

**TOWN OF MANCOS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**November 16, 2022**  
**7:00 p.m.**

**Agenda**

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Approval of the Agenda
- E. Approval of the minutes of October 19, 2022
- F. Audience Business
- G. Announcements
- H. Discussion and Action Items
  - 1. Resolution TBD Series 2022: Fee in Lieu
- I. *Items for December 21, 2022 Agenda*
  - *Cancelled*
- J. *Items for January 18, 2022 Agenda*
  - *Comprehensive Plan Chapters 3 & 4 Final Review*
  - *Comprehensive Plan Chapters 5 & 6 Draft Review*
  - *Comprehensive Plan Goals Chapters 7 & 8 First Discussion*
- K. Adjournment

**Town of Mancos**  
**Planning & Zoning Commission Meeting**  
**October 19, 2022**

- A. **Call to Order:** Chairman Peter Brind'Amour called the meeting to order at 7:00 p.m.
- B. **Pledge of Allegiance**
- C. **Roll Call:** present-Peter Brind'Amour, Catherine Seibert, Carol Stout, Alternate Ann Coker, Trustee Betsy Harrison, Town Administrator Heather Alvarez, Deputy Clerk Georgette Welage
- D. **Approval of the Agenda:** Carol Stout made the motion to approve the agenda of October 19, 2022. Catherine Seibert seconded the motion. Motion carried.
- E. **Approval of the minutes of September 21 and September 26, 2022.** Catherine Seibert made the motion to approve the minutes of September 21 and September 26, 2022. Carol Stout seconded the motion. Motion carried.
- F. **Audience Business:**  
None
- G. **Announcements:**  
Town Administrator Heather Alvarez and Town Clerk/Treasurer Jamie Higgins will be attending Caselle training in Salt Lake City next week. The Source Water Protection Plan is going well. Town Administrator Heather Alvarez and Town Clerk/Treasurer Jamie Higgins went to the Mancos RE-6 School District to talk to the students about the Mancos Parks and Recreation Master Plan. A Sports Complex at the Airport Property received the top positive response followed by sand volleyball and pickleball in Boyle Park. A bowl at the skatepark was also mentioned. Everyone was impressed with the student's thoughtful, positive comments. The Ute Mountain Ute Tribe has water allocated from Lake Nighthorse-they are working on a plan to obtain the water . The Commission asked about the status of jake brake signs in town. This project is in the planning process.
- H. **Discussion and Action Items**  
Resolution 16 Series 2022: Adopting the Three Mile Plan: Carol Stout made the motion to adopt Resolution 16 Series 2022. Catherine Seibert seconded the motion. Motion carried.

Comprehensive Plan Chapter 2 Final Review: The Commission reviewed Comprehensive Plan Chapter 2. Suggested changes will be made after our Attorney reviews and be included in the final version.

Comprehensive Plan Chapters 3 & 4 Draft Review: The Commission reviewed Comprehensive Plan Chapters 3 & 4. Suggested changes will be made after our Attorney reviews and be included in the final version.

Comprehensive Plan Goals Chapters 5 & 6 First Discussion: The Commission reviewed Comprehensive Plan Goals Chapters 5 & 6. Suggested changes will be made after our Attorney reviews and be included in the final version.

**Adjournment** 8:45 p.m.

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Peter Brind'Amour, Chairman

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Georgette Welage, Deputy Clerk

# ***STAFF REPORT***

To: Members of the Planning and Zoning Commission  
From: Heather Alvarez, Town Administrator  
Date: November 16, 2022  
Re: Resolution TBD Series 2023: Adjustment of Cash in Lieu Fee

## **Recommendation**

Review the current Per-Acre Cash in Lieu Fee for Dedicated Land and recommend approval or adjustment to the Board the Board of Trustees

## **Background/Discussion**

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 11, 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.

The Planning Commission discussed this item at their December 2021 meeting, and recommended a value of \$25,000 per acre to the Board of Trustees. The Board approved this figure with Resolution 11 Series 2021. We are required to do this on an annual basis, so you will see this item each year moving forward.

Market value research conducted in fourth quarter 2021 indicated 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.

Is the Planning Commission satisfied with \$25,000 fee in lieu or would you prefer to change it?

## **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 11, Division 4  
Draft 2023 Resolution

**Sec. 16-11-4. Dedication of land or payment of cash in-lieu of dedication.**

- (a) Form of dedication. The dedication of land for public use shall be conveyed by the applicant in fee absolute title by warranty deed to the Town. Such land shall be free of liens, special assessments, and other encumbrances, and shall have all taxes paid to the year of dedication. The location of boundaries of such land shall be marked with permanent monuments in accordance with this Chapter.
- (b) Payment of cash-in-lieu of such dedication shall be based upon the current fair market value for raw lands within the corporate limits of the Town. The Board of Trustees, following recommendation by the Planning Commission, shall, by resolution, set the per-acre fee for dedicated land. The per-acre fee shall be annually updated by resolution. If this rate is not acceptable to the applicant, the values per acre shall be determined by an appraiser, agreed upon between the applicant and the Town, or, failing such agreement, by a real estate appraiser's commission consisting of one appraiser appointed by the applicant, one appraiser appointed by the Town, and a third appraiser to be appointed by previously appointed appraisers, which decision by a majority shall be controlling. Reasonable compensation of the appraisers shall be paid by the applicant. The amount so determined shall be paid prior to approval of the final plat.

( Ord. No. 751 , § 1, 11-13-2019; Ord. No. 761 , § 1, 10-28-2020)

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Town of Mancos  
**Resolution TBD 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 November 16, 2022.

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 14th day of December, 2022.

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Mayor Ellen “Queenie” Barz

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Town Clerk/Treasurer Jamie Higgins