



PLANNING AND ZONING COMMISSION MEETING AGENDA

July 02, 2024 at 6:30 PM

601 Central Ave

If you wish to attend virtually, please visit the town website under the government tab for the
zoom link: <https://townofdolores.colorado.gov>

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Identification of Actual or Perceived Conflicts of Interest
5. Public Participation (5 minutes per person)

This is an opportunity for citizens to address the commission at this time or during a public hearing. Each person will have 5 minutes. The planning commission encourages public comment by the following sources: live at the town hall, virtually via zoom (see the town website for the link), or by submitting your comments, via email, to the town clerk at tammy@townofdolores.com any time before the dated board meeting.

6. Approval of the Agenda
7. Consent Agenda
 - a. Each set of minutes to be voted on individually.
 - A. Minutes of June 4, 2024 Planning and Zoning Commission Meeting
 - B. Minutes of May 14, 2024 Planning and Zoning Commission Meetings
8. Staff Updates
 - a. June 10 and June 24 2024 Manager's Report: Leigh Reeves
 - b. Attorney's Report Jon Kelly
 - c. June 10, 2024 Building Official- Fire Marshal Report: David Doudy
9. Commissioner Updates
 - a. June 4, 2024 Commissioner Report to the board of Trustees
10. Public Hearings

11. Discussion

- a.** Develop a process to work with staff to edit the Special Exception Permit Application form to align completely, explicitly, and precisely with the current Comprehensive Plan and Land Use Code: Group discussion, facilitated by the Manager
- b.** Updates to the Town's 1997 Comprehensive Plan, including funding for a new Comprehensive plan and other steps to move forward: Group discussion, facilitated by the Manager
- c.** How to improve citizens' understanding, compliance, and enforcement of town ordinances, including the Land Use Code: Group discussion, facilitated by the Manager

12. Future Agenda Items

- a.** These items are being retained on the agenda until the Commissioners have the capacity to discuss, plan or revamp.

13. Adjournment



PLANNING AND ZONING COMMISSION MEETING
JUNE 4, 2024 MINUTES
June 04, 2024 at 6:30 PM
601 Central Ave

If you wish to attend virtually, please visit the town website under the government tab for the zoom link: <https://townofdolores.colorado.gov>

1. Call to Order

The meeting was called to order at 6:32 p.m.

2. Pledge of Allegiance

The group recited the pledge of allegiance.

3. Roll Call

Present at the meeting.

Linda Robinson, Shirley Powell, Mark Tucker, Lainey Nemanic, Lana Kelly, Ex Officios Linnea Peterson and Chris Curry.

Staff present: Manager Reeves and Assistant Clerk Swope.

4. Identification of Actual or Perceived Conflicts of Interest

None stated.

5. Public Participation (5 minutes per person)

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No public participation at this meeting.

6. Approval of the Agenda

Motion made to approve the agenda by Nemanic, Seconded by Powell.

Voting Yea: Robinson, Powell, Tucker, Nemanic, and Kelly.

7. Consent Agenda

a. Minutes of May 14, 2024 Regular meeting Public Hearing

The minutes were postponed to July 2, 2024 to give Assistant Clerk time to add in the voting record on the agenda, consent agenda and the appointment of the Vice Chairperson.

8. Staff Updates

a. Manager’s Report: Leigh Reeves for May 28, 2024 meeting.

Manager’s Report: Leigh Reeves. The Commissioners heard the latest news about the town’s operations, projects and plans. Commissioner Kelly asked when and where the waterline project was happening. Manager Reeves said it was going to start in 2025 and the target area is 1st street to 6th street.

- b. Attorney's Report Jon Kelly - none.

9. Commissioner Updates

- a. Report for May 14, 2024 P Z Meeting

The report is in the packet. The following items were shared by the Commissioners.

Manager Reeves and Commissioner Kelly delivered an update regarding the proposed biochar facility, located in the same site as the Ironwood facility on RD T.5.

Commissioner Tucker complimented the parks maintenance on the management of white top in Joe Rowell Park.

Ex Officio Curry asked about the accident on S 4th street that resulted in a street sign being knocked down. The sign declares " No through Truck Traffic" His question was is there really supposed to be no through trucks? Manager Reeves will inquire.

Ex Officio Peterson asked if the water project will be funded by the new sales tax revenue. Manager Reeves says no the tax revenue is dedicated to streets and other town property. The water project is grant funded with a loan to cover the matching funds.

Commissioner Nemanic asked who is responsible for sidewalk maintenance? Manager Reeves says it is the property owner.

The Commissioners discussed taking turns attending the Board of Trustees meeting. Commissioner Tucker signed up for the June 10th meeting.

Commissioner Powell will update the Report to the Board of Trustees by adding a Parking Lot item where the Commissioners can keep track of issues and ideas they don't have the capacity to deal with.

10. Discussion

- a. Planner Garvin's work product concerning Land Use Code standards for Corridor Mixed Use Zones

Planner Garvin's presentation document asked the question, Should ADUs or Accessory structures be allowed in the Corridor Mixed Use zone district? The Land Use Code gives some protection to existing residential structures and uses but doesn't give permission for accessory structures to be added to the property.

The Commissioners discussed the origination of this prohibition in the commercial zone district. The purpose of the prohibition was meant to preserve the property for other required outdoor uses like off street parking and landscaping.

The group discussed the consequences of this prohibition. One was pointed out by Ex Officio Peterson who owns a retail store. If the store needs additional storage in the future then the regulation requires an addition to the structure rather than a detached storage structure. She says this seems like a deterring financial burden to the property owner. Ex Officio Curry suggested that accessory structures be allowed if the open space on a property allows a structure to be built or placed on a property compliant to building codes standards for egress and separation. Commissioner Kelly revisited the language in the code for retaining and reclaiming commercial property for commercial uses. The updated Land Use Code established strict standards to stop commercial property in commercial zones from conversion to residential use.

After reviewing the options provided by Planner Garvin, Chairperson asked for a straw poll on the preferences of the Commission. Commissioners Powell, Kelly, Tucker and Robinson chose item C. **"Alternatively, the Town could allow accessory structures as conditional use, determined on a site-by-site basis"**. for both types of accessory uses.

Commissioner Nemanic chose item A. **ADUs for single or two-unit residential in the CMU district, and, All residential-only structures (single-unit, duplex, and townhomes) with enough lot space for a detached accessory structure, but not for multifamily or mixed-use.**

The results of this straw poll will be sent to Planner Garvin in the next few days. The Manager

will be inviting Planner Garvin to attend a session with the Commissioners to discuss the language and to determine if an amendment to the Land Use Code is needed. There was a question raised about the language in the Conditional Use Permit Applicability section where the proposal cannot increase the established density of the zone. Elizabeth Garvin can help determine the extent of the impact.

b. Develop a process to work with staff to edit the Special Exception Permit Application form to align completely, explicitly, and precisely with the current Comprehensive Plan and Land Use Code: Group discussion, facilitated by the Manager
Postponed to the next meeting.

c. Better understanding of the previously requested Special Exceptions to aid evaluation of the efficacy of the 2022 Land Use Code.
Postponed to the next meeting.

d. Updates to the Town's 1997 Comprehensive Plan, including funding for a new Comprehensive plan and other steps to move forward: Group discussion, facilitated by the Manager
Postponed to the next meeting.

11. Future Agenda Items

a. Develop a process to work with staff to edit the Special Exception Permit Application form to align completely, explicitly, and precisely with the current Comprehensive Plan and Land Use Code: Group discussion, facilitated by the Manager

b. Better understanding of the previously requested Special Exceptions to aid evaluation of the efficacy of the 2022 Land Use Code.

Updates to the Town's 1997 Comprehensive Plan, including funding for a new Comprehensive plan and other steps to move forward: Group discussion, facilitated by the Manager.

12. Pending Discussions

a. How to improve citizens' understanding, compliance, and enforcement of town ordinances, including the Land Use Code: Group discussion, facilitated by the Manager

13. Adjournment

Chairperson Robinson adjourned the meeting at 8:15 p.m.

Linda Robinson, Chairperson

Ann Swope, Assistant Clerk



PLANNING AND ZONING COMMISSION MEETING MINUTES

May 14, 2024 at 6:30 PM

Town Hall – 601 Central Avenue

If you wish to attend virtually, please visit the town website under the government tab for the zoom link: <https://townofdolores.colorado.gov>

1. Call to Order

Chairperson Robinson called the meeting to order at 6:51 p.m. (The new meeting room equipment was not working after several attempts to restart the viewing screens. the meeting was recorded and posted to the town's YouTube channel.)

2. Pledge of Allegiance

The pledge was recited by the group.

3. Roll Call

Present at the meeting were: Linda Robinson, Shirley Powell, Mark Tucker, Lainey Nemanic, and Lana Kelly, Ex Officios Linnea Peterson and Chris Curry.

Staff present: Manager Reeves, Attorney Kelly, and Assistant Clerk Swope.

Applicant for Setback exception M. Downer and one citizen attended via Zoom.

4. Identification of Actual or Perceived Conflicts of Interest

None stated.

5. Public Participation (5 minutes per person)

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There were no comments offered at this item.

6. Approval of the Agenda

Motion to approve the agenda made by Powell, Seconded by Tucker.

Voting Yea: Robinson, Powell, Tucker, Nemanic, Kelly

7. Consent Agenda-Approve Minutes of April 2, 2024 Minutes- attached.

a. April 2, 2024 Minutes

Motion made to approve the minutes of the April 2, 2024 minutes made by Nemanic, Seconded by Powell.

Voting Yea: Robinson, Powell, Tucker, Nemanic, Kelly

8. Administrative Business

a. Motion and second needed to appoint a Commissioner to Vice-chairperson.

Commissioner Heeney held the Vice Chairperson position until his retirement from the Commission in April of 2024.

Commissioner Nemanic nominated Commissioner Tucker to vice chair.

Motion to appoint Commissioner Tucker to Vice Chair made by Robinson, Seconded by Powell.

Voting Yea: Robinson, Powell, Tucker, Nemanic, Kelly

9. Staff Updates

a. Interim Manager's Report: Leigh Reeves

Manager Reeves updated the Commissioners on the on-goings of town projects and the latest communication with Planner Garvin concerning standards of the Corridor Mixed Use zone. The material will be sent to the Commissioners by Manager Reeves. The Community Center Board has met twice since they were formed. They have been reviewing overhead costs and revenues of the Community Center.

The electric supply for Joe Rowell Park ball field lights and supplemental services is dilapidated and needs to be repaired before it can be used.

Manger Reeves thanks the commissioners and the Ex Officios for attending the CIRSA training session at the Board of Trustees meeting.

b. Attorney's Report Jon Kelly

Attorney Kelly reviewed the procedure for the commission to perform the role of quasi-judicial body for the public hearing. He admonished them to remain objective throughout the presentation and allow the applicant and staff to present the evidence for their

determination. and that they understood no ex-parte` conversations had been held prior to the presentation.

- c. Building Official Report: David Doudy-no report.

10. Commissioner Updates

- a. P Z Commission Report to the Board of Trustees on April 2, 2024 meeting.

11. Public Hearings

- a. Discussion / Action Public Hearing process

The Commission was presented with the Special Exception Permit application submitted by MDD LLC to waive the 25-foot rear setback standard.

- b. Notice: The Public notice and publishing and posting occurred before the Town Meeting space moved to 601 Central Ave.

Therefore: ANY EVENT WITH THE ADDRESS OF 420 CENTRAL AVE WILL OCCUR AT 601 CENTRAL AVE.

Special Exception Permit Application by
MDD LLC P O Box 213 Rico, CO. 81332
1603 Central Ave, Dolores, CO. 81323

Chairperson Robinson opened the public hearing at 7:25 p.m.

Manager Reeves presented the staff report on the Special Exception Permit. The Zoning Administrator reviewed the application, as well as the Building Official and Town Attorney. The staff found the application could be recommended for approval because it meets the required criteria for approval. The applicant presented his application to the Commission and expressed his strong desire to have a shop in Dolores but needs storage for raw materials for his wood crafting. He purchased a Zircon storage unit to use as storage because the previous owner had one on the premise in the same position he would like to have his storage unit. When he met with the zoning administrator and the building official he found that the Land Use Code had been updated with a prohibition of accessory structures on Corridor mixed use zone. He applied for a building permit for an addition to the shop but found that the rear setback requirement in the updated zone standards required a 25-foot setback. The shop is set on a 4-foot setback. After reviewing the options for placement of an addition, the most preferable use of the property is to add on to the west side of the shop, thus requiring a permit for a setback exception.

The Commissioners asked the applicant a few questions about the use of a prefabricated structure, and how it would be attached. Commissioner Tucker asked if the landscaping plan would impact the parking lot requirements. The applicant said the strip of land to be landscaped will not interfere with parking or driveway access. He has reached out to a local nurseryman for advice on types of landscape plants

that will work in the area and be climate tolerant. Commissioner Powell did not have questions for the applicant but would like to address her concerns about the town's compliance with its responsibility for process related to the Land Use Code and the Comprehensive Plan. A request for more systematized information about the proposal demonstrates the alignment to the vision and goals of the two policy documents concerning land use.

The public hearing closed at 7:25 p.m.

Attorney Kelly summarized the staff recommendation, declared that the process was followed correctly regarding public hearing notices, publishing timeline and postings, and suggested the Commissioners review the evidence, discuss the information from the presentation and the application, and make a motion to approve, approve with conditions, continue the matter to a future date, or deny the permit. Commissioner Tucker moved and Commissioner Nemanic seconded to approve the Special Exception permit with the condition that the landscaping and parking requirements are met.

Discussion followed with Commissioner Powell voicing concerns of a lack of consistency of the procedures of the Land Use Code with the intent of the Comprehensive Plan.

Commissioner Powell stated that she would have moved to continue the application so that the Commissioners could examine the application for alignment to the goals of the Comprehensive Plan. Commissioner Powell reminded the group that former Commissioner Heeney got on the Commission 17 years ago with intentions of helping update the Comprehensive Plan. Commissioner Powell feels like the town staff should submit background information regarding the efforts the town staff put forth to examine alternative solutions for the applicant before settling on a Special Exception permit application. Powell thinks that special exception permits are disassembling the new Land Use Code. Powell advocated for updating the Comprehensive Plan as soon as can be done because it is the component of the Land Use Code's effectiveness.

Chairperson Robinson would like to see the staff presentations give more information on the application process and state the roles of the staff and the Commission for these applications. There was discussion about the land use code and the Comprehensive plans meeting the need of the community in the present. Urban design is applicable to a community for creating an atmosphere and physical cues for the public. Robinson says the new setbacks in this zone were designed to create certain conditions within this zone district. She wants discussion about what the goals of the districts are and what conditions outlined in the Land Use Code are meant to create and how each special exception affects the goals of the zone district. That information should be stated by the staff for this application. Robinson says it's the staff's job to guide the applicant to pursue options that fit in the standards of the zone district. Powell says things would be easier if both staff and Commission should come to a consensus about the information needed to perform the duties of each group. A clear procedure that produces the information the Commission needs to examine the application as to the policy that the Land Use Code has established. Chairperson Robinson questioned the information about previous

Land Use Code compliance and other records of Special Exception Permit that was included in the staff report. It should have no relevance on the current application as submitted because codes change and the new codes don't take away the property rights of the subsequent owners. They can still use their property but not expand the nonconformity. Commissioner Nemanic offers that it works the other way regarding the function of the code. If there seems to be a preponderance of Special Exception applications then maybe the Land Use Code is not serving the community. Maybe the standards impose a hardship on property owners in zone district. Ex Officio Curry clarified with the Commission that the setback exception is on the rear of the property not the street side of the property. Curry is concerned about crowding of street side frontage blocking visibility for pedestrians.

Chairperson Robinson thinks Dolores is and should remain a pedestrian themed town. Where cars are second in line of importance within the business district to pedestrians. The placement of buildings on the street front forces vehicle parking in the rear. Chairperson Robinson hopes that the new standards result in the commercial zone evolving to more pedestrian oriented features. Getting more buildings closer to the streets causes more pedestrian use. This would meet the goals of the updated Land Use Code. Exception permits don't produce the results that meet those goals.

Curry thinks that the Commission needs to look at ways to enhance pedestrian access. This applicant's proposal does not affect the outcome of the goals of the Land Use Code. He thinks landscaping along street frontages causes visibility issues for vehicle traffic and pedestrians.

Commissioner Kelly points out that the purpose of the Special Exception permit is to address a solution that has no other remedy. Maybe the information that gets presented to the Commission should include the process of elimination to remedies that lead to the application of the exception.

The discussion was brought to a close by Commissioner Powell who reminded the group that there was a motion and a second to approve the Special Exception Permit.

Attorney Kelly read the motion contents to the group. Which is listed below:

Attorney Kelly guided the Commissioner Tucker and Nemanic to include the four required criteria to be included in the motion. It follows below, (the findings are bolded):

"I move to recommend approval of the application for a special exception finding that:

*1. That granting the special exception will ensure the same general level of land use compatibility as the otherwise applicable standards; **The corridor mixed use is the preferred zone for this kind of manufacturing. The site has ample separation from the surrounding properties to mitigate sound and dust.***

2. That granting the special exception will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks, and other land use considerations;

(a) Special exceptions for setbacks shall be granted only where the standard separation between

buildings in the district that normally results from the required setbacks is maintained and guaranteed by easement on the adjacent property; **The corner property is separated by side yards on both sides of the property that is not a street.**

(b) Special exceptions for historic replica signs shall be granted subject to the following:

(1) A historic replica sign shall be located on a structure or in a district that has been historically designated pursuant to Section 13.14.

(2) Applications for a historic replica sign will be supported by documentation evidencing the historic style, format, and location of the sign to be replicated;

(3) A historic replica sign shall replicate the style and format of a historic sign, but need not employ the same words, phrases, or symbols; and

(4) The Planning and Zoning Commission or Board of Trustees must find that the proposed historic replica sign contributes positively to the historic redevelopment of the Town.

3. That granting the special exception will not adversely affect property values in any material way;

The Planning Commission has approved six other special Exception permits where the four listed

criteria have been met.

Additionally, this property recently had a storage unit on the same spot that the addition is proposed to be installed and used in the same manner as the previous storage unit. This unit would be structurally attached to the existing structure and mounted on engineered footers.

4. That granting the special exception will be generally consistent with the purposes for this LUC described in Section 13.4.E.3. The public hearing notice was published and sent to the neighbors

Motion made by Tucker, Seconded by Nemanic.

Voting Yea: Tucker, Nemanic, Kelly

Voting Abstaining: Robinson, Powell

12. Discussion

13. Future Agenda Items

- a. Proposed Language for amendments to the Land Use Code prepared by Planner Garvin-No attachments.

Material to be reviewed at the June 3, 2024 meeting.

14. Adjournment

The meeting was adjourned at 8:42 p.m.

Linda Robinson, Chairperson

Ann Swope, Assistant Clerk



Town Manager's Report

Date: June 6, 2024

To: Board of Trustees

From: Leigh Reeves

- Old Townhall demo/New Townhall – we are evaluating the grants with DOLA and the EPA Brownfields grant. Abatement is \$20K over budget. We saved approximately \$65K in the remodel based on work and GC done by David. We still have some invoices coming in for IT. DOLA money can not be spent on abatement but it will work for the demolition commitment. We are requesting permission to use DOLA money to pay Steve DiNardo. I will have more information at the next meeting on final costs and budget allocations.
- P&Z – We had a very good discussion around CMU/DMU zone districts' conditional use. We are working with Elizabeth Garvin, the consultant that helped us with our recent LUC change in 2022. She laid out several scenarios that the P&Z Commissioners discussed. There were some items to further investigate:
 - A. Typical standards say we should have updated the Comprehensive Plan first and then change the LUC. I would like to get your commitment to fund a comp plan consultant in the 2025 budget. These projects typically cost \$100K. We can work with DOLA for a \$50K grant and an equivalent match from the town.
 - B. We agree that conditional use can be used for modifying LUC in certain



situations. Conditional use modifications have to include fire and safety first and then follow current 2021 building codes.

- C. Once a condition has been approved it stays with the property until an owner wants to do something else with their property.

I will reach out to Planner Garvin to craft the proper language/recommendation for the P&Z Commission to approve and we will bring it forward to you in a future meeting.

- Community Center – We have received a number of people that expressed interest in the Manager’s job. However, once they understand the time commitment they are not interested because of the hourly rate and nights/weekends away from the family. The advisory board would like to increase the pay to \$1080 per month with a 10% commission. Sarah Vass will be discussing this further in the administrative section of the agenda. We also have before you a resolution(R599), which was tabled for more information. It is a fee increase please see table attached beginning July 1st. Please note this is a variable increase. Also, please remember it takes a minimum of \$40K to pay the community center expenses with the addition of higher pay for the manager. The manager will attend advisory board meetings but ultimately report to the Town Manager. They will be a 1099 contractor.
- Flanders park bathroom – Cruzan construction will begin work in the park soon. They have ordered components that will take time to get but we can move forward with construction in the meantime. David will have a date by Monday’s meeting.
- Joe Rowell Park – Riverfest and the electric situation went off without a hitch.



Empire electric did not have the electric box they thought so we will have to construct our own. Cruzan construction will be helping with that.

- We have the 2nd reading and public hearing for Ordinance-575 to amend the municipal code pertaining to open containers for alcohol at Kelly's Kitchen and the Community Center. This will allow Kelly to transport alcohol to her outside dining area.
- We have the 2nd reading and public hearing Ordinance-576 amending the Municipal Code to make all town employees report to the town manager as discussed previously and in support of the presentation made by Sam Light. Trustees will still be voting every two years to appoint officers.
- We have the first reading of Ordinance 577, which will require anyone needing water in a separate detached structure to get two separate water/sewer taps. I am looking for a full respectful discussion as many people are converting garages to apartments to make extra income to cover their current expenses.
- We also have the 2nd reading and public hearing of an Ordinance 574 to make P&Z Commissioner terms expire in odd and even years.
- You will find Resolution R603, which is an IGA with the county to make it possible to negotiate help for road maintenance.
- Galloping Goose – Joe Becker has come to us to expand the use of Flanders Park for the train system. He would like to move the primary track to be farther from the bathroom and add a switch to move the Goose back and forth on that track. Additionally, we would like to add two more rail cars where the other two already exist.



- I am working on two economic development initiatives, 1. An Entertainment district around our new town square and 2. Festival liquor licensing for festivals moving forward. I mention this to ensure you are in support of the effort.
- Ken Charles and I spoke with Shirley Diaz from DOLA's department of housing. We will be working with her department for a technical grant to continue to work out a plan for 6 units of affordable housing on 19th St.
- The Phase II water project design and engineering grant was not funded. We are working with CDPHE to find another source to complete the design. We can also fold the D&E into the final loan documents but some of it will have to be funded first before we can do that. I will be making a presentation when all avenues have been explored.
- CDOT has installed one base for our new behavioral signs and the 2nd will be installed next week. These will be complete by the end of next week.



Town Manager's Report

Date: June 18, 2024

To: Board of Trustees

From: Leigh Reeves

- Please come with any questions you can think of to the Workshop. The first part will be led by Catherine Carella, from SGM. She is an engineer that can talk to us about not only the Phase 2 water project but also, buying into the water system for any town, city or county.
- The time we have left in the workshop will be to discuss the past of ADUs, and taps. We will include data about how many properties have 1 or 2 taps and how many pay two water bills and why it makes a difference. Jon will be providing information on Option 1 and Option 2 for Ordinance 577 which was tabled at the last meeting.
- We also will need to discuss the special event permit for the Bogey Draw Beat Down race this year on August 3rd. It is highly unlikely that the park will be safe for this event but we might be able to put the few tents in the street and let people buy alcohol if they want it from Kelly's Kitchen or the DRB.
- Old Townhall demo/New Townhall –. You will find the first report from Steve DiNardo on the Abatement process including pictures. New Townhall still has some equipment to install and our parking lot needs some work.



- P&Z – We need to approve the appointments already made with new terms for the commissioners(R610). Lainey Nemanic and Mark Tucker will expire in an odd year(2025). Shirley Powell, Lana Kelly and chairman Linda Robinson will expire in an even year(2026). We will have a Subdivision/Plate revision for the fire department. We are working with Nancy Dosdale of SEH to get the work completed for the voter approved property plate for the Fire District.
- Community Center – Before you is R605. It will officially raise the compensation for a community center manager to \$270 per week from its current rate of \$195, the equivalent of \$18 per hour, with a 10% commission for sales made by the manager after start date. I was uncertain if the board made a decision to increase the pay at the last meeting, so this will make it official. I would like to propose we make the pay raise go into effect after a 90 day probationary period. This will allow us time to evaluate the manager and encourage them to stay with the job. We have had a 2nd application for the position.
- Flanders park bathroom – Cruzan construction started construction on the Flanders park bathroom.
- Joe Rowell Park – Unfortunately the equipment Empire electric was going to donate is not sufficient for the need. Resolution R(609) Cruzan construction needs to build a secure space with electric ports on the outside for users of the east side emergency electric repair approved by the Board at the May 28th meeting. The preliminary estimate is \$15,870K but will allow the equipment proper protection from vandalism and weather. This is necessary to avoid repeating this repair in the future.



- We have before you (R607), which is a fire ban in the town limits until further notice. The County and Sheriff have issued a fire ban for Montezuma County. We usually follow with our own for the town's safety.
- The Dolores library would like to create an IGA for the process of appointing new library members. This is resolution (R606) which is an Inter-governmental agreement (IGA) between the Library, the school district and the Town of Dolores BOT.
- We also have (R608) which is a pass-through agreement between the Dolores Fire District and the Town of Dolores. This will allow us to bill the Fire Department for their time under our contract with Safebuilt that was approved at the last meeting. We will be using Safebuilt for LUC, if we need any variances and building code enforcement issues as the Fire department has decided to build a new building or remodel the old building.
- We will be putting Mag Chloride on the streets July 8th and 9th. The process starts with us watering the streets on July 8th and then Randy has hired a company to put Mag Chloride down on the streets.
- We are seeing an increase in the number of houses creating spaces to rent as an STR without a permit. As we discuss these properties please do not refer to the owners by name only addresses. David, as the building official, has identified several properties in town that are renting illegally. Many of these properties do not have a CO for what they say they are renting online. We have also sent a letter to several properties that have spaces they rent long term without certificates of occupancy.



- Jon will make a presentation on Special event permitting, Festival liquor licenses and entertainment districts. All, tools authorized by the state, to regulate festivals and events in town.
- Finally, the weed letters will be going out before the next meeting. If you have not made a comment, I will assume it is ok to send. I know several of you have. Just to make you aware we may see citizens at our next board meeting about this topic.

Town board June 10, 2024

Building Official/Building Inspector report

Current projects:

- 1. #1082 – Final Inspection
- 2. #1134 – Final Inspection
- 3. #1139 – 4 – Roof inspections
- 4. #1138 – Framing Inspection

New permits: One permit – Seven Permits - \$837.50

- 1. #1141 – 400 Railroad – Hood system
- 2. #1142 – 204 Riverside – Waterline replacement
- 3. #1143 – 200 S 8th – Garage
- 4. #1144 – 421 Railroad – Deck replacement
- 5. #1145 – Permit rejected
- 6. #1146 – 18280 Hwy 145 #24 – Bath remodel
- 7. #1147 – 1110 Merritt Way – Shed

Consultations - Phone and in person

35 Phone and in-person

Construction Inspections

11 construction inspections of permits issued.

Future projects on the horizon:

Tenant improvement for a commercial Building

Business Inspections

None

Food trailer/truck inspections

two

STR Inspections

None this period

Internet Technology

Currently in the design phase of the new AV/IT system for the new board room

SPECIAL PROJECTS

1. Flanders Park Bathroom – Contract awarded to Cruzan Construction
 - a. Project has begun
 - b. Parts and components are ordered
2. Electrical issues in Joe Rowell Park
 - a. Met with Matthews Electric and Empire Electric – plan is in place to replace the entire system
 - b. Met with contractors on concrete pad and roof structure and enclosure for new panels
3. 420 Central Remediation project – Set to begin June 10th

STR's

No report as of this month

Compliance issues

No new compliance issues this month

Report to the Board of Trustees on the
 Planning & Zoning Commission meeting held
 June 4, 2024

Discussions of potential interest to the Board and items for upcoming P&Z meeting agendas

Agenda Item/Description	Discussion
10.a.	<p>Commissioner Garvin’s work product concerning LUC standards for CMU and DMU districts</p> <p>Staff, Commissioners, and Board ex officio members had a far-reaching discussion about the LUC guidelines for Accessory Dwelling Units (ADUs) and Accessory Use Structures in the town’s commercial mixed use and downtown mixed-use districts. A straw vote of the commissioners yielded:</p> <ul style="list-style-type: none"> • 1 vote in favor of planner Garvin’s option A (ADUs for single or two-unit residential in the CMU district; All residential-only structures (single-unit, duplex, and townhomes) with enough lot space for a detached accessory structure, but not for multifamily or mixed-use. • 4 votes in favor of planner Garvin’s option C (allow ADUs as a conditional use, determined on a site-bysite basis; allow accessory structures as conditional use, determined on a site-by-site basis. <p>Irrespective of the specific wordings, the commissioners spoke in support of increased flexibility in the standards for ADUs and accessory structures in the two districts.</p> <p>Other topics covered included the need to update the Comp Plan and develop a citizen-driven vision for Dolores in 5-, 10-, and 20-years; the priority of the citizens’ health and safety, and the interrelationships between the LUC and Building Code. The topics will be carried over to July meeting, see below.</p>
10.b.	<p>Revisions to Special Exception Permit Application</p> <p>Develop a process to work with staff to edit the Special Exception Permit Application form to align completely, explicitly, and precisely with the current Comprehensive Plan and Land Use Code: Group discussion, facilitated by the Manager: Carry-over to the July meeting, see below.</p>
10.c.	<p>Understanding of and patterns in previous requests for Special Exception Permits</p> <p>Better understanding of the previously requested Special Exceptions to aid evaluation of the efficacy of the 2022 Land Use Code: Carry-over to the July meeting, see below.</p>
12	<p>Potential July agenda items and presenters</p> <ul style="list-style-type: none"> • Proposed language for amendments to the Land Use Code: Contract Planner Garvin • Develop a process to work with staff to edit the Special Exception Permit Application form to align completely, explicitly, and precisely with the current Comprehensive Plan and Land Use Code: Group discussion, facilitated by the Manager • Better understanding of the previously requested Special Exceptions to aid evaluation of the efficacy of the 2022 Land Use Code.
	<p>Parking Lot</p> <ol style="list-style-type: none"> 1. Updates to the Town’s 1997 Comprehensive Plan, including funding for a new Comprehensive plan and other steps to move forward: Group discussion, facilitated by the Manager 2. How to improve citizens’ understanding, compliance, and enforcement of town ordinances, including the Land Use Code: Group discussion, facilitated by the Manager 3. Parking in town



For Internal Purposes Only (initials)	
Approved: _____	Section 11, Item a.
Approved with Conditions: _____	
Denied: _____	
Filing Fee paid: _____	

Application for Special Exception Permit; Must be Submitted with Application for Site Plan Review

Per Dolores Land Use Code, Article 13 Section 25: A Special Exception permit is required for deviations from otherwise applicable operational performance standards: compatibility standards; setback standards; fence standards; design standards; sign standards, limited to historic replica signs only; and road design standards; where development is proposed that would be (1) compatible with surrounding land uses, (2) in keeping with the public interest and (3) consistent with the purpose of this Code. **A property owner or developer may request a special exception when the provisions of Section 13.5, Administrative Adjustment, are insufficient to provide the regulatory relief sought for the site or development.**

Mark any of the deviations this application will address: ___ operational performance, ___ compatibility standards, ___ setback standards, ___ fence standards, ___ design standards, sign standards, limited to historical replica signs only, or ___ road design standards.

To request a Special Exception Permit, fill out the information below and include **three (3) copies** of a site plan that meets the requirements listed on the Dolores site plan application, plus a Special Exception fee of \$____.

Personal Information¹

Full Name: _____
Last *First* *M.I.*

Address: _____
Street Address *Apartment/Unit #* *City/State*

Phone: _____ Email: _____

Affected Property Information

Property Address: _____
 (if different) *Street Address* *Apartment/Unit #* *City/State*

Business Name: _____

Property Type: ___ Single-Family Residential ___ Duplex ___ Townhome ___ Multi-Family Unit ___ Commercial
 ___ Other (please describe: _____)

Property Status: ___ New construction ___ Remodel/addition ___ Other (please describe: _____)

Zoning District: _____

Description of Special Exception Request. Please use the space below or attach another sheet to further describe the situation and what you are seeking to use the property for. Photographs and other information may be attached as well. Describe any impacts that the proposed Special Exception Permit will have on neighboring properties. Describe how you will meet the Special Exception Permit review criteria in LUC Article 13 Section 23 - D.

¹ If applicant is not the property owner, an Agent Letter must be submitted with this application.

REMEMBER TO SIGN APPLICATION

I swear/or affirm that the information included herein is accurate, to the best of my knowledge. I understand that no application shall be considered complete, and shall not be reviewed, until the application is complete, the review fee is paid in full (if applicable), and public hearing notice requirements (if applicable) have been fulfilled. The Board of Trustees may deny my request for a Special Exception permit, approve the request, or approve the request with conditions.

Signature of Property Owner

Date

Staff Record:

Pre-Application Meeting Date: _____

Site Plan Review Application submitted _____ Date _____

Application Complete: ____ Yes ____ No.

Returned for the following reasons: _____

Special Exception Permit

Date of submission _____

Payment received _____

Application Complete: ____ Yes ____ No.

Returned for the following reasons: _____



Special exceptions

Dolores Development Services: From Concept to Construction

The Dolores Land Use Code sets the requirements for general special exceptions in Article 13 Section 13-25.

Getting Started

Special exceptions are deviations from otherwise applicable operational performance standards; compatibility standards; setback standards; fence standards; design standards; sign standards, limited to historic replica signs only; and road design standards; where development is proposed that would be (1) compatible with surrounding land uses, (2) in keeping with the public interest and (3) consistent with the purposes of this Code.

A property owner or developer may request a special exception when the provisions of Section 13.5, Administrative Adjustment, are insufficient to provide the regulatory relief sought for the site or development.

General Special exception Guidelines

- ✓ Applicants can start a request for special exception by submitting a complete application for special exception to the Zoning Administrator. Applicants with questions about the application form or process are encouraged to call (970) 882-7720 or stop by Town Hall to talk about their application. The Town does not accept incomplete applications.
- ✓ The Zoning Administrator will review the complete application and make a recommendation to the Planning Commission.
- ✓ A public hearing is required for special exception applications. The Town will provide notice of the hearing by mail to neighboring property owners, by publication in the newspaper, and by giving a sign to the applicant to post notice on the property for at least 15 days before the hearing.
- ✓ Special exception applications are reviewed and decided on by the Planning Commission. Applications may be approved, approved with conditions, or disapproved. Conditions imposed on a special exception permit may include, but are not limited to, size, bulk, and location; standards for landscaping, buffering and screening, lighting and adequate ingress and egress; cash deposits, bonds and other guarantees of deposit; other on-site improvements; or hours of operation.
- ✓ **Board of Trustees: Subdivision Special Exceptions**
In conjunction with the review of subdivision applications, the Board of Trustees shall be authorized to grant special exceptions subject to the requirements of Article 6, Subdivision Standards.
- ✓ Issuance of a special exception permit shall authorize only the variation which is approved in the special exception permit. A special exception permit shall run with the land.
- ✓ Construction on the project must start within 12 months of the date of the approval of the special exception permit or the special exception approval will lapse and automatically become null and void. The Town will not provide notice that a permit is about to lapse or has lapsed. Permitted time frames do not change with successive owners. Upon written request, only 1 extension of the twelve-month time frame may be granted by the Planning Commission for a period not to exceed 12 months for good cause shown.

Special exception Submittal Requirements

The applicant shall file 3 copies of an application requesting a special exception that includes all the information required by the special exception application form.

Public Hearing, Notice and Decision

- ✓ The Planning Commission shall hold a public hearing on an application for a special exception permit. At the public hearing, the Planning Commission shall consider the application, the staff report, the relevant support materials and the public testimony given at the public hearing.
- ✓ The Planning Commission will consider the following criteria when reviewing a special exception application. To be approved, an application must meet all of these criteria.
 1. The proposed use is a permitted use in the underlying zone district.
 2. There are special circumstances existing on the property for which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and zone district;
 3. Such unnecessary hardship has not been created by the applicant;
 4. The special exception is necessary to permit the applicant the same rights in the use of the property that are enjoyed under this LUC by other properties in the vicinity and zone, but which are denied to the subject property;
 5. The special exception will not adversely affect the land use pattern as outlined by the Future Development Plan and will not adversely affect any other feature of the Comprehensive Plan of the Town;
 6. The special exception will have no significant adverse impact on the health, safety or general welfare of the surrounding property owners or the general public; and
 7. The special exception will not cause injury to the use, enjoyment, or value of property in the vicinity.
- ✓ After the close of the public hearing, the Planning Commission shall vote to approve, approve with conditions, or disapprove the application for a special exception, in accordance with the required findings of Article 13 Section 13-25 of the Dolores Land Use Code, and shall show the same in its minutes.
- ✓ A Quorum of the Planning Commission must vote in favor of the application for a special exception to be approved.
- ✓ Notice of decision. The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Planning Commission's decision.

1. Updates to the Town's 1997 Comprehensive Plan, including funding for a new Comprehensive plan and other steps to move forward: Group discussion, facilitated by the Manager
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3. Parking in town