

Minutes of the Town of Marble Special Meeting
May 18, 2023

- A. Call to Order and Roll Call of the Special Meeting of the Board of Trustees – Mayor Ryan Vinciguerra called the meeting to order at 6:08 p.m. Present: Tony Petracco, Larry Good, Emma Bielski and Ryan Vinciguerra. Amber McMahill arrived at 6:12 p.m. Also present: Ron Leach, Town Administrator; Alie Wettstein, administrative assistant and Terry Langley, minutes.

Ryan announced some changes in the order of the agenda to allow Amber time to arrive. Although the minutes reflect the order as listed in the agenda, discussion of B. was moved to below E.

- B. Continue public hearing Wilkey/Smith re-zoning – Ryan Vinciguerra made a motion to enter into public hearing. Larry Good seconded and the motion passed unanimously. The public hearing opened at 6:32 p.m. Discussion about the timing of the Master Planning (MP) process and the Wilkey rezoning request followed with several members of the public expressing the opinion that it seems that the long-overdue MP process being used to delay zoning decisions is targeted at the Wilkeys. Tony explained that updating the MP came before the council in 2008 but the council decided not to update at that time. Amber explained that this was the only rezoning request to come before this particular board, and she feels that it is important to go about things the right way as it will be precedent for years to come. Ryan said that there had been no request for rezoning until 3 months ago. He does not feel the MP is a response to the application. Tony explained that the previous master planning is for a quiet, residential community with minimal services and that is how it stands. He explained that zoning promotes the public health, safety and general welfare. It controls the physical character and form of what is being built on land in a particular location. It controls the ways building sites are used in particular locations and regulates the compatibility of new development and uses in existing neighborhoods. He said historically the business has been located in various places prior to zoning. He said that, under Colorado law, rezoning at this point is not proper. Amber said that she has spent a considerable amount of time and lawyer hours on this. She was a solid no before she found out they can impose terms and conditions and now feels they can come to a compromise that allows for the rezoning and also protects the neighbors. However, there is currently no mixed-use zoning so they cannot combine the house and business. Tony said this would be a Planned Unit Development (PUD) and would be permissible now. Larry said that the rules specifically say a zoning change must be made with a comprehensive plan. He said the Jeep Tours are a business that is for the good for the town but that he does not feel that the location is for the good of the community. He spoke to the need to update the land use standards which will be addressed with the MP. He said that MP has been in the works and that the timing with the MP getting started is a coincidence and that it should work to their benefit but he will have to vote to deny based on the current rules and regulations. Emma said that this is the first rezoning application that has come before the board in the five years she has been on the board. The problem is the lack of the mixed-use zoning. She feels that this will be addressed by the MP and feels that the town could go ahead and address this. She agrees with the need for conditions. She also feels that there is a problem with building a home and requesting business zoning. Tony made a motion to continue the public hearing to give them time to explore an application for a Planned Unit Development. He explained that a PUD can be considered by the board for property that does not fit the current

zoning requirements and allows for terms and conditions. This will require the Wilkeys to hire a knowledgeable attorney and a land use planner. Alternatively, the town could vote to eliminate zoning. Emma asked if the board could establish terms and conditions and Tony explained zoning rules can be changed at the next meeting. There being no second, Tony withdrew the motion. Ryan expressed his support for the applicants and the fact that there are nearby businesses currently. He spoke to the fact that the Crystal River Jeep Tours has bounced around looking for a home. He is concerned that conditions be set and that, if approved, the building plans follow business rules and regulations. Amber spoke to having terms and conditions offering protections to the neighbors. Jeff Evans asked about state regulations that require either business or residential zoning. Patsy Smith said that there were no issues when they ran out of the Marble Gallery for the 10 years they operated there. Tony Petrocco made a motion to close the hearing. Amber McMahon seconded and the motion passed unanimously. The public hearing closed at 7:02 p.m. The regular meeting resumed. Tony made a motion to continue the public hearing. The motion died for a lack of a second. Emma Bielski made a motion to approve the zoning change with terms and conditions to be determined at next month's meeting. Ron explained that the board would be voting on directing Ron and Kendall to draft an ordinance approving the change in zoning, including terms and conditions for review at the next meeting. Emma amended her motion to direct Ron and the town attorney to draft an ordinance to approve a zoning change, including terms and conditions, to be voted on at the next meeting. Amber McMahon seconded. She asked that Ron have a conversation regarding terms and conditions with the Evans. Larry does not feel there is a difference in this and waiting to reapply once the MP addresses zoning. Ryan said that the intent of the motion is to get over the rezoning hurdle. The question will then no longer be residential or business zoning but will address terms and conditions that come along with rezoning. Ron said that this vote will be directing the creation of an ordinance that would be approving the change in zoning. Tony listed questions that would come with this expected change, from a property owner's perspective. They include: a. What is the current zoning? b. Does it allow for the planned proposed use and, if not what is the process to change it? c. How much risk, time and resources are involved? d. Where is the property designation in the applicable planning document? e. Is the property currently in compliance with zoning? f. Is the property a current legal non-conforming accessory? g. Is the site located within an overlay district? h. Are there any restrictions specific to zoning? i. What are the adjacent zoning and uses of the property? j. Do adjacent property owners feel that proposed use is incompatible with theirs? k. Are there any special requirements due to the adjacent zoning? Emma and Larry spoke to the help this will give Master Planning. Amber spoke to the advantage of not creating a third zoning designation but amending the business zoning to include residential. Ron said there is currently no allowance for putting a residence on a business lot. There needs to be a second ordinance prepared that allows putting residential structures in business zoning. The motion was called to a vote with 2 (Amber and Emma) voting yay and 2 (Tony and Larry) voting no. Ryan broke the tie with a yay vote. The motion passed. Amber McMahon made a motion to instruct Ron and Kendall to prepare a second ordinance adding residential uses to current business zoning for review at the next meeting. Emma Bielski seconded and the motion passed unanimously.

- C. Approval Slow Groovin' liquor license renewal – Ryan Vinciguerra recused himself. Emma Bielski stepped in as Mayor Pro-Tem. There were no questions or comments from the public or board. Tony Petrocco made a motion to approve the Slow Groovin' liquor license renewal. Larry Good

seconded and the motion passed unanimously with 3 yes votes. (Amber absent). Ryan stepped back in to chair the meeting.

- D. Consider approval Parker/Collins lot line adjustment – tabled due to the absence of the Parkers.
- E. Consider approval Gohery Short Term Rental application – Larry Good asked about the number of current STR licenses. Though there were 7 issued previously, none have been applied for or granted so far this year. Sue had some questions concerning the location (415 W Park Street), the number of nights that constitute STR (less than 30) and whether there is a cap on the number of STR licenses issued (not currently). Larry explained that if they were to cap the numbers, owners would need to be sure to reapply or risk losing out on getting a license. Tony spoke to the disparity between limiting STRs in town when there is no limit outside of town limits. He spoke to problems with STRs, including trash and non-response by owners. Connie Lane asked if STRs are considered a business and Ryan explained that each town is different but that Marble only requires an STR license. Dustin Wilkey asked if anyone checks up on compliance and Ryan explained that, currently, they do not. Tony said that inspection and response would be by complaint. Emma Bielski made a motion to table consideration until next month with a request that the Gohery's be present. Amber McMahill seconded. Larry spoke to the fact that other STR applicants did not need to appear and Ryan agreed. Emma spoke to the need for long term rentals as well as the positive aspects of local ownership. She would like to know the plans for their shed. Larry spoke to the need for broad STR conversations in the future but not holding up the Gohery's application. Tony asked whether the property manager would be close enough to respond within the specified time frame. Ron said that each application is approved separately by the board. Motion passed 3-2 with Ryan Vinciguerra and Larry Good voting no.
- F. Discussion re: CPW proposal for Beaver Lake (BL) – Ron said he and Alie were on a Zoom call with representatives from CPW, West Divide Water Conservancy District and the Colorado Conservancy District. The topic was water augmentation and they are seriously looking at Beaver Lake for that. They need to see if there is enough water to supply the town's needs. The proposed usage changes of BL came up and it was presented in a binary fashion: paddleboards OR fishing. Ron told them that the town of Marble supports its local businesses and any usage changes CPW decides on will result in an impact on local businesses, particularly SUP which might be put out of business if it is a binary choice. They suggested a partnership between Marble, CPW and West Divide to cooperate on ideas for the future of BL. Ron and Alie suggested asking Gunnison County to be part of it. Ron feels they are a long way from a final decision on usage of the lake. Ryan asked about the data regarding the comments solicited on-line by CPW but that was not discussed in the call. Ron said there was a question asked about the town acquiring or managing Beaver Lake. There are deed restrictions on the different parcels, including fishing only and the property not being sold for 99 years. He invited CPW to attend this meeting but did not get a response. He will invite them to the next meeting so that they can explain their plans and hear from the public. The process for getting a fishing permit and the possibility of a reservation was discussed.
- G. Discussion re: Colorado Stone Quarry's request for willow shoots – Ron explained that this request is to harvest some springtime willow shoots on Town of Marble property. It is in relation to the order

for reclamation efforts along Yule Creek. This is the recommendation from Amber McMahon made a motion to allow the Colorado Stone Quarry to harvest some willow shoots. Tony Petrocco seconded and the motion passed unanimously.

- H. Consider changing June 1 regular meeting date due to MCS graduation - Ryan Vinciguerra made a motion to hold the regular June meeting on June 7, 2023 at 7:00 p.m. Amber McMahon seconded and the motion passed unanimously.
- I. Adjourn – Tony Petrocco made a motion to adjourn. Emma Bielski seconded and the motion passed unanimously. The meeting was adjourned at 7:46 p.m.

Respectfully submitted,
Terry Langley.