

# ***AGENDA***

## **TOWN OF SNOWMASS VILLAGE PLANNING COMMISSION**

### **SPECIAL MEETING**

**Wednesday, April 27, 2016**

**TIME:** 4:00 p.m.

**PLACE:** Town Council Chambers  
130 Kearns Road, Snowmass Village, CO.

**ITEM NO. 1:** A Resolution Recommending Amendments to Certain Provisions of Chapter 16A of the Snowmass Village Municipal Code Related To the Comprehensive Plan

**MISCELLANEOUS**

**ADJOURNMENT**

## MEMORANDUM

TO: Snowmass Village Planning Commission

FROM: Julie Ann Woods, FAICP/MLA, Director  
Community Development Department

DATE: April 27, 2016 Special meeting

SUBJECT: **Proposed Revisions to Section 16A-1-50 Comprehensive Plan Land Use Code Provisions**

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### **I. PURPOSE AND ACTIONS REQUESTED OF PLANNING COMMISSION**

The Planning Commission is being asked to make final recommendations on draft language amendments to Section 16A-1-50 "Comprehensive Plan" provisions in the land use and development code as presented by Staff.

### **II. BACKGROUND AND SUMMARY DESCRIPTION**

Using a PowerPoint presentation at the April 13th Planning Commission work session, Staff suggested that the process to update the Comprehensive Plan is very prescriptive and does not allow flexibility and creativity in the way a comprehensive plan should be updated.

Among the items that were discussed were:

1. Remove reference to the Comprehensive Plan adoption date to reflect "*as plan may from time to time be amended*";
2. Remove the periodic review requirement;
3. Add new language to allow maximum flexibility and to reflect current "state of the art" in long range planning;
4. Clarify who/when the Comprehensive Plan can be amended (not limited to post-periodic review); and
5. Change Town Council adoption action by resolution not ordinance

After discussion with the Planning Commission, Staff suggested that a minor text amendment would allow more flexibility to update the comprehensive plan process and could reduce frustration of the Planning Commission from the current method whereby action from the Town Council on the "State of the Comprehensive Plan" report is not required. Further, the Planning Commission's preference was to maintain the periodic review period but increase the timeframe for review to no more than five (5) years, and maintain the Town Council adoption action by ordinance. **These changes have been incorporated into Attachment A**, the red-lined version of recommended changes to the code and the proposed Resolution No. 5, Series of 2016 (**Attachment D**). In addition, **Attachment B** is a "clean copy" that the Planning Commissioners may find

easier to read and **Attachment C** is Section 16A-5-210 of the Development Code which outlines the process for amendments to the text of the Development Code.

### III. APPLICABLE REGULATIONS

The procedures to amend the text of the land use and development code is outlined in Section 16A-5-210 of the land use code. According to that section, the Planning Commission shall consider the standards of Section 16A-5-210(e), Review Standards, and shall make its recommendations to the Town Council. Below are the Review Standards and Staff's response to each:

Section 16A-5-210(e) Review Standards. An application for an amendment to the text of the Development Code shall comply with the following standards:

(1) Consistent with purposes. The proposed amendment shall be consistent with the purposes of this Development Code.

**Staff Response: The proposed amendment is consistent with the purposes of the Development code which is necessary for "the general health, safety and welfare of the community".**

(2) Not conflict with other provisions. The proposed amendment shall not conflict with any other applicable provisions of this Development Code.

**Staff Response: The proposed amendment does not conflict with any other applicable provisions of the Development code, and in fact clarifies and allows for a more appropriate procedure for comprehensive plan amendments, updates and periodic reviews.**

(3) Consistent with Comprehensive Plan. The proposed amendment shall be consistent with the Town of Snowmass Village Comprehensive Plan.

**Staff Response: The amendment is consistent with the Comprehensive Plan, specifically 1.2 Policies which, to summarize, calls for the plan to remain current and reflective of our community values; updating of the plan continues to be a communitywide effort, and allows for continued citizen involvement in implementing the land use planning process.**

(4) Public health, safety and welfare. The proposed amendment shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the Town.

**Staff Response: The text amendment will allow for more clarity and flexibility in the updating of the comprehensive plan to ensure the public health, safety, general welfare and environment is preserved and the amendment will contribute to the orderly development of the Town.**

Although the proceedings of the Planning Commission do not require a noticed public hearing for the consideration of the proposed text amendment, Staff recommends that the Planning Commission provide an opportunity from any member of the public who wishes to comment on the draft resolution to be heard.

#### **IV. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission consider the proposed draft language as presented in Draft Resolution 5, Series of 2016, amend as necessary, and recommend approval to the Town Council.

Attachments:

- A.** Redlined Draft Code Language for "Comprehensive Plan"
- B.** "Clean copy" of Draft Code Language for "Comprehensive Plan"
- C.** Sec. 16A-5-210. - Amendments to text of Development Code
- D.** Draft Resolution No. 5, Series of 2016 with attachments

Redlined Draft Code Language for "Comprehensive Plan"

Sec. 16A-1-50. - Comprehensive Plan.

- (a) Designation of Official Plan. Whenever in this Development Code a finding of consistency with the Comprehensive Plan is required, or reference is made to the Comprehensive Plan, the Town's Comprehensive Plan (hereinafter the Comprehensive Plan) most recently adopted by the Town Council ~~on November 16, 1998 (Ordinance 7, Series of 1998)~~, as such plan may from time to time be amended, shall constitute the official Comprehensive Plan for the purpose of such finding or reference.
- (b) Purpose and Effect of Comprehensive Plan. The Comprehensive Plan is intended to be a comprehensive statement of the Town's ~~current-potential~~ growth and development and overall land use philosophy which, by its very nature, is a dynamic statement that can and should be updated and amended over the years in response to changing community ~~needs~~ values. The plan is an official public document designed to guide future development in order to maintain or otherwise create the environment the community desires. Section 1.7 of the Charter requires the Town Council to adopt and maintain a comprehensive plan of the Town and provides further that no subdivision of land, zoning change or land development significantly affecting the Town shall be approved by the County Council without considering the effect of such approval on the Comprehensive Plan as amended. Specific sections of this Development Code require a finding, at certain stages in the review of a development, subdivision or rezoning review, of consistency with the Comprehensive Plan. For the purpose of determining consistency, the following standards shall apply:
- (1) Consistency. ~~An A action-proposed development, subdivision, rezoning or other action~~ is consistent if it is generally compatible with the principles and policies stated in the Comprehensive Plan and if the action is proposed in a location not precluded by the Future Land Use Plan, although specific aspects or details of the action may not have been contemplated. ~~Exact or precise adherence to the Comprehensive Plan is not required in order to find consistency.~~ If an action is determined to be consistent with the Comprehensive Plan, it means that approval of the action can be considered, not that the ~~action~~ action itself must be approved.
  - (2) Interpretation. Since the Comprehensive Plan is, by definition, a general statement of the Town's ~~current-potential~~ growth and development and overall land use philosophy, it is anticipated and assumed that circumstances will change to the extent that such philosophy will, from time to time, need to be revised and that the provisions of the Comprehensive Plan may need to be amended or updated. ~~will be subject to interpretation of the policies, values and philosophy of the Comprehensive Plan shall be determined~~ by the Town Council.
  - (3) Inconsistency. If a determination of inconsistency is made at any stage of development review, the application shall be either denied, or in the alternative, with the consent of the applicant, the time for action on the application may be suspended for a specific period of time to be agreed upon by the Town and the applicant in order for the Town to consider an amendment to the Comprehensive Plan.
- (c) Amendment to Comprehensive Plan. An amendment to the Comprehensive Plan shall be accomplished by ordinance. The Planning Commission shall review such amendment and shall submit its comments and recommendations in the form of a resolution to the Town Council. The Town Council shall consider the recommendations of the Planning Commission and shall hold a public hearing as part of the ordinance process to consider the amendment. Public notice of the hearing shall be given by publication of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice.
- (d) Comprehensive Plan Update. The Planning Director, Planning Commission or Town Council may determine that an update to the Comprehensive Plan is warranted. The process to update the Comprehensive Plan shall ensure that the community is engaged in the process and is afforded the opportunity to provide input toward the future growth and development of the community. It is expected that both the Planning Commission and Town Council members will be involved in the update process. The adoption of the Comprehensive Plan update shall be considered by the Planning Commission who shall review such update and shall submit its recommendations in the form of a resolution to the Town Council. Adoption of the Comprehensive Plan update by Town Council shall be by ordinance. The

Town Council shall hold a public hearing as part of the ordinance process. Public notice of the hearing shall be given by publication of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice.

(e) Periodic Review. The Planning Commission may conduct a review of the Comprehensive Plan at such time as the Planning Commission may determine, but not later than five (5) years following the most recent plan adoption. Following such review, the Planning Commission may submit a written "State of the Comprehensive Plan" report to the Town Council for their consideration at a joint meeting with the Town Council. The Town Council may determine whether an update to the Comprehensive Plan is warranted and may direct the Town Manager to conduct such an update, if so warranted.

~~Periodic Review. The Planning Commission shall conduct a review of the Comprehensive Plan at such time as the Planning Commission may determine, but not later than twenty-four (24) months following the most recent review. Following such review, the Planning Commission shall submit a written "State of the Comprehensive Plan" report to the Town Council including, among other things, recommendations for amendments to the Comprehensive Plan. The Planning Commission shall submit its report to the Town Council at a joint meeting with the Town Council. The Town Council shall conduct a public hearing on the "State of the Comprehensive Plan" within forty-five (45) days after the Planning Commission's presentation. A notice of the public hearing shall be published in a newspaper of general circulation in the Town at least thirty (30) days prior to the hearing.~~

~~(d) Amendment to Comprehensive Plan. Following the periodic review, the Planning Commission and the Town Council may conduct such additional hearings and investigation as they deem appropriate and may amend the provisions of the Comprehensive Plan. An amendment to the Comprehensive Plan shall be accomplished by ordinance. The Planning Commission shall submit its comments and recommendations in writing to the Town Council prior to first reading of the ordinance. Prior to second reading and final adoption of such ordinance, the Town Council shall hold a public hearing. Public notice of the hearing shall be given by publication of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice.~~

~~(Ord. 4-1998 §1; Ord. 23-1999 §1)~~

“Clean copy” of Draft Code Language for “Comprehensive Plan”

Sec. 16A-1-50. - Comprehensive Plan.

- (a) Designation of Official Plan. Whenever in this Development Code a finding of consistency with the Comprehensive Plan is required, or reference is made to the Comprehensive Plan, the Town's Comprehensive Plan (hereinafter the Comprehensive Plan) most recently adopted by the Town Council, as such plan may from time to time be amended, shall constitute the official Comprehensive Plan for the purpose of such finding or reference.
- (b) Purpose and Effect of Comprehensive Plan. The Comprehensive Plan is intended to be a comprehensive statement of the Town's potential growth and development and overall land use philosophy which, by its very nature, is a dynamic statement that can and should be updated and amended over the years in response to changing community values. The plan is an official public document designed to guide future development in order to maintain or otherwise create the environment the community desires. Section 1.7 of the Charter requires the Town Council to adopt and maintain a comprehensive plan of the Town and provides further that no subdivision of land, zoning change or land development significantly affecting the Town shall be approved by the Council without considering the effect of such approval on the Comprehensive Plan as amended. Specific sections of this Development Code require a finding, at certain stages in the review of a development, subdivision or rezoning review, of consistency with the Comprehensive Plan. For the purpose of determining consistency, the following standards shall apply:
  - (1) Consistency. A proposed development, subdivision, rezoning or other action is consistent if it is generally compatible with the principles and policies stated in the Comprehensive Plan and if the action is proposed in a location not precluded by the Future Land Use Plan, although specific aspects or details of the action may not have been contemplated. If an action is determined to be consistent with the Comprehensive Plan, it means that approval of the action can be considered, not that the action itself must be approved.
  - (2) Interpretation. Since the Comprehensive Plan is, by definition, a general statement of the Town's potential growth and development and overall land use philosophy, it is anticipated and assumed that circumstances will change to the extent that such philosophy will, from time to time, need to be revised and that the provisions of the Comprehensive Plan may need to be amended or updated. Interpretation of the policies, values and philosophy of the Comprehensive Plan shall be determined by the Town Council.
  - (3) Inconsistency. If a determination of inconsistency is made at any stage of development review, the application shall be either denied, or in the alternative, with the consent of the applicant, the time for action on the application may be suspended for a specific period of time to be agreed upon by the Town and the applicant in order for the Town to consider an amendment to the Comprehensive Plan.
- (c) Amendment to Comprehensive Plan. An amendment to the Comprehensive Plan shall be accomplished by ordinance. The Planning Commission shall review such amendment and shall submit its comments and recommendations in the form of a resolution to the Town Council. The Town Council shall consider the recommendations of the Planning Commission and shall hold a public hearing as part of the ordinance process to consider the amendment. Public notice of the hearing shall be given by publication of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice.
- (d) Comprehensive Plan Update. The Planning Director, Planning Commission or Town Council may determine that an update to the Comprehensive Plan is warranted. The process to update the Comprehensive Plan shall ensure that the community is engaged in the process and is afforded the opportunity to provide input toward the future growth and development of the community. It is expected that both the Planning Commission and Town Council members will be involved in the update process. The adoption of the Comprehensive Plan update shall be considered by the Planning Commission who

shall review such update and shall submit its recommendations in the form of a resolution to the Town Council. Adoption of the Comprehensive Plan update by Town Council shall be by ordinance. The Town Council shall hold a public hearing as part of the ordinance process. Public notice of the hearing shall be given by publication of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice.

(e) Periodic Review. The Planning Commission may conduct a review of the Comprehensive Plan at such time as the Planning Commission may determine, but not later than five (5) years following the most recent plan adoption. Following such review, the Planning Commission may submit a written "State of the Comprehensive Plan" report to the Town Council for their consideration at a joint meeting with the Town Council. The Town Council may determine whether an update to the Comprehensive Plan is warranted and may direct the Town Manager to conduct such an update, if so warranted.

**Sec. 16A-5-210. - Amendments to text of Development Code.**

- (a) Purpose. The purpose of this Section is to provide the means by which the Town Council may, from time to time, amend, supplement or repeal the text of this Land Use and Development Code.
- (b) Initiation. An amendment to the text of this Development Code may be initiated by resolution of the Town Council, by the Planning Commission, by the Planning Director, by any person who holds a recognized interest in land within the Town or by any citizen or business owner within the Town.
- (c) Procedure. The following procedures shall apply to an application for an amendment to the text of this Development Code. These procedures are illustrated in Figure 5-2, Text or Map Amendment Procedures.
  - (1) Pre-application conference. Attendance at a pre-application conference is optional, but recommended, prior to submission of an application for an amendment to the text of this Development Code.
  - (2) Submission of application. The applicant shall submit an application to the Planning Director that contains those materials specified in Section 16A-5-210(d), Submission Contents.
  - (3) Staff review. Staff review of the application shall be accomplished, as specified in Section 16A-5-50, Staff Review of Application.
  - (4) Planning Commission review. A complete copy of the application shall be forwarded to the Planning Commission, together with a copy of the staff review. The Planning Commission shall review the application, considering the standards of Section 16A-5-210(e), Review Standards, and shall make its recommendations to the Town Council.
  - (5) Town Council first reading. The Planning Commission's recommendations shall be forwarded to the Town Council at a regular meeting, together with a complete copy of the application and a copy of the staff's review. The Town Council shall consider all relevant materials and shall adopt an ordinance on first reading amending the Development Code as recommended or with modifications, or shall adopt a resolution denying the application, citing specific reasons therefor.
  - (6) Public hearing. Prior to second reading of such ordinance, the Town Council shall hold a public hearing. Public notice of the hearing shall be given by publication of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice. The Town Council

shall consider the application, any relevant support materials, the staff report, the Planning Commission's recommendation and the public testimony given at the public hearing. Following closure of the public hearing, the Town Council shall either adopt the ordinance, adopt the ordinance with modifications or deny the ordinance, considering the standards in Section 16A-5-210(e), Review Standards. If the Council shall make modifications to the ordinance prior to adoption it may, but need not, remand the application to the Planning Commission for further recommendations.

(d)

Submission Contents. An application for amendment to the text of this Development Code shall contain the following materials:

(1)

Minimum contents. The minimum contents for any application, as specified in Section 16A-5-40(b), Minimum Contents.

(2)

Precise wording. The precise wording of the proposed amendment.

(e)

Review Standards. An application for an amendment to the text of the Development Code shall comply with the following standards:

(1)

Consistent with purposes. The proposed amendment shall be consistent with the purposes of this Development Code.

(2)

Not conflict with other provisions. The proposed amendment shall not conflict with any other applicable provisions of this Development Code.

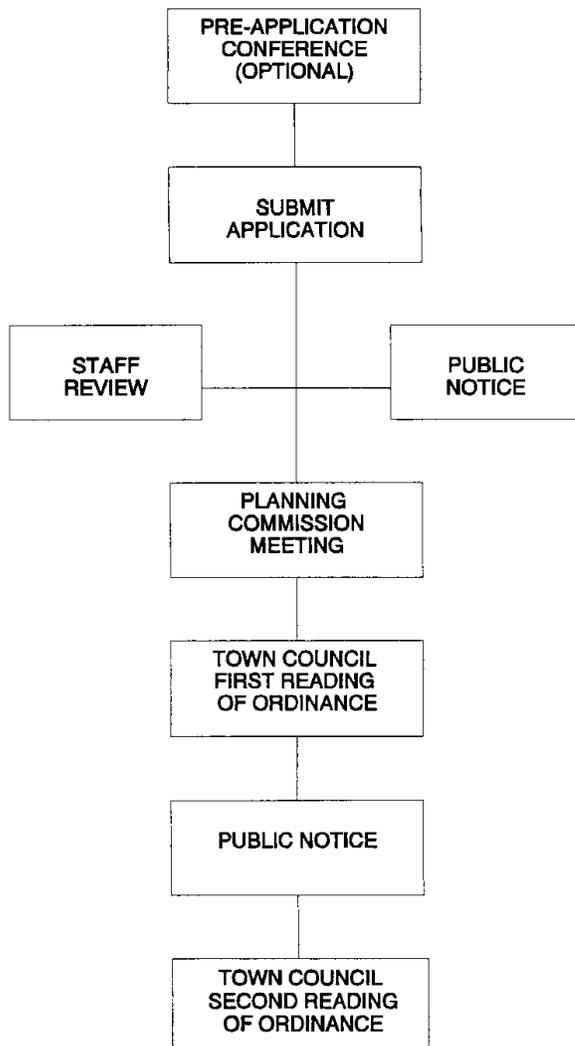
(3)

Consistent with Comprehensive Plan. The proposed amendment shall be consistent with the Town of Snowmass Village Comprehensive Plan.

(4)

Public health, safety and welfare. The proposed amendment shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the Town.

**FIGURE 5-2  
TEXT OR MAP AMENDMENT PROCEDURES**



**TOWN OF SNOWMASS VILLAGE  
PLANNING COMMISSION  
RESOLUTION NO. 5  
SERIES OF 2016**

**A RESOLUTION PROVIDING PLANNING COMMISSION  
RECOMMENDATIONS REGARDING AMENDMENTS TO CERTAIN  
PROVISIONS OF CHAPTER 16A THE SNOWMASS VILLAGE MUNICIPAL  
CODE, SPECIFICALLY 16A-1-50 COMPREHENSIVE PLAN.**

WHEREAS, the Town Council approved Ordinance No. 1, Series of 2010 on February 22, 2010, thereby adopting the 2010 Town of Snowmass Village Comprehensive Plan (the "Comprehensive Plan"); and

WHEREAS, the Comprehensive Plan sets the vision, philosophy and values of the community and from time to time may be amended or updated; and

WHEREAS, an amendment to Chapter 16A of the Snowmass Village Municipal Code ("Municipal Code"), Section 16A-1-50 Comprehensive Plan, is necessary to provide more clarity and flexibility in the process to amend and update the Comprehensive Plan; and

WHEREAS, staff has proposed an amendment to Chapter 16A of the Municipal Code for consideration at this time; and

WHEREAS, the amendment contained in this Resolution is being processed under the provisions of Section 16A-5-210 of the Municipal Code; and

WHEREAS, the Planning Commission discussed the amendment on April 13, 2016 and reviewed the amendment on April 27, 2016; and

WHEREAS, this resolution formalizes the Planning Commission recommendations regarding the amendment further described in **Exhibit 1**, attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission has determined that the amendment and revisions to the Municipal Code as hereinafter set forth are consistent with the Comprehensive Plan and are necessary for the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the Town of Snowmass Village:

**Section One: Findings.** Based upon the information provided and the testimony given during the meetings, the Planning Commission finds as follows:

1. The procedural requirements set forth in Section 16A-5-210 of the Municipal Code have been satisfied.

2. The proposed amendment complies with the applicable review standards specified within Section 16A-5-210(e) of the Municipal Code.

**Section Two: Comments, Concerns and Recommendations to the Town Council.** The Planning Commission recommends that the Town Council favorably consider the amendment to Chapter 16A of the Municipal Code, described in **Exhibit 1**.

READ, APPROVED AND ADOPTED by the Planning Commission of the Town of Snowmass Village on April 27, 2016, upon a motion by Commission Member \_\_\_\_\_, the second of Commission Member \_\_\_\_\_, and upon a vote of \_\_\_\_ in favor and \_\_\_\_ against for the new language presented in Exhibit 1.

TOWN OF SNOWMASS VILLAGE  
PLANNING COMMISSION

\_\_\_\_\_  
Jamie Knowlton, Chair

ATTEST:

\_\_\_\_\_  
Cindy Ford, Planning Commission Secretary

Attachments:

**Exhibit "1"** – Proposed language to Section 16A-1-5. Comprehensive Plan

Sec. 16A-1-50. - Comprehensive Plan.

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- (c) Amendment to Comprehensive Plan. An amendment to the Comprehensive Plan shall be accomplished by ordinance. The Planning Commission shall review such amendment and shall submit its comments and recommendations in the form of a resolution to the Town Council. The Town Council shall consider the recommendations of the Planning Commission and shall hold a public hearing as part of the ordinance process to consider the amendment. Public notice of the hearing shall be given by publication of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice.
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Town Council shall hold a public hearing as part of the ordinance process. Public notice of the hearing shall be given by publication of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice.

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