

TWIN BUTTES
PLANNING COMMISSIONER QUESTIONS
WITH STAFF RESPONSES (*in italics*)
PROVIDED TO PLANNING COMMISSION
ON MONDAY, JULY 7, 3:01 P.M

Commissioner Lewandowski Questions (received Thursday July 3, 5:06 p.m.)

1. At the first meeting I raised the issue of providing more affordable units on the property. I am not opposed to allowing more trophy homes as a trade for more affordable units. How does the staff view that? *This is a policy issue that the Planning Commission should debate. However, it is advisable to seek the applicant's position on the matter. There may not need to be a necessary trade off between more trophy homes for more affordable units – there may be more solutions than just adding more expensive homes. However, a significant increase in density could affect the character of the development.*
2. Noise mitigation: I'm mainly concerned about the units on the lower area next to U.S. 160. I've looked at units along that road and found the noise from traffic to be almost intolerable. At our field trip Eric said he would mitigate the noise. I want to see that as a condition. *There is a common precedent for requiring increased sound insulation in homes as a result of high levels of environmental noise, specifically for homes near airports. There could be a condition of approval to address this, and it shouldn't be too difficult to implement.*
3. Homeowners Association structure: I'm not sure if it's in the city's authority to make any suggestions/requirements on this. HOA fees can cause an affordable townhouse to eventually become unaffordable. This is due mainly to maintenance issues expected, unexpected and things that will wear out in 10-15 years. I'd recommend that each HOA be fairly small in numbers of units to make it easier for a cluster of homeowners to get things done. That leaves the question of open space, parks, gardens etc. It seems a metro district could work for those areas if the city doesn't take ownership of those. *The size of HOAs, their potential liability, and impact of fees on long term affordability are important issues. Discussions about HOAs, Metro Districts, and the extent of City ownership, and maintenance responsibility, of open space will begin in earnest if Council recommends approval of Annexation and the Conceptual Development Plan. Once the fiscal impacts are analyzed and understood, both the City and the applicant will get a clearer picture of the financial obligations caused by different scenarios. The time required to flesh out these details may even extend the timeframe between submittals and their reviews, but they are critical issues and need to be resolved.*
4. I also asked at the last session about the actual costs to the city for taking on open space. Even though that is out of our purview, I'd like to get a sense of that. *Kevin Hall responds that if the City is not required to bear the cost to implement the recommendations within the Forest and Wildlife Management Plans, the cost will be less than if it has to implement the Plans. City Parks and Rec quantifies the cost to maintain open space at \$38/acre. This is a very gross cost estimate based on straight math of total maintenance cost versus total acreage held. The figure will increase substantially if the City is to assume the fire mitigation on all the open lands of Twin Buttes. A recent Dalla Mountain Park mitigation cost the city \$11,000 for a 9 acre clearance, as the topography and access are influential cost factors. Additional costs will include signage, trail maintenance and general property care/patrol. This does not include costs associated with potential habitat preservation or restoration projects. Kevin wanted to know whether Commissioner Lewandowski has any comparable costs for DOW at Perins Peak SWA – do you?*
5. As part of the wildlife mitigation - prohibit bird feeders between April 1 and Dec. 1. Bird feeders are a huge bear attractant. *This was mentioned in the letter from Bearsmart. It can be made a condition of approval for the Twin Buttes PD and as a requirement in the final PD Agreement, and could also be a requirement in the homeowner association's CC&Rs. If the applicant does commit on habitat*

preservation, the majority of the Wildlife Management Plan recommendations should likely be required.

6. Gas station: this would fall in the design guidelines. The canopies that are over the pumps at most gas stations are equipped with glaring lights that are highly visible. That could be mitigated with a skirt on the canopy, or a different design to block the lights from view. Overall, I think the city should require a light-blocking design for all new gas station canopies. *All new commercial and multifamily structures are required to conform to the Outdoor Lighting Ordinance. The ordinance prohibits the origin of the light source, the light bulb, from being seen offsite. Sometimes this is accomplished by recessing the light bulb deeper into the canopy, or in the case of parking lot light poles, by placing shields around the lights. The lighting ordinance also limits the light level at the property boundary, with especially strict standards for light going onto public streets and single family areas. The lighting at the ROW cannot exceed 1.5 foot candles. Staff will be sure to convey this issue to the applicant and on to the Mustang gas corporation.*

7. One question I hear from people is this: "How is the city going to know that the TB developers are doing everything they are promising?" So, could the city require some sort of an annual report from the developers/community that explains what's going on? *There are multiple ways to respond to this question. First, the City has several ways of enforcing approved agreements with developers. All the infrastructure – roads, water and sewer infrastructure, etc. – have to pass tests and inspections before the City accepts them as part of the City system. The same goes for the built products, landscaping and parking – all commercial and residential structures must be inspected and accepted by Planning, Public Works, Parks, DFRA and the Building Department before any structure can be legally occupied. Second, the conditions unique to this project include provisions for managing wildlife and its interaction with residents, wildfire mitigation, forest management, open space and trails management. Wildfire mitigation falls into two categories, for built products and for forest management. All structures will be sprinkled as a condition of approval. Other fire mitigation measures, such as roofing materials and construction methods, can be built into the conditions of the PD, and verifiable at the building permit or certificate of occupancy stage. A more detailed fire mitigation will be required at the Preliminary Plan stage and will address the clear zones around the structures. As for fire mitigation, the applicant has begun clearing fuels on site, and more details about fuels reduction will also be addressed in the next plan submittal. Many of the forest management and wildlife management issues go hand in hand. The authors of the forest and wildlife plans proposed the creation of a management team to review how well the plan policies are being implemented, and Planning staff is receptive to that idea. What that will actually mean, i.e. who will be on the team, who will fund it, what would the extent of their authority be, will be resolved before the Preliminary submittal. The tricky part is enforcement. The City can enforce our regulations and ordinances, and we can impose seasonal closures of land for public open space, but staff will never be able to look for bird feeders in the wrong season or spot improper fire mitigation techniques*

Commissioner Tregillus Questions: (received Sunday, July 6, 9:43 p.m.)

1. The submission and staff report lists 70,000 SF as commercial and civic space. What's included in the civic? How much of the 70,000 SF is civic? *Estimates based upon the Conceptual Plan submittal represent 59,000 sq.ft. as commercial with the balance reserved for civic. The applicant's designer is currently in the process of determining the appropriate mix of uses that are balanced with proposed residential density, including civic uses.*

2. Is the 15,000 SF to be built along the highway included in residential, or are there other uses included in that 15K/ No, it is commercial square footage. If yes, what are they? *N.A. (didn't see it listed on submission page 13 under East Entry)*

3. Staff report says “no significant environmental issues” have been identified at the Mustang site. How old are the gas tanks? Does that mean aging gas storage tanks in the Lightener Creek floodplain do not pose a significant environmental issue? *Any existing negative environmental issues with the current Mustang site are unknown until the time of demolition and the removal of the gas tanks. Any potential environmental issues will be remediated, and the gas tanks are removed from their existing location currently within the floodplain to a location out of the floodplain.*
4. Wildfire limitations for parts of the property are cited in the staff report. Isn't almost ALL of this a wildfire danger, isn't it? What part of the property would NOT be considered part of the wildfire risk, or itself at risk of wildfire? This is on the urban wild lands interface. *The limitations you are referring to are not referencing limitations on what part of the property has wildfire risk, but refer to requirements for built areas – we are not 100% sure we understand your question. Obviously the parts of Twin Buttes which would remain open space (fuels reduction) have different mitigation strategies than the built areas (building materials and clear zones). We acknowledge that the entire site is considered to be in the risk area but there are different strategies and techniques, not to mention responsibilities yet to be nailed down, for treating wildfire risk.*
5. Wildlife plan, forest management plan, Open space management plan, trail management plan, are all identified as DRAFT. When are they considered as submittal items? Preliminary? Final submittal? *We reference in the Staff Report, bottom paragraph of page 4, why these are referred to as drafts. They are most certainly considered submittal items from the initial submittal, but they have been referred to as drafts because they may be amended depending upon outcomes from the public hearing process, Planning Commission recommendations, or City Council decisions. The open space, forest management and trail management plans will be finalized during the preliminary plan review and included in the PD/Annexation agreement at final plan stage.*
6. How many units at *Rasdall* are assumed to determine the size of the water tank? (Greg...you may have answered this already, and if so, I apologize. I just can't find it in my notes.) *Neither tank size nor off-site line improvements have been agreed to at the conceptual plan level. Condition #9 says the project will meet City requirements for utilities.*
7. How will the ADUs be held as part of the affordable housing stock. What is the retention mechanism? How are the rent ceilings determined and enforced? Who certifies tenants, and how? If tenant income increases, at what point must they move on? Will there be any ADUs NOT identified as below market rate rental units? *These are all questions to be answered in the preliminary plan submittal. If an applicant says at the conceptual, there will be x number of affordable units, then they have represented that they will provide that number. Staff and the applicant don't get into this level of detail until the conceptual plan and the annexation have been approved – why would Staff want to spend time answering these questions if the project doesn't proceed past conceptual/annexation?*
8. On page 19, item 5. Access/Circulation and Street Design: “roadways incorporate a multi-dimensional approach, incorporating needs of the community, the road user and environment.” How? I suppose this relates to the proposed text amendment, does it not? And isn't the annexation dependent upon the text amendment? If for some reason the text amendment were to fail, would the annexation be dead in its present form? (not arguing for or against...just askin') *No. According to Jack Rogers, he points out that conceptual plan approves density and land use. If the road standards are not modified, the applicant may be able to fit the same number of units into the space with wider streets. So no, the annexation would not be dead, and no, the annexation is not dependent upon the text amendment – only the applicant's current design is contingent upon the text amendment.*
9. On page 24, staff report says Parks and Rec “has not historically accepted responsibility for parks less than five acres in size.” Are you proposing to address this at Preliminary? Final? It seems conceptual in nature, especially since it's related to annexation. *This is a standing policy of the Parks and Rec department. What is it you feel needs to be addressed about it? The applicant knows the project must build and maintain parks of less than five acres in size. Why do you see this as related to annexation? Staff views this as the responsibility of the applicant.*

10. Residential parking? How are they handling those standards? Later? *Yes, it is a preliminary plan issue*
 Will they look for variances? *Staff has no idea* .Commercial alleys? *This is a level of detail way more than the conceptual plan has or needs.* When do we see this? *Preliminary plan.*

11. Regarding the letter from Kevin Hall:

- At what point do we address how open space areas adjacent to the development bubbles will be managed? Will it be by HOA, or by the city? Who decides, and when? *That is an ongoing discussion, addressed in part in the Fiscal Impact Analysis, but one that does not need resolution until the preliminary plan stage. It is a City Council decision.*
- I note that Kevin notes that this is a NEW area of expense. *It is not a new area of expense, but depending upon the outcome of preliminary plan discussions, it may be an expansion of existing areas of Parks and Rec staff responsibility.*

12. Building sites reduced in size and centralized around community assets. Show where? I see the park. What are the other assets? *Additional assets that Staff is aware the applicant is contemplating include: a wellness center/recreational facility, pocket parks, community gardens, childcare facility, community houses, and an existing barn below and a new barn in the West Meadows.*

13. I am wondering about the application of the “all verbal and written [and graphic] representations of the applicant shall be deemed conditions of approval. We have a childcare declared. OK. That’s concrete. It’s adjacent to the village green; OK, it’s a condition of approval. Now, under core uses, page 14 of the applicant’s submission on the Artisan Core, we see “Small health oriented shops and healing arts practitioners will line the street, with lodging for guests above.” Is this a condition of approval? If someone wants to put in a bookstore instead, does it violate the plan? Please understand, I am asking a serious question here. The applicants have provided submission documents for annexation and “concept” plan. That’s what it says on their cover. But it also paints a vision. To what extent are you, as staff, going to hold them to the vision as a condition of approval? Should we? Speaking for myself, I am inspired by the vision, but as a planning commissioner charged with making recommendations that have impact on the city, I have to wonder at this point, if such a submission is an appropriate way to proceed, or if the accountability part of the City’s planning function might be better served if applicants pinned down the concrete elements of their vision as part of an official submittal and city procedures allowed them to describe the vision without restricting themselves to a narrow set of approval conditions. What does Dave Smith say about this? *David Smith responds by saying “I do not believe that references to examples of the types of uses that might inhabit the Artisan Core should become conditions of approval for the project or any other project. I would hope that the reference made it clear that the enumerated uses are examples of potential uses, rather than an identification of a limitation on usage. If it does not do so, it should. It is not typical, nor necessary, in my opinion, for the conceptual plan to identify the specific commercial or retail uses anticipated within a proposed project. Further, I fail to see how a change from an acupuncturist to hypnotherapist raises any legitimate planning issues.”*

14. Denny Ehlers said he would provide the math showing how the 1% transfer fee (\$244,000, 349,000/year) is calculated. It was not part of the study session material. *This is based on market value of homes between \$200,000 and \$600,000 using an average of \$400,000 per unit.*

<u>Year</u>	<u>Market Value of Units</u>	<u>1% Transfer Fee</u>	<u>Fee</u>
2019	\$273,389,700.00	0.01	\$2,733,897.00

Using the 3% annual appreciation rate, and assuming housing units will be transferred every 7 years, the transfer fee will provide \$15,317,363.73 for the Housing Authority (or other agreed upon targeted use of the funds) over the period of year 2026 to year 2040 as shown below.

<i>Value of Units (Assuming a 3% Annual</i>			
<u>Year</u>	<u>Appreciation</u>	<u>1% Transfer Fee</u>	<u>Fee</u>
2026	\$336,234,847.11	0.01	\$3,362,348.47
2033	\$413,526,451.10	0.01	\$4,135,264.51
2040	\$508,585,374.87	0.01	\$5,085,853.75
			<u>\$15,317,363.73</u>

15. Does the ROW across the Rasdall property continue after development as a way to access the upper portions of the property? *It is not a Right of Way – it is a deeded easement, which will remain..*
16. I don't have a page citation, but my notes say that the "Lower area conservation easement is "under consideration". Does that imply there might be development the lower area? Which area is that on the map? Are those the triangles on the south side of 160? *No, that does not imply that there might be development along the lower area, other than one road being built across the lower area. The applicant is debating whether to do a conservation easement, or just simply classify the land as open. It is Staff's understanding is that the two triangle areas on the south side of Hwy 160 are already in conservation easements. What you see on the conceptual plan as undeveloped is anticipated to remain undeveloped, regardless of whether a conservation easement is pursued or not.*
17. How many parking spaces near the Transit Center? *Staff has had no discussions yet with the applicant concerning parking spaces. Something at that level of detail is typically done at the preliminary stage.*
18. Extension of transit service along Route 3 would involve not only capital improvements as proposed by the applicant, but also on-going operations costs. Whether fully funded by the city or partly by the city as match for federal transit funds, there will still be some on-going operations expense. Will this be included in the annexation fiscal impact report (which we are unable to comment on because we haven't seen it) or is it just assumed that these costs will be covered by increases in tax revenues? *Yes, it will be addressed in the Council's Fiscal Impact Report.*
19. Ditto police, fire, library, general parks and rec, and other city services....*Ditto, although I do not believe the library will be addressed – as I understand it, the City and the County work out funding for the library separately from their normal budget deliberations, based upon overall county population exclusive of the Bayfield and Ignacio areas.*
20. If new street standards are adopted, will Public Works need to purchase new and differently-sized snow-plowing equipment for this project? *Yes. These items are to be addressed upon proposed roadway approval and determined by the Public Works Department.*

Commissioner Swingle Questions (received Monday, July 7, 10:03 a.m.):

1. What are the estimated number of units currently "in the pipeline" (approved, pending & presumptive applications)? *The answer to this question will take more time to provide than we have time for today. There have been changes that may significantly affect that number, not the least of which is Ewing Mesa's potential shift from significant density to 35 acre tracts. Presumably resultant population growth will further degrade failed/failing intersections, per TRIP 2030. Yes, population growth anywhere, be it City or County or both, will have an impact on such intersections. In the future, we will either see more delay time for people travelling through those*

intersections at peak hours, because there are no viable alternatives, or we will see less delay time, as driving habits change because of peak oil, higher fuel costs, better alternatives, or all of the above.

What actual % increase in Durango's current population would Twin Buttes represent as projected at build-out? (Applicant's estimate was ~1,500) Growth projections by the state demographer's office are at the county level, which projects La Plata County to grow at an annual rate of 1.8% this decade. Traditionally Durango grows at a slightly slower rate than the county; the City rate in the 1990s was 1.38% annually, which increased somewhat in the early part of the 2000s, but has slowed recently. The 2000 Census figure for occupants per household in Durango was 2.23. Assuming a vacancy of five percent, there would be 1,253 residents in Twin Buttes at build out.

For city population, assuming 1.5% from a base population of 16,068 (state demographer's figure for July 2006), and with build out in 2019, Twin Buttes would represent 6.5 percent of the total population, at 1,260 of 19,211.

- 2. Will someone from RHA be testifying on the affordable housing proposals? Jennifer Lopez has been notified of the hearing, but Staff cannot compel her to attend. My guess is that she will handle all of the affordable housing issues in the preliminary plan review through a Fair Share plan to be drafted, negotiated, and implemented at a later date.*
- 3. Is there any existing city policy or legal precedent that will enable San Juan Industries to argue for road &/or utility access via Twin Buttes property? Yes, as stated in the Staff Report on pg. 8, first bullet under Comprehensive Plan Issues, "the developer is being required to make an offer of dedication and, at the direction of the City Council, pay for the costs of road and utility extensions to the Rasdall property line". This requirement is based upon City Code sections 14-182, 14-208(d) and 14-209(c), and 14-198(a) and 14-199(e). The City Council has the ability to waive the requirements; staff does not.*
- 4. As with proposed alternative road cross-section, are there potential conflicts between city codes and proposed alternative building approaches that should be identified at conceptual review? (e.g straw bale?) No. The International Residential Code (IRC) and the International Building Code (IBC) have sections for alternative methods and materials. The plans need to be engineered for local snow loads, wind loads, etc. Specific IRC and IBC citations are the same, 104.11, 104.11.1, and 104.11.2.*
- 5. Is annexation, if recommended, contingent on current PD proposal ? I am not sure what you mean here. Annexation, if recommended by the PC and approved by the Council, is still contingent upon the project meeting the conditions of approval before the annexation is finalized following final plan approval by the Council. If I said yes to your question and the conditions were changed, would you hold my answer to this question to what was "current" when you asked it? Too confusing. The current PD conceptual plan proposal will be the proposal that is either ultimately approved at the conceptual plan stage by the Council, subject to the conditions, or is not approved. If the applicant finds that he cannot proceed with his preliminary plan in accordance with the conceptual plan, he may need to return to a conceptual plan review. However, if his preliminary plan is in substantial conformance with the conceptual plan, and its conditions, he will be able to proceed with his preliminary plan, and presumably his final plan, and then annexation will be effected based on that level of conformance.*
- 6. Is there any alternative to phased review/approvals for Twin Buttes that will insure that numerous attractive proffers/commitments become actual deliverables? Commissioner Lewandowski's question #7, and our answer to it, responds I think to your inquiry here.*