Annexation, and Initial Zoning with the findings and conditions as described in the staff report and discussed at this public hearing.

1. The Annexation Agreement shall include conditions that capture the intent of the items described in the body of this staff report, including the following:
   a. A description of the Planned Development approval process.
   b. A description of the public improvements necessary for the project.
   c. A detailed description of the project phasing, with a phasing map to be included as an exhibit.
   d. A description of the parameters upon which the City-owned land will transfer to the ownership of Durango Crossings.
   e. A broad description of the workforce housing requirements.
   f. A statement describing the City’s intent to work with the applicant in seeking out and obtaining financial resources that may increase either the total number of or the affordability of the workforce homes.

2. All conditions included in the Notice of Award provided to the developer in February of 2023 must be met, unless specifically modified by this approval.

3. The Applicant agrees that the City shall formally consider at a public hearing a change of the area back to the least dense residential zone designation if the Applicant fails to carry out any commitment concerning annexation or fails to commence substantial construction of the approved development for the site within three years from the date of annexation.
4. Each individual phase of the development shall include a minimum of 50% of the units dedicated as workforce housing for individuals or families making 70-120% AMI, with a minimum average of 100%.
5. The developer shall submit a detailed pro forma describing the costs and finances for each Phase with Preliminary reviews.
6. The recordation of the annexation plat and agreement shall be delayed until title guarantees for all parcels are secured.
7. The design density for the overall project shall be established at 23.9 units per acre. Specific densities for each phase shall be determined at the Preliminary reviews.
8. Townhome units and other structures located in areas of 20% or greater slopes shall be designed in accordance with the hillside regulations contained within the LUDC. Structures in these areas must incorporate fire resistant landscaping and building materials to mitigate wildfire risk.
9. The proposed multifamily buildings located in Phases 1 and 2 shall be limited to 3 stories in height. Setbacks to adjacent properties with residential developments shall be 20’.
10. This project shall require a Fair Share agreement to be submitted with the phased Preliminary applications. The developer’s commitment exceeds the requirements of the Fair Share Ordinance.
11. The Preliminary Planned Development reviews of this project shall occur in 3 phases. Phasing shall be described in detail within the Annexation Agreement.
12. The phased Preliminary Planned Development submittals shall provide all application materials specified by the LUDC, including but not limited to the following:
   a. Detailed residential building designs with dimensional standards and proposed setbacks.
   b. Detailed landscape plans prepared by a Colorado licensed landscape architect.
   c. Detailed lighting plans demonstrating that lighting shall be low intensity, low level lighting that is downcast and confined to the project boundaries and does not impact adjacent properties.
   d. Detailed drainage plans and a drainage report. The proposed underground detention facility is strongly discouraged.
13. Required improvements to the Florida Road/CR 250 intersection shall include a left turn lane into the development for westbound traffic.
14. All retaining walls to be included within the boundary of the development shall comply with LUDC requirements and must be maintained by the Homeowner’s Association.
15. The construction of water and sewer mains or extensions shall be in accordance with City utility standards and shall be a developer responsibility.
16. Completion of all required public improvements shall be secured through a public improvement agreement with adequate security provided.
17. Unless specifically exempted, new residential units shall be subjected to Park, School, and Major Street Impact Fees, in addition to any Water and Sewer Plant Investment fees as determined by the Public Works Department.
18. The proposed development will require the creation of a Homeowner’s Association and a governing document with private covenants, which shall be recorded at the County Clerk and Recorder’s office upon final approval of the subdivision.
19. Site and structure designs shall comply with all relevant requirements of the Design Guidelines, LUDC, and building and fire codes as adopted by the City.
20. All written, verbal and graphic representations of the applicants or their agent shall be deemed conditions of approval.

B. **Recommend denial** of the proposed Conceptual Planned Development, Annexation & Initial Zoning with reasons/findings stated.

C. **Continue** project consideration with specific direction to staff.

**Staff Recommendation**

By motion, Action A described above.
1. Call To Order/Roll Call
Chair Ulery called the meeting to order at 5:00 pm.

2. Announcements

3. Public Participation

4. Consent Agenda

5. Public Hearings

5.2 Durango Crossings Conceptual Planned Development, Annexation, and Initial Zoning

Planner Dan Armentano presented the broad overview.

This project is a public-private partnership to develop workforce housing on city-owned and privately-owned land.
- Partner is Durango Crossing Partners, led by Ken Trujillo.
- Complex project with potential for a great outcome- min. of half the units will be workforce and a new collector class roadway.
- The Conceptual PD and Annexation is step 2 of a multi-step process.
- Step 1 was the Future Land Use Map amendments
- Future steps include Preliminary & Final PD reviews in phases

History

Mr. Armentano presented history details.

- City-owned properties acquired in late 1990s/early 2000s for the purpose of a north connection to Jenkins Ranch Road.
- Alleviate traffic on N College Drive.
- Most, but not all R-O-W has been acquired for this connection.
- 2021 Strategic Plan considered contributing City lands for housing.
- Density potential and location made the subject parcels appealing.
- RFQ process in late 2022 led to the selection of Durango Crossings Partners.
- Future Land Uses changed to High Density, Open Space, Mixed Use in June ’23.

Development Area and Annexed Properties

8.3 acre area south of
Florida Road & CR 250 intersection.
  • 16 total parcels, 11 city owned.
  • Even addresses between 1480 and 1540 will be part of the development.

Site Aerial was presented by Mr. Armentano to indicate the slopes and context.

Proposed Layout

Notable Features:
  • 149 residential units
  • 60 apartments
  • 89 condos & THs
  • 80' ROW dedication
  • 2 access points, new 4-way intersection
  • 4 story mixed use building with commercial uses

Phases

Phase 1
  • Condominium building (32 units) & hillside townhome units (26 units).
  • Full road & intersection design.

Phase 2
  • 60 apartment units across 3 buildings.
  • New access to Florida Rd.

Phase 3
  • Mixed-Use building with 31 residential condos, commercial uses on 1st and 2nd floors.

Conceptual PD Standards (LUDC 6-3-10-1)

To further the objectives of or aligns with adopted City plans.
  • Proposed PD is compatible with development patterns in the area.
  • Proposed PD is within a reasonable distance to jobs, services, shopping, etc.
  • Adequate public services are available to serve the PD.
  • Public/private amenities will create a high quality environment.
  • Streets providing access have the capacity to serve the development.
  • Geohazards, steep slopes, and natural resources are protected adequately.
  • Site design is energy and water efficient.

Design Considerations and Recommendations

Mr. Armentano presented highlights of the project.

Terrain- homes sited outside of 30% slopes. Significant retention needed.
  • Context- Heights limited to 3 stories, except Mixed Use building.
  • Amenities- small private park, additional outdoor spaces needed.
  • Road Improvements: Design Considerations & Recommendations
  • 4-way intersection at Florida/CR 250
  • Left turn lane to be included for Westbound traffic.
• 1 way entry from Florida for access #2.
• 80’ ROW for new N Jenkins Ranch Rd
• Sidewalks, on-street parking, landscape strips.
• Temp turnaround at end of new road

Annexation Considerations

Property to be annexed must be 1/6th contiguous with City limits.
• More than of 50% of property owners who own more than 50% of the lands to be annexed must petition for the annexation.
• Annexed property will not be a burden on City services.
• Annexations typically require an Agreement to be recorded with the Plat and Ordinance.

• Property is 38% contiguous, all property owners have submitted petitions.
• Two city-owned parcels have a minor title issue.
• Annexation agreement:
  • Serves as initial PD Agreement. Describes phasing in detail- Phase map.
  • Describes public improvements, including 80’ ROW dedication.
  • Describes parameters of land transfers for City-owned parcels.
  • Describes workforce housing requirements- 50% per phase.
  • States the City’s intent to seek additional financial resources

Timeline process

Planner Dan Armentano explained the estimated possible projected steps by quarter for Durango Crossings.

Approval Conditions

Requirements of Annexation Agreement.
• Reflect conditions described within the original Notice of Award.
• Design Density at 23.9 units/acre.
• 50% of units as workforce housing (70-120% AMI)
• Delay annexation plat until title issues are resolved.
• Limit structure heights to 3 stories in Phases 1 & 2.
• Alignment with LUDC Hillside Regulations and retaining wall standards.
• New intersection to include a left turn lane for westbound traffic.

There was one written comment submitted requesting that the primary access be taken at the Florida Rd/CR 250 intersection.

Findings:

• The Conceptual PD design aligns with the requirements of the LUDC, with the recommended conditions.
• The Annexation meets City and State standards. Some details are to be sorted out prior to City Council consideration.
• Project aligns with many stated City goals & will provide significant benefits.

Recommendation:
“Move to recommend approval of the proposed Durango Crossings Conceptual Development Plan, Annexation, and Initial Zoning with the findings and conditions as described in the staff report and discussed at this public hearing.”

Chair Ulery opened for discussion.
Commissioner Alma Evans commented on a date edit. Ms. Evans questioned the possibility of vacation rentals on this development. Mr. Armentano confirmed there will be no vacation rentals on this project.

Lauren Davis with Reynolds Ash & Associated presented a virtual walkthrough of the property.

**Public Participation**

Stacy Ward, expressed concerns of neighborhood livelihood with a surge density. Parking, traffic, etc. will exacerbate these challenges and represent a direct threat to residents. The project would compound existing issues that have not been addressed. Ms. Ward questioned the costs of the development, recommended that the Planning Commission consider the needs of neighborhood, also urged the reconsideration of safety and well-being.

Alyson Coraggio started by saying “ditto” to the concerns of traffic and density expressed by Ms. Ward, and also highlighted crosswalk risks and safety concerns.

Sunny Hallauer also reiterated the previous points made by Ms. Ward and Ms. Coraggio. She expressed additional concerns about growth, safety of roads, the infrastructure risks.

Kiley Smith expressed gratitude for the opportunity to comment. He described the concerns related to exceptional growth in the mountain towns, specifically the need for the working class to have long commutes because they could not afford to live in the communities where they worked. Mr. Smith echoed other concerns related to traffic and safety. He also indicated that he was late to the presentation and did not hear about any affordable housing opportunities with this proposal.

Chair Ulery closed the public meeting.

Commissioner Sarah Pritchard clarified that this is a conceptual review, as well as an annexation and initial zoning but noted that it is not a final approval of the project.

Chair Susan Ulery provided clarification that 50 percent of the project at a minimum will be workforce housing.

Applicant Ken Trujillo expressed gratitude towards staff and the Planning Commissioners for getting the project to this milestone. He is excited about the opportunity to contribute workforce housing opportunities to the community.

Lauren Davis addressed the question of the housing crisis – expressing this project will align with City policies and with the growth in the area. She also addressed misconceptions of scale and densities.

**Motion and Roll Call**

Commissioner Alma Evans moved to recommend approval of the proposed Durango Crossings Conceptual Development Plan, Annexation, and Initial Zoning with the findings and conditions as described in the staff report and discussed at this public hearing. Commissioner Sarah Pritchard seconded.

Roll Call

Commissioner Alma Evans – yes
Commissioner Sarah Pritchard – yes
Chair Susan Ulery -yes with a note of proposed traffic concerns addressed.

Approved unanimously.
Dan Armentano explained the next steps.
The project is the development of 8.29 acres of property at Florida Road and County Road 250. The property slated for development includes privately owned parcels (1480, 1490 and 1540 Florida), 1510 and 1520 (currently negotiating purchase contracts), and 8 parcels owned by the City of Durango, purchased over time two decades ago to provide for a possible road right-of-way to connect to Skyridge.

The parcels proposed for development include (from west to east):
1480 CR 240, owner Trujillo, Kenneth & Laura, Parcel # 566516400093, 10,542 SF
1490 CR 240, owner Durango Crossings I LLC, Parcel # 566516400097, .979 acres
City of Durango, Parcel # 566516400111, .9 acres
City of Durango, Parcel # 566516400112, .86 acres
1510 Florida Road, owner Romero, Louise, Parcel # 56651500146, .261 acre
City of Durango, Parcel # 566516400138, 2614 SF
City of Durango, Parcel # 566516400134, .074 acres
City of Durango, Parcel # 566516400135, .205 acres
1520 CR 240, owner Mondragon, Gustavo & Margaret, Parcel #566515300147, .514 acres
City of Durango, Parcel # 566516400132, .176 acres
City of Durango, Parcel # 566516400133, .238 acres
1530 CR 240, owner City of Durango, Parcel # 566515300077, 1.47 acres
1540 CR 240, owner Trujillo, Kenneth, & Evelyn, parcel # 566515300152, 20,996 SF
City of Durango, Parcel # 566516400134, 9627 sf
City of Durango, Parcel # 566516400139, .028 acres

The City recently modified the Future Land Use Map in order to accommodate this project. The new FUL includes Mixed Use on the Romero, Mondragon and two city parcels west of these (1.75 acres); Conservation for the 30% slope areas (2.25 acres), and High Density residential for the remainder (4.29 acres). The entire property will be rezoned to PD as part of this process.

The land uses will generally be as follows:
Mixed Use: 1.64 acres. Approximately 31 residential units.
High Density Residential: 3.85 acres. Approximately 118 units.
Conservation: 2.80 acres. No construction.

The land uses are appropriate for this site:
* The site is a “brownfield” development, where the existing land is currently developed but poorly or under-utilized.
* The site is prime for annexation, as it is already bounded by city property on 2 sides.
* The location has city utility and services are immediately available, no utility extensions are required to the development.
* High density makes sense where there are commercial services and public transportation immediately available.
*Adjacent properties already include a mix of high density.

The setbacks from this project to adjacent properties includes:
Setback to west property line (Habitat for Humanity townhomes): 10’ to decks, 15’-6” to buildings.
Setback to Florida Road property line: 8’ minimum at the condominium building.
Setback to the east property line (Hamer apartments): 10’ to decks, 15’ to building.
Setback to south: open space/steep slopes: 60’ plus.

Building heights:
Condominium building: 4 stories, 48’ maximum height.
   3. Townhomes: 3 stories, 36’ maximum height.
   4. Duplexes: 3 stories, 42’ maximum height.

The proposed project currently proposes a total of 149 residential units, plus commercial retail space. The residential units will be a variety of types, including rental apartments, condominiums, townhomes and duplexes. The units proposed are as follows:
   1. Condominium Units: 8 two-bedroom, 12 one-bedroom and 12 studio. A percentage (to be determined) of the for-sale units will be deed-restricted for workforce housing, to individuals or households making no more than 120% of the area median income.
   2. Apartment Units (rentals): 24 one-bedroom, 18 two-bedroom, and 18 studio, in 3 buildings. At least 50% of the rental units will be rent-restricted, to individuals or households making no more than 120% of the area median income.
   3. Townhome Units (for sale): 14 two-bedroom units, with tandem garages.
   5. Mixed Use building: Retail/commercial space, potential daycare and co-working spaces. 31 residential units, 14 one-bedroom, 17 studio.

The site is designed to accommodate a future arterial road that would connect to Skyridge. The road is designed with a 60’ right-of-way, to comply with arterial road requirements in the LUDC. There is a secondary one-way private road access, which also has angled parking stalls for the apartment units. The site starts with a gradual slope up from Florida, but about 2/3 of the way up the site it becomes fairly steep, with quite a bit of the site are exceeding 30% slopes. The 30% slope areas are nearly 2 acres of the total project. In order to avoid as much of the 30% slope area as possible, we are proposing that the uphill duplexes have a zero front yard setback, and that the roadway be shifted toward the downhill side of the 60’ ROW, and be off-center in the ROW. Even by shifting the units to the property line, there will be significant retaining walls required on the uphill side of the townhomes and duplexes. City utilities, sewer and water, will be extended along the new street. Underground electric, gas and communications will also be extended. All utilities will be underground. Street lighting meeting City standards (dark sky) will be provided.

The new road will be built to City of Durango standards. We have included a small roundabout, so that people coming to the commercial/retail or condos don’t have to drive all the way to the end of the road to turn around. City Engineering has asked for a gravel temporary turn-around at the end of the road at the southeast.

Parking areas are located throughout the site, including proposed on-street parking. The condo building has “tuck-under” parking, plus some surface parking stalls. The townhomes and duplexes all have
attached garages. The apartments have all surface parking, as does the commercial/retail in the mixed-use building.

The new development will be served by city utilities and services:

- Water: City of Durango main line extension
- Sewer: City of Durango main line extension
- Trash: City of Durango service, residential and commercial containers.
- Snow removal: City of Durango for public streets, HOA for private lots/drives.
- Schools, Police, Fire, Parks: all fall under the City of Durango services.

The development will have an incremental impact on the need for community facilities but will provide a significant increase to the stock of workforce housing in the City.

The character of the new architecture will be urban contemporary, and will include a mix of shed, gable and flat roofs, steel accents, stucco, stone and metal siding. Colors will be neutral/earhtone. The for-sale units will all be solar-ready. The multi-family units MAY be all electric; we will further evaluate the advantages/costs/lifetime costs of this.

Proposed development schedule:

Phase I: Condominium building, plus 4-plex townhome (36 units): February 2024-November 2024
Phase II: North Apartment building (20 units): April 2024-February 2025
Phase III: Center Apartment building (20 units): September 2024-April 2025
Phase IV: South Apartment building (20 units): October 2024-July 2025
Phase V: Duplexes (20 units) and Townhomes (10 units): March 2025-March 2026

The developers are currently looking at an option to accelerate the schedule by building multiple phases at one time.

Tracy Reynolds
Reynolds Ash + Associates
564 E. 2nd Ave, Suite 201
Durango CO 81301
(970) 259-7494
(970) 759-0490 cell
CERTIFICATE OF SURVEYOR
I hereby state that this survey and plat was prepared by me or under my direct supervision and checking, and that, in my professional opinion, they are true and correct to the best of my knowledge, belief and information based on the applicable standards of practice of Professional Land Surveyors in the State of Colorado. I also state that this survey and plat is not a guaranty or warranty, either expressed or implied.

Joshua J. Casselberry, P.L.S.
Colorado Registration No. 37903

1. SURVEY CONTROL NOTE: Location of improvements is based upon found survey monuments as shown hereon.
2. TITLE RESEARCH: Title, easement and Right-of-Way research was conducted by Colorado Title and Closing Services, LLC., a Colorado Limited Liability Company, per order No. ___________________ effective ____________________ at 5:00 P.M. and not from research conducted by Moreno Surveying & Geographics, Inc. Any and all parties having interest in subject tracts of land are hereby referred to said title commitments and any title policies issued at a later date.
3. According to Colorado law you must commence any legal action based upon any defect in the this survey within three (3) years after you first discovered such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.
4. Any encroachment of fences across property may indicate possessory rights are accruing.

PRELIMINARY

Durango Crossings
Annexation to the City of Durango
NW1/4 SW1/4 S15, T35N, R9W, N.M.P.M.
La Plata County, Colorado
February 10, 2023

Durango Crossing Partners, LLC.
1480 Florida Road
Durango, CO 81301
Via Email: Ken Trujillo ken@durangocrossings.com

Re: 1500 Florida Road Lead Developer

Dear Mr. Trujillo,

You are hereby notified that the City of Durango has selected you to serve as the Lead Developer for the City-owned Florida Road parcels at 1500 Florida Road. As you are aware, the development of these parcels requires a review process with approvals from City Council, including the execution of a development agreement specifically outlining developer and City commitments. The Community Development Department will be working with you directly to draft the Development Agreement as part of the review process.

Within ten (10) calendar days please provide the following items to the Financial Services Dept, 949 East 2nd Avenue, Durango CO 81301: or email: bob.grogan@durangogov.org

a. Certificate of Insurance NAMING THE CITY OF DURANGO AS AN ADDITIONAL INSURED and which contains a Notice of Cancellation clause which is absolute and does not contain language such as “endeavor to” notify or “failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.” If standard certificate is used with such language crossed out, representative shall initial and date said deletions.

b. Proof of Workers’ Compensation coverage, and;

c. W9 Form;

d. Copy of your current business license or application for;

e. Executed Acceptance of Notice of Award;

If you have any questions, let me know. 970-375-4994

Sincerely,

Bob Grogan, Jr,
Purchasing Administrator
ACCEPTANCE OF NOTICE OF AWARD

Durango Crossing Partners, LLC.
1480 Florida Road
Durango, CO 81301

RE: 1500 Florida Road Lead

Receipt of the Notice of Award is hereby acknowledged on this ____ day of ________, 2023.

By (print) __________________________________________________________

Signature __________________________________________________________

Title ______________________________________________________________
Developer and City Initial Commitments

Overview
This document outlines commitments that the City expects from the developer and the likely commitments on behalf of the City. This list is non-binding and is intended to improve the general understanding of the expectations on behalf of both parties. Following the developer’s acceptance of the Receipt of Notice to Award, the City and the developer will negotiate and enter into a formal Annexation and Development Agreement outlining commitments in much greater detail.

Developer Commitments
- Project includes the dedication of an 80’ right-of-way with a street section deemed appropriate by the City Engineer. The developer is responsible for road construction.
  - The street will be designed consistent with road planning for future connection and not be a permanent dead end
  - Driveways should be designed to allow vehicles to pull forward into the street.
- All new utilities are to be installed by the developer and shall be built to City standard.
- Surveying and platting shall be the responsibility of the developer.
- A minimum of 50% of the residential units shall be offered for sale.
- A minimum of 50% of for-sale units shall be deed restricted at an affordable/attainable rate.
- A minimum of 50% of rental units shall be rent restricted at an affordable/attainable rate.
- The project will contain a mix of affordable/attainable residential units for individuals or households making between 70%-125% of AMI with unit mix and type to be determined.

City Commitments
- Initiate any necessary amendments to the City’s Comprehensive Plan.
- Initiate & manage the URA formation process including TIF analysis & proposal.
- Transfer land to developer consistent with the terms of the Development Agreement following URA formation.
- Waive Land Use Application Fees.
- Consider fee waivers for residential units in accordance with City policies.
- City may contribute to surveying costs in a proportionate manner based upon land ownership.

The Parties express a mutual understanding and cooperative relationship as follows:
A. Overall Commitment.
B. Coordination Between Parties.
C. Integration with other efforts.
D. The Parties express mutual understanding and intent for continued collaboration on all of the above.
Dear Mr. Armentano,

I reviewed the project plans for the above project and I have one question. The plan seems to show that the entrance is to the north of the 250/Florida Rd. intersection. Though the round-about is just at the intersection. I live further up Florida Rd., and my concern is traffic flow in/out of this neighborhood. It seems to make the most sense for the traffic to enter/exit the neighborhood at the intersection already in place, where there is a traffic light. I hope this is the plan! Having an entrance north of that intersection will inevitably cause traffic jams, as cars try to turn left into it. Please tell me you plan to use the intersection already in place to control traffic!

Thanks,
Elizabeth Butler

On Mon, Nov 20, 2023 at 3:20 PM Armentano, Dan <Dan.Armentano@durangogov.org> wrote:
Hi Elizabeth,

Thanks for the email. This development’s primary access point will be a new road that comes off Florida at the existing stoplight for the CR 250 intersection. The stop light will therefore become a 4-way. There will be another one way access to the development (an entrance only) to the east of this intersection. It is anticipated that most turns into the development at this location will be right-hand turns for folks traveling east.

Hope that makes sense, traffic movements can be difficult to explain through email. I’m happy to chat over the phone if needed.

Thanks,

Dan Armentano, AICP
Planner III | Community Development Department
949 East 2nd Avenue | Durango, CO 81301
Direct: 970.375.4864 | Mobile: 970.764.7101

Teamwork | Dependability | Professionalism | Service | Respect | Innovation | Well-Being

Yes, it’s what I was hoping. The 4-way stop is the best option, I think. I realize it’s optimal to have the second entrance just up the road…just hope it doesn’t cause congestion as cars slow down for the turn, just after the stop light. A left turn lane for those heading down the hill who want to turn wouldn’t be a bad idea, if possible.

Thanks for the quick response!

Elizabeth
Mission (Why we exist)
“The City of Durango and our employees provide efficient city services, effectively maintain city assets and manage growth, are accountable, ethical, fiscally responsible, and collaborate with regional partners to improve the quality of life for our entire community.”

Vision (What we want to be)
“Durango is an authentic, diverse, multigenerational, and thriving community. Our Residents value and enjoy our unique natural environment and benefit from the management of our City’s resources in a fiscally responsible, environmental, and socially sustainable manner.”

Values (What we believe in)
Teamwork | Dependability | Professionalism | Service | Respect | Innovation | Well-Being

February 6, 2024
Durango Crossings Partnership Conceptual Planned Development, Annexation, and Initial Zoning
Dan Armentano, AICP
Planner III

Strategic Plan Goals:
Affordability & Economic Opportunity
Overview

• This project is a **public-private partnership** to develop market rate and **workforce housing** on a mix of city-owned and privately-owned land. **Minimum of 50% of this development will be deed restricted workforce housing.**

• The partnership is **based on Council directives** to consider developing city-owned lands with housing.
  - RFQ process in late 2022 led to the selection of Durango Crossings Partners.
  - The partner is Ken Trujillo with Reynolds Ash & Associates.

• This will be a multi-phase project and this **Conceptual PD and Annexation action** is a crucial milestone.
Development Area & Annexed Properties

- 8.3 acre area, 16 total parcels, 11 city-owned.
- City-owned properties acquired in 1990s & 2000s for a connection to Jenkins Ranch Road.
Proposed Layout

Notable Features:
• 149 residential units
  • 60 apartments
  • 89 condos & THs
• 80’ road dedication & construction
• 2 access points, new 4-way intersection
• 4 story mixed use building with commercial uses
Phasing

Phase 1
• Condominium building(s) (32 units) & hillside townhome units (26 units)
• Full road & intersection design

Phase 2
• 60 apartment units across 3 buildings
• New access to Florida Rd

Phase 3
• Mixed-Use building with 31 residential condos, commercial uses on 1st and 2nd floors
Project Considerations

Conceptual Design/Layout

- **Traffic & Road Improvements** - new 4-way intersection, left turn lane, 80’ right-of-way for new street.
- **Terrain** - homes to be sited outside of 30% slopes.
- **Context** - Heights limited to 3 stories.
- **Amenities** - private park, co-working space.

Annexation

- Area is **38% contiguous**, petitions from all property owners.
- **Annexation Agreement:**
  - To serve as initial Planned Development Agreement. Addendums will be recorded for each phase.
  - Will describe phasing, public improvements, parameters of land transfers for City-owned parcels.
  - Will describe workforce housing requirements- minimum of 50% per phase, 70-120% AMI.
  - States the City’s intent to seek additional financial resources- grants, URA, etc.
# Public-Private Partnership Process

## ESTIMATED PROJECT TIMELINE - DURANGO CROSSINGS

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**COMPLETED STEP**

**STEP IN PROGRESS**

**NEXT STEP**

**FUTURE STEP**
Strategic Plan - AEO Objectives
Broadly supports creating mixed-income workforce housing by committing City resources and pursuing partnerships.

Comprehensive Plan
Meets Future Land Use standards. Stated goal to increase workforce housing through public-private partnerships.

Housing Plan
Supports innovative affordable housing developments and continued density along the Florida Rd Corridor.
Planning Commission

• Following a public hearing on December 4, the commissioners unanimously recommended approval on a 3-0 vote.

Public Comment

• One written comment was submitted requesting that the primary access be taken at the Florida Rd/CR 250 intersection.

• During the Planning Commission hearing, 4 nearby residents voiced concerns related to density, traffic, and wildfire risk.
Recommendation & Conditions

Staff and the Planning Commission recommend approval with conditions including the following:

- Design Density at 23.9 units/acre.
- Limit structure heights to 3 stories in Phases 1 & 2.
- Alignment with LUDC hillside regulations and retaining wall standards.
- New intersection to include a left turn lane for westbound traffic.
- Description of the requirements within the Annexation Agreement.
- Plans & agreements must reflect conditions described in the Notice of Award.
Hearing Procedures

• There is no applicant presentation, but the applicant is available to answer questions.
• Council can now take public comments.
• Following public comment, Council can close the public hearing and act on two separate items – Ordinance and Resolution.
• Staff will display the recommended motions at that time.
• Staff and the applicant will be available for questions from Council.
Item 10.1.2: Annexation Ordinance

“Move to approve the ordinance annexing the Durango Crossings Partnership Addition with the initial zoning of Planned Development with the findings and conditions as outlined in the staff report and discussed at this public hearing.”
Item 10.1.3: Conceptual Planned Development Resolution

“Move to approve a resolution for the proposed Durango Crossings Partnership Conceptual Planned Development with the findings and conditions as outlined in the staff report and discussed at this public hearing.”
ORDINANCE NO. O-2024-___

AN ORDINANCE APPROVING THE ANNEXATION AND INITIAL ZONING FOR THE DURANGO CROSSINGS ADDITION TO THE CITY OF DURANGO AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Petitions for Annexation of the Durango Crossings Addition, all as shown on Exhibit ‘A’ have been accepted by Resolution by the City of Durango; and

WHEREAS, the Petitions for Annexation were accompanied by the required maps of said tracts of land; and

WHEREAS, the subject property is eligible for annexation and that the Petitions for Annexation meet the statutory requirements for annexation; and

WHEREAS, said Petitions are signed by the owners of one hundred percent (100%) of the property proposed to be annexed; and

WHEREAS, the City Council has determined, subsequent to the required public hearing, that the annexation of the property is in the best interests of the citizens of the City of Durango:

NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:

Section 1. Subject to and conditioned on the execution and recording of a satisfactory Annexation Agreement and Annexation Plat, the annexation of certain territory to be known as the Durango Crossings Addition to the City of Durango, which territory is legally described on Exhibit ‘A’ hereto attached and visually demonstrated on Exhibit ‘B’ hereto attached, the contents of which are incorporated by reference herein, is hereby approved.

Section 2. The annexation of such territory to the City of Durango shall be complete and such territory shall become a part of the City of Durango following the effective date of this ordinance but not until the completion and recording of the Annexation Agreement and Annexation Map for the property. The Property, as described on the attached Exhibit ‘A’, shall be zoned Planned Development (PD).

Section 3. This ordinance shall become effective ten (10) days after its passage and final publication as provided by law.
I, Faye Harmer, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2024-___ was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the 2nd day of January 2024, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the ___ day of February, 2024, prior to its final consideration by the City Council.

City Clerk

I further certify that said Ordinance No. O-2024-___ was duly adopted by the Durango City Council on the ___th day of February, 2024, and that in accordance with instructions received from the Durango City Council, said ordinance was published by title only in the Durango Herald on the ___th day of February, 2024.

City Clerk
Exhibit A: Legal Descriptions

City of Durango Property:

PARCEL I:
THE EAST 50 FEET OF THE WEST 145 FEET OF THAT PART OF THE
NW1/4SW1/4 (LOT 17) OF SECTION 15, TOWNSHIP 35 NORTH, RANGE 9
WEST, N.M.P.M., COUNTY OF LA PLATA, STATE OF COLORADO, LYING
SOUTHERLY OF THE UPPER FLORIDA COUNTY ROAD RIGHT OF WAY.

PARCEL II:
THE EAST 120 FEET OF THE WEST 145 FEET OF THAT PART OF THE
NW1/4SW1/4 (LOT 17) OF SECTION 15, TOWNSHIP 35 NORTH, RANGE 9
WEST, N.M.P.M., COUNTY OF LA PLATA, STATE OF COLORADO, LYING
SOUTHERLY OF THE UPPER FLORIDA COUNTY ROAD RIGHT OF WAY.

LESS AND EXCEPT THE EAST 50 FEET THEREOF.

PARCEL III:
A PARCEL OF LAND DESCRIBED IN RECEPTION NO. 349356 OF THE
RECORDS OF THE LA PLATA
COUNTY CLERK AND RECORDER LOCATED IN SECTION 15, TOWNSHIP 35
NORTH, RANGE 9 WEST, N.M.P.M., LA PLATA COUNTY, COLORADO, AND
BEING MORE COMPLETELY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT WHICH IS THE SOUTHWEST CORNER THEREOF,
FROM WHICH THE SOUTHWEST CORNER OF GOVERNMENT LOT 17 BEARS
SOUTH 25° 54′ 29″ WEST, A DISTANCE OF 319.13 FEET; THENCE FROM SAID
POINT OF BEGINNING NORTH 01° 06′ 58″ WEST, A DISTANCE OF 83.11 FEET
ALONG THE WESTERLY BOUNDARY LINE THEREOF ON THE EASTERLY
BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED IN RECEPTION NO.
704253 OF SAID RECORDS; THENCE ALONG THE ARC OF A CURVE
DEFLECTING TO THE LEFT A DISTANCE OF 72.44 FEET, WHICH CURVE HAS
A CENTRAL ANGLE OF 12° 58′ 13″ AND A RADIUS OF 320.00 FEET, THE
CHORD OF WHICH BEARS SOUTH 44° 52′ 54″ EAST, A DISTANCE OF 72.28
FEET TO THE EASTERLY BOUNDARY LINE THEREOF ON THE WESTERLY
BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED IN RECEPTION NO.
551008 OF SAID RECORDS; THENCE SOUTH 01° 06′ 58″ EAST, A DISTANCE
OF 26.07 FEET ALONG SAID LINE; THENCE SOUTH 83° 21′ 22″ WEST, A
DISTANCE OF 50.23 FEET ALONG THE SOUTHERLY BOUNDARY LINE
THEREOF ON THE NORTHERLY BOUNDARY LINE OF A PARCEL OF LAND
DESCRIBED IN RECEPTION NO. 559475 OF SAID RECORDS TO THE POINT OF
BEGINNING.

PARCEL IV:
A PORTION OF THE PARCEL OF LAND DESCRIBED IN RECEPTION NO.
559475 OF THE RECORD OF THE LA PLATA COUNTY CLERK AND RECORDER
LOCATED IN SECTION 15, TOWNSHIP 35 NORTH, RANGE 9 WEST, N.M.P.M.,
LA PLATA COUNTY, COLORADO, AND BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT WHICH IS THE SOUTHWEST CORNER THEREOF,
FROM WHICH THE
SOUTHWEST CORNER OF GOVERNMENT LOT 17 THEREOF BEARS SOUTH
30 DEGREES 02 MINUTES 13 SECONDS WEST, 280.29 FEET; THENCE FROM
SAID POINT OF BEGINNING, NORTH 01 DEGREES 06 MINUTES 58 SECONDS
WEST, 44.42 FEET ALONG THE WESTERLY BOUNDARY LINE THEREOF
OF THE EASTERLY BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED IN
RECEPTION NO. 704253, TO THE NORTHERLY BOUNDARY LINE THEREOF ON THE SOUTHERLY BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED IN RECEPTION NO. 349356; THENCE NORTH 83 DEGREES 21 MINUTES 22 SECONDS EAST, A DISTANCE OF 50.23 FEET ALONG SAID LINE TO THE EASTERLY BOUNDARY LINE THEREOF ON THE WESTERLY BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED IN RECEPTION NO. 551008; THENCE SOUTH 01 DEGREES 06 MINUTES 58 SECONDS EAST, A DISTANCE OF 83.19 FEET ALONG SAID LINE; THENCE ALONG THE ARC OF A CURVE DEFLECTING TO THE RIGHT A DISTANCE OF 60.48 FEET, WHICH CURVE HAS A CENTRAL ANGLE OF 08 DEGREES 27 MINUTES 08 SECONDS AND A RADIUS OF 410.00 FEET, THE CHORD OF WHICH BEARS NORTH 56 DEGREES 57 MINUTES 06 SECONDS WEST, A DISTANCE OF 60.43 FEET TO THE POINT OF BEGINNING.

PARCEL V:
A PORTION OF THE PARCEL OF LAND DESCRIBED IN RECEPTION NO. 559475 OF THE RECORDS OF THE LA PLATA COUNTY CLERK AND RECORDER, LOCATED IN SECTION 15, TOWNSHIP 35 NORTH, RANGE 9 WEST, N.M.P.M., LA PLATA COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEING THE EAST 50 FEET OF THE WEST 195 FEET OF THAT PART OF THE NW1/4SW1/4, SECTION 15, TOWNSHIP 35 NORTH, RANGE 9 WEST, N.M.P.M., LYING SOUTH OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT WHICH IS THE NORTHWEST CORNER THEREOF, FROM WHICH THE SOUTHWEST CORNER OF GOVERNMENT LOT 17 THEREOF BEARS SOUTH 30 DEGREES 02 MINUTES 13 SECONDS WEST, A DISTANCE OF 280.29 FEET; THENCE FROM SAID POINT OF BEGINNING, ALONG THE ARC OF A CURVE DEFLECTING TO THE LEFT A DISTANCE OF 60.48 FEET, WHICH CURVE HAS A CENTRAL ANGLE OF 08 DEGREES 27 MINUTES 08 SECONDS AND A RADIUS OF 410.00 FEET, THE CHORD OF WHICH BEARS SOUTH 56 DEGREES 57 MINUTES 06 SECONDS EAST, A DISTANCE OF 60.43 FEET.

PARCEL VI:
A PORTION OF THE PARCEL OF LAND DESCRIBED IN RECEPTION NO. 551008 OF THE RECORDS OF LA PLATA COUNTY CLERK AND RECORDER LOCATED IN SECTION 15, TOWNSHIP 35 NORTH, RANGE 9 WEST, N.M.P.M., LA PLATA COUNTY COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT WHICH IS THE SOUTHWEST CORNER THEREOF, FROM WHICH THE SOUTHWEST CORNER OF GOVERNMENT LOT 17 THEREOF BEARS SOUTH 42 DEGREES 11 MINUTES 59 SECONDS WEST, 284.63 FEET; THENCE FROM SAID POINT OF BEGINNING NORTH 01 DEGREES 06 MINUTES 58 SECONDS WEST, 83.19 FEET ALONG THE WESTERLY BOUNDARY LINE THEREOF AND ALONG THE EASTERLY BOUNDARY LINE TO THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN RECEPTION NO. 559475; THENCE NORTH 01 DEGREES 06 MINUTES 58 SECONDS WEST, A DISTANCE OF 26.07 FEET ALONG THE WESTERLY BOUNDARY LINE THEREOF ON THE EASTERLY BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED IN RECEPTION NO. 349356; THENCE ALONG THE ARC OF A CURVE DEFLECTING TO THE LEFT A DISTANCE OF 88.55 FEET WHICH CURVE HAS A CENTRAL ANGLE OF 15 DEGREES 51 MINUTES 17 SECONDS AND A RADIUS OF 320.00 FEET, THE CHORD OF WHICH BEARS SOUTH 59 DEGREES 17 MINUTES 39 SECONDS EAST, A DISTANCE OF 88.27 FEET TO THE EASTERLY BOUNDARY LINE THEREOF ON THE WESTERLY BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED IN RECEPTION NO. 679894; THENCE SOUTH 01 DEGREES 06
MINUTES 58 SECONDS EAST, A DISTANCE OF 96.40 FEET ALONG SAID LINE; THENENCE ALONG THE ARC OF A CURVE DEFLECTING TO THE RIGHT A DISTANCE OF 82.35 FEET, WHICH CURVE HAS A CENTRAL ANGLE OF 11 DEGREES 30 MINUTES 31 SECONDS AND A RADIUS OF 410.00 FEET, THE CHORD OF WHICH BEARS NORTH 66 DEGREES 55 MINUTES 55 SECONDS WEST, A DISTANCE OF 82.22 FEET TO THE POINT OF BEGINNING.

PARCEL VII:

A PORTION OF THE PARCEL OF LAND DESCRIBED IN RECEPTION NO. 551008 OF THE RECORDS OF THE LA PLATA COUNTY CLERK AND RECORDER, LOCATED IN SECTION 15, TOWNSHIP 35 NORTH, RANGE 9 WEST, N.M.P.M., LA PLATA COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


PARCEL VIII:

TRACT I: THE EAST SIXTY-EIGHT (68') FEET OF THE WEST THREE HUNDRED THIRTY-EIGHT (338') FEET OF THAT PART OF THE NW1/4SW1/4 SECTION FIFTEEN (15), TOWNSHIP 35 NORTH, RANGE 9 WEST, N.M.P.M., LYING SOUTHERLY OF THE UPPER FLORIDA COUNTY ROAD AS NOW CONSTRUCTED AND LAID OUT, COUNTY OF LA PLATA, STATE OF COLORADO.

TRACT II: THE EAST THIRTY-FOUR (34) FEET OF THE WEST THREE HUNDRED SEVENTY-TWO (372) FEET OF THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW1/4SW1/4), SECTION FIFTEEN (15), TOWNSHIP THIRTY-FIVE (35) NORTH, RANGE NINE (9) WEST, N.M.P.M., LYING SOUTHERLY OF THE UPPER FLORIDA COUNTY ROAD AS NOW CONSTRUCTED AND LAID OUT, COUNTY OF LA PLATA, STATE OF COLORADO.

PARCEL IX:

A PARCEL OF LAND LYING IN THE NW1/4SW1/4 OF SECTION 15, TOWNSHIP 35 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN, COUNTY OF LA PLATA, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE NW1/4SW1/4 OF SECTION 15, TOWNSHIP 35 NORTH, RANGE 9 WEST, N.M.P.M., LYING EAST OF DEED RECORDED APRIL 13, 1965 IN BOOK 487 AT PAGE 293, LYING WEST OF DEED RECORDED DECEMBER 16, 1968 UNDER RECEPTION NO. 353196 AND LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE WEST ON-QUARTER CORNER OF SAID SECTION 15 (A FOUND 2-1/2" ALUMINUM CAP STAMPED "NEWPORT LS 11664"), WHENCE THE SOUTHWEST CORNER OF SAID SECTION 15 BEARS SOUTH 01°25'28" EAST, A DISTANCE OF 2614.42 FEET; THENENCE SOUTH 23°28'34" EAST, A DISTANCE OF 1150.64 FEET TO THE
POINT OF BEGINNING; THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 320.00 FEET, A CENTRAL ANGLE OF 1°03'20", A CHORD BEARING OF NORTH 81°27'42" EAST, A DISTANCE OF 5.89 FEET AND AN ARC DISTANCE OF 5.90 FEET TO THE POINT OF TERMINATION, WHENCE THE SOUTHWEST CORNER OF SAID SECTION 15 BEARS SOUTH 14°21'45" WEST, A DISTANCE OF 1609.39 FEET.

PARCEL X:
A TRACT OF LAND LOCATED IN SECTION 15, TOWNSHIP 35 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

COMMENCING AT A POINT ON THE WESTERN BOUNDARY OF THE HAMER SUBDIVISION, ACCORDING TO THE PLAT THEREOF FILED FOR RECORD SEPTEMBER 4, 1979 UNDER RECEPTION NO. 434739, FROM WHENCE A 3-1/4" ALUMINUM CAP MARKED PLS 12027 BEARS SOUTH 60°01'08" WEST, A DISTANCE OF 505.80 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT WITH A DELTA ANGLE OF 12°20'33" AND A RADIUS OF 320.00 FEET FOR A DISTANCE OF 68.93 FEET, THE LONG CHORD BEARS NORTH 74°55'45" EAST, 68.80 FEET; THENCE NORTH 21°14'31" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 68°45'29" EAST, A DISTANCE OF 18.00 FEET; THENCE SOUTH 21°14'31" EAST, A DISTANCE OF 10.00 FEET; THENCE NORTH 68°45'29" EAST, A DISTANCE OF 149.64 FEET; THENCE SOUTH 24°11'38" EAST, A DISTANCE OF 288.17 FEET; THENCE SOUTH 83°21'40" WEST, A DISTANCE OF 418.77 FEET; THENCE NORTH 01°49'10" WEST, A DISTANCE OF 201.04 FEET TO THE POINT OF BEGINNING, COUNTY OF LA PLATA, STATE OF COLORADO.

PARCEL XI:
THE EAST SIXTY (60) FEET OF THE WEST FOUR HUNDRED THIRTY-TWO (432) FEET OF THAT PART OF THE SOUTHWEST QUARTER (NWSW), SECTION 15, TOWNSHIP THIRTY-FIVE (35), RANGE NINE (9) WEST, NEW MEXICO PRINCIPAL MERIDIAN, LYING SOUTHERLY OF THE UPPER FLORIDA COUNTY ROAD AS NOW CONSTRUCTED AND LAID OUT, LESS AND EXCEPT THOSE LANDS CONVEYED BY THE INSTRUMENT RECORDED SEPTEMBER 24, 2021 UNDER RECEIPT NO. 1199705, AND ERRONEOUSLY SHOWN HISTORICALLY IN INSTRUMENT RECORDED SEPTEMBER 24, 2021 UNDER RECEIPT NO. 1199704, AS FOLLOWS:

TRACT I: A PARCEL OF LAND DESCRIBED IN RECEIPT NO. 333490 OF THE RECORDS OF THE LA PLATA COUNTY CLERK AND RECORDED LOCATED IN SECTION 15, TOWNSHIP 35 NORTH, RANGE 9 WEST, N.M.P.M., LA PLATA COUNTY, COLORADO AND BEING MORE COMPLETELY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS THE SOUTHWEST CORNER THEREOF, FROM WHICH THE SOUTHWEST CORNER OF GOVERNMENT LOT 17 BEARS SOUTH 66°38'19" WEST, A DISTANCE OF 409.91 FEET; THENCE FROM SAID POINT OF BEGINNING NORTH 01°06'58" WEST, A DISTANCE OF 90.26 FEET ALONG THE WESTERLY BOUNDARY LINE THEREOF AND ALONG THE EASTERLY BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED IN RECEIPTION NO. 551008 OF SAID RECORDS; THENCE ALONG THE ARC OF A CURVE DEFLECTING TO THE LEFT A DISTANCE OF 60.09 FEET, WHICH CURVE HAS A CENTRAL ANGLE OF 10°45'33" AND A RADIUS OF 320.00 FEET, THE CHORD OF WHICH BEARS NORTH 88°27'20" EAST, A DISTANCE OF 60.00 FEET TO THE EASTERLY BOUNDARY LINE.
THEREOF ON THE WESTERLY BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED IN BOOK 380, PAGE 510 OF SAID RECORDS; THENCE SOUTH 01°06'58" EAST, A DISTANCE OF 90.36 FEET ALONG SAID LINE; THENCE ALONG THE ARC OF A CURVE DEFLECTING TO THE RIGHT A DISTANCE OF 60.05 FEET, WHICH CURVE HAS A CENTRAL ANGLE OF 08°23'33" AND A RADIUS OF 410.00 FEET, THE CHORD OF WHICH BEARS SOUTH 88°33'01" WEST, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

TRACT II: A PORTION OF THE PARCEL OF LAND DESCRIBED IN RECEPTION NO. 333490 OF THE RECORDS OF THE LA PLATA COUNTY CLERK AND RECORDER LOCATED IN SECTION 15, TOWNSHIP 35 NORTH RANGE 9 WEST, N.M.P.M., AND BEING MORE COMPLETELY DESCRIBED AS FOLLOWS:

BEING THE EAST 60 FEET OF THE WEST 432.0 FEET OF THAT PART OF THE NW1/4SW1/4 OF SECTION 15, TOWNSHIP 35 NORTH, RANGE 9 WEST, N.M.P.M., LYING SOUTHERLY OF THE LINE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS THE NORTHWEST CORNER THEREOF, FROM WHICH THE SOUTHWEST CORNER OF GOVERNMENT LOT 17 BEARS SOUTH 66°38'19" WEST, A DISTANCE OF 401.91 FEET; THENCE FROM SAID POINT OF BEGINNING, ALONG THE CURVE DEFLECTING TO THE LEFT A DISTANCE OF 60.05 FEET, WHICH CURVE HAS A CENTRAL ANGLE OF 08°23'33" AND A RADIUS OF 41.00 FEET, THE CHORD OF WHICH BEARS SOUTH 88°33'01" THE CITY OF WESTMINSTER, A DISTANCE OF 60.00 FEET.

Trujillo Property:
Section: 16 Township: 35 Range: 9 TR IN NE/4 SE/4 L&E FLA RD ROW

Durango Crossings I Property:
Section: 16 Township: 35 Range: 9 TR IN LOT 9 (NE/4SE/4) & LOT 17 (NW/4SW/4)
15-35-9, PROJ 2010-0142, CONS BY 1025413

Romero Property:
Section: 15 Township: 35 Range: 9 PORTION OF E 50 FT OF W 195 FT OF NW/4SW/4 L&E PTS TO COD FOR FLORIDA RD ROW

Mondragon Property:
Section: 15 Township: 35 Range: 9 E 60' OF W 432' OF NW/14SW1/4 PER PRD 1199705

Durango Crossings Partners, LLC Property:
Section: 15 Township: 35 Range: 9 E 60' OF W 432' OF NW/14SW1/4 PER PRD 1199705
EXHIBIT B: Annexation Map
SURVEYOR STATEMENT:
This annexation exhibit was prepared in January of 2024 under the direct responsibility, supervision and checking of Joshua J. Casselberry, of Moreno Surveying and Geographics, Inc., being a Colorado Licensed Surveyor. It does not constitute a Land Survey Plat or Improvement Survey Plat as defined by section 38-51-102 C.R.S.

Joshua J. Casselberry, P.L.S.
Colorado Registration No. 37903

Scale: 1 inch = 100 feet

Legend
- Property Line/Existing City Limits
- Property Line/Proposed City Limits
# Ownership List

<p>| | | | | |</p>
<table>
<thead>
<tr>
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<tr>
<td>1.</td>
<td>1480 CR 240</td>
<td>566516400093</td>
<td>TRULIJO, KENNETH &amp; LAURA</td>
<td>PO BOX 72</td>
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<td>2.</td>
<td>1490 CR 240</td>
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<td>ROMERO, LOUISE</td>
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<td>DURANGO CO 81301</td>
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<td>9.</td>
<td>566515300147</td>
<td>MONDRAGON, GUSTAVO &amp; MARGARET</td>
<td>8930 HIGHWAY 160</td>
<td>DURANGO CO 813036509</td>
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<td>13.</td>
<td>1540 CR 240</td>
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<td>DURANGO CROSSINGS PARTNERS LLC</td>
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<td>14.</td>
<td>PARCEL XI</td>
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<td>17.</td>
<td>Tract of Unknown Ownership (Hatched Area)</td>
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**SURVEYOR STATEMENT:**
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Joshua J. Casselberry, P.L.S.  
Colorado Registration No. 37903
RESOLUTION NO. R-2024—
A RESOLUTION APPROVING THE CONCEPTUAL PLANNED DEVELOPMENT FOR
THE
DURANGO CROSSINGS PARTNERSHIP, 1480-1540 FLORIDA RD

WHEREAS, the applicants for the Durango Crossings Partnership development have submitted for a Conceptual Planned Development review; and

WHEREAS, Community Development staff have reviewed the proposal and found it to be in general compliance with the adopted standards of the Land Use and Development Code; and

WHEREAS, the Planning Commission conducted a public hearing considering the proposal on December 4, 2023, and unanimously recommended approval of the Conceptual Planned Development on a 3-0 vote, subject to the conditions described within the staff report; and

WHEREAS, the City Council has conducted a subsequent public hearing considering the proposal on February 6, 2023, and found the project to be in alignment with adopted codes and policies.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Durango, in regular meeting assembled, that:

Said Conceptual Planned Development is approved with the conditions as described by the agenda documentation and discussed during the public hearing.

Approved and adopted this ________ day of ______________, 2024

CITY OF DURANGO,

By________________________________________
Melissa Youssef, Mayor

ATTEST:
By________________________________________
Faye Harmer, City Clerk
RECOMMENDATION:

It is recommended that City Council, by motion,

    adopt the proposed ordinance amending chapter 18, Parks and Recreation, of the Code of Ordinances of the City of Durango and declaring an effective date

BACKGROUND SUMMARY:

There is a need for the City Council to adopt this ordinance to ensure the health, safety, and welfare of all persons within the City who are impacted by assemblies, festivals, and other events within the city limits of Durango.

STRATEGIC PLAN ALIGNMENT:

Engaged and Collaborative Governance ECG

ALTERNATIVE OPTIONS CONSIDERED:

None

FISCAL IMPACT:

Unknown at this time

POTENTIAL ADVERSE IMPACTS:

Unknown at this time

NEXT STEPS AND TIMELINE:

Unknown at this time
ORDINANCE NO. O-2024-XX

AN ORDINANCE AMENDING, IN PERTINENT PART, THE DURANGO CODE OF ORDINANCES CHAPTER 18- PARKS AND RECREATION - ARTICLE III-PUBLIC PARKS, PLAYGROUNDS AND RECREATIONAL FACILITIES - SECTION 18-32 -Permit Required for Assemblies, festivals and other events, to read TO READ AS FOLLOWS:

(Red type indicates addition of text, strike through indicates original text removed, empty brackets [] indicate omitted and unchanged text)

Sec. 18-32. - Permit required for assemblies, festivals, and other events.

Whenever any person, corporation, association, or organization desires to utilize a municipal public park, playground, or recreational facility within the city limits of the City of Durango, for any event, assembly, festival, entertainment, party, rally, or similar activity, a permit application shall first be obtained from the police department and be completed by the applicant. The Director of Parks and Recreation or his designated agent shall approve such permit.

Applications for said permit shall be in a form set forth by the Director of Parks and Recreation or his agent and shall be completed and submitted by the applicant not less than ten (10) days before the date on which it is proposed to conduct any such event or activity.

The Director of Parks and Recreation or his agent shall grant and issue such permit if:

(a) The proposed activity or use of the municipal park, playground, or recreational facility will not unreasonably interfere with or detract from the general public enjoyment of such facilities;

(b) The proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation;

(c) The facilities desired municipal facilities have not been reserved for other use at the date and hour required in the application;

(d) The activity will not unduly interrupt the safe flow of traffic;

(e) The activity will not divert so many police personnel as to prevent adequate protection to the rest of the city as determined by the police department;

(f) The conduct of such activity is not reasonably likely to cause injury to persons or property, incite violence, crime, or disorderly conduct;

(g) Such activity is not to be held for the purpose of advertising any product, goods, or event and is not designed to be held for private profit; and

(h) Outside public displays on municipal property must be sponsored by a local Durango organization for one-time or limited duration events held on city property. Displays must be associated with a permitted event held on city property, the display shall only be permitted for the duration of the event, and the display shall not create public disruptions or hazards. City of Durango Public Art Program displays are excluded from this policy. The
permit application for the event at which an outside public display is proposed shall include a description or rendering of the proposed display. The city manager shall have the authority to deny the proposed outside public display if it is objectionable, or to require removal of the permitted display if it does not conform to the description or rendering submitted with the permit application.

(i) The fees, as determined by affected departments, have been paid

WHEREAS, the City Council of the City of Durango desires to protect and maintain the health, safety, and welfare of all persons within the City; and

WHEREAS, the City Council of the City of Durango (“City”) recognizes that assemblies, festivals and other events within the city limits impact the citizens of Durango; and

WHEREAS, there is a need to amend the code to provide the City of Durango with the authority to require permits for assemblies, festivals and other events within the city limits; and

NOW THEREFORE THE CITY OF DURANGO HEREBY ORDAINS THAT THE DURANGO CODE OF ORDINANCES, CHAPTER 18- PARKS AND RECREATION - ARTICLE III- PUBLIC PARKS, PLAYGROUNDS AND RECREATIONAL FACILITIES - SECTION 18-32 –Permit Required for Assemblies, festivals and other events, BE AMENDED TO READ AS FOLLOWS:

Sec. 18-32. - Permit required for assemblies, festivals, and other events.

Whenever any person, corporation, association, or organization desires to utilize a public park, playground, or recreational facility within the city limits of the City of Durango, for any event, assembly, festival, entertainment, party, rally, or similar activity, a permit application shall first be obtained from the police department and be completed by the applicant. The Director of Parks and Recreation or his designated agent shall approve such permit.

Applications for said permit shall be in a form set forth by the director of parks and recreation or his agent and shall be completed and submitted by the applicant not less than ten (10) days before the date on which it is proposed to conduct any such event or activity.

The Director of Parks and Recreation or his agent shall grant and issue such permit if:

(a) The proposed activity or use of a municipal park, playground, or recreational facility will not unreasonably interfere with or detract from the general public enjoyment of such facilities;

(b) The proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation;

(c) The facilities desired municipal facilities have not been reserved for other use at the date and hour required in the application;

(d) The activity will not unduly interrupt the safe flow of traffic;

(e) The activity will not divert so many police personnel as to prevent adequate protection to the rest of the city as determined by the police department;
(f) The conduct of such activity is not reasonably likely to cause injury to persons or property, incite violence, crime, or disorderly conduct;

(g) Such activity is not to be held for the purpose of advertising any product, goods, or event and is not designed to be held for private profit; and

(h) Outside public displays on municipal property must be sponsored by a local Durango organization for one-time or limited duration events held on city property. Displays must be associated with a permitted event held on city property, the display shall only be permitted for the duration of the event, and the display shall not create public disruptions or hazards. City of Durango Public Art Program displays are excluded from this policy. The permit application for the event at which an outside public display is proposed shall include a description or rendering of the proposed display. The city manager shall have the authority to deny the proposed outside public display if it is objectionable, or to require removal of the permitted display if it does not conform to the description or rendering submitted with the permit application.

This ordinance shall become effective ten (10) days after its passage and final publication as provided by law.

CITY COUNCIL OF
THE CITY OF DURANGO

Attest:

______________________________

______________________________

Mayor

City Clerk

STATE OF COLORADO

) ss.

COUNTY OF LA PLATA

I, Faye Harmer, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2024- was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the ___ day of February 2024, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the ___ day of February 2024, prior to its final consideration by the City Council.

______________________________

City Clerk
I further certify that said Ordinance No. O-2024- was duly adopted by the Durango City Council on the ___ day of February 2024, and that in accordance with instructions received from the Durango City Council, said ordinance was published by title only in the Durango Herald on the ___ day of February 2024.

ATTEST: CITY OF DURANGO

Faye Harmer, City Clerk                  Melissa Youssef, Mayor

Approved as to form: Approved as to Content

Mark Morgan, City Attorney              José Madrigal, City Manager
RECOMMENDATION:
It is recommended that City Council, by motion, make the following appointments to the Community Development Commission.

1. Sarah Pritchard, Until May 31, 2027 – Meets the qualification related to architecture, design and planning experience
2. David Eppich, Until May 31, 2027
3. Christopher Scott, Until May 31, 2027
4. Alma Evans, Until May 31, 2026
5. Carolyn Hunter, Until May 31, 2026 - Meets the qualification related to architecture, design and planning experience
6. Weylin Ryan, Until May 31, 2025
7. Jenny Johnston, Until May 31, 2025

And to also appoint an alternate member that can fill in to ensure that a quorum is met. The interview committee suggests that the alternate member be Sarah Schwartz for a two-year term expiring May 31, 2026.

BACKGROUND SUMMARY:
The call for CDC applications was posted December 18 and applications were accepted through January 15. The City advertised this opportunity in a variety of ways including City website, press releases, and social media accounts. The City received 25 applications! Four of the applicants were not eligible for the position because they live outside City Limits. One applicant was not available during the interview window and one did not respond to follow up communication. On Tuesday, January 30 and Wednesday, January 31, Councilor Woodruff, Councilor Yazzie and Community Development Director Scott Shine interviewed 19 applicants. It was very encouraging to see the interest in the City’s community development efforts and we are grateful for the time that each applicant took to complete an application and interview.

Following the interviews, the interview panel unanimously supported the recommended list above.

STRATEGIC PLAN ALIGNMENT:
This process aligns with multiple Strategic Plan goals, but particularly the Diversity, Equity and Inclusion goal and the Engaged & Collaborative Governance goal.

ALTERNATIVE OPTIONS CONSIDERED:
This process followed the standard procedures for interviewing and appointing Board and Commission members.

FISCAL IMPACT:
N/A

POTENTIAL ADVERSE IMPACTS:
N/A

NEXT STEPS AND TIMELINE:
Staff will provide an orientation to the new Commission members and the Community Development Commission will hold it's first meeting on February 26.