Minturn Forward Memo

TO:	Minturn Planning Commission and Town Council
FROM:	Town Staff and Matt Farrar (Western Slope Consulting)
DATE:	November 25, 2024
ATTACHMENTS:	Revised Draft (v5) Article 5: Land Use Application Requirements & Procedures

1. LAND USE CODE UPDATE PRIORITIES

The "Code Assessment," prepared in December 2023, serves as a guide for the update to Minturn's Land Use Code ("the Code"). The Code Assessment summarizes key themes from the Community Plan, Strategic Plan, and those identified from discussions with the Planning Commission and stakeholders. These themes serve as priorities, and the basis of the recommendations, for the Code update. The following is a list of the priorities (i.e., themes) to be addressed via the update to the Code:

- Re-Organize and Re-Format Code to Improve Usability

    o Consolidate and re-organize the existing chapters of the Code.

    o Address inconsistencies, redundancies, and ambiguity in the Code.

    o Ensure that the intent of regulations is clearly described in the Code.

    o Ensure that diagrams, graphics, and tables clearly describe the intent of regulations.

    o Reduce the number of cross-references in the Code.

    o Simplify Code language/reduce the use of technical jargon.

    o Consolidate, update, and add (as necessary) definitions.

    o Consolidate standards for specific types of land uses into a "Use-Specific Standards" Section.

    o Consolidate parking, lighting, landscaping & sign regulations into "Development Standards" Section.

- Develop a Code that Facilitates the Implementation of Minturn's Community Plan and Strategic Plan

    o Simplify Character Areas and Zone Districts.

    o Explore options for the type of Code (e.g., Traditional, Form-Based, Hybrid) best suited for Minturn.

    o Craft regulations that enable creativity and enhance Minturn's Character.

    o Consolidate and update Use Tables to ensure alignment with the 2023 Community Plan.

    o Ensure regulations address the community's environmental concerns.

    o Align the Code with the community's transportation objectives.

- Enhance Review Processes
  - Explore options to clarify, simplify, and streamline application review procedures.
  - Improve application requirements.

- Create More Opportunities For A Range of Housing Options for Full-Time Residents
  - Expand the types of housing permitted in Minturn.
  - Reduce potential barriers to housing development.

- Increase Flexibility of Regulations & Standards
  - Evaluate regulations for non-conformities.
  - Explore integration of alternative compliance measures.
  - Evaluate Historic Preservation regulations.

- Explore Options to Promote/Incentivize Certain Types of Development
  - Explore types of incentives, which may include:
    - Unit bonuses.
    - Regulatory incentives, such as increased building height allowances, reduced off-street parking requirements, etc.
    - Straightforward and expedited review processes.

- Ensure Compliance With Court Rulings.
  - Sign regulations and regulations for Adult Entertainment Establishments.

2. FORMAT

One of the recommendations for improving the usability of Minturn's Land Use Code is to reduce the number of cross-references in the Code. "Cross-references" require a user to jump between different parts of the Code to find all the information that they need. Requiring a user to do this can make use of the Code difficult and confusing.

In updating Minturn's Land Use Code, there will be an emphasis on organizing and consolidating the various components of the Code so that a user can go to one part of the Code and find most, if not all, of the information that they are seeking. The attached draft of Article 5: Land Use Application Requirements & Procedures has been formatted in this fashion.

There are pros/cons to the recommended format for the updated Code. Those include the following:

PROS:
- Allowing a user to find most, if not all, of the information they are seeking in one part of the Code (i.e., "one-stop shopping") can help make the Code more user-friendly.

<u>CONS</u>:
- The recommended format necessitates some redundancy in the Code. For example, in the draft of Article 5, the application review processes repeat much of the same language. This is necessary for enabling a user to go to a specific Section and find most of the information that they need for a specific type of application. Redundancy in the Code can have the following drawbacks:

  - Future updates to the Code will require a thorough review to ensure that all redundant language is changed. If all redundant language is not changed, it may result in inconsistent language in the Code.

  - Redundant language results in the overall length of the Code being longer. However, it is unlikely that any user will need to go through the Code page-by-page, so the length of the Code is probably not an issue. This should be true whether a user is looking at a hard copy or online version of the Code.

Staff is requesting input from the Planning Commission and the Town Council as to whether the Code update should continue with the recommended format or if an alternative format should be used.

3.   VARIANCES

Currently, a two-step process is required for Zoning Variances and Sign Variances. That process is as follows:

- Step One: Review and recommendation by the Planning Commission

- Step Two: Review and decision by the Town Council (acting as the Town's Zoning Board of Appeals).

Staff (including the Town Attorney and Matt Farrar) have recommended that both Zoning and Sign Variances become a one-step process that are reviewed and decided upon by the Planning Commission OR Town Council. This recommendation is based on experience with Variances in other communities where they are typically a one-step process that requires a review and decision by a Planning Commission.

Minturn's Planning Commission has expressed a desire that the existing two-step process for Variances remain. Therefore, staff is requesting direction from the Town Council on whether the process for Variances should remain a two-step process or become a one-step process. If Variances become a one-step process, staff requests direction on whether the review and decision is to be handled by the Planning Commission OR the Town Council.

4.   ADMINISTRATIVE AUTHORITY

A provision has been added that enables the Planning Director, or their designee, to waive submittal requirements for applications, if the following criteria are met:

a.   The waiver will not compromise a proper and complete review of the application.

b.   The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

If the Planning Director authorizes a waiver of any application submittal requirements, they must do the following:

a. Notify the applicant in writing.

b. Include in their staff report (if a staff report is required) a list of the submittal requirements waived and the findings made to justify the waiver.

The current Code does not allow the Planning Director to waive submittal requirements. Therefore, an applicant must address all the submittal requirements listed in the Code even if they don't make sense for their project.

Staff is requesting input from the Planning Commission and the Town Council as to whether they are supportive of including this provision in the updated Code.