

TOWN OF MANCOS
BOARD of TRUSTEES WORKSHOP
December 22, 2021 6:00 P.M.
Workshop – Cancelled
Town Hall Board Room

Monthly Board Workshops are for Board discussion purposes only. Decisions cannot be made during these sessions. These workshops are open to the public, however public comment will not be accepted.

BOARD of TRUSTEES MEETING
December 22, 2021 7:00 p.m.

AGENDA

- A. Call to Order
- B. Pledge of Allegiance and Moment of Silence
- C. Roll Call
- D. Approval of the Agenda
- E. Audience Business
- F. Announcements
- G. Committee Reports
 - Montezuma County Planning Commission
 - Mancos School District
 - Montezuma County Commissioner Update
- H. Discussion and Action Items
 - 1. Resolution 4: 2022 Fee In Lieu
 - 2. Ordinance 766 Series 2021: 2022 Municipal Ballot Question
 - 3. Short Term Rental Discussion
- I. *Items for January 12, 2022 Agenda*
 - *Approval of Minutes of December 8, 2021*
 - *Design Review Guidelines*
 - *2022 Municipal Election IGA*
 - *Fire Ban Resolution*
 - *Proclamation Discussion*
- J. Adjournment

STAFF REPORT

To: Honorable Mayor and Board of Trustees
From: Heather Alvarez, Town Administrator
Date: December 22, 2021
Re: Resolution 4 Series 2022: Adjustment of Cash in Lieu Fee –Fair Market Value

Recommendation

Approve Resolution 4 Series 2022 A Resolution Setting The Per Acre Fee In Lieu Of Dedicated Land

Background/Discussion

In order to continue to encourage development in Town limits, at their December 15, 2021 meeting, the Planning Commission recommended that the current fee in lieu remain at \$25,000 per acre.

The fair market value and cash in lieu amount is set by resolution by the Board of Trustees upon the recommendation of the Planning and Zoning Commission.

Chapter 16, Article 14, Division 4 requires the developer of a subdivision to dedicate at least **ten percent (10%)** of land within a subdivision to the Town, or other entity, as determined by the Board of Trustees, to be used for parks and recreation, open space, school sites, municipal facilities or cash in lieu of such dedication. The cash in lieu fee amount is to be reviewed on an annual basis. The fee reflects the estimated current fair market value for unimproved “raw” land adjacent to town. This was currently set at \$15,000 per acre in 2020 and has remained unchanged since then.

Recent market value research indicates a 7,500 square foot, vacant lot in Mancos sells for approximately an average of \$76,000. One acre of land is 43,560 square feet. It should be noted that most communities distinguish in their code/policies that it is only new residential development (SF, multi-family or mixed use) that is charged this fee. Some use a % calculation of gross land area, some use a per residential unit fee, and some use a per SF cost.

Resource Impact

Sets amount for cash in lieu of land set asides for future subdivisions

Attachments

Town of Mancos Land Use Code Chapter 16, Article 14, Division 4
Resolution 4 Series 2022

Section 16-14-4 Dedications

A. Purpose

The requirements for open space, school sites, parks, and recreational areas contained in this section ensure that there will be sufficient land dedicated or otherwise set aside to meet the demand and need of the future residents of the development for open space, school sites, and parks, containing passive or active recreational areas that are reasonably attributable to such development.

B. Applicability

Every subdivision shall include a dedication of land to the Town, or other entity, as determined by the Board of Trustees, to be used for parks and recreation, open space, school sites, municipal facilities, or cash in lieu of such dedication in an amount established by this section as a condition of final plat approval and prior to the recording of a final plat.

C. Dedication Requirement

The developer shall dedicate to the Town at least 10 percent of the gross land area, in fee simple or other equivalent cash-in-lieu, unless a land dedication was required for the subject land at the time of annexation.

D. Specifications

1. Land dedicated or otherwise set aside for dedications must be of appropriate size, dimensions, topography, and general character as required for the type of use necessary to meet the demand and need of future residents (e.g., school sites, open space buffers, public trails, active recreation for team or individual sports, playgrounds, tot lots, picnic areas, etc.).
2. Unique natural areas or flood-prone areas that provide an opportunity for public trails or linkage parks may be included in areas dedicated or reserved for open space.
3. With the exception of land dedicated for trails, dedicated or reserved land shall have minimum dimensions of 100 feet in width and 150 feet in depth, unless otherwise approved by the Board of Trustees.

E. Platting Requirements

Any land dedicated for open space, school sites, or park and recreational areas must be shown on the face of a plat submitted for approval by the Planning Commission and Board of Trustees.

1. Pins to be Installed

Each corner of the parkland to be donated shall be marked with a permanent monument consisting of 3/4-inch iron pins set in concrete. These shall be located and identified on a recordable land survey completed by a land surveyor registered in the State and provided to the Town by the owner and/or developer.

2. Plat to be Recorded

Upon approval by the Board of Trustees, a plat shall be filed of record in the office of the County Clerk and Recorder.

F. Payment of Cash in Lieu of Dedication

Payment of cash in lieu of dedication of land for park and recreational purposes shall be made prior to the recording of a final plat and shall be subject to the following provisions:

1. Applicability

In a subdivision of less than 20 acres or where the required dedication would be less than one acre, or if the Board of Trustees finds that the park and recreational needs of a proposed

development would be better served by a park in a different location or the expansion or improvement of an existing park or recreational area, the Board of Trustees may substitute a cash payment other equivalent conveyance in lieu of land dedication.

2. Schedule for Cash in Lieu

The amount of cash payment shall be calculated based on the land area that would be required as a dedication. The Planning Commission shall recommend and the Board of Trustees shall establish by resolution the per-acre fee based upon the current fair market value for raw lands within the corporate limits of the Town.

3. Accounting, Expenditure, and Refunds

All such payments of cash-in-lieu fees shall be accounted for and spent according to the following requirements:

- a. Cash-in-lieu payments shall be segregated in a special Parks and Recreation Capital Improvement Fund, to be spent on a first-in-first-out basis and used only for the acquisition and improvements of open space, school sites, and park and recreational areas within the Town that will meet the needs of the residents of the development or subdivision in respect of which such payment was made.
- b. Cash-in-lieu payments shall be expended on the acquisition or improvement of open space or park land within reasonable proximity to the proposed development or subdivision from said development or subdivision.
- c. If cash-in-lieu payments are not expended or unconditionally committed to be expended within 10 years of receipt, the developer or owner shall be entitled to a refund of the amount paid, upon written request by the developer or owner, filed with the Town Clerk within one year after the right to such refund arises.

Town of Mancos
Resolution 4 Series 2022

A Resolution Setting The Per Acre Fee In Lieu Of Dedicated Land

WHEREAS, the Town of Mancos Land Use Code Chapter 16, Article 11, Division 4 requires that with every new subdivision, sufficient land be dedicated or a fee in lieu paid to meet the public use demand of future residents; and

WHEREAS, the Town of Mancos Land Use Code Chapter 16, Article 11, Division 4 also provides a cash-in-lieu arrangement for new subdivisions; and

WHEREAS, the Town of Mancos Land Use Code Chapter 16, Article 11, Division 4 requires the developer to dedicate at least ten percent (10%) of the gross land area, in fee simple, or other cash-in-lieu, unless such a land dedication was required for the subject land at the time of annexation; and

WHEREAS, the Town of Mancos Land Use Code requires a payment of cash-in-lieu of dedication of land for park and recreational purposes shall be made prior to recording of a final plat; and

WHEREAS, the Town Board of Trustees may set by resolution the fee amount upon the recommendation of the Town of Mancos Planning and Zoning Commission; and

WHEREAS, the Town Board of Trustees by resolution, sets the per-acre fee for dedicated land based upon the current fair market value for raw lands within the corporate limits of the Town of Mancos per Chapter 16, Article 11, Division 4 of the Town of Mancos Land Use Code; and

WHEREAS, after reviewing recent raw land sales within the Town of Mancos, it has been determined that the current fair market value should be set at \$25,000 per acre; and

WHEREAS, the Town of Mancos Planning and Zoning Commission recommended to set the per-acre fee at **\$25,000 per acre** at their regular meeting on December 15, 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF MANCOS:

The Board of Trustees of the Town of Mancos hereby sets the cash-in-lieu fee for dedicated land, per requirements of Chapter 16, Article 11, Division 4 of the Town of Mancos Land Use Code, at \$25,000 per acre. Per the Mancos Municipal Code, this fee will be updated annually.

PASSED, ADOPTED, AND APPROVED this 22nd day of December, 2021.

Mayor Ellen "Queenie" Barz

Town Clerk/Treasurer Jamie Higgins

STAFF REPORT

To: Honorable Mayor and Board of Trustees
From: Heather Alvarez, Town Administrator
Date: December 22, 2021
Re: Ordinance 766 Series 2021: Bills & Claims Ballot Question

Recommendation

Approve Ordinance 766 Series 2021 An Ordinance Of The Board Of Trustees Of The Town Of Mancos, Colorado Submitting A Ballot Question To The Registered Electors Voting In The April 5, 2022 Regular Municipal Election Concerning Whether The Town Of Mancos Should Be Permitted To Make Expenditures Accessible By Request At Town Hall And On The Town Website Rather Than Regularly Publishing Them In A Local Newspaper

Background/Discussion

Currently, the Town of Mancos is required to publish our monthly bills & claims in a newspaper of local subscription each month after approval by the Board of Trustees. We pay approximately \$200 per month to publish in The Journal.

This is required by statute. In order to opt out of this requirement, a majority of voters must authorize the Town to publish elsewhere. Since we are holding an election in April 2022, I am requesting that this question be placed on the ballot for voter decision to allow the Town to publish this information on our website instead of the newspaper.

We do currently publish this information on our website for free on the “Financial Transparency” page, and we will continue this practice regardless of the election outcome.

Resource Impact

Save approximately \$2,400 per year

Attachments

Ordinance 766 Series 2021: Bills & Claims Ballot Question

ORDINANCE NO. 766
SERIES 2021

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF MANCOS,
COLORADO SUBMITTING A BALLOT QUESTION TO THE REGISTERED ELECTORS
VOTING IN THE APRIL 5, 2022 REGULAR MUNICIPAL ELECTION CONCERNING
WHETHER THE TOWN OF MANCOS SHOULD BE PERMITTED TO MAKE
EXPENDITURES ACCESSIBLE BY REQUEST AT TOWN HALL AND ON THE TOWN
WEBSITE RATHER THAN REGULARLY PUBLISHING THEM IN A LOCAL
NEWSPAPER

WHEREAS, generally, pursuant to Section 31-20-202, C.R.S., a municipality is required to publish their proceedings as they relate to the payment of bills, stating for what the same are allowed, the name of the person to whom allowed, and to whom paid, as well as a statement concerning all contracts awarded and rebates allowed in some newspaper published within the limits of the Town or, if there are none, in some newspaper of general circulation in the Town; and

WHEREAS, Section 31-20-202(1.5), C.R.S. further provides that any municipality may determine at a regular or special election to not publish their proceedings related to the payment of bills and statements on contracts, and that any city or town whose citizens elect not to publish may provide an alternative for distribution of the information; and

WHEREAS, approved Town expenditures and awarded contracts can be placed on the Town of Mancos's website and are also available for public inspection during regular business hours at the Mancos Town Hall; and

WHEREAS, the Town of Mancos spends considerable funds each year on newspaper publication costs (by way of example, the Town of Mancos spent approximately \$2,421.00 in such publication costs during 2021) and the Board of Trustees finds and determines that in order to reduce such costs it is necessary and appropriate to submit to the registered electors voting at the April 5, 2022 regular municipal election the question of whether the Town may discontinue publishing bill payments, related approvals, and awarded contacts in a local newspaper.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF TRUSTEES OF THE TOWN OF MANCOS, COLORADO, AS FOLLOWS:

Section 1. The following ballot issue shall be submitted to the registered voters of the Town of Mancos voting at the April 5, 2022 regular municipal election:

“In order to reduce the financial burden with regard to publishing all expenditures in a newspaper of local circulation (by way of example, the Town of Mancos spent approximately \$2,421.00 in such publication costs in 2021), shall the Town of Mancos, Colorado be released

from publishing all payments of bills, approvals and approvers of the payments, the recipients of all payments and the awards of all contracts and rebates, as permitted under Colorado law, provided that the same will be available for review on the Town of Mancos website and the Mancos Town Hall?

Yes: _____ No: _____”

Section 2. All actions here before taken (not inconsistent with the provisions of this Resolution) by the Town and the officers thereof, directed toward the election and the objects and purposes herein stated are hereby ratified, approved and confirmed.

Section 3. The officers and employees of the Town are hereby authorized and directed to take any other actions necessary or appropriate to effectuate the purposes of this Resolution.

Section 4. This Ordinance shall be effective 30 days after publication.

THIS ORDINANCE PASSED ON FIRST AND FINAL READING THIS 22nd DAY OF December, 2021 AND SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER PUBLICATION.

TOWN OF MANCOS, COLORADO

Ellen “Queenie” Barz, Mayor

ATTEST:

Jamie Higgins, Town Clerk

PUBLISHED THE ____ DAY OF _____, 2021 BY THE AUTHORITY OF THE TOWN CLERK OF MANCOS, COLORADO.

ATTEST:

Jamie Higgins, Town Clerk

STAFF REPORT

To: Honorable Mayor and Board of Trustees
From: Heather Alvarez, Town Administrator
Date: December 22, 2021
Re: Short Term Rental Discussion

Recommendation

None – discussion only

Background/Discussion

We currently have a moratorium on short term rentals within Town limits. Attached is the most recent draft of potential language to regulate short term rentals.

If the Board is satisfied with this information, this item will be presented to the Planning Commission for discussion and recommendation to the Board in ordinance form.

Resource Impact

N/A

Attachments

Short Term Rental proposed regulations

ARTICLE 4 - USE STANDARDS

Sec. 16-4-1 - Accessory Uses

(a) Short-Term Rentals 1

 (1) Purpose 3

 (2) Applicability; Permit Required 3

 (3) Dwellings Allowed to Operate as Short-Term Rentals by Ownership 4

Comment: This is Part 1 of the working draft updated Short-Term Rental Regulations, focused on how many short-term rental permits the Town will issue and where STRs will be allowed. It includes descriptive commentary, questions for determination, and proposed regulatory updates for P&Z and Board review and feedback. Part 2 will address operation standards (trash, parking, noise) and permitting and will be prepared following discussion of Part 1.

(a) Short-Term Rentals

Definitions

Comment: The new STR-specific definitions and proposed amendments, both shown in underline, will be moved into the general definition section of the Mancos LUC. Current definitions are included here for terms that are already defined.

[*current definition*] **Accessory use or structure** means a use or structure naturally and normally incidental to and subordinate to the permitted primary structure or use by right of the land or lot area.

[*current definition*] **Accessory dwelling unit (ADU)** means a smaller, secondary residential dwelling unit with a separate entrance from the primary one-unit dwelling on the same lot as a primary one-unit dwelling. Accessory dwelling units are independently habitable and provide the basic requirements of living, sleeping, cooking, and sanitation.

[*current definition + suggested edits*] **Bed and breakfast** means a commercial establishment operated in a house, or portion thereof, used by the record owner of the property as a primary residence, ~~who is also a resident of the property where the use is proposed, and~~ where short-term lodging rooms and meals are provided to guests for compensation.

[*current definition + suggested edits*] **Boarding house** means a building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit. Proposed update: Boarding house means an establishment where lodging in individual rooms or units without kitchen facilities is offered to one or more roomers or boarders for direct or indirect compensation for a period of 30 days or more.

[*current definition*] **Dwelling unit** means a building arranged and designed as a dwelling unit and intended to be occupied by one (1) family, which has at least one bathroom and a minimum floor area of five hundred (500) square feet, unless otherwise specified within the appropriate zoning districts. Dwelling units shall include manufactured homes and factory-built homes.

[*current definition*] **Hotel or motel** means a building or group of buildings with guest rooms in which lodging is provided and offered to transient guests for compensation.

Local Resident (for the purposes of short-term rental regulations) means a natural person who has primary residence within any municipality located in Montezuma County or an unincorporated area of the county.

[*current definition*] **Owner** means any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or other person with sole or with concurrent legal and/or beneficial title to the whole or to part of a building or land.

[*current definition + suggested edits*] **Person** means an individual, proprietorship, trust, partnership, corporation, association, or other legal entity. Proposed update: For purposes of short-term rentals, “person or persons” shall not include any corporation, partnership, firm, association, joint venture, or other similar legal entity.

Primary residence means a dwelling unit that is owner-occupied and is the usual place of return for housing of a person as documented by at least two of the following: motor vehicle registration, driver's license, Colorado state identification card, voter registration, tax documents, or a utility bill. A person can only have one primary residence.

[*current definition + suggested edits*] **Short-term rental unit** means a full residential dwelling unit or accessory dwelling unit portion of such a unit, that is rented for compensation or consideration for less than 30 days at a time; this definition does not include bed and breakfasts, boarding houses, hotels, motels, dwelling units owned by the federal government, the state, or the Town, or any of their agencies, or facilities licensed by the state as health care facilities.

[*current definition*] **Short-term rental** means the renting, or offer to make available, (by way of a rental agreement, lease, license, or any other means, whether oral or written) for compensation or consideration, of residential property, a full dwelling unit or accessory dwelling unit a portion thereof, for a period of 30 consecutive days or less to a transient.

Short-term rental party (or party) means one or more persons who, as a single group, rent a short-term rental unit pursuant to a single reservation and payment.

(1) Purpose

Comment: This section of the STR regulations will identify the policies that the Town is implementing and supporting through the regulation of short-term rentals. The Board discussed the following purposes during the initial STR update meeting:

The purposes of the Mancos short-term rental unit program are to:

- a. Maintain the viability and affordability of owner and renter-occupied residential housing in Mancos
- b. Protect existing commercial structures and spaces from investment pressure to convert to residential short-term rental use.
- c. Ensure that traditional residential neighborhoods are not turned into tourist areas to the detriment of full-time residents
- d. Prevent the creation and use of pseudo-hotels in residential neighborhoods.
- e. Ensure that short-term rental owners maintain compliance with the Town's LUC and other relevant municipal regulations.
- f. Support the property values of all properties in a neighborhood, not just those lots with short-term rentals.
- g. Minimize public safety risks and the noise, trash, and parking problems often associated with short-term rentals.
- h. Give permanent residents the option to occasionally utilize their properties to generate extra income from short-term rentals as long as all of the Town's other policy objectives are met.
- i. Protect the health, safety, and general welfare of the community.
- j. [proposed additional purpose] Establish a comprehensive permitting process to safeguard the public health, safety, and welfare of the community by regulating and controlling use, occupation, location, and maintenance of short-term rental properties within the Town of Mancos.

(2) Applicability; Permit Required

Comment: This section establishes that a short-term rental permit is required to operate a short-term rental and clarifies those uses that are not considered short-term rentals that are exempt from this requirement.

- a. A property owner is required to obtain a short-term rental permit from the Town prior to offering or operating a short-term rental unit on their property.
- b. The Town will issue or renew up to a total of 15 short-term permits annually. Renewal applications for properties that have been compliant with the short-term rental regulations will be given priority processing over new applications.
- c. A valid short-term rental permit is required for each short-term rental unit in the Town.

- d. The regulations in this section apply to short-term rentals only. They do not apply to long-term leases or businesses that provide lodging services with a staffed central check-in desk, such as a hotel or bed and breakfast, when operated in a zone district that permits lodging uses.

(3) Dwellings Allowed to Operate as Short-Term Rentals by Ownership

Comment: This section identifies which type of units may be used for STRs based on ownership and location.

STR Unit Type: Full Unit Only, No Partial Unit Rentals	Primary Dwelling	ADU
Key: /A/ STR Allowed /N/ STR Not Allowed /--/ Not Applicable		
Residential Zone Districts		
Owner-occupied, primary residence		
No ADU	N	N
With ADU [1]	N	A
Non-owner-occupied, local owner		
No ADU	A	--
With ADU [1]	A	A
Non-owner-occupied, non-local owner		
Single unit residential dwelling, ADU, or multifamily structure	N	N
Mixed-Use/Commercial Zone District		
Owner-occupied, primary residence		
No ADU	A	A
With ADU	A	A
<i>included for discussion, no STR permit required</i>		
Bed and Breakfast	A	A
Boarding House	A	A
Non-owner-occupied, local owner		
No ADU	A	--
With ADU	A	A
<i>Included for discussion, no STR permit required</i>		
Bed and Breakfast	A	A
Boarding House	A	A
Non-owner-occupied, non-local owner		
Single unit residential dwelling or ADU	N	N
Q: Does ownership matter for these structures in mixed-use or commercial districts?		
Multifamily structure		
In mixed-use structure (e.g., apartment over commercial) [2]	A[2]	--

Notes:

[1] Owner may use either primary dwelling or ADU as STR, but not both

[2] Allowed in one residential unit per mixed-use structure