



Notice of the Regular Meeting of the Ophir Planning and Zoning Commission
Town of Ophir, Colorado, 81426
7:00PM, Thursday December 8, 2022
Remote Meeting Platform

<https://sands.zoom.us/j/6190810106>

Agenda:

1. Approve the Agenda
2. Approve August 4, 2022 P&Z Meeting Minutes
3. Approve November 3, 2022 P&Z Meeting Minutes
4. Staff Report
5. Business Items:
 - a. Continued discussion on LUC updates from previous meeting, with updates
 - b. Suggested definition and stance on Short Term Rental
6. New Business
7. Adjourn

MINUTES OF THE REGULAR MEETING OF PLANNING AND ZONING COMMISSION

TOWN OF OPHIR, CO 81426

Thursday, November 3rd, 2022 7:00 PM

IN PERSON AND REMOTE MEETING VIA ZOOM PLATFORM

CALL TO ORDER

(TIME: 7:13 PM)

P&Z Members: Ernie Watenpaugh, Judah Kuper, Janice Gerona

Public: John Wontrobski (Town Manager), Joe Shults (Building Department)

APPROVAL OF AGENDA

Judah motions to approve the November 3rd, 2022 P&Z Agenda, Janice Gerona seconds

Voting Members: Ernie Watenpaugh, Judah Kuper, Janice Gerona

Not in Favor (Nay): None

Motion to approve the agenda passes unanimously

APPROVAL OF MINUTES

Judah motions to approve the September 14th, 2022 P&Z Meeting Minutes, Ernie Watenpaugh seconds

Voting Members: Ernie Watenpaugh, Judah Kuper, Janice Gerona

Not in Favor (Nay): None

Motion to approve the agenda passes unanimously

BUSINESS ITEMS

- A. Discussion of proposed changes to the Town of Ophir Land Use Code
 - A. Discussion on OEC Lighting recommendation
 - B. Discussion of OEC Revegetation recommendations
 - C. Discussion of Ophir Building Department recommendations
 - D. Energy Code update discussion with Kim Wheels

ADJOURN

Meeting adjourned

MINUTES OF THE REGULAR MEETING OF PLANNING AND ZONING COMMISSION

TOWN OF OPHIR, CO 81426

Thursday, August 4th, 2022 7:00 PM

IN PERSON AND REMOTE MEETING VIA ZOOM PLATFORM

CALL TO ORDER

(TIME: 7:10 PM)

P&Z Members: Phil Hayden (Chair), Ernie Watenpaugh, Judah Kuper, Janice Gerona

Public: John Wontrobski (Town Manager), Joe Shults (Building Department), Hope Family

APPROVAL OF AGENDA

Judah motions to approve the August 4th, 2022 P&Z Agenda, Janice Gerona seconds

Voting Members: Phil Hayden (Chair), Ernie Watenpaugh, Judah Kuper, Janice Gerona

Not in Favor (Nay): None

Motion to approve the agenda passes unanimously

BUSINESS ITEMS

A. Dan Reardon Not Present, Agenda Item tabled

B. Review of Hope Residence (Shults)

Joe Shults presents Building Department comments on Hope residence plans

Comments from applicant Greg Hope

Questions from P&Z Board and Staff with responses from Hope Family and Joe Shults

Judah Kuper motions to Approve Building Permit for the Hope Residence, Janice Gerona Seconds

Voting Members: Phil Hayden (Chair), Ernie Watenpaugh, Judah Kuper, Janice Gerona

Not in Favor (Nay): None

Phil Hayden Abstains

Motion to approve the agenda passes

C. Discussion of 2018 IRC adoption discussion

NEW BUSINESS

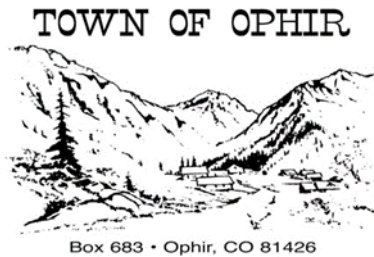
Judah Kuper brings up the issue of Short Term Rentals suggesting to define Short Term Renting as less than 30 days and to clarify town stance - asks for clarification from town attorney

A vote is called for Judah Kuper to be the P&Z Chairperson.

Voting Members: Phil Hayden (Chair), Ernie Watenpaugh, Judah Kuper, Janice Gerona

Not in Favor (Nay): None - Motion to approve the agenda passes unanimously

ADJOURN



ORDINANCE NO. 2022 - __

AN ORDINANCE PROHIBITING SHORT TERM RENTALS IN THE RESIDENTIAL ZONE DISTRICT.

WHEREAS, the Town of Ophir, Colorado (Town), is a home-rule town and political subdivision of the State of Colorado, duly organized and operating under the Constitution and laws of the State and the Ophir Town Charter; and

WHEREAS, the Town is authorized under its general police powers and C.R.S. Section 31-15-401 to adopt and enforce zoning regulations in furtherance of the public health, safety and welfare of its residents and property owners; and

WHEREAS, vastly increased short term rental activity in the eastern region of San Miguel County has caused a substantial displacement of local residents from otherwise-available rental dwelling units; and

WHEREAS, the General Assembly finds that short term rental activity can have detrimental effects upon existing residents and property owners, including increased noise, non-awareness or non-compliance with parking regulations, reduced sense of neighborly-ness, congestion, increased rental rates, loss of available rental opportunities for local residents who desire long-term rental availability, and that short term rentals in the Residential Zone District are contrary to the public interest and welfare of the residents and property owners in the Town of Ophir; and

WHEREAS, Ophir has considered most short term rentals to be violative of its regulations restricting home-use occupations, and desires to clarify and refine such policy by expressly prohibiting short term rentals in the Residential Zone District of the Town of Ophir; and

WHEREAS, at a duly-noticed public hearing on _____, 2022 the Ophir Planning and Zoning Commission considered and recommended to the General Assembly adoption of this Ordinance in substantially similar form.

NOW, THEREFOR, THE TOWN OF OPHIR GENERAL ASSEMBLY ORDAINS AS FOLLOWS:

Section 1 – Definitions.

There is hereby added to Section 210 of Article II of the Ophir Land Use Code (LUC) the following definition:

Short Term Rental: The rental or lease for consideration of all or part of a dwelling to a non-owner of such dwelling for 29 days or less.

Section 2 – Short Term Rental Prohibition.

Section 402, Uses Permitted by Right, of Article IV, Residential Zone District, of the LUC is hereby amended to add the following sentence at the end of Section 402:

Short Term Rental of all or part of a dwelling is prohibited, and is not permitted as a home occupation.

Section 3 – Limitation.

Nothing herein is intended to restrict or prohibit occupancy of a dwelling by non-paying friends or guests of owners or lessees of a dwelling for 29 days or less.

Section 4 - Recitals Incorporated.

The Recitals of this Ordinance as set forth above are hereby incorporated into this Ordinance as the General Assembly’s findings of fact and conclusions of law.

SECTION 5 - PUBLICATION.

After final adoption, this Ordinance shall be published in full.

SECTION 6 - SEVERABILITY.

If any one or more sections or parts of this Ordinance is adjudged unenforceable or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various provisions herein are severable.

.SECTION 7 - EFFECTIVE DATE.

This Ordinance shall take effect upon publication of notice of adoption.

Introduced and Read on First Reading by the General Assembly of the Town of Ophir on the _____ day of _____, 2022.

Approved and Adopted on Second and Final Reading by the General Assembly of the Town of Ophir on the _____ day of _____, 2022.

By: _____

Mason Osgood, Mayor

Attest: _____

John Wontrobski, Town Manager

Approved as to Form:

Stephen B. Johnson, Town Attorney