



PLANNING COMMISSION STAFF REPORT COVER SHEET

PUBLIC HEARING DATE October 23, 2023	PROJECT NAME LUDC Text Amendments: Boards and Commissions Reconfiguration, Process Improvements, and Accessory Dwelling Units (ADUs)	PROJECT STAFF Lily Oswald, Code Reform Administrator
PROJECT NUMBER # 23-120	PROJECT TYPE LUDC Text Amendments	APPLICANT (PROPERTY OWNER) City of Durango
PROPERTY ADDRESS/LOCATION City of Durango		

PROJECT SUMMARY

These proposed amendments include a Council-initiated request to amend various sections of the Land Use and Development Code (LUDC) pertaining to the structure of Boards and Commissions administered by the Community Development Department. The proposed changes include amendments to portions of Chapters 1, 2, 3, 4, 5, 6 and 7 of the LUDC to create a Community Development Commission which will enable an integrated and holistic development review structure while also fulfilling the roles of the Planning Commission and Design Review Board and serving as the City's Board of Adjustment when necessary. Additionally, proposed process and program improvements include enabling City Administration to process replats, final development plans, and minor planned development amendments and updating accessory dwelling unit parking and floor area calculation standards.

ZONING DISTRICTS AFFECTED	APPLICABLE LAND USE	SURROUNDING ZONING & LAND USES	SIZE OF PROPERTY	APPLICABLE LUDC SECTION
All zones	All uses	N/A	N/A	N/A

<p>COMPREHENSIVE PLAN AND STRATEGIC PLAN COMPATIBILITY</p> <p>The various proposed LUDC text amendments meet the intent of the City's Comprehensive Plan and align with goals in the Strategic Plan. Particularly the amendments achieve the Strategic Plan goals related to High Performing Government, Engaged and Collaborative Governance, Enhanced Livability & Sense of Place, and Diversity, Equity, and Inclusion.</p>	<p>PROJECT DESCRIPTION & HISTORY</p> <p>The current Land Use and Development Code was adopted in 2014 and has been amended numerous times, in logical increments. Staff has always anticipated the need to amend the code for the purpose of aligning regulations with City goals and policies to better-reflect adopted plans and community goals. The proposed amendments will notably reconfigure the structure of Community Development-related Boards and Commissions to better integrate and clarify the development review process and will enable greater community engagement in policy discussions around growth and development. Additionally, the amendments will clarify and clean up other sections of the LUDC.</p>
<p>LUDC COMPLIANCE</p> <p>The proposed changes to the Land Use and Development Code meet the criteria used to evaluate text amendments. Staff has provided an analysis of the applicable LUDC criteria for text amendments in the body of the staff report.</p>	

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

CONTINUE

RECOMMENDED MOTION

I move to recommend approval of the proposed Text Amendments to Chapters 1, 2, 3, 4, 5, 6 and 7 of the LUDC with the finding that the proposal complies with the criteria for text amendments as described in the City of Durango Land Use and Development Code.



HISTORY/BACKGROUND

The City’s Land Use and Development Code was adopted with an effective date of July 1, 2014 and has gone through multiple, incremental revisions since its adoption. Previous revisions have addressed conflicts with new and existing uses and have helped to improve consistency as well as alignment with the community’s adopted or updated plans and policies. Community Development staff has been working on departmental updates, process improvements, and code amendments to enhance customer service, increase transparency of the development and review processes, and achieve Strategic Plan goals. The sections below summarize the major categories of amendments being proposed.

1) Board and Commission Reconfiguration

As part of a larger reevaluation of the City’s Board and Commission structure, City Council directed staff to review the current structure and propose adjustments. The Community Development Department currently provides administrative support to six boards and commissions, including:

- Planning Commission (PC)
- Design Review Board (DRB)
- Historic Preservation Board (HPB)
- Urban Renewal Authority (URA)
- Creative Economy Commission (CEC), and
- Board of Adjustment (BOA).

While the origin of each Board and Commission is unique and must be carefully considered, staff feels the community and the Community Development Department are at an appropriate point in time for a thoughtful analysis of current structures and opportunities for improvement. As part of this review, Community Development staff analyzed the purposes of these various Boards and Commissions and identified goals of what a restructuring initiative should accomplish. The overarching goal of this initiative is to create an integrated and holistic review framework which focuses on advancing high-quality design and well-managed growth guided by community-based plans, policies, and priorities.

Reconfiguration Goals include:

- Ensure a high level of customer service, ensure transparency, and allow for adequate public input on development proposals and other community development items.
- Remove redundancy and increase efficiency.
- Lessen the administrative burden and costs to prepare packets and run meetings while also ensuring adequate public involvement.
- Establish more clarity for applicants and the public regarding the sequence of events involved in development review process.
- Ensure that the most effective path is in place for items that are appealed.

Following internal evaluation of the current structure, research on other communities, and a robust, nine-month long engagement effort, staff proposes to reconfigure the Planning Commission, Design Review Board, and Board of Adjustment in a comprehensive, modernized and restructured ‘Community Development Commission’ (CDC). This consolidation will achieve the goals outlined above while still ensuring that proper legal procedures and due process are provided to customers and community members.

Additionally, staff is excited to work with the newly-formed CDC to gain community-based insight into matters such as economic development policy, housing efforts, and broader discussions around community growth. This will help the City ensure its documents pertaining to growth and development are up-to-date and reflective of community desires.

The CDC is proposed to have seven (7) members and one (1) alternate. The three Boards proposed for consolidation currently have five (5) members each.



Staff has worked closely with members of the existing Boards to explore options for this reconfiguration. Adjustments have been made during the course of this community engagement effort to respond to comments or concerns about the proposal. Staff heard a wide range of input from the community on the desired qualifications to be appointed to this Commission. Some thought there should be no qualifications, while others advocated for a majority of members to be trained or active in the fields of design, architecture, and/or development.

Currently, the proposed qualifications to serve on the Commission are minimal as the intent of this Commission is to provide diverse perspectives reflective of the entire community and not to be a technical review group which would necessitate technical training or expertise. All members must be residents of the City of Durango, as currently required for the Planning Commission. In order to retain an appropriate level of specific insight from members of the community trained in design, architecture, development, and/or planning without being too prescriptive, the proposed language provides guidance to Council on their appointments to this Commission. This guidance is stated as follows, *“the City Council will make its best good-faith effort to appoint at least two members who are trained or have experience in the fields of architecture, landscape architecture, urban design, urban planning or similar / related fields”* (as currently required of the DRB). Additionally, it will be especially important for Council to consider the potential for conflicts of interest in making appointments to this Commission. The Board and Commission manual provides guidance on how to evaluate these things and ensure the Commission remains impartial and transparent.

Lastly, based on discussions with current Board/Commission members and frequent Community Development customers, this process has made it abundantly clear that the guiding documents which direct staff and Commission decisions need to be updated. These documents include the Commercial Design Guidelines, the Downtown Overlay District Design Guidelines, the East Third Avenue Historic District Design Guidelines, and the Comprehensive Plan. The proposed CDC will be able to guide staff in undertaking the necessary processes to ensure these documents reflect community desires and priorities. These plan update processes will also provide opportunities for those with more technical design, architecture and planning experience to contribute to community design conversations. Staff expect these efforts to launch in 2024 and continue for 2-3 years.

2) Process Improvements

The objective of these updates is to ensure there is the right scale of review process and decision making relative to the type of project being reviewed. Since being adopted in 2014, the permitting processes in the LUDC are well established and there is an opportunity for the decision-making authority to be delegated down the review hierarchy to improve the process, minimize costs and administrative complexities, and appropriately focus staff efforts. This update is aimed to fulfil these goals while continuing to ensure compliance with LUDC development standards and provide sufficient opportunities for public input. This process is in line with the City’s overall focus on organizational excellence and high performance, particularly in how it supports improved customer service and Strategic Plan achievement.

Staff has analyzed the permit types and corresponding hearing procedures in LUDC Sections 6-3-2-2, *Administrative Approvals and Permits* and 6-3-2-3, *Public Hearing Approvals* and identified an opportunity to delegate the decision-making authority from City Council to the reconfigured Community Development Commission for Minor Subdivisions. Similarly, staff has identified three instances where Planning Commission or City Council approval can be delegated to Administrative approval. These applications include Replats, Final Development Plans, and Minor Planned Development Amendments. These changes are summarized in the ‘current’ and ‘proposed’ tables below:



Key:

Admin. = Administrator; **CDC** = Community Development Commission; **CC** = City Council
R = Recommending body; **D** = Deciding body

Application / Permit	Admin.	CDC	CC		Application / Permit	Admin.	CDC	CC
Replats*		R	D	→	Replats	D		
Final Development Plan	R	D		→	Final Development Plan	D		
Minor PD Amendments	R	D		→	Minor PD Amendments	D		
Minor Subdivision		R	D	→	Minor Subdivision	R	D	
* Replats are currently processed as a minor or a major subdivision, as determined by the Administrator (LUDC Sec. 6-3-6-7).								

3) Accessory Dwelling Unit (ADU) Minor Updates

Staff proposes minor updates to the City’s ADU program to increase consistency for administrative review and to allow for incremental flexibility for ADU development. The proposed updates to the ADU program include clarifying integrated ADU shared wall requirements, parking requirements related to street frontage types and proximity, and floor area calculation for detached and integrated ADU living spaces. These updates are intended to provide flexibility and consistency for staff to process ADUs and provide additional affordable units to the city’s housing stock. The Department considers a) no minimum lot size required for integrated ADUs, b) maintained design standards, and c) owner-occupancy requirements to be the pillars of Durango’s ADU program, and staff does not propose any changes to these elements of the ADU program.

PROPOSED AMENDMENTS

The proposed Text Amendments apply to numerous different sections of code across all seven Chapters. Specific changes are summarized below and the exact language of the Text Amendments is attached to this report via a redline instrument (see ‘Exhibit A’). Staff will summarize the topic areas of the proposed Text Amendments at the public hearing.

Topic: Board & Commission Reconfiguration | Redline Items 1 – 44

The majority of the redlines associated with this update are updating the LUDC to read “Community Development Commission” in place of the “Planning Commission” or “Design Review Board.” Item 18 reflects the updated Sec. 6-2-3-2 Durango Community Development Commission, including the proposed establishment, membership, powers, and meeting processes of this commission.

Topic: Accessory Dwelling Unit Program Updates | Redline Items 45 – 47

Staff is proposing minor updates to the City’s ADU program. These updates include clarifying integrated ADU shared wall requirements, parking requirements related to street frontage, and floor area calculation for detached and integrated ADUs.

Topic: Process & Public Hearing Updates | Redline Items 19; 28 – 29; 48 – 52

These updates shift identified processes from public hearing to administrative review sections of the LUDC and clarify the Replat application and filing process.

LUDC REVIEW CRITERIA ANALYSIS

Per Section 6-3-13-3 of the LUDC, the following criteria are used in evaluating proposed amendments prior to approving the new code language.

1. *The proposed amendments support adopted plans and policies.*



2. *The proposed amendment is consistent with the purposes, requirements, limitations, standards, and criteria of the Article being amended and/or other Articles, Divisions, or Sections within the LUDC.*
3. *The proposed amendment furthers the health, safety, or general welfare of the community.*
4. *The proposed amendment provides for community benefits, such as improved social or economic conditions or opportunities.*

Staff finds the proposed amendments meet the criteria outlined above. Most of the amendments are minor changes that would neither conflict with nor be addressed by the City's adopted plans and policies. The proposed amendments will be consistent with all aspects of their respective Articles and other portions of the LUDC. Several of the amendments have been proposed specifically to improve clarity and increase consistency within the code. Some of the proposed amendments reflect how staff have interpreted or applied standards. The goal of the most substantial change – the reconfiguration and re-envisioning of the Planning Commission, Design Review Board, and Board of Adjustment – is to provide enhanced customer service opportunities and transparent review and permitting processes for the community.

PUBLIC COMMENTS

As of the writing of this report, no written comments have been received.

SUMMARY

The various proposed text amendments have been discussed at length by staff and with members of the Code Alignment Working Group, Planning Commission, Design Review Board, and City Council during a series of meetings, study sessions, and facilitated discussions. These amendments are intended to improve consistency, clarity, and flexibility within the code as well as align processes and provide solutions for innovative customer service while maintaining opportunities for public participation.

The findings outlined in this staff report and the proposed LUDC text amendments are the result of researched best practices and adopted community goals. These LUDC changes incorporate feedback received from the community, City Council, and the affected Board/Commission members. In addition to the proposed text amendments, the Community Development staff is committed to providing ongoing support and guidance through the transition period to ensure the reconfigured board receives adequate resources and facilitation and to transition into updated administrative review procedures.

ALTERNATIVE ACTIONS:

The Planning Commission may:

1. **Recommend approval** of the proposed Text Amendments with the finding that the proposal is consistent with City policies and standards.
2. **Amend** the proposed Text Amendments and recommend approval as stated in #1.
3. **Continue** the item with specific direction to staff.

STAFF RECOMMENDATION:

By motion, Alternative Action #1 or #2.

ATTACHMENTS:

- Exhibit A: LUDC Proposed Redlines
- Exhibit B: Boards & Commissions Reconfiguration Memo (*Dated Sept. 2023*)
- Exhibit C: Boards & Commissions Reconfiguration Feedback Timeline
- Exhibit D: Accessory Dwelling Unit Map by Zoning District