



AGENDA

TOWN OF DOLORES COLORADO

BOARD OF TRUSTEES MEETING/WORKSHOP

May 23rd, 2022, 5:30 P.M.

THE MEETING WILL BE HELD AT TOWN HALL 420 CENTRAL AVENUE.

IF YOU WISH TO ATTEND VIRTUALLY, PLEASE VISIT THE TOWN WEBSITE UNDER GOVERNMENT TOWN BOARD MEETING FOR THE ZOOM LINK

<https://townofdolores.colorado.gov>

WORKSHOP: 5:30 P.M. THROUGH 7:30 P.M:

- 1. Discussion: 2021 Water & Sewer Budget Actuals**
- 2. Discussion: Utility Rates**
- 3. Montezuma County Commissioners**

BOARD MEETING: 7:30 P.M.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL:**
- 4. ACTION/APPROVAL OF THE AGENDA**
- 5. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.**
- 6. CITIZENS TO ADDRESS THE BOARD:** This is an opportunity for Citizens to address the Board at this time or during a Public Hearing. Each Person will have 5 minutes. The Town Board 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.
- 7. ADMINISTRATIVE BUSINESS:**

7.1 Discussion/Action: Trustee Sands resignation/vacancy and discussion per the Dolores Municode 2.04.020 Filling Vacancies

8. PUBLIC HEARINGS:

8.1 Public Hearing: Application for Hillside Townhome Subdivision submitted by Josh Martin owner/agent of Grene LLC, 1240 Hinson St. Las Vegas NV 89102 for the following allowances:

- Variance Permit
- Special exception Permit
- Preliminary/Final Plat Review

9. DISCUSSION/POSSIBLE ACTION:

9.1 Application for the Hillside Avenue Townhome subdivision as submitted with conditions for a variance permit, special exception permit, and Preliminary/Final Plat approval.

10. ACTION/DISCUSSION ORDINANCES/RESOLUTIONS:

10.1 Resolution R483 Series 2022, imposing an open flame fire ban for the Town of Dolores.

11. STAFF REPORTS/PRESENTATIONS:

11.1 Managers Report:

11.2 Attorney Report:

12. FUTURE AGENDAS:

12.1 Board/Workshop on June 13th, 2022, Workshop to start at 5:30

13. TRUSTEES REPORTS AND ACTIONS:

14. ADJOURNMENT:

WHAT WE HOPE TO ACCOMPLISH AT THE MAY 23 WORKSHOP

BUDGET

1. Have the Trustees and Mayor understand the Water and Sewer funds. How does it work?
2. Understand the water and sewer sources of revenue and related expenses?
3. Understand the concept of a government business? Include a short primer on Tabor.
4. Understand the limits of water and sewer revenue sources?

UTILITY RATES

1. To meet current and projected operational and normal maintenance expenses.
2. To build reserves to replace aging infrastructure.
3. To build reserves to use as matching funds for grants.
4. To service possible debt.

WATER BUDGET

In 2021, the Town budgeted \$307,500 in planned income in the water fund and \$379,403 in planned expenses, creating a planned net loss of \$71,903 requiring the use of reserves to operate. The Town tries to create a realistic picture of revenue and expenses each fiscal year, but also tries to create a small cushion by slightly underestimating income and slightly over estimating expenses. We just finished our 2021 audit last week and now have the actual figures for 2021. In reality, the water fund gained \$2,532 in 2021 and did not have a loss. Our income was slightly less than expected (96%) because the DOLA water grant we received in January 2021 was moved to 2020 by our auditor based on the actual project completion dates. (Refer to the Budget Analysis Report for the line-item revenue and expenses by percent utilized and planned for 2021). Our expenses were 77% of what we planned, allowing us not to dip into our reserves. However, this basically can be considered a lucky accident, as there were no emergencies and some of the capital improvement planned for 2021 have been moved to 2022. Also, our auditor moved some items we planned & purchased in capital improvements to the Parts & Supplies category. In a normal year, we may need to dip into water reserves to operate which is not sustaining for an enterprise fund which should be able to cover its own operating expenses.

When reviewing the Income Statement for the water fund, it shows the Town only has four sources of revenue to fund the water enterprise, which are grant revenue, water use fees, new water taps, and the water dock fees. However, the Town has 33 expense categories it needs to cover with this revenue.

SEWER BUDGET

In 2021, the Town budgeted \$185,875 in planned income in the sewer fund and \$261,355 in planned expenses, creating a planned net loss of \$75,480 requiring the use of reserves to operate. In reality, the sewer fund lost \$37,333 in 2021. Our income was slightly more than expected (111%), and our expenses were 93% of what we planned. However, we are required to include depreciation as an expense in the enterprise funds, and although we are not encouraged to plan for depreciation in cash-based budgets, it is required as part of our annual audit to comply with state laws in governmental accounting. If we overlook the cost of depreciation, the sewer fund would have been ahead \$12,110 in a cash-based budget. Of note is that the solar improvements to the wastewater plant reduced our electric bill so that the Town only expended 46% of what was planned in electrical costs. As in the water fund, our auditor

moved some items we planned into different categories, such as to the Parts & Supplies category and the Office Supply category. For example, the new Ampstun accounting and utility billing software purchased in 2021 was moved by our auditor from Capital Improvements to Office Supplies. Similarly, both the revenue and expenses for the lease purchase for the solar project were moved from the sewer fund into the general fund since the project was considered to provide an overall benefit to the Town as a whole, not just a benefit to the sewer fund. These movements from line-item to line-item are permissible, as fund accounting looks at the overall picture of each fund in its entirety, not each individual revenue and expense line- item. As stated in the water fund section, in a standard year, the Town may need to dip into sewer reserves to operate which is not sustaining for an enterprise fund which should be able to cover its own operating expenses.

When reviewing the Income Statement for the sewer fund, it shows the Town only had one source of revenue to fund the sewer enterprise in 2021, which were sewer user fees. No new sewer taps were sold in 2021. However, the Town has 28 expense categories it needs to cover with this revenue.

TABOR

What is TABOR?

The Taxpayer's Bill of Rights is an amendment to the Colorado Constitution enacted by voters in 1992 that limits the amount of revenue governments in Colorado can retain and spend, including counties, Municipalities, schools, and special districts. Limiting how much total revenue can be received by these local governments each year can have different effects on our budget. TABOR is not an expense limiting amendment, but a revenue limitation.

What does TABOR do?

TABOR contains several provisions concerning revenue for state and local governments in Colorado. The two principal provisions are the requirement of voter approval for tax increase and the limitation of revenue from one year to the next.

Tabor does:

- Require voter approval on new taxes
- Limit growth of revenue
- Require excess revenue to be refunded to taxpayers
- Require a 3% emergency reserve
- Define language for fiscal ballot measures

What TABOR does not:

- **Require voter approval on new fees or assessments**
- Limit growth of spending
- Define who receives refunds, or how much

Enterprises

TABOR excludes from its limitations any qualified "enterprise;" however, the term presents difficult interpretive questions. In effect, the enterprise exclusion (1) shielding enterprise revenue from TABOR

revenue and spending limitations; and (2) allowing for the issuance of enterprise revenue bonds without the need for voter approval.

TABOR does define what is an enterprise. "An enterprise" to be, **"a government-owned business authorized to issue its own revenue bonds and receiving under 10% of its annual revenue in grants from all Colorado state and local governments combined"**. Such businesses include the kinds of activities that have some counterpart in the private sector, e.g., utilities, airports, parking facilities, certain recreational facilities.

Grant means any direct cash subsidy or other direct contribution of money from the state or any local government in Colorado that is not required to be repaid. It does not include any revenues resulting from rates, fees, assessments, or other charges imposed by an enterprise for the provision of goods and services by such an enterprise, nor any federal funds. In this case, it would include revenue such as sales taxes or any other tax derived revenue. To be a government owned business, water and sewer funds for instance, revenue from government sources must be less than 10% of the water or sewer fund budget. Fees are not considered government grants. So, a water and sewer bill are a fee for service, which in many ways can be compared to an electric or gas bill.

De-Brucing

TABOR allows a government to "opt out" (my words) of the revenue limitations imposed by TABOR. The broadest ballot wording will allow a municipality to keep and spend excess revenue derived from "any lawful source." The town of Dolores proposed this form of de-Brucing and it was passed by the voters of the town of Dolores. A significant number of Colorado municipalities have de-Bruced.

UTILITY RATES

The Town has the authority to set rates by resolution for water and sewer services pursuant to CRS § 31-35-402 and Dolores Municipal Code § 13.04.340 and § 13.04.430. Dolores has found it necessary to undertake significant improvements to the aging water and sewer lines in the Town's water and sewer system at significant expense to the Town. The cost of operating the Town's water and sewer systems have increased while revenues have not. Inflation during the past two years has also been significant resulting in increased operating costs. Dolores last set water and sewer rates in 2015 and 2020 by Resolution No. 357 Series 2015 and Resolution 423 Series 2020, slightly increasing the monthly base water and sewer rates in the Town of Dolores. Below is the change that was approved in 2020.

Excerpt from "Exhibit A" of Resolution 423 Series 2020

Water and sewer rates in effect until December 31, 2020:

| Water Rates per installed tap: | <u>IN-TOWN</u> | <u>OUT-OF-TOWN</u> |
|---------------------------------------|-----------------------|---------------------------|
| Base Rate – 4,000 gallons | \$25.84 | \$39.35 |
| 4,000 – 5,000 gallons per 1,000 | \$ 1.55 | \$ 2.49 |
| 5,000 - 30,000 gallons per 1,000 | \$ 1.68 | \$ 3.04 |
| 30,001 and up per 1,000 gallons | \$ 2.04 | \$ 3.67 |

Water Dock Rates Per 100 Gallons: \$ 1.50 or \$15/thousand gallons

| | | |
|---------------------------------------|-----------------------|---------------------------|
| Sewer Rates per installed tap: | <u>IN-TOWN</u> | <u>OUT-OF-TOWN</u> |
| Residential | \$ 28.66 | \$49.37 |
| Commercial (first 10,000 gallons) | \$ 28.66 | \$49.37 |
| 10,000 gallons to 30,000 per 1,000 | \$ 1.77 | \$ 3.40 |
| 30,001 gallons and up - per 1,000 | \$ 1.87 | \$ 3.78 |

Current Water and Sewer rates effective January 1, 2021:

This included a \$5.00/tap per month increase in the base water rate and \$2.50/tap per month in the sewer rate.

| | | |
|---------------------------------------|-----------------------|---------------------------|
| Water Rates per installed tap: | <u>IN-TOWN</u> | <u>OUT-OF-TOWN</u> |
| Base Rate – 4,000 gallons | \$30.84 | \$44.35 |
| 4,000 – 5,000 gallons per 1,000 | \$ 1.55 | \$ 2.49 |
| 5,000 - 30,000 gallons per 1,000 | \$ 1.68 | \$ 3.04 |
| 30,001 and up per 1,000 gallons | \$ 2.04 | \$ 3.67 |

Water Dock Rates Per 100 Gallons: \$ 1.50

| | | |
|---------------------------------------|-----------------------|---------------------------|
| Sewer Rates per installed tap: | <u>IN-TOWN</u> | <u>OUT-OF-TOWN</u> |
| Residential | \$ 31.16 | \$51.87 |
| Commercial (first 10,000 gallons) | \$ 31.16 | \$51.87 |
| 10,000 gallons to 30,000 per 1,000 | \$ 1.77 | \$ 3.40 |
| 30,001 gallons and up - per 1,000 | \$ 1.87 | \$ 3.78 |

The Town needs to consider the funds required to meet current and projected operating costs, to build reserves to replace aging infrastructure or match grants, and potentially to service debt. We also need to consider what would happen to our water and sewer reserves if there was an unplanned emergency we need to take care of in either fund.

Operations increase:

If we wanted to plan for 8% inflation for annual operations and increase our existing planned revenue by 8%, we would need to generate an additional \$14,510 annually in the sewer fund and \$19,440 annually in the water fund. Divided by 550 taps and 12 months in a year, that would be an increase of \$2.20 a month in sewer fees and a \$2.95 a month in water fees. Combined, that would be a **\$5.15** increase monthly per user to try and cover increasing operating costs.

Reserve increase:

If we want to build our reserves a very modest \$5,000 annually in each fund for a total of \$10,000 to help replace aging infrastructure, that would be \$.76 a month per fund for a total of **\$1.52** a month for water and sewer.

Debt Service:

If we are selected in October 2022 for the \$3.2 M water line replacement project submitted a few months ago to U.S. Senator Bennett, we will need a \$500,000 grant match for the improvements. To finance a loan for those improvements for 20 years at 2% interest, we would need \$30,360 annually for the payments. That works out to **\$4.60** a month per water tap.

Water Dock:

Fees at the water dock were not increased in the 2021 rate increase. At this point in time, 1,000 gallons cost \$15. 10,000 gallons cost \$150.

Conclusion:

The Town staff recommend at a minimum an increase to water and sewer user fees to cover our increasing operating costs, which would be \$2.95 in water fees and \$2.20 a month in sewer fees for a total of **\$5.15** a month. The Town also recommends considering the other increases to help our reserves and finance future projects.

We also propose to adjust the “tiered rate system” in the water fund. The tiers begin at 4,000 gallons. Water users over 4,000 gallons are charged a very minimal fee. Here are a sample of small communities for a monthly use of 10,000 gallons. We only included residential in-town rates in this table, as numerous communities had higher rates for out of town and/or commercial accounts. Dolores undercharges for water over the base rate; in many cases, significantly less. We would propose to adjust those tiers to better reflect actual cost to produce.

| Community | Base Rate | Rate for 10,000 gallons |
|------------------|------------------|--------------------------------|
| Dolores | \$30.84 | \$40.79 |
| Silverton | \$47.74 | \$47.74 |
| Bayfield | \$30.32 | \$64.16 |
| Mancos | \$40.87 | \$52.87 |
| Dove Creek | \$34.00 | \$51.50 |
| Olathe | \$22.47 | \$43.47 |
| Ridgway | \$42.75 | \$97.75 |
| Hotchkiss | \$34.00 | \$46.00 |

*Olathe is part of a large water consortium, Project Seven, that provides 7 communities with their water.

TOWN OF DOLORES

Budget Analysis

Reporting As Of 12/01/2021 to 12/31/2021

Reporting Department: 30 - Water Department

| Account Description | Account No. | Current Month | YTD Actual | Budget Year | YTD Variance | % Used |
|--------------------------------|-------------|-------------------|-------------------|-------------------|-------------------|--------------|
| Grant Revenue | 30-334-101 | -25,000.00 | 14,630.10 | 43,000.00 | -28,369.90 | 34.02 |
| Water User Fees | 30-340-100 | 19,634.49 | 247,569.22 | 243,000.00 | 4,569.22 | 101.88 |
| New Water Taps | 30-340-101 | 0.00 | 5,230.00 | 4,500.00 | 730.00 | 116.22 |
| Water Dock | 30-340-102 | 1,540.00 | 27,965.25 | 17,000.00 | 10,965.25 | 164.50 |
| TOTAL INCOME | | -3,825.51 | 295,394.57 | 307,500.00 | -12,105.43 | 96.06 |
| Town Manager | 30-415-110 | 0.00 | 0.00 | 6,667.00 | 6,667.00 | 0.00 |
| Treasurer | 30-415-111 | 1,182.91 | 8,023.23 | 9,126.00 | 1,102.77 | 87.92 |
| Administrative Clerk | 30-415-112 | 2,023.33 | 12,052.22 | 12,176.00 | 123.78 | 98.98 |
| Office Assistant - Town Clerk | 30-415-113 | 1,017.52 | 8,362.60 | 8,518.00 | 155.40 | 98.18 |
| Accrued Vacation Adjustment | 30-415-116 | 1,238.30 | 1,238.30 | 0.00 | -1,238.30 | 0.00 |
| Board Payment | 30-415-117 | 0.00 | 800.00 | 3,750.00 | 2,950.00 | 21.33 |
| Interim Town Manager | 30-415-118 | 2,593.75 | 22,718.75 | 17,600.00 | -5,118.75 | 129.08 |
| Health/Dental/Life - Insurance | 30-415-210 | 16.10 | 21,608.92 | 25,631.00 | 4,022.08 | 84.31 |
| Payroll Taxes | 30-415-220 | 848.22 | 6,182.67 | 7,716.00 | 1,533.33 | 80.13 |
| Employee Retirement | 30-415-230 | 267.84 | 1,777.86 | 2,767.00 | 989.14 | 64.25 |
| State Compensation | 30-415-260 | 0.00 | 0.00 | 2,200.00 | 2,200.00 | 0.00 |
| Maintenance Salaries | 30-433-115 | 5,998.14 | 43,427.83 | 45,441.00 | 2,013.17 | 95.57 |
| Maintenance Overtime | 30-433-116 | 535.38 | 6,555.47 | 5,460.00 | -1,095.47 | 120.06 |
| Subscriptions & Dues | 30-433-310 | 0.00 | 649.00 | 0.00 | -649.00 | 0.00 |
| Public Works Education | 30-433-321 | -540.00 | 225.00 | 1,200.00 | 975.00 | 18.75 |
| Town Attorney | 30-433-330 | 262.50 | 9,126.26 | 6,500.00 | -2,626.26 | 140.40 |
| Audit Fees | 30-433-331 | 0.00 | 3,000.00 | 2,750.00 | -250.00 | 109.09 |
| Licensed Operator | 30-433-342 | -38.52 | 1,801.58 | 3,500.00 | 1,698.42 | 51.47 |
| Laboratory Services | 30-433-343 | 0.00 | 1,892.00 | 3,500.00 | 1,608.00 | 54.06 |
| Water Permit Fees | 30-433-344 | 0.00 | 0.00 | 500.00 | 500.00 | 0.00 |
| Plant-Electricity | 30-433-411 | 1,067.39 | 18,068.20 | 24,000.00 | 5,931.80 | 75.28 |
| Plant-Propane | 30-433-414 | 188.21 | 1,603.39 | 2,500.00 | 896.61 | 64.14 |
| Maint. on Equip. Purchased Ser | 30-433-431 | 0.00 | 0.00 | 1,000.00 | 1,000.00 | 0.00 |
| Plant-Maintenance of Equipment | 30-433-432 | 0.00 | 270.00 | 1,000.00 | 730.00 | 27.00 |
| Liability Insurance | 30-433-520 | 105.82 | 8,763.30 | 7,865.00 | -898.30 | 111.42 |
| Telephone/Internet | 30-433-530 | 386.01 | 4,406.91 | 3,500.00 | -906.91 | 125.91 |
| Travel & Mileage | 30-433-580 | 0.00 | 313.28 | 1,000.00 | 686.72 | 31.33 |
| Postage & Freight | 30-433-602 | 2,033.08 | 3,678.08 | 2,000.00 | -1,678.08 | 183.90 |
| Office Supplies | 30-433-610 | 7,431.85 | 7,569.92 | 800.00 | -6,769.92 | 946.24 |
| Building & Grounds Maintenance | 30-433-611 | 0.00 | 129.99 | 750.00 | 620.01 | 17.33 |
| Small Tools/Equipment | 30-433-612 | 0.00 | 875.00 | 1,500.00 | 625.00 | 58.33 |
| Uniforms | 30-433-613 | 73.94 | 1,585.99 | 1,300.00 | -285.99 | 122.00 |
| Chemicals | 30-433-617 | 0.00 | 8,620.70 | 12,000.00 | 3,379.30 | 71.84 |
| Parts & Supplies | 30-433-618 | 4,928.29 | 20,293.71 | 14,000.00 | -6,293.71 | 144.96 |
| Miscellaneous/Contingency | 30-433-650 | 562.14 | 1,587.14 | 5,000.00 | 3,412.86 | 31.74 |
| Capital Outlay | 30-433-701 | -65,228.08 | 0.00 | 111,278.00 | 111,278.00 | 0.00 |
| Fire Hydrants | 30-433-707 | 0.00 | 0.00 | 500.00 | 500.00 | 0.00 |
| DSB Water Loan Payment | 30-500-800 | -22,375.54 | 0.00 | 18,306.00 | 18,306.00 | 0.00 |
| DSB Water Interest Payment | 30-500-801 | 10,066.86 | 10,066.86 | 6,102.00 | -3,964.86 | 164.98 |
| Depreciation | 30-600-100 | 55,587.99 | 55,587.99 | 0.00 | -55,587.99 | 0.00 |
| TOTAL EXPENSES | | 10,233.43 | 292,862.15 | 379,403.00 | 86,540.85 | 77.19 |
| TOTAL INCOME | | -3,825.51 | 295,394.57 | 307,500.00 | -12,105.43 | 96.06 |
| NET TOTALS | | -14,058.94 | 2,532.42 | -71,903.00 | 74,435.42 | -3.52 |

TOWN OF DOLORES

Income Statement

Reporting As Of 1/1/2021 to 12/31/2021

Reporting Department: 30 - Water Department

| | Period Activity | End Balance |
|---|-------------------|-------------------|
| INCOME | | |
| 30-334-101 - Grant Revenue | 14,630.10 | 14,630.10 |
| 30-340-100 - Water User Fees | 247,569.22 | 247,569.22 |
| 30-340-101 - New Water Taps | 5,230.00 | 5,230.00 |
| 30-340-102 - Water Dock | 27,965.25 | 27,965.25 |
| TOTAL INCOME | 295,394.57 | 295,394.57 |
| EXPENSES | | |
| 30-415-111 - Treasurer | 8,023.23 | 8,023.23 |
| 30-415-112 - Administrative Clerk | 12,052.22 | 12,052.22 |
| 30-415-113 - Office Assistant - Town Clerk | 8,362.60 | 8,362.60 |
| 30-415-116 - Accrued Vacation Adjustment | 1,238.30 | 1,238.30 |
| 30-415-117 - Board Payment | 800.00 | 800.00 |
| 30-415-118 - Interim Town Manager | 22,718.75 | 22,718.75 |
| 30-415-210 - Health/Dental/Life - Insurance | 21,608.92 | 21,608.92 |
| 30-415-220 - Payroll Taxes | 6,182.67 | 6,182.67 |
| 30-415-230 - Employee Retirement | 1,777.86 | 1,777.86 |
| 30-433-115 - Maintenance Salaries | 43,427.83 | 43,427.83 |
| 30-433-116 - Maintenance Overtime | 6,555.47 | 6,555.47 |
| 30-433-310 - Subscriptions & Dues | 649.00 | 649.00 |
| 30-433-321 - Public Works Education | 225.00 | 225.00 |
| 30-433-330 - Town Attorney | 9,126.26 | 9,126.26 |
| 30-433-331 - Audit Fees | 3,000.00 | 3,000.00 |
| 30-433-342 - Licensed Operator | 1,801.58 | 1,801.58 |
| 30-433-343 - Laboratory Services | 1,892.00 | 1,892.00 |
| 30-433-411 - Plant-Electricity | 18,068.20 | 18,068.20 |
| 30-433-414 - Plant-Propane | 1,603.39 | 1,603.39 |
| 30-433-432 - Plant-Maintenance of Equipment | 270.00 | 270.00 |
| 30-433-520 - Liability Insurance | 8,763.30 | 8,763.30 |
| 30-433-530 - Telephone/Internet | 4,406.91 | 4,406.91 |
| 30-433-580 - Travel & Mileage | 313.28 | 313.28 |
| 30-433-602 - Postage & Freight | 3,678.08 | 3,678.08 |
| 30-433-610 - Office Supplies | 7,569.92 | 7,569.92 |
| 30-433-611 - Building & Grounds Maintenance | 129.99 | 129.99 |
| 30-433-612 - Small Tools/Equipment | 875.00 | 875.00 |
| 30-433-613 - Uniforms | 1,585.99 | 1,585.99 |
| 30-433-617 - Chemicals | 8,620.70 | 8,620.70 |
| 30-433-618 - Parts & Supplies | 20,293.71 | 20,293.71 |
| 30-433-650 - Miscellaneous/Contingency | 1,587.14 | 1,587.14 |
| 30-500-801 - DSB Water Interest Payment | 10,066.86 | 10,066.86 |
| 30-600-100 - Depreciation | 55,587.99 | 55,587.99 |
| TOTAL EXPENSES | 292,862.15 | 292,862.15 |
| TOTAL INCOME LESS EXPENSES | 2,532.42 | 2,532.42 |

TOWN OF DOLORES

Budget Analysis

Reporting As Of 12/01/2021 to 12/31/2021

Reporting Department: 40 - Sewer Department

| Account Description | Account No. | Current Month | YTD Actual | Budget Year | YTD Variance | % Used |
|--------------------------------|-------------|-------------------|-------------------|-------------------|------------------|---------------|
| DSB Lease Purchase Solar Proj | 40-300-105 | -32,958.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Sewer Users Fees | 40-340-100 | 19,596.04 | 205,961.63 | 181,375.00 | 24,586.63 | 113.56 |
| New Sewer Taps | 40-340-101 | 0.00 | 0.00 | 4,500.00 | -4,500.00 | 0.00 |
| TOTAL INCOME | | -13,361.96 | 205,961.63 | 185,875.00 | 20,086.63 | 110.81 |
| Town Manager | 40-415-110 | 0.00 | 0.00 | 6,667.00 | 6,667.00 | 0.00 |
| Treasurer | 40-415-111 | 1,182.88 | 8,023.18 | 9,126.00 | 1,102.82 | 87.92 |
| Administrative Clerk | 40-415-112 | 1,662.97 | 11,691.84 | 12,176.00 | 484.16 | 96.02 |
| Office Assistant - Town Clerk | 40-415-113 | 1,377.88 | 8,722.96 | 8,518.00 | -204.96 | 102.41 |
| Accrued Vacation Adjustment | 40-415-116 | 1,238.30 | 1,238.30 | 0.00 | -1,238.30 | 0.00 |
| Interim Town Manager | 40-415-117 | 2,593.75 | 22,718.75 | 17,600.00 | -5,118.75 | 129.08 |
| Board Payment | 40-415-118 | 0.00 | 800.00 | 0.00 | -800.00 | 0.00 |
| Health/Dental/Life - Insurance | 40-415-210 | 16.10 | 21,625.04 | 28,030.00 | 6,404.96 | 77.15 |
| Payroll Taxes | 40-415-220 | 848.15 | 6,166.24 | 7,716.00 | 1,549.76 | 79.91 |
| Employee Retirement | 40-415-230 | 267.80 | 1,777.47 | 2,767.00 | 989.53 | 64.24 |
| State Compensation | 40-415-260 | 0.00 | 0.00 | 2,200.00 | 2,200.00 | 0.00 |
| Maintenance Salaries | 40-432-115 | 5,998.12 | 43,423.02 | 45,441.00 | 2,017.98 | 95.56 |
| Maintenance Overtime | 40-432-116 | 535.39 | 6,554.96 | 5,460.00 | -1,094.96 | 120.05 |
| Subscriptions & Dues | 40-432-310 | 1,200.00 | 1,200.00 | 1,200.00 | 0.00 | 100.00 |
| Public Works Education | 40-432-321 | 0.00 | 1,475.00 | 2,000.00 | 525.00 | 73.75 |
| Town Attorney | 40-432-330 | 262.50 | 9,126.22 | 6,500.00 | -2,626.22 | 140.40 |
| Audit Fees | 40-432-331 | 0.00 | 3,000.00 | 2,750.00 | -250.00 | 109.09 |
| Maint on Equip Purchase Servic | 40-432-341 | 0.00 | 0.00 | 1,500.00 | 1,500.00 | 0.00 |
| Operator/Licensed Services | 40-432-342 | 0.00 | 0.00 | 300.00 | 300.00 | 0.00 |
| Laboratory Services | 40-432-343 | 170.00 | 4,554.00 | 8,000.00 | 3,446.00 | 56.93 |
| Waste Water Permit | 40-432-345 | 0.00 | 1,593.00 | 1,700.00 | 107.00 | 93.71 |
| Electric Service | 40-432-411 | -1,025.65 | 9,700.45 | 21,000.00 | 11,299.55 | 46.19 |
| Liability Insurance | 40-432-520 | 105.80 | 8,763.30 | 7,865.00 | -898.30 | 111.42 |
| Telephone Service | 40-432-530 | 386.01 | 4,337.68 | 3,500.00 | -837.68 | 123.93 |
| Travel & Mileage | 40-432-580 | 0.00 | 277.89 | 500.00 | 222.11 | 55.58 |
| Postage & Freight | 40-432-602 | 83.08 | 789.72 | 1,000.00 | 210.28 | 78.97 |
| Office Supplies | 40-432-610 | 2,797.82 | 2,797.82 | 500.00 | -2,297.82 | 559.56 |
| Plant Building & Grounds Maint | 40-432-611 | 0.00 | 0.00 | 100.00 | 100.00 | 0.00 |
| Small Tools & Equipment | 40-432-612 | 0.00 | 0.00 | 750.00 | 750.00 | 0.00 |
| Uniforms | 40-432-613 | 73.94 | 1,314.01 | 1,300.00 | -14.01 | 101.08 |
| Chemicals | 40-432-617 | 0.00 | 997.63 | 2,500.00 | 1,502.37 | 39.91 |
| Parts and Supplies | 40-432-618 | 10,058.54 | 10,977.86 | 5,000.00 | -5,977.86 | 219.56 |
| Miscellaneous/Contingency | 40-432-650 | -697.04 | 204.96 | 2,500.00 | 2,295.04 | 8.20 |
| Capital Outlay | 40-432-701 | -41,420.25 | 0.00 | 41,137.00 | 41,137.00 | 0.00 |
| EIAF Loan Payment | 40-500-800 | 0.00 | 0.00 | 2,716.00 | 2,716.00 | 0.00 |
| EIAF Interest Payment | 40-500-801 | 0.00 | 0.00 | 1,336.00 | 1,336.00 | 0.00 |
| Depreciation | 40-600-100 | 49,443.36 | 49,443.36 | 0.00 | -49,443.36 | 0.00 |
| TOTAL EXPENSES | | 37,159.45 | 243,294.66 | 261,355.00 | 18,060.34 | 93.09 |
| TOTAL INCOME | | -13,361.96 | 205,961.63 | 185,875.00 | 20,086.63 | 110.81 |
| NET TOTALS | | -50,521.41 | -37,333.03 | -75,480.00 | 38,146.97 | 49.46 |

TOWN OF DOLORES

Income Statement

Reporting As Of 1/1/2021 to 12/31/2021

Reporting Department: 40 - Sewer Department

| | Period Activity | End Balance |
|---|-----------------|-------------|
| INCOME | | |
| 40-340-100 - Sewer Users Fees | 205,961.63 | 205,961.63 |
| TOTAL INCOME | 205,961.63 | 205,961.63 |
| EXPENSES | | |
| 40-415-111 - Treasurer | 8,023.18 | 8,023.18 |
| 40-415-112 - Administrative Clerk | 11,691.84 | 11,691.84 |
| 40-415-113 - Office Assistant - Town Clerk | 8,722.96 | 8,722.96 |
| 40-415-116 - Accrued Vacation Adjustment | 1,238.30 | 1,238.30 |
| 40-415-117 - Interim Town Manager | 22,718.75 | 22,718.75 |
| 40-415-118 - Board Payment | 800.00 | 800.00 |
| 40-415-210 - Health/Dental/Life - Insurance | 21,625.04 | 21,625.04 |
| 40-415-220 - Payroll Taxes | 6,166.24 | 6,166.24 |
| 40-415-230 - Employee Retirement | 1,777.47 | 1,777.47 |
| 40-432-115 - Maintenance Salaries | 43,423.02 | 43,423.02 |
| 40-432-116 - Maintenance Overtime | 6,554.96 | 6,554.96 |
| 40-432-310 - Subscriptions & Dues | 1,200.00 | 1,200.00 |
| 40-432-321 - Public Works Education | 1,475.00 | 1,475.00 |
| 40-432-330 - Town Attorney | 9,126.22 | 9,126.22 |
| 40-432-331 - Audit Fees | 3,000.00 | 3,000.00 |
| 40-432-343 - Laboratory Services | 4,554.00 | 4,554.00 |
| 40-432-345 - Waste Water Permit | 1,593.00 | 1,593.00 |
| 40-432-411 - Electric Service | 9,700.45 | 9,700.45 |
| 40-432-520 - Liability Insurance | 8,763.30 | 8,763.30 |
| 40-432-530 - Telephone Service | 4,337.68 | 4,337.68 |
| 40-432-580 - Travel & Mileage | 277.89 | 277.89 |
| 40-432-602 - Postage & Freight | 789.72 | 789.72 |
| 40-432-610 - Office Supplies | 2,797.82 | 2,797.82 |
| 40-432-613 - Uniforms | 1,314.01 | 1,314.01 |
| 40-432-617 - Chemicals | 997.63 | 997.63 |
| 40-432-618 - Parts and Supplies | 10,977.86 | 10,977.86 |
| 40-432-650 - Miscellaneous/Contingency | 204.96 | 204.96 |
| 40-600-100 - Depreciation | 49,443.36 | 49,443.36 |
| TOTAL EXPENSES | 243,294.66 | 243,294.66 |
| TOTAL INCOME LESS EXPENSES | -37,333.03 | -37,333.03 |

May 18, 2022

To Whom It May Concern:

I will be resigning from my position as trustee of the Town of Dolores, effective Tuesday, May 24th, 2022. My family and I will be moving to a new residence outside of town limits. This was an unexpected and initially unplanned move. I apologize for the challenges this may present for the mayor, board, town staff and others.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jeff Sand", written over a light blue horizontal line.

Jeff Sand

2.04.020 - Filling of vacancies.

The board of trustees shall have power, by appointment, to fill all vacancies in the board or in any other elected office, and the person so appointed shall hold office until the next regular election and until his successor is elected and qualified. If the board has not appointed a successor or called an election within sixty days of the creation of the vacancy, then it must order an election as soon as practicable to fill the vacancy. If the term of the person creating the vacancy was to extend beyond the next regular election, the person elected to fill the vacancy shall be elected for the unexpired term. Where a vacancy or vacancies exist in the office of trustee and a successor or successors are to be elected at the next election to fill the unexpired term or terms, the three candidates for trustee receiving the highest number of votes shall be elected to four-year terms and the candidate or candidates receiving the next highest number of votes, in descending order, shall be elected to fill the unexpired term or terms.

(Ord. 462, 2005; Ord. 354, 1989)



Meeting Date: 5-23-22

Discussion and Possible Action

**AGENDA DOCUMENTATION
ITEM 9.1**

TO: TOWN OF DOLORES MAYOR & TRUSTEES

FROM: Ann Swope/Clerk for P&Z

SUBJECT: Application for Hillside Townhome Subdivision submitted by Grene LLC, 1240 Hinson St, Las Vegas, NV. 89102 for the proposed Hillside Avenue, Townhome Subdivision development.

PURPOSE AND BACKGROUND:

The Planning & Zoning Committee held a Public Hearing for the proposed development site as presented by owner and agent Josh Martin/Grene LLC at Hillside Avenue and 15th Street. This will be phase two of the proposed development previously started in October 2020. Documentation for the actions and approval are included in this packet. Planning & Zoning reviewed applications for a special exception permit, variance permit, and a preliminary/final plat. A public hearing was held May 17th, 2022, at the regular Planning and Zoning Committee meeting. Action and approval were made for the special exception permit, variance permit and preliminary/final plat. The action passed with conditions.

FISCAL IMPACT

None

RECOMMENDATIONS:

The Planning and Zoning Committee is recommending the Board review and take final action/approval.

TOWN BOARD OF TRUSTEES

REGULAR MEETING

MAY 23, 2022 6:30 P.M.

PRELIMINARY/FINAL PLAT PACKET

Packet contents:

1. Land use application form, plat, Covenants, Conditions and Restrictions. Note, the Title Certificate and Tax Certificate were submitted with application but not included in the packet but will be kept with the Town Clerk.
2. LUC procedures for
 - Special Exception,
 - Variance,
 - Condominium/Townhome Subdivisions and
 - Preliminary Plat.
 - Final Plat

I have greyed out the parts of the procedures that do not apply to this application. They are still in the text for consistency.

3. Public Notices
4. Comments from the agencies - 2 responded
5. Staff review and recommendation.
6. Proposed amendments to the Covenants, Conditions and Restrictions for the Hillside Ave. Townhome subdivision.
7. Standards for installation of sanitary sewer lines
8. Standards for installation of culverts.
9. Planning Commission recommendations and conditions on the Hillside Townhome Subdivision

ACTION ITEMS OF THE PLANNING COMMISSION REGARDING HILLSIDE AVE TOWNHOME SUBDIVISION

Action Items of the Planning Commission regarding the Application for Hillside Townhome Subdivision submitted by Grene LLC, 1240 Hinson St, Las Vegas, NV. 89102 (970)739-0833 for a proposed Townhome Subdivision development. The purpose of the Special Exception permit is to allow a non-conforming setback as required in the Dolores Land Use Code **Article III G. 7 c. Minimum rear and Interior Side Setbacks; 6 feet**, because of dividing the property into 8 parcels that will be attached with party walls for each pair of town homes.

The purpose of the Variance permit is to allow for non-complying lot size and lot width that will not be met as required in **Article III G. 7 a. Minimum lot size (multifamily dwelling – 2500 square feet per unit), d. Minimum Lot width of 50 feet** because of dividing the property into 8 parcels. If unable to attend comments shall be made in writing to; Town of Dolores, P O Box 630, Dolores CO. 81323 or 420 Central Ave. Dolores CO. 81323.

The preliminary plat must be reviewed by the Planning and Zoning commission at a public hearing as per **Preliminary Plats, Article VI E 4.b(1) (Dolores Land Use Code Adopted 1998)**.

SPECIAL EXCEPTION PERMIT

Finding required. The Commission found the application for Special Exception acceptable and understood the purpose of the permit.

Chairperson Robinson recited the declarations of finding of facts which were that the application was submitted on November 29, 2021. The purpose of the special exception permit is to allow a nonconforming setback as required in the Land Use Code **Article III G. 7 c. minimum rear and interior side setbacks; 6 feet**. The public hearing was scheduled, and notice was provided. Publication of notice was done on May 4, 2022. The public hearing took place, and the public was invited to comment. The public hearing requirements were met.

Commissioner Tucker moved and Commissioner Powell seconded to approve the Special Exception Permit for the Hillside Ave townhome subdivision.

Roll call vote: Yes: Powell, Tucker, Heeney, Watters and Robinson
No: none

VARIANCE PERMIT

Finding required. Commissioner Watters questioned the lot size of each dwelling unit and their status as single-family dwellings. Since the minimum lot size for duplexes is 3000 square feet for each unit, how does this qualify for 2500 square feet per unit? Doudy's response was, the applicant has applied for less than standard size lot and less than 50 feet lot width. It is in line with the Phase I variance given in 2009.

Commissioner Powell moved and Commissioner Heeney seconded to approve the Variance permit as specified in the Land Use Code.

Chairperson Robinson recited the declarations of finding of facts which were that the application was submitted on November 29, 2021. The purpose of the Variance permit is to allow for non-complying lot size and lot width that will not be met as required in **Article III G. 7. Minimum lot size (multi-family dwelling – 2500 square feet per unit). d. minimum lot width of 50 feet.** The public hearing was scheduled, and notice was provided. Publication of notice was done on May 4, 2022. The public hearing took place, and the public was invited to comment. The public hearing requirements were met.

Roll call vote: No: Watters

Yes: Powell, Tucker, Robinson, and Heeney

CONDOMINIUM/TOWNHOME SUBDIVISION PRELIMINARY PLAT REVIEW

1. **Finding required.** The commission reviewed items a. through k. (listed here:
Approve the subdivision of this parcel as submitted in this application with the following conditions (Municipal Code 13.04.120)
 - a. The sewer line in the alley between 15th and 16th street shall be extended to the west side of the property.
 - b. Stamped engineered plans for the sewer line extension shall be submitted for approval to the Building Official.
 - c. The sewer line shall be installed by a contractor approved by the Building Official who is skilled in the installation of public utilities, licensed and bonded.
 - d. The sewer line shall be installed according to all applicable provisions of the Town of Dolores Municipal Code and Specifications. See attached construction standard drawings.
 - e. Tracer wire of a minimum of 10 gauge shall be attached to the sewer line.
 - f. All individual service lines, water, sewer, and natural gas shall have a minimum of 10-gauge tracer wire attached to the installed pipe.
 - g. There shall be a manhole installed at the end of the sewer line following the attached construction standards drawing.
 - h. No individual sewer service lines shall terminate at the manhole.
 - i. There shall be a minimum 30" culvert installed from the alley between 15th and 16th street and 15th street. The culvert shall be continuous from one end to the other. There shall be a minimum of 12" of cover material over the installed culvert to prevent collapse of the culvert.
 - j. Amendments to the Covenants, Conditions and Restrictions document for Hillside Ave Townhome Subdivision attached.
 - k. This plat to replace the previous plat approved November 2, 2020)
as recommended by staff for conditions of approval and the 10 additions and amendments recommended for the Covenants, Conditions and Restrictions document that will accompany this preliminary plat to the final plat adoption event and be recorded with the plat on approval. In addition to the 11 recommendations from staff the Commissioners added three more for the developer and one requirement for the town staff.
The three items would be added in alphabetical order as follows:

Item l. Landscaping requirement from the Dolores Land Use Code Article V. E. 3 and 4;

Item m. To be added to the final plat dedicate the drainage ditch easement along 15th street to the town with the guarantee the ditch will be kept open and clear throughout construction.

Item n. 4' sidewalk improvements from the alley to 15th street on the north boundary of the subdivision along Hillside.

Item o. Request the town staff to perform a traffic impact study in the area to determine if a narrow street policy would be effective. This study would not be included with the conditions of approval.

The list of amendments and additions to the Covenants are inserted here for completeness:

PROPOSED AMENDMENTS TO THE COVENANTS, CONDITIONS AND RESTRICTIONS OF THE HILLSIDE AVE TOWNHOMES:

1. Because there is a common area (see Article 3) covenants should provide for an HOA with authority to collect dues in order to maintain this area.
2. Section 4.1 should state that the request be made in writing.
3. Amend the last sentence of 4.6 to read not garbage, construction debris, or livestock debris shall be permitted to be stored outside or in storage areas.
4. Section 4.9 should be amended to state that abandoned or inoperable vehicles shall NOT be permitted in the storage area.
5. The designated storage area should prohibit outside storage and perhaps parking.
6. Under 4.14 add "The Town of Dolores shall have standing to enforce the provisions of these covenants."
7. The Term section (4.16) should be in perpetuity.
8. Add a 4.17 the use, repair and maintenance of all individual lots and common areas shall be subject to the ordinances of the Town of Dolores as amended from time to time and shall control over any provision of these covenants to the contrary.
9. Without an HOA Article 6 is not going to be workable for an 8-unit complex.
10. Article 7 should include flood insurance.

Chairperson Robinson recited the declarations of finding of facts which were that the application was submitted on November 29, 2021. The public hearing was scheduled, and notice was provided. Publication of notice was done on May 4, 2022. The public hearing took place on May 17, 2022, and the public was invited to comment. The public hearing requirements were met.

Chairperson Robinson moved and Commissioner Watters seconded to approve the preliminary plat with the conditions listed by the staff and the additional three by the commission as well as the amendments and additions to the Covenants, Conditions and Restrictions of the Town home subdivision.

Roll call vote: Yes: Robinson, Heeney, Tucker, Watters and Powell
No: none

Planning and Zoning Regular meeting / public hearing January 11, 2022

Action items from the meeting:

Motion for recommending adoption of the Revised Land Use Code:

Chairperson Robinson moved and Commissioner Truelsen seconded that Planning and Zoning Commission has held a public hearing for adoption of the Revised Land Use Code, that notice for the hearing was published as required, comments were submitted, and response was made, and no comments were made at this hearing. Therefore, the Planning Commission recommends the current draft be forwarded to the Board of Trustees to be considered for adoption.

The roll call vote was:

Yes: Truelsen, Powell, Robinson, Heeney and Tucker

No: none

For Zoning designation:

Chairperson Robinson moved and Commissioner Powell seconded to recommend P 1 zoning designation for all public properties on the attached map and to permit major municipal infrastructure facilities in that zone.

Roll call vote:

Yes: Truelsen, Powell, Tucker, Heeney and Robinson

No: none

PROPOSED AMENDMENTS TO THE COVENANTS, CONDITIONS AND RESTRICTIONS OF THE HILLSIDE AVE TOWNHOMES:

1. Because there is a common area (see Article 3) covenants should provide for an HOA with authority to collect dues in order to maintain this area.
2. Section 4.1 should state that the request be made in writing.
3. Amend the last sentence of 4.6 to read not garbage, construction debris, or livestock debris shall be permitted to be stored outside or in storage areas.
4. Section 4.9 should be amended to state that abandoned or inoperable vehicles shall NOT be permitted in the storage area.
5. The designated storage area should prohibit outside storage and perhaps parking.
6. Under 4.14 add "The Town of Dolores shall have standing to enforce the provisions of these covenants."
7. The Term section (4.16) should be in perpetuity.
8. Add a 4.17 the use, repair and maintenance of all individual lots and common areas shall be subject to the ordinances of the Town of Dolores as amended from time to time and shall control over any provision of these covenants to the contrary.
9. Without an HOA Article 6 is not going to be workable for an 8-unit complex.
10. Article 7 should include flood insurance.



Discussion and Possible Action

**AGENDA DOCUMENTATION
Item**

Meeting Date: May 17, 2022

TO: Dolores Planning and Zoning Commission

**FROM: David Doudy
Building Official**

SUJECT: Discussion and possible action item for an application for the Hillside Avenue Townhomes, a minor subdivision.

PURPOSE AND BACKGROUND

The owner, Grene LLC and agent, Josh Martin, are requesting to subdivide this property at Hillside Avenue and 15th Street.

This is phase two of this proposed development that was started in October of 2020. The application for the new development was submitted in November of 2021 and will be subject to the standards and procedures of the *Dolores Land Use Code*, adopted March 8, 1998.

This new phase will split the large lot into eight lots, creating a total of eleven lots at this location. Eight new townhomes will be constructed at this location for a total of ten townhomes.

This subdivision will require a Special Exception to allow for reduced setbacks on interior lots due to the common wall between each unit. This Special Exception falls under *Article III G. 7 c. Minimum rear and Interior Side Setbacks; 6 feet* of the former LUC of the Town of Dolores.

In addition, a Variance is being sought to allow for lots less than 2,500 square feet per lot and less than 50-foot lot width. This will fall under *Article III G. 7 a. Minimum lot size (multifamily dwelling – 2500 square feet per unit), d. Minimum Lot width of 50 feet*.

The Preliminary plat will be reviewed as required in *Article VI E. 3-5 and VI F. 2-4* of the Dolores Land Use Code series 1998

This subdivision will increase the available housing in the town by eight units and is in keeping with the previous development that is present at this location. Each unit is provided with two (2) off-street parking spaces and there is a common area as required by the LUC.



FISCAL IMPACT

There are no adverse fiscal impacts on the Town of Dolores due to this townhome subdivision.

RECOMMENDATIONS

It is the recommendation of the Interim Town Manager and the Building Official that the Planning and Zoning Commission, by motion:

1. Approve the Special Exception as submitted in this application.
2. Approve the Variance as submitted in this application
3. Approve the subdivision of this parcel as submitted in this application with the following conditions (Municipal Code 13.04.120)
 - a. The sewer line in the alley between 15th and 16th street shall be extended to the west side of the property.
 - b. Stamped engineered plans for the sewer line extension shall be submitted for approval to the Building Official.
 - c. The sewer line shall be installed by a contractor approved by the Building Official who is skilled in the installation of public utilities, licensed and bonded.
 - d. The sewer line shall be installed according to all applicable provisions of the Town of Dolores Municipal Code and Specifications. See attached construction standard drawings.
 - e. Tracer wire of a minimum of 10 gauge shall be attached to the sewer line.
 - f. All individual service lines, water, sewer, and natural gas shall have a minimum of 10-gauge tracer wire attached to the installed pipe.
 - g. There shall be a manhole installed at the end of the sewer line following the attached construction standards drawing.
 - h. No individual sewer service lines shall terminate at the manhole.
 - i. There shall be a minimum 30" culvert installed from the alley between 15th and 16th street and 15th street. The culvert shall be continuous from one end to the other. There shall be a minimum of 12" of cover material over the installed culvert to prevent collapse of the culvert.
 - j. Amendments to the Covenants, Conditions and Restrictions document for Hillside Ave Townhome Subdivision attached.
 - k. This plat to replace the previous plat approved November 2, 2020

LAND USE APPLICATION FORM

Staff Use Only

Application Number: _____

Received By: David Dandy

Date: Nov 29 2021

Fees Paid: 1,000

Deposit Paid: N/A

1. Application is made for: (please circle one of the following)

Zoning Map/Text amendments

Annexation

Major Subdivision

Planned Unit Development

Variances Lot sizes + widths

Special Exception Permit Setbacks

Tree Removal Permit

Historic Designation

Master Plan Amendments

Replats and plat amendments

Minor Subdivision

Condominium Subdivision Condo/Townhouse

Temporary Use Permit

Conditional Use Permit

Appeals

Historic Structure Alteration Permit

2. Project Name: Hillside Avenue Townhomes Subdivision

please print or type legibly

3. Contact information: (a list of additional contacts may be attached)

Owner Name: Gene Bott ^{MEMBER/Grene LLC} MANAGER

Applicant Name: Gene Reininger III

Address: _____

Address: 16540 Rd. 28.4 Dolores

Telephone: _____ Fax: _____

Telephone: 737 5115 Fax: _____

E-mail: _____

E-mail: genereininger@gmail.com

4. Property Description:

Address or Location: Lots 15-23 Block 40, Taylor Brunley Addition

Existing Zoning: _____ Existing Use: _____

Proposed Zoning: _____ Proposed Use: _____

5. Purpose: (describe intent of this application in 1-2 sentences)

The intent is to further subdivide the Hillside Ave. Townhomes Subdivision, breaking Lot 1 of said subdivision into eight (8) smaller lots. A variance will be needed for lot sizes.

6. Certification: (must be signed in blue ink)

I certify that I am the lawful owner of the parcel(s) of land affected by this application and hereby consent to this action.

Owner: Gene Bott

Date: 11-12-21

AND

I certify that the information and attachments I have submitted are true and correct to the best of my knowledge.

In filing this application, I am acting with the knowledge and consent of the property owner(s). I understand that all documents and fees required by the Town of Dolores must be submitted prior to having this application processed.

Applicant: [Signature]

Date: 11/11/21



Ann Swope <ann@townofdolores.com>

Fwd: Townhomes Subdivision

1 message

David Doudy <david@townofdolores.com>

Thu, Apr 21, 2022 at 10:35 AM

To: Ann Swope <ann@townofdolores.com>

----- Forwarded message -----

From: **Gene Reininger** <genereininger@gmail.com>

Date: Wed, Apr 20, 2022, 3:58 PM

Subject: Townhomes Subdivision

To: Josh Martin <josh@martinbuihlthomes.com>, David Doudy <david@townofdolores.com>

Hello Josh, David,

I added a note on Page 1 identifying the entirety of Lot 4 and the porches of each double unit as Limited Common Elements. If I've missed something, let me know.

Thanks,

Gene Reininger, PLS**Montelores Surveying and Mapping**

16540 Road 28.4, Dolores, CO 81323

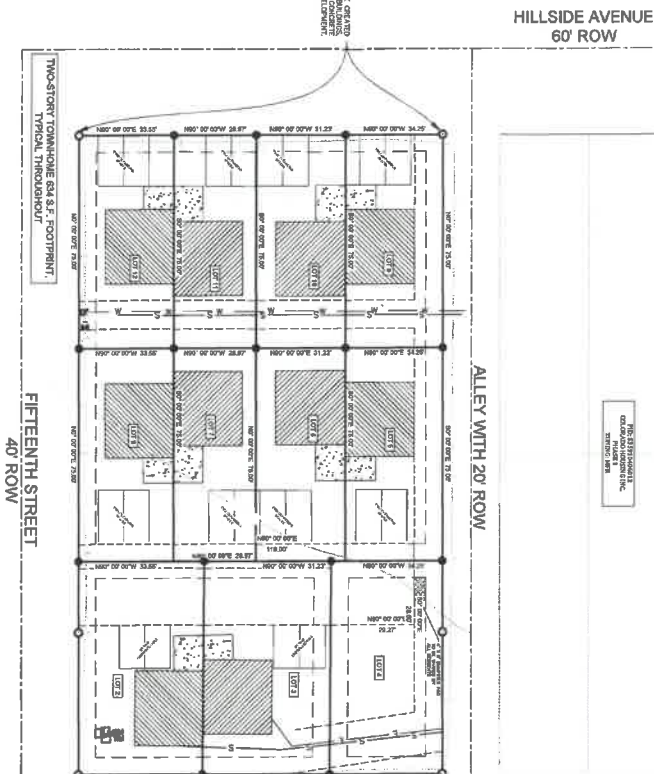
(970) 739-5115

genereininger@gmail.com

**PRELIM PLAT 4-20-22b.pdf**

4480K

HILLSIDE AVENUE TOWNHOMES SUBDIVISION AMENDED
LOTS 15-23, BLOCK 40, OF THE TAYLOR-BRUMLEY ADDITION TO THE TOWN OF DOLORES, LOCATED IN A PORTION OF THE SOUTHEAST
QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 15 WEST, N.M.P.M., MONTEZUMA COUNTY, COLORADO



LEGEND

--- DRAINAGE EJECT BACK

--- DRAINAGE

--- LOT LINE

--- TOWN SHARED RIGHT-OF-WAY, AS APPLICABLE

--- 10' EASEMENT WITH LOT BOUNDARY LINE

DISCLAIMER

THIS PLAN IS A PRELIMINARY PLAN. IT IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE PLANNING AND ENGINEERING FIRM HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND IT TO BE IN SUBSTANTIAL ACCORD WITH THE INFORMATION PROVIDED BY THE CLIENT. THE PLANNING AND ENGINEERING FIRM DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

LIMITED COMMON ELEMENTS:

THE LIMITED COMMON ELEMENTS ARE THE ROADS, DRIVEWAYS, AND ALLEYS SHOWN ON THIS PLAN. THE LIMITED COMMON ELEMENTS ARE TO BE MAINTAINED AND IMPROVED BY THE TOWN OF DOLORES.



| DATE | BY | REVISION |
|------------|-----------|----------|
| 04/11/2022 | GENE BOTZ | 1 |
| 04/11/2022 | GENE BOTZ | 2 |
| 04/11/2022 | GENE BOTZ | 3 |

GENE BOTZ, GENE BOTZ LLC
SUBDIVISION AMENDED, A PARCEL IN THE
SE/4, S.10, T37N, R15W, N.M.P.M., TOWN OF
DOLORES, STATE OF COLORADO

MONTEZUMA SURVEYING AND MAPPING
1000 N. 1ST ST. SUITE 100
MONTICELLO, CO 81401
(970) 246-1000
WWW.MSANDM.COM

PLAT NOTES:

1. THIS PLAT IS A PRELIMINARY PLAT. IT IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE PLANNING AND ENGINEERING FIRM HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND IT TO BE IN SUBSTANTIAL ACCORD WITH THE INFORMATION PROVIDED BY THE CLIENT. THE PLANNING AND ENGINEERING FIRM DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.
2. THE PLAT IS SUBJECT TO THE TOWN OF DOLORES SUBDIVISION ACT, C.R.S. 30-1-1, ET SEQ.
3. THE PLAT IS SUBJECT TO THE TOWN OF DOLORES SUBDIVISION ACT, C.R.S. 30-1-1, ET SEQ.
4. THE PLAT IS SUBJECT TO THE TOWN OF DOLORES SUBDIVISION ACT, C.R.S. 30-1-1, ET SEQ.
5. THE PLAT IS SUBJECT TO THE TOWN OF DOLORES SUBDIVISION ACT, C.R.S. 30-1-1, ET SEQ.
6. THE PLAT IS SUBJECT TO THE TOWN OF DOLORES SUBDIVISION ACT, C.R.S. 30-1-1, ET SEQ.
7. THE PLAT IS SUBJECT TO THE TOWN OF DOLORES SUBDIVISION ACT, C.R.S. 30-1-1, ET SEQ.
8. THE PLAT IS SUBJECT TO THE TOWN OF DOLORES SUBDIVISION ACT, C.R.S. 30-1-1, ET SEQ.
9. THE PLAT IS SUBJECT TO THE TOWN OF DOLORES SUBDIVISION ACT, C.R.S. 30-1-1, ET SEQ.
10. THE PLAT IS SUBJECT TO THE TOWN OF DOLORES SUBDIVISION ACT, C.R.S. 30-1-1, ET SEQ.

STATEMENT OF THE TOWN OF DOLORES:

THE TOWN OF DOLORES HAS REVIEWED THIS PLAT AND HAS FOUND IT TO BE IN SUBSTANTIAL ACCORD WITH THE INFORMATION PROVIDED BY THE CLIENT. THE TOWN OF DOLORES DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

COUNTY RECORDING INFORMATION

THIS PLAT WAS FILED IN THE COUNTY OF DOLORES, COLORADO, ON 04/11/2022, AT 10:00 AM. THE PLAT IS SUBJECT TO THE TOWN OF DOLORES SUBDIVISION ACT, C.R.S. 30-1-1, ET SEQ.

UTILITY EASEMENT APPROVAL

THE PLAT IS SUBJECT TO THE TOWN OF DOLORES SUBDIVISION ACT, C.R.S. 30-1-1, ET SEQ.

STATEMENT OF THE TOWN OF DOLORES:

THE TOWN OF DOLORES HAS REVIEWED THIS PLAT AND HAS FOUND IT TO BE IN SUBSTANTIAL ACCORD WITH THE INFORMATION PROVIDED BY THE CLIENT. THE TOWN OF DOLORES DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

CERTIFICATION OF POWER

THE PLAT IS SUBJECT TO THE TOWN OF DOLORES SUBDIVISION ACT, C.R.S. 30-1-1, ET SEQ.

STATEMENT OF THE TOWN OF DOLORES:

THE TOWN OF DOLORES HAS REVIEWED THIS PLAT AND HAS FOUND IT TO BE IN SUBSTANTIAL ACCORD WITH THE INFORMATION PROVIDED BY THE CLIENT. THE TOWN OF DOLORES DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

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HILLSIDE AVENUE TOWNHOMES SUBDIVISION AMENDED **LOTS 15-23, BLOCK 40, OF THE TAYLOR-BRUMLEY ADDITION TO THE TOWN OF DOLORES, LOCATED IN A PORTION OF THE SOUTHEAST** **QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 15 WEST, N.M.P.M., MONTEZUMA COUNTY, COLORADO**

FILED FOR RECORD
 COLORADO STATE
 1/27/2021

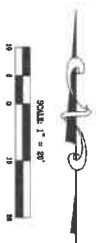
FILED FOR RECORD
 MONTEZUMA COUNTY
 1/27/2021

ALLEY WITH 20' ROW

HILLSIDE AVENUE
 60' ROW

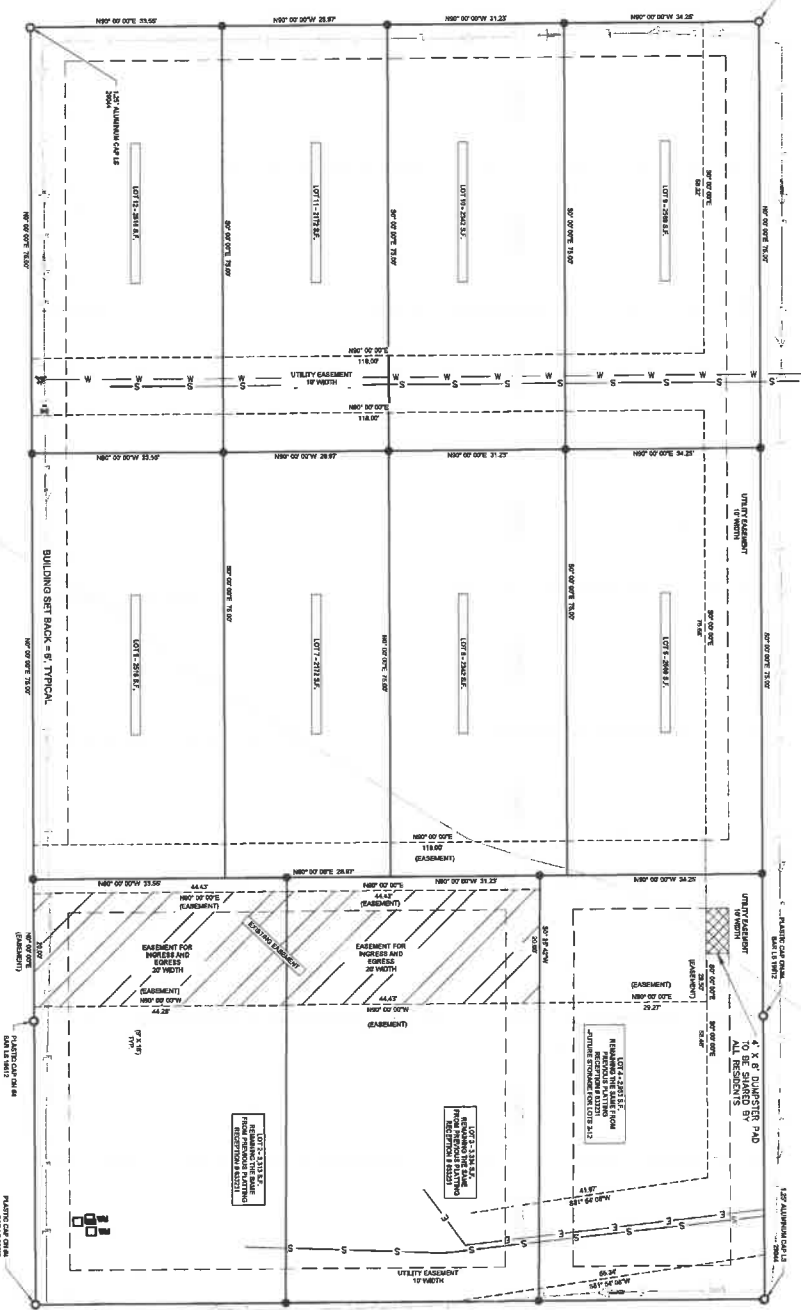
FIFTEENTH STREET
 40' ROW

TOTAL, AREA OF SUBDIVISION
 6.88 ACRES, MORE OR LESS



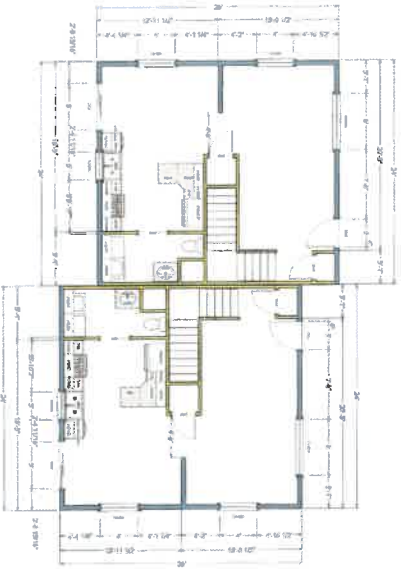
| | | |
|--|--------------------|------------|
| OWNER | GENE BOTT, ORSHELL | DOLORES CO |
| DATE | January 25, 2021 | |
| SCALE | 1" = 20' | |
| PROJECT NO. | 110077 | |
| Block | 2-3 | |
| HILLSIDE AVENUE TOWNHOMES | | |
| SUBDIVISION AMENDED A PARCEL IN THE | | |
| SE 1/4 S 10, T37N, R15W, N.M.P.M., TOWN OF | | |
| DOLORES, STATE OF COLORADO | | |
| MONTEZUMA SURVEYING AND MAPPING | | |
| 7000 N. MONTEZUMA AVENUE, SUITE 100 | | |
| MONTEZUMA, CO 81401 | | |
| PHONE: 970.486.1111 | | |
| FAX: 970.486.1112 | | |
| WWW.MONTEZUMASURVEYING.COM | | |

CHARTERED SURVEYOR NO. 11931, MONTEZUMA COUNTY, COLORADO, 1997-2022 327 24 GENE BOTT, ORSHELL



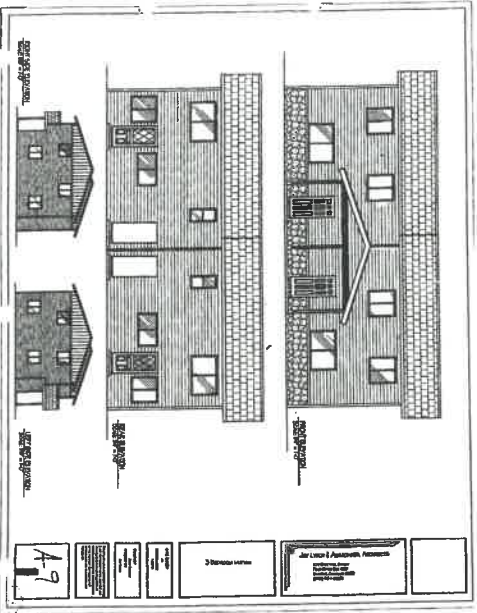
MONTEZUMA SURVEYING AND MAPPING
 7000 N. MONTEZUMA AVENUE, SUITE 100
 MONTEZUMA, CO 81401
 PHONE: 970.486.1111
 FAX: 970.486.1112
 WWW.MONTEZUMASURVEYING.COM

HILLSIDE AVENUE TOWNHOMES SUBDIVISION AMENDED LOTS 15-23, BLOCK 40, OF THE TAYLOR-BRUMLEY ADDITION TO THE TOWN OF DOLORES, LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 15 WEST, N.M.P.M., MONTEZUMA COUNTY, COLORADO



FLOOR PLAN

FLOOR PLAN



| | | | |
|---------------------------|------|-------------|----------------------------------|
| PROJECT | DATE | LOCATION | CLIENT |
| HILLSIDE AVENUE TOWNHOMES | 27 | DOLORES, CO | MONTELORES SURVEYING AND MAPPING |
| DATE: January 2002 | | | |
| REVISION: 1-15-02 | | | |
| PROJECT NO: 200207 | | | |
| SHEET 3-3 | | | |

Client: 4000 N. 1st St., Suite 100, Montezuma, AZ 86053
 Project: 4000 N. 1st St., Suite 100, Montezuma, AZ 86053
 Date: 1/15/02
 Project No: 200207
 Sheet: 3-3

AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR Hillside Ave. Townhomes

This Declaration of Covenants and Restrictions (hereafter the "Declaration"), is made
by GRENE LLC, ("Declarant").

Article 1. Recitals and Definitions

1.1 Declarant is the owner of the real property in Montezuma County, Colorado, described as follows:

Lots 15-23, Block 40, of the Taylor Brumley Addition to the town of Dolores located in the portion of Southeast Quarter of Section 10, Township 37 North, Range 15 West, N.M.P.M Montezuma County, Colorado

1.2 The Property was previously subject to a Declaration of Covenants and Restrictions for the Colorado Housing, Inc Development, recorded February 2, 2010, at Reception No. 569012, Montezuma County, Colorado ("*Prior Covenants*").

1.3 Declarant, being the owner of 100% of the Property, not being subject to any encumbrances of any deed of trust, or any other restriction, hereby revokes the Prior Covenants and replaces them with this Declaration. The Preliminary plat map of the mentioned property was approved **November 2, 2020** by the Town of Dolores Planning and Zoning commission.

1.4. Declarant, having established a general plan for the improvement and protection of the Property, and intending to sell, dispose of, or convey from time to time all or a portion of the Property, hereby encumber the Property with this Declaration of Covenants, Conditions and Restrictions for the benefit of the present and future owners of the Townhomes property, Lots within the Property shall be held, sold and conveyed subject to the following covenants, restrictions and easements which shall run with the land and be binding on all parties and heirs, successors and assigns of parties having any right, title or interest in all or any part of the Property.

1.5 The Property may also be referred to herein as the Hillside Ave. Townhomes of Dolores or simply the "**Townhomes**". Each lot in the property may be referred to as a Townhome, Lot, or Unit.

1.5 The preliminary plat approved by the Town of Dolores Planning and Zoning Commission on **November 2, 2020** is referred to herein as the "**Plat**".

1.6 Declarant intends that the Property shall be conveyed subject to the restrictions in this Declaration, which shall run with the land and be binding on all parties, heirs, successors and assigns.

Article 2. Colorado Common Interest Ownership Act Compliance and Association.

2.1 The Townhomes shall be exempt from the provisions of the Colorado Common Interest Ownership Act ("CCIOA") under C.R.S. 38-33.3-1 16(2), as there are less than 20 units. The Townhomes shall be subject to C.R.S. §§ 38-33.3-105 through 107 as provided by law.

2.2 There shall be no Association for the Townhomes.

2.3 This Declaration may be revoked, amended, or replaced upon a vote of at least 60 percent of the interests in the Townhomes, one vote per lot. In the event of multiple owners of one lot who disagree on said vote, the lot shall not be counted in either the numerator or divisor in computing the percentage vote.

Article 3. Common Elements

There is a limited common element set aside for storage on the Plat. This area is designated for storage use and each owner will have access to a 10' x 10' area for storage purposes only.

Article 4. Restrictive Covenants.

4.1. Land Use Building Type, and Architectural Control.

Townhome units will be used only for single family residential purposes. Each unit will be attached to an adjacent unit by a party wall. The unit shall be constructed within the envelope depicted on the Plat. The minimum construction size shall be 1050 square feet of heated living area, and the maximum shall be 1400 square feet. These measurements are exclusive of a garage. Townhome exterior colors shall be of a neutral color substantially similar to those of already-constructed Townhomes. Adjacent roofs that are shared by more than one unit shall be of the same color and material. All utilities to the unit shall be installed underground or concealed in a discrete manner. No building, fence, wall, canopy, awning, balcony, structure or improvement shall be commenced, erected, altered, moved or changed or altered, until the

plans and specifications showing the nature, kind, shape, height materials, location and color of the same have been submitted to, and approved in writing by the other Lot owners. The construction shall achieve harmony of external design and location in relation to surrounding structures and topography. This restriction is for the mutual benefit of all owners. Such approval shall not be unreasonably withheld. Approval of 60% of the Lot owners shall be required. The owners shall approve or disapprove all requests within thirty days after submission. In the event any owner fails to approve or disapprove such plans and requests within thirty days, such owner shall be deemed to have approved the request.

4.2. Outbuildings.

Only one 10x10 shed or storage facility can be erected on the owners property or in the designated storage area. No shipping containers or "Zircons" are allowed.

4.3 Easements

Owners of the Units may not obstruct any easement depicted on the Plat, including parking vehicles or placement of personal property in the access easement. There shall be an easement encumbering every Lot, for the benefit of all other Lots, outside the building envelope, for underground utilities. There shall also be an easement on the exterior of every unit, encumbering such unit, for the benefit of all other units, for placement of wires, cables, pipes and the like for delivering of such utilities. The 18' access easement and utility easement shall be considered to be owned in tenancy in common among all owners. An equal percentage of the access easement attributable to each Lot. Such interest shall be conveyed along with a conveyance of a Lot, regardless of whether such interest is described in the conveyance instrument, and such interest may not be conveyed separately without a conveyance of a Lot.

4.4 Fencing & Signage

No fencing of any kind is allowed except for backyard privacy fencing, separating Lots from one another, or separating Lots from sidewalks. Side fencing can be extended to the front of the unit upon approval of 60% of Lot Owners. No fencing can be erected in the front yard. Fences shall be kept in good repair, stained a dark brown color that substantially matches, or is in harmony with the colors of other fencing, and shall be re-stained periodically to prevent weathering. Damaged boards or graffiti or vandalism shall be repaired within a reasonable time. Signage is prohibited except political signage, "for sale" or "for rent" signs, and other signage permitted by law.

4.5 Commercial Uses

No commercial usage is allowed, except that a resident may conduct business solely within a residence provided that no employee or independent contractor of such business shall conduct any work at such residence. The purpose of this section is to prevent establishment of a business that generates unreasonable traffic noise, parking, or other impacts associated with commercial uses.

4.6 Maintenance & Landscaping

Each Owner shall maintain and keep in good repair his or her lot and any structures or buildings thereon, including fixtures, driveways, and yard areas included within the perimeter of the lot. No excessive garbage, construction debris, or livestock debris shall be permitted.

4.7 Snow Removal & Gravel

Each Lot shall be shoveled and plowed to allow reasonable access to the Townhomes by pedestrians and vehicles not requiring four wheel drive, and the gravel in the access easement shall be kept in good repair. All driveways and sidewalks shall be kept clear of ice and snow. The cost of plowing the central access easement shall be shared equally by all owners of Lots upon which a Townhome is constructed. On October 1 of every year, one Lot owner shall be designated by the owners as the coordinator for snow removal services for the winter and gravel replacement or grading for the subsequent spring and summer. If no designation occurs, a Lot owner may volunteer. Each Lot owner upon which a structure is built shall contribute \$200, or such other amount as may be agreed to or necessary. The coordinator shall collect such funds and contract for such services. If the owners should fail to contribute, the other owners shall have the remedies described in Article 6.

4.8 Trash; Nuisances; Noxious Weeds

No owner of any unit may do or permit to be done any act which is or may become a nuisance to others. All non-toxic trash and garbage shall be disposed of through the use of trash containers maintained by each unit owner. Trash, including leaves or branches, shall be placed or stored on the drive or parking spaces allocated to a unit except on designated trash pick-up days and for the purpose of removal. Unit owners shall keep their lot free from noxious weeds by mechanical means or spraying to prevent their growth and propagation within the property. All toxic waste shall be appropriately disposed of off-site.

4.9 Automobile Storage

Abandoned or inoperable automobiles or vehicles of any kind, or sizeable parts thereof, shall not be stored or parked on any portion of the Property. "Abandoned or inoperable vehicle" shall be defined as any vehicle which does not have a current valid registration and/or cannot be operated under its own power. Vehicle includes campers, trailers, mobile homes and motorcycles. Vehicles shall be in good repair and not leak fluids. All parking shall be in the provided parking spaces for each Lot. No parking shall be permitted in the access easement. Parking is limited to 48 hours for loading or unloading purposes only for motorhomes, trailers or recreational vehicles. The cost for removal, towing, cleaning of leakage, or other remedies shall be charged to the responsible unit owner whether or not the unit owner is the actual owner of the vehicle.

4.10 Fire and Safety

Obstruction of drive aisles, walkways, passageways, or areas is not allowed if so doing would impair access for firefighting or prevention purposes. All townhomes must have working smoke detectors in each bedroom, living room and kitchen. No outside fires allowed other than barbecues or enclosed, manufactured off the ground fire pits, shall be permitted. Any hot residue from barbecues and all cigarettes should be completely extinguished and disposed of in proper containers. No flammable oils, fluid or materials shall be stored in any Lot.

4.11 Noise

Loud music or noise is prohibited, particularly between 10:00pm and 8:00am. Social gatherings must be confined to the Unit and terminated if neighbors are disturbed. Gatherings may not be held in parking areas or on roadways. No parties where admission is charged are allowed. Stereos, televisions, and other media must not be audible outside the unit. No public profanity.

4.12 Water and Sewer

Each owner shall be responsible for paying for their own water and sewer service from the Town of Dolores.

4.13 Animals

There shall be no more than two dogs or two cats, and no combination of dogs and cats exceeding three in any one Townhome. All pets shall be kept in such a manner that will not disturb other Unit owners and they shall not be permitted to run free onto other units or chase or disturb wildlife, or cause excessive noise.

4.14 Disputes

In the event a dispute shall arise between the parties under the terms of this agreement, the parties may utilize any lawful means of resolving their dispute, including mediation arbitration, or a lawsuit in County Court. An owner of a Lot or several owners of a Lot may be plaintiffs or named defendants. A prevailing party in such a lawsuit shall be entitled to damages, injunctive relief, costs and attorney fees.

4.15 Leases

An owner who leases a Townhome is required to do so in a written lease that states that the terms of the lease are subject to the provisions of this Declaration, and any failure by the lessee to comply with this Declarations is a default.

4.16 Term

These covenants shall be effective for twenty years from the date of execution, and if unmodified they extend for another ten year term.

Article 5. Party Walls.

A Party Wall shall mean any wall which is part of the Townhome and located between two or more townhomes and is placed on or immediately adjacent to a Townhome lot line and which separates two Townhomes.

Mutual reciprocal easements are hereby established and granted for all Party Walls between Townhome lots, which easements shall be for mutual support. All conveyances of a Townhome Lot shall be deemed to convey the rights and benefits of such easement, and to be subject to such easement, whether such easement is described in the conveyance instrument.

The cost of reasonable repair and maintenance of any Party Wall, or replacement after being destroyed or damaged by fire or other casualty, shall be shared equally among the owners of the Townhomes sharing the Party Wall. If the owner of a Townhome sharing the Party Wall refuses to pay his proportionate share of the cost of repair, maintenance or replacement, the other Owner may cause the Party Wall to be repaired and may seek reimbursement of the cost from the non-paying owner.

An owner who by his negligence or willful act of omission, causes the party wall to be damaged, shall bear the entire cost of the repair.

The right of an owner to seek contribution against another owner for the party wall repairs or replacement, shall be considered appurtenant to the land, and shall pass to such owner's successors in title.

Article 6. Reimbursement of Costs, Liens & Covenant Enforcement

The cost of goods and services that benefit more than one Townhome shall be shared equally by the owners of the benefitted Townhomes. Such goods and services include, but are not limited to, painting, Snow removal, maintenance of the common 18' access easement, garbage collection, party wall maintenance, landscaping, and roof repair. If an owner of a benefitted lot fails to perform tasks required by these covenants, another owner may perform the tasks or cause them to be performed, and seek reimbursement from the owner that failed to perform a task. If an owner refuses to pay his proportionate share of the reasonable cost, the owners who pay must seek reimbursement of the costs from the non-paying owners.

Unreimbursed costs shall be and remain a lien against the lots of the non-paying owners until fully paid, and the unreimbursed amount shall accrue interest at the rate of 8% per annum, compounded yearly. A notice of such lien may be recorded. Said lien may be judicially foreclosed, and no homestead exemption may be claimed with respect to the lien. Additionally, unreimbursed owners shall have a cause of action against the non-paying owners, and the prevailing parties shall be entitled to damages, injunctive relief, costs and attorney fees.

Any lien notifications recorded pursuant to this declaration shall contain the name of the parties claiming the lien, the names of the owners of the property upon which the lien is claimed, the reason for the lien, a description of the property against which the lien is claimed, and the amount of the lien, and a reference to this declaration, including reception number. A copy of a lien statement must be served on the owner of the property by certified mail, return receipt

requested, to his or her last known address or by personal service, at least 20 days prior to recording the lien.

Article 7. Insurance

All owners shall be responsible for insuring for liability and property damage for the individual lots and improvements.

All insurance policies shall afford protection against risks and customarily covered with respect to projects similar in construction, location, and use. Such policies shall contain a clause in favor of each first mortgagee and a provision that such policy cannot be canceled or altered by either insured or the insurance company without 10 days prior written notice thereof given to an adjacent owner.



200ft Neighbors visual

**TOWN OF DOLORES
PLANNING AND ZONING COMMISSION
PUBLIC HEARING FOR
A SPECIAL EXCEPTION PERMIT AND VARIANCE PERMIT
AND PRELIMINARY PLAT FOR HILLSIDE AVENUE TOWNHOME SUBDIVISION**

NOW, THEREFORE, BE IT KNOWN, that notice is hereby given of a Public Hearing before the Dolores Planning Commission on Tuesday May 17, 2022 at 6:30 P. M. at the Dolores Town Hall, 420 Central Avenue, Dolores CO. 81323.

Or by the zoom link provided on the Government/ Planning and Zoning page on the town website:
<https://townofdolores.colorado.gov/>

The purpose for the hearing is to consider an application for a Special Exception Permit and Variance Permit submitted by Grene LLC, 1240 Hinson St, Las Vegas, NV. 89102 (970)739-0833 for a proposed Townhome Subdivision development. The purpose of the Special Exception permit is to allow a non-conforming setback as required in the Dolores Land Use Code **Article III G. 7 c. Minimum rear and Interior Side Setbacks; 6 feet**, because of dividing the property into 8 parcels that will be attached with party walls for each pair of town homes.

The purpose of the Variance permit is to allow for non-complying lot size and lot width that will not be met as required in **Article III G. 7 a. Minimum lot size (multifamily dwelling – 2500 square feet per unit), d. Minimum Lot width of 50 feet** because of dividing the property into 8 parcels. If unable to attend comments shall be made in writing to; Town of Dolores, P O Box 630, Dolores CO. 81323 or 420 Central Ave. Dolores CO. 81323.

The preliminary plat must be reviewed by the Planning and Zoning commission at a public hearing as per **Preliminary Plats, Article VI E 4.b(1)** (Dolores Land Use Code Adopted 1998).

You may be invited to comment during the public hearing. Otherwise be prepared to email written comments to Tammy@townofdolores.com

Or: mail written comments and send them to Tammy Neely P O Box 630 Dolores, CO. 81323 The deadline for written comments is May 11, 2022

Done this 29th day of April 2022

Publication Department: please publish this notice in The-Journal on Wednesday May 4, 2022. Send the Bill to Town of Dolores P O Box 630 Dolores, CO. 81323

Tammy Neely, Dolores Town Clerk

Private Legals

6569

**TOWN OF DOLORES
PLANNING AND ZONING
COMMISSION
PUBLIC HEARING FOR
A SPECIAL EXCEPTION
PERMIT AND VARIANCE
PERMIT
AND PRELIMINARY PLAT
FOR HILLSIDE AVENUE
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Or: mail written comments and send them to Tammy



Ann Swope <ann@townofdolores.com>

FW: multi-family residential development

1 message

david@townofdolores.com <david@townofdolores.com>

Tue, May 3, 2022 at 12:21 PM

To: Ann Swope <ann@townofdolores.com>

For the record

From: Blincoe, Reece <rblincoe@dolores.k12.co.us>

Sent: Tuesday, May 3, 2022 10:58 AM

To: david@townofdolores.com; Kenneth Charles <manager@townofdolores.com>

Subject: multi-family residential development

David and Ken,

We have received and reviewed the plans for eight additional dwellings at 15th street and Hillside. We do not object to this proposal.

Thank you for the information,

Reece Blincoe

Superintendent



Ann Swope <ann@townofdolores.com>

FW: 15th street housing

1 message

david@townofdolores.com <david@townofdolores.com>

Thu, Apr 28, 2022 at 10:50 AM

To: Ann Swope <ann@townofdolores.com>

Comments from Randy

From: Randy Mcguire <randy@townofdolores.com>

Sent: Thursday, April 28, 2022 10:28 AM

To: David Doudy <David@townofdolores.com>

Subject: 15th street housing

The proposed housing project at hillside and 15th street would require a minimum 36" culvert on hillside ave from the alley between 15th and 16th west to 15th street. This would need to be a continuous pipe.

R. **Special Exceptions.**

1. **Purpose.** 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.
2. **Authority.** The Planning and Zoning Commission in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions or disapprove an application for a Special Exception Permit after receiving a recommendation from the Zoning Administrator.
 - a. **Board of Trustees Approval of Special Exceptions.** Alternatively and in conjunction with the review of subdivision applications, the Board of Trustees shall be authorized to grant special exceptions subject to the requirements of this Article VI.R.4.
3. **Procedure.**
 - a. **Submittal requirements.** The Applicant shall file three (3) copies of an application requesting a Special Exception. The application shall be submitted at least 30 days prior to any desired agenda date, and shall be accompanied by or show the following:
 - (1) The street address and legal description of the property affected;
 - (2) A scaled site plan and any and all other information necessary to clearly demonstrate eligibility for the requested Special Exception based upon the required findings in Article VI.R.4. below; and
 - (3) A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the Town Board.

b. **Notification requirements.**

- (1) The Town shall cause notice of the public hearing of the Planning Commission to be given by one publication in a newspaper of general circulation in the Town of Dolores. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than 15 days from the date of publication.
- (2) The Applicant shall mail written notice of public hearing before the Board of Trustees, after obtaining a copy of the notice from the Town Staff, to all owners of real property lying within 200 feet of the property on which the change is requested. The notice shall be given not less than 15 days before the date set for hearing by depositing in the mail such notice properly addressed and postage paid to each such owner as the ownership appears on the last approved County tax roll. Applicants shall provide proof of mailing of notice to the Town prior to the public meeting or hearing that is the subject of the mailing of a notice.

c. **Public Hearing.** The Commission shall hold a public hearing on an application for a Special Exception Permit. At the public hearing the Commission shall consider the application, the staff report, the relevant support materials and the public testimony given at the public hearing. After the close of the public hearing, the Commission shall vote to approve, approve with conditions or disapprove the application for a Special Exception Permit pursuant to the requirements of Article VI.R.4., below.

d. **Notice of Decision.** The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Commission's decision.

4. **Required findings.**

- a. That granting the special exception will ensure the same general level of land use compatibility as the otherwise applicable standards;
 - b. 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;
- (1) 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;
 - (2) Special exceptions for historic replica signs shall be granted subject to the following:
 - (a) A historic replica sign shall be located on a structure or in a district that has been historically designated pursuant to Art VI.S of this Code.
 - (b) Applications for a historic replica sign will be supported by documentation evidencing the historic style, format and location of the sign to be replicated;

- (c) 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
 - (d) The Planning Commission or Town Board must find that the proposed historic replica sign contributes positively to the historic redevelopment of the Town.
- c. That granting the special exception will not adversely affect property values in any material way; and
- d. That granting the special exception will be generally consistent with the purposes for this Code that are listed in Article I.E.
- 5. **Conditions.** The Commission may impose such conditions on a Special Exception Permit as are necessary to accomplish the purposes of this Zoning Ordinance, to prevent or minimize adverse impacts upon the public and neighborhoods and to ensure compatibility. These conditions may include but are not limited to limitations on 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; and limitations on the duration of the permit or hours of operation.
- 6. **Effect of Special Exception Permit**
 - a. **General.** Issuance of a Special Exception Permit shall authorize only the particular variation, which is approved in the Special Exception Permit. A Special Exception Permit shall run with the land.
 - b. **Time Limit.** Unless otherwise specified in the Special Exception Permit, an application to commence construction of the improvements that were the subject of the Special Exception Permit request must be applied for and approved within 12 months of the date of the approval of the Special Exception Permit, otherwise the Special Exception Permit shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one extension of the 12-month time frame may be granted by the Commission for a period not to exceed 12 months for good cause shown.

P. **Variances**

1. **Purpose.** Variances are deviations or modifications of height, yard, area, lot coverage and parking regulations of the applicable zone district where development is proposed that would not be contrary to the public interest and, due to special physical site conditions, a literal enforcement of the provisions of this Code would result in unnecessary hardship. Variance or modification of such area regulations may be permitted as may be necessary to secure appropriate development of a parcel of land that differs from other parcels in the district by being of such restricted area, shape or slope that it cannot be appropriately developed without such modification.
2. **Authority.** The Board of Adjustment, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions or disapprove an application for a Variance Permit after receiving a recommendation from the Zoning Administrator.
 - a. **Board of Trustees Approval of Variances.** Alternatively and in conjunction with the review of subdivision applications, the Board of Trustees shall be authorized to grant variances subject to the requirements of this Article VI.Q.
3. **Procedure.**
 - a. **Submittal requirements.** The Applicant shall file three (3) copies of an application requesting a Variance. The application shall be submitted at least 30 days prior to any desired agenda date, and shall be accompanied by or show the following:
 - (1) The street address and legal description of the property affected;
 - (2) A site plan and any and all other information necessary to clearly demonstrate eligibility for the requested Variance based upon the required findings in Article VI.Q.4. below; and
 - (3) A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the Town Board.
 - b. **Notification requirements.**
 - (1) The Town shall cause notice of the public hearing of the Board of Adjustment to be given by one (1) publication in a newspaper of general circulation in the Town of Dolores. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than 15 days from the date of publication.
 - (2) The Applicant shall mail written notice of public hearing before the Board of Adjustment, after obtaining a copy of the notice from the Town Staff, to all owners of real property lying within 200 feet of the property on which the change is requested. The notice shall be given not less than 15 days before the date set for hearing by depositing in the mail such notice properly addressed and postage paid to each such owner as the ownership appears on the last

approved County tax roll. Applicants shall provide proof of mailing of notice to the Town prior to the public meeting or hearing that is the subject of the mailing of a notice.

- c. **Public Hearing.** The Board of Adjustment shall hold a public hearing on an application for a Variance Permit. At the public hearing the Board shall consider the application, the staff report, the relevant support materials and the public testimony given at the public hearing. After the close of the public hearing, the Commission shall vote to approve, approve with conditions or disapprove the application for a Variance, in accordance with the required findings of Article VI.R.4.
 - d. **Notice of Decision.** The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Board's decision.
4. **Required findings.** In exercising its power to grant a Variance in accordance with this Code, the Board of Adjustment shall make finding and show in its minutes that:
- a. There are special circumstances existing on the property on 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;
 - b. That a Variance is necessary to permit the Applicant the same rights in the use of this property that are presently enjoyed under this Code, by other properties in the vicinity and zone, but which rights are denied to the subject property;
 - c. That the granting of the Variance on the specific property will not adversely affect the land use pattern as outlined by the Future Land Use Plan and will not adversely affect any other feature of the Comprehensive Plan of the Town of Dolores;
 - d. That the Variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment or value of property in the vicinity;
 - e. That such unnecessary hardship has not been created by the Applicant; and
 - f. That the proposed use is a permitted use in the underlying zone district.
5. **Conditions.** The Zoning Administrator may recommend, and the Commission may impose, such conditions on a Variance Permit as are necessary to accomplish the purposes of this Zoning Ordinance, to prevent or minimize adverse impacts upon the public and neighborhoods and to ensure compatibility. These conditions may include but are not limited to limitations on 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; and limitations on the duration of the permit or hours of operation.
6. **Effect of Variance Permit**
- a. **General.** Issuance of a Variance Permit shall authorize only the particular variation, which is approved in the Variance Permit. A Variance Permit shall run with the land.
 - b. **Time Limit.** Unless otherwise specified in the Variance Permit, an application to commence construction of the improvements that were the subject of the Variance Permit request must be applied for and approved within 12 months of the date of

the approval of the Variance Permit, otherwise the Variance Permit shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one extension of the 12-month time frame may be granted by the Commission for a period not to exceed 12 months for good cause shown.

M. Condominium Subdivision/Townhouse Subdivision

1. **General.** This section provides review procedures, submittal requirements and standards for review to ensure that the creation or conversion of condominium subdivisions will comply with the Uniform Building Code as amended by the Town of Dolores and other provisions of this Code.
2. **Pre-application conference.** Prior to the filing of a condominium subdivision/townhouse subdivision or conversion application, the Applicant shall meet with the Zoning Administrator or his or her designated agent to acquaint himself or herself with the requirements of the Town.
3. **Submittal requirements.** The Applicant shall file six (6) copies of an application requesting approval of a condominium subdivision and of a title certificate from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property. The application shall be submitted at least 30 days prior to any desired agenda date and shall be accompanied by or show the following information.
 - a. The application shall be accompanied by six (6) copies of a preliminary condominium plat/map showing:
 - (i) **Name and heading.** The exact name of condominium subdivision shall be placed on the plat. The heading of the final condominium plat shall include the complete name of the condominium subdivision, the land sections, township, range, principal meridian, "Town of Dolores, Montezuma County, Colorado".
 - (ii) **Scale, arrow & date.** The written and graphic scale, north arrow and date of preparation shall be placed on the plat.
 - (iii) **Location.** The location of the condominium subdivision by reference to streets, lots and blocks shall be placed on the plat;
 - (iv) **Lot and property lines.** The lot lines and property lines to the hundredth (1/100) foot shall be placed on the plat;
 - (v) **Zoning and densities.** The zoning and existing densities on adjacent properties shall be placed on the plat.
 - (vi) **Parking and trash.** The required parking spaces and the joint trash collection areas shall be identified on the plat.
 - (vii) **Separate, common and limited common elements.**
 - (1) Floor plans, elevations and site plan shall be included as required to show separate ownership of all separate units, common elements and limited common elements labeled as such and numbered for ease of identification [all dimensions shall be to the nearest hundredth (1/100) of a foot, or other scale specified by the Zoning Administrator]; and
 - (2) Number, type and floor area of units, common elements and limited elements, delineated in square feet and fractions thereof; proposed use for each unit; land area; percentage of open space; and lot coverage shall be shown.
 - (viii) **Statement of the number of units.** A statement of the total number of units shall be shown on the proposed plat.
 - b. The application shall be accompanied by six (6) copies of the following:

- (i) **Condominium/townhouse declarations.** Condominium declarations shall be submitted establishing a unit owners' association that shall be responsible for the maintenance of common elements and limited elements and in accordance with the requirements of Article VI.I, Mandatory homeowners' association. The Condominium/Townhouse declarations shall incorporate clear provisions for giving notice by third parties to the unit owners association or corporation on behalf of the unit owners and any development or special declarant rights issued to the declarant.
 - (ii) **Articles of Incorporation.**
 - (iii) **Bylaws.** Bylaws of the unit owner's association or corporation, unless exempt under C.R.S. 38-33-106, as amended.
- c. **Traffic mitigation plan.** A traffic mitigation plan, if the Condominium/Townhouse Subdivision will increase the total number of dwelling units on the parcel or lot, may be required by the Planning Commission.

In addition to the above submittal requirements, the following statements shall be required on the final condominium plat:

- d. **Legal description.** A legal description of the subject property shall be required on the final plat.
- e. **Surveyor's certificate.** A surveyor's certificate, in the following form, shall be placed on the final plat:

I, (printed name of Land Surveyor) being a Registered Land Surveyor in the State of Colorado, do hereby certify that this plat and survey of (NAME OF CONDOMINIUM SUBDIVISION/TOWNHOUSE SUBDIVISION IN CAPITAL LETTERS) was made by me and under my supervision and that both are accurate to the best of my knowledge. I further certify that monuments and markers were set as required by the applicable provisions of Articles 50 and 51 of Title 38, C.R.S.

- f. **Dedication certificate.** The property owner's certificate or deed of dedication shall be placed on the final plat. The dedication deed or certificate of dedication shall be executed by all persons, firms or corporations owning an interest in the property subdivided and platted and shall be acknowledged in the manner prescribed by the laws for the State of Colorado for conveyances of real property. In the case of surface lien holders, they may execute a subordination agreement subordinating their liens to all public streets, alleys, parks, school sites and any other public areas shown on the plat of such subdivision as being set aside for public uses and purposes. The dedication deed or certificate of dedication shall, in addition to the above requirements, contain the following:
 - (i) An accurate description of the tract of land subdivided.
 - (ii) A statement and express representation that the parties joining in such dedication are the sole owners of such tract of land.
 - (iii) An express dedication without reservation to the public for public use; the streets, alleys, rights-of-way, school site and any other public areas shown on the attached plat.

- (iv) A positive reference and identification of the plat of such subdivision date of plat and engineer.
- g. **Treasurer's certificate.** Tax certificates indicating that all taxes on the land being subdivided have been paid to the current year shall be submitted with the final plat.
- h. **Approval certification.** Certification of approval by the Planning Commission and Town Board, in the following form, shall be placed on the final plat.

APPROVED this _____ day of _____, 20____, by the Planning Commission of the Town of Dolores, Colorado.

Chairman

APPROVED this _____ day of _____, 20____, by the Town Board of the Town of Dolores, Colorado.

Mayor

Town Clerk

- i. **Filing fees.** A filing fees to cover the cost of review shall be submitted with the preliminary, final, and as-built Condominium Subdivision application in accordance with the fee schedule adopted by resolution of the Town Board.

In addition to the above submittal requirements, after final plat approval and prior to the issuance of a certificate(s) of occupancy the applicant shall submit three (3) copies of an as-built plat, showing:

- j. **As-built plats.** As built plats shall include all information required in Article VI.M.3.a.(i.-viii.), above, with the following exceptions:
 - (i) The title "As-Built Plat" shall appear at the top, with "Final Plat (prior reception number) Amendment" directly underneath.
 - (ii) The location shall be indicated for all completed improvements, such as buildings, parking, easements, service lines and mains.
 - (iii) The Planning Commission certificate block shall be omitted.

4. Application review procedures for preliminary and final condominium subdivision plats.

- a. The procedures and standards for review and approval of a condominium subdivision shall be the same as that specified for other subdivisions in Article VI.E.3. through 5. and Article VI.F.2. through 4.
- b. Condominium/Townhouse conversion shall be reviewed as a minor subdivision regardless of the number of units proposed for conversion [see Article VI.L.2. through 5. for procedures; and Article IV for subdivision standards].
- c. Any subsequent change in the approved use(s) for a condominium subdivision/townhouse subdivision shall be subject to the same review procedures as would be applied to a new condominium subdivision.
- d. Notwithstanding anything in this Code to the contrary, no requirement for public improvements, dedication of land to public use or cash-in-lieu, or other subdivision requirement shall be imposed as a condition of approval for a condominium subdivision or common interest community which would not be imposed upon a physically-identical development under a different form of ownership. This provision shall not be construed to prevent the Town from imposing the review requirements of this Code upon any change of use, expansion of use, increase in intensity of use, or other change in a condominium or common interest community unrelated to its form of ownership.

5. Application review procedures for as-built condominium subdivision plats. The Zoning Administrator shall review as-built plats within 15 days of the submittal of the plat. If the Zoning Administrator is satisfied that the proper dedications have been made and that the plat accurately depicts the completion of the improvements in a manner that is substantially consistent with the approved final plat, the Zoning Administrator shall present the as-built plat to the Mayor for signature and shall cause the as-built plat and other appropriate documents to be filed of record by the developer in the plat records of Montezuma County.

6. Standards for Review of Condominium Subdivisions/Townhouse Subdivision.

- a. Condominium subdivisions/Townhouse subdivision shall comply with the review standards applied to other subdivisions in Article IV., Subdivision standards and Article VI.I, Mandatory homeowners' associations of this Code.
- b. Condominium subdivisions shall comply with the following supplemental review standards:
 - (i) the density of the development as proposed for condominium subdivision shall not be greater than the maximum density as allowed by the underlying zone district;
 - (ii) if the Condominium Subdivision will increase the total number of dwelling units on the parcel or lot, the traffic impacts of the proposed condominium subdivision shall be evaluated and any impacts to the neighborhood must be mitigated; and

- (iii) each individual condominium unit shall have separate utility service, including individual meters and shut-off valves.
- c. As-built plats shall accurately depict the location of all completed improvements, and such improvements shall be substantially consistent with the improvements shown on the approved final plat.

7. **Additional Standards for Review of Condominium/Townhouse Conversions.** In addition to complying with the review standards applied to other subdivisions and condominium subdivisions/townhouse sub-division by this Code, condominium conversions shall comply with the following standards:

- a. Prior to the submission of a Preliminary Plat that would convert an existing multi-unit development to condominium units, the owner of such property shall meet with the Zoning Administrator regarding the proposed conversion and shall demonstrate that the following provisions have been met.
 - (i) The structure subject to the proposed condominium/townhouse conversion shall meet current off-street parking requirements for the underlying zone district found in Article V.B., Parking and access of this Code. Each residential condominium unit shall be considered a separate dwelling unit for purposes of determining parking compliance.
 - (ii) A minimum one (1) hour fire wall may be required between units as a condition of Town approval of any condominium/townhouse plat involving a condominium conversion.
- b. Owners of properties proposed for condominium conversion shall notify all residential tenants in writing of the conversion at least ninety (90) days prior to termination of any residential tenancy in accordance with C.R.S. 38-33-112, as amended. Copies of such notification shall be filed with the Town Clerk as proof of notification.

Preliminary Plats

1. **Pre-application conference.** Prior to the filing of a preliminary plat, the sub-divider shall meet with the Zoning Administrator or his or her designated agent to acquaint himself or herself with the requirements of the Town and the relationship of the proposed subdivision to the Comprehensive Plan. At such meeting, the application contents, referral agencies, review procedures, density standards, use and area standards, street requirements, utility service and the general character of the development may be discussed. At the pre-application conference, a land planner, engineer or surveyor may represent the sub-divider.
 - a. **Optional pre-application conference with planning commission.** At the applicant's option, a pre-application conference may be held with the Planning Commission.
2. **Submittal requirements.** The sub-divider or owner shall file six (6) copies of an application requesting preliminary plat approval, a title certificate from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property, and of the preliminary plat. The application be submitted at least 30 days prior to any desired agenda date, and shall be accompanied by or show the following information:
 - a. **Boundary lines and bearings.** Boundary lines, bearings, and distances sufficient to locate the exact area proposed for subdivision. At least one (1) subdivision corner shall be referenced to a survey (abstract) corner. The area, in acres, of the subdivision shall also be shown.
 - b. **Adjacent subdivisions.** The name and location of a portion of adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivisions in sufficient detail to show actually the existing streets and alleys and other features that may influence the layout and development of the proposed subdivisions. Where adjacent land is not subdivided, the name of the owner of the adjacent tract shall be shown.
 - c. **Intersecting streets.** The angle of intersection of the centerline of all intersecting streets.
 - d. **Proposed streets, alleys and easements.** The names, location and widths of all streets, alleys and easements proposed for the subdivision, and all known rights-of-way and/or easements within or affecting the area to be subdivided.
 - e. **Proposed blocks, lots and parks.** The subdivision shall show all proposed streets and alleys, easements, blocks, lots, parks, etc., with principal dimensions.
 - f. **Contours.** Topographic contours at five (5) foot intervals and all easements or right-of-way necessary for drainage within or without the boundaries of the addition.
 - g. **Subdivision title and planner.** The title under which the proposed subdivision is to be recorded, the name of the owner and the name of the engineer or land planner who prepared the plat.
 - h. **Dedicated parks, playgrounds and other public uses.** Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.
 - i. **Scale, north point.** Scale, north point, date and other pertinent data. The scale of the preliminary plat may be at one (1) inch equals 20 feet.

Land use code

- j. **Name, address and telephone number.** Property owner's name, address, and telephone number.
- k. **Proposed layout of utilities.** A proposed preliminary layout of sanitary sewer and water lines to serve the subdivision.
- l. **Drainage report.** A general drainage report or drainage statement shall accompany the preliminary plat. This study or report shall show the acreage draining into the subdivision, points of runoff through and away from the subdivision.
- m. **Protective covenants.** Draft of any protective covenants where the sub-divider proposes to regulate land use or development standards in the subdivision.
- n. **Proposed land uses.** A designation of the proposed uses of land within the subdivision and any zoning amendments proposed to be requested.
- o. **Vicinity map.** A vicinity map on a smaller scale showing the proposed subdivision and its relationship to the surrounding area and Town limits.
- p. **Application fee.** A filing fee shall be submitted to cover the cost of review and processing with every preliminary plat in accordance with the fee schedule adopted by resolution of the Board of Trustees.
- q. **Preliminary Comprehensive Plan.** If the proposed subdivision is a portion of a tract that is later to be subdivided in its entirety, then a tentative master plat of the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided. The master subdivision plan shall conform in all respects to the requirements of the preliminary plat; except, it may be on a scale of not more than one (1) inch to 100 feet.

3. **Application review procedures.**

- a. **Date of filing.** Six (6) copies of the preliminary plat application submittal shall be submitted to the Zoning Administrator 30 days prior to the Planning Commission meeting at which consideration is desired. The preliminary plat shall be considered officially filed after application review fees which are established by resolution of the Board of Trustees have been paid and after it is examined and found to be in compliance with the applicable provisions of these regulations by the Zoning Administrator.
- b. **Distribution of preliminary plats.** The following notice shall be stamped on the face of each preliminary plat: "Preliminary Plat - for inspection purposes only, and in no way official or approved for record purposes." The Zoning Administrator shall distribute the preliminary plats immediately upon receipt to the following:

- (1) Zoning Administrator (one copy)
- (2) Town Engineer (one copy)
- (3) Electric power association (one copy)
- (4) Dolores School District (one copy)
- (5) Dolores Fire Protection District (one copy)
- (6) Dolores, Town Clerk (one copy - for the public record)

- c. **Comments; written report.** At least 10 days prior to the meeting of the Planning Commission at which the plat is to be considered, each agency listed above shall submit their written recommendations concerning the plat in question to the Zoning Administrator. The recommendations shall be given to the Planning Commission with the plat for their consideration. A written report shall be prepared by the Zoning Administrator and

Land use code

submitted to the Planning Commission at the next regular meeting. Such report should include comments relative to the proposed subdivision's compliance to these regulations, the Comprehensive Plan or other Comprehensive Plans such as utility plans. The report may include comments from other municipal departments, county, or state agencies concerned with urban development.

4. Review by Commission.

a. Action by Commission. The Planning Commission shall hold a public hearing on the Preliminary plat before making a decision. The Planning Commission shall act on the preliminary plat within 30 days after the official filing date or within a reasonable time thereafter.

b. Notification requirements for preliminary plat.

(1) The Town shall publish notice of the public hearing in a newspaper of general circulation within the Town at least 10 days prior to the hearing. Such notice shall include the nature of the matters to be considered; the time, date, and place of the hearing; and the name, address, and phone number of the Applicant. The Town will also cause the notice of hearing to be posted in at least one (1) public place within the Town.

(2) The Town shall mail the written notice of public hearing, after obtaining a copy of the notice from the Town Clerk, to the owners of all real property within 200 feet of the property on which the change is requested. The notice shall be given not less than 15 days before the date set for hearing by depositing in the mail such notice properly addressed and postage paid to each such owner as the ownership appears on the last approved County tax roll. Applicants shall provide proof of mailing of notice to the Town prior to the hearing that is the subject of the mailing of a notice.

(3) The Town shall post a sign provide by the Town Clerk in a prominent location on the subject property noticing the public hearing at least 15 days prior to the hearing. Such notice shall include the present and proposed rezoning; the time, date, and place of the public hearing; and the name, address, and phone number of the Applicant and a map showing the land area proposed for rezoning.

c. Items for consideration by Commission. The Planning Commission shall, in its action on the preliminary plat, consider the physical arrangement of the subdivision, and determine the adequacy of street rights-of-way and alignment, the street standards of the Town of Dolores, the existing street pattern in the area and with all applicable provisions of the Comprehensive Plan. The Planning Commission shall also ascertain that adequate easements for proposed or future utility service and surface drainage are provided, and that the lot size and area are adequate to comply with the minimum requirements for the underlying zone district and for the type of sanitary sewage disposal proposed.

d. Subdivisions outside Town. If the information shown on a preliminary subdivision plat is of land located outside the corporate limits of the Town of Dolores and within the Urban Growth Boundary, the procedure for approval, modification or disapproval, shall be the same as required for preliminary plats within the Town.

Land use code

e. **Action within 30 days.** Following review of the preliminary plat and other materials submitted for conformity thereof to these regulations, and negotiations with the sub-divider on changes deemed advisable and the kind and extent of improvements to be made by the sub-divider, the Planning Commission shall, within 30 days, act thereon as submitted or modified, and if approved the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefore.

f. **Notation of action.** The action of the Planning Commission shall be noted on two (2) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the sub-divider and the other retained by the Planning Commission. A notation of the action taken and requisite reasons therefore shall be entered in the records of the Planning Commission.

5. Review by Town Board

a. **Submittal to Board of Trustees.** The Zoning Administrator shall, at the next regularly scheduled Board of Trustees meeting following conditional approval or disapproval by the Planning and Zoning Commission, submit the preliminary plat with the conditions established by the Planning and Zoning Commission to the Town Board for their consideration.

b. **Action by Board of Trustees.** The Board of Trustees shall approve or disapprove the preliminary plat as to street dedication and utility services either with or without special provisions.

6. Effect of preliminary plat approval.

a. **Not approval of final plat.** Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

b. **Lapse of approval.** Preliminary approval of the subdivision shall be valid for a period of 12 months from the date of approval and the general terms and conditions under which the preliminary approval was granted will not be changed. The Planning Commission's preliminary approval of the subdivision shall be deemed voided unless the final plat is submitted within the 12 month period or unless the 12 month period is extended by the Planning Commission at the request of the sub-divider.

1. Application review procedures.

- a. **Date of filing.** After approval of the preliminary plat by the Planning Commission and Board of Trustees and within 12 months of the approval date unless extended for up to one (1) additional year by action of the Planning Commission, the sub-divider may submit for approval the final plat. The application, meeting all the requirements of Article VI.F.1. above shall be submitted to the Zoning Administrator at least 15 days prior to the meeting at which consideration is desired. The official filing date of the final plat shall be the date upon which the plat and construction drawings are found to be in full compliance with the provisions of the preliminary approval after examination by the Zoning Administrator.
- b. **Conformance with preliminary plat.** The final plat shall conform substantially to the preliminary plat as approved and, if desired by the sub-divider, it may constitute only that portion of the approved preliminary plat that he or she proposes to record and develop at the time, provided however, that such portion conforms to all requirements of these regulations.
- c. **Review of construction plans.** After the presentation of the construction plans for a subdivision to the Zoning Administrator, the Zoning Administrator may submit the construction plans to the Engineer for review. The Engineer shall, if deemed necessary, review the plans and submit to the Planning Commission his or her report at the final plat presentation. The developer shall pay the reasonable cost of review of the construction plans before the final plat is presented to the Board of Trustees.

2. Review by Board of Trustees. The Board of Trustees shall consider all proposals with respect to the dedication of right-of-way for public use, the construction of utilities, streets, drainage, and other improvements, and when satisfied with the proposals, shall authorize the establishment of agreements for same.

- a. **Action by Board of Trustees.** The Zoning Administrator shall submit the final plat to the Board of Trustees, along with any preliminary plat conditions established by the Planning Commission preliminary plat and an appropriate recommendation. The Board of Trustees shall hold a public hearing on the final plat prior to taking action. The Board of Trustees shall act on the final plat within at the next Regular Board Meeting or may be continued to another Board Meeting after the official filing date or within a reasonable time thereafter.
- b. **Review in stages.** An owner or sub-divider, at his or her option, may obtain approval of a portion or a section of a subdivision provided he or she meets all the requirements of this Code with reference to such portion or section in the same manner as is required for a complete subdivision. In the event a subdivision and the final plat thereof is approved by the Board of Trustees in sections, each final plat of each section is to carry the name of the entire subdivision, but is to bear a distinguishing letter, number or subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in phases.
- c. **Approval by Board of Trustees.** After the Board of Trustees has determined that the plat is in proper form, that the arrangement of the development proposed for the

FINAL PLAT REQUIRED FINDINGS AND ACTION BY THE BOARD. Dolores Land Use Code adopted March 8, 1998

property being subdivided is consistent with zoning regulations and that the subdivision complies with the provisions of this Code, it shall act to approve the plat.

- d. **Disapproval by Board of Trustees.** Final plats that are disapproved by the Board of Trustees shall be returned to the sub-divider by the Zoning Administrator with an attached statement of the reasons for such action.

3. Action following approval

- a. **Certification of approval.** The Board of Trustee's approval and execution of the Board of Trustees certificate of approval on the final plat shall authorize the Chairperson of the Planning Commission to execute the Planning Commission certificate of approval on the plat.
 - (1) In no case shall additions, corrections, or modifications of any kind be made to the Final Plat other than signatures required after the Board of Trustees have approved the Final Plat.
- b. **Recordation of plats.** The final plat for any subdivision located within the corporate limits of the Town of Dolores shall then be caused to be filed of record by the sub-divider in the plat records of Montezuma County, but only after the Board of Trustees has officially acted upon the final plat with reference to improvements, dedications and utilities and all fees (including recording and review fees) shall be paid by the developer. The final plat shall have signatures from the Board of Trustees and the Chairperson of the Planning and Zoning Commission.
 - (1) If for any reason the final plat has not been recorded within 90 days of Board of Trustees approval, the approving actions shall be deemed void.

Section 901

INSTALLATION OF SANITARY SEWER LINES

901.1 PIPE LAYING

The type of pipe to be installed shall be one of the types designated by the town. Pipe shall be installed in accordance with the appropriate pipe laying handbook or manual and/or AWWA recommended pipe laying practice for the type of pipe being installed. The interior of the pipe shall be thoroughly cleaned of foreign matter before being lowered into the trench and shall be kept clean during operations by plugging or other approved methods. The pipe Class shall be clearly indicated on each end of all pipe sections fittings. Bridging will not be allowed; grade shall be established prior to laying pipe.

Handling

Pipe and accessories shall be handled in such a manner as to insure delivery to the trench in sound, undamaged condition. Care shall be taken not to injure the pipe coating. No other pipe or material of any kind shall be placed inside of a pipe or fitting after the coating has been applied.

Cutting

Cutting of pipe shall be done in a neat and workmanlike manner without damage to the pipe. Unless otherwise authorized by the Engineer cutting shall be done by means of an approved type of mechanical cutter with wheel cutters utilized where practicable. Burrs will be removed from all cuts by means of grinding or filing.

Placing and Laying

Before installing ductile iron pipe, the pipe shall be inspected for defects and tapped with a light hammer to detect cracks. Defective, damaged, or unsound pipe shall be rejected. Deflection from a straight line of grade as required by vertical curves, horizontal curves or offsets shall not exceed those specified in AWWA C-600. If the alignment requires deflection more than these limitations, special bends or a sufficient number of short lengths of pipe shall be furnished to provide angular deflection within the limit set forth.

Pipe Laid in Trench

The full length of each section of pipe shall rest solidly upon the bed, with recesses excavated to accommodate bells and joints. Any pipe that has the grade or joint distributed after laying shall be taken up and re-laid. Pipe shall not be laid in water or when trench or weather conditions are unsuitable for the work, except by permission of the Engineer. When work is not in progress, open ends of pipe and fittings shall be securely closed so that no other substances will enter the pipes or fittings. Any section of the pipe found to be defective before or after laying shall be replaced with sound pipe at no additional expense to the Town.

Water and Sewer Proximity

Water lines shall not be laid closer horizontally than ten feet from sewer lines and the water lines shall be at a higher elevation than the sewer. If this is not possible, separate trenches will be required and the water line shall be 6 inches above the sewer. When water and sewer lines cross each other, the water

line shall be at least 6 inches above the sewer, otherwise, the sewer shall be PVC. No joint shall be within ten feet of the crossing.

Excavation for Appurtenances

Excavation for structures related to the water or sewer line shall be sufficient to leave at least twelve (12) inches in the clear between their outer surfaces and the embankment or timber which may be used to hold and protect the banks. Any other depth excavation below such appurtenances that has not been directed by the Town shall be considered as unauthorized and shall be filled with sand, gravel or concrete as directed and at the expense of the Contractor. Excavation for concrete structures may serve as the outside form, if in the opinion of the Engineer, the walls of excavation are smooth, and if a workmanlike finish can be assured utilizing this method.

Tracer Wire

Tracer wire shall be installed on sewer force mains (mainlines or service lines) per Section - 121 - Plastic Pipe

Inspection of House Service Connection

All sewer house service connections replaced by the Contractor shall not be backfilled before inspection by the Construction Inspector.

Marking Sewer Stub-outs

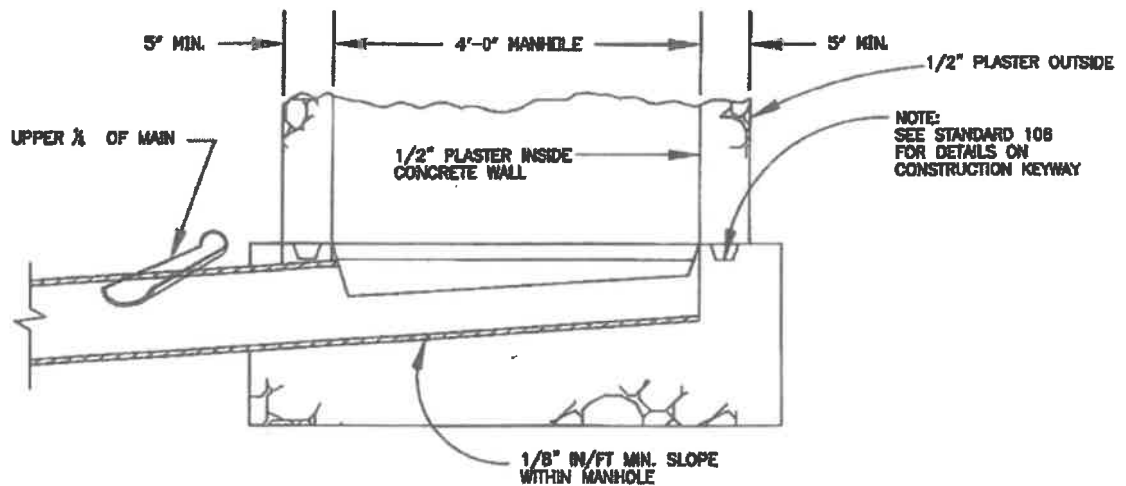
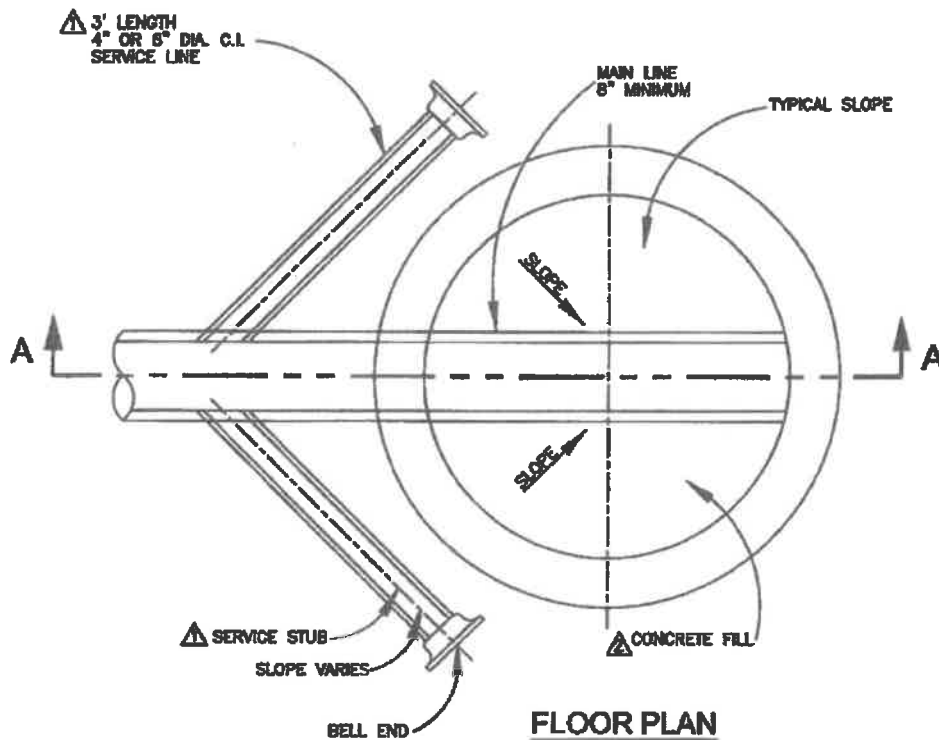
All sewer stub-outs shall be marked by a clean out and riser (the cap on the riser shall be glued on) extending from the end of the stub-out to the surface of the ground. The riser shall be a minimum 3 feet above ground with a glued-on cap, whose top has been painted green for sewer.

Sewer Tie into Existing System

Mainline extensions to the sewer system will not be tied into the existing sewer system until the new mainline extension has been inspected (i.e. videoed and approved by The Operation and Maintenance Contractor for, and accepted by, the Town Engineer or his designee).

901.2 INSTALLATION OF PLASTIC SEWER PIPE (PVC)

- A. Installation of PVC sewer pipe shall be in strict accordance with UniBell Plastic Pipe Association (UPPA) Recommended Practice for the Installation of Polyvinyl Chloride (PVC) Sewer Pipe, UNI-B-5-79.
- B. Pipe embedment material shall be Class I, II or Class III of Uni-B-5-79, Appendix I. Minimum compaction shall be 90% of relative density per ASTM D2049 for Class I & II material and 90% of standard proctor per ASTM D698 using ASTM D2167, D1556 or D2922 for Class III material. Consolidation by saturation shall not be used for Class III materials. All embedment materials shall pass a 1½" sieve.
- C. All sewer lines shall be installed using a laser and shall run directly from manhole to manhole without deflection.
- D. Pressure sewers shall be buried a minimum of 60" measured from finish grade to top of pipe. Hydrostatic pressure will be 1.5x working pressure test.



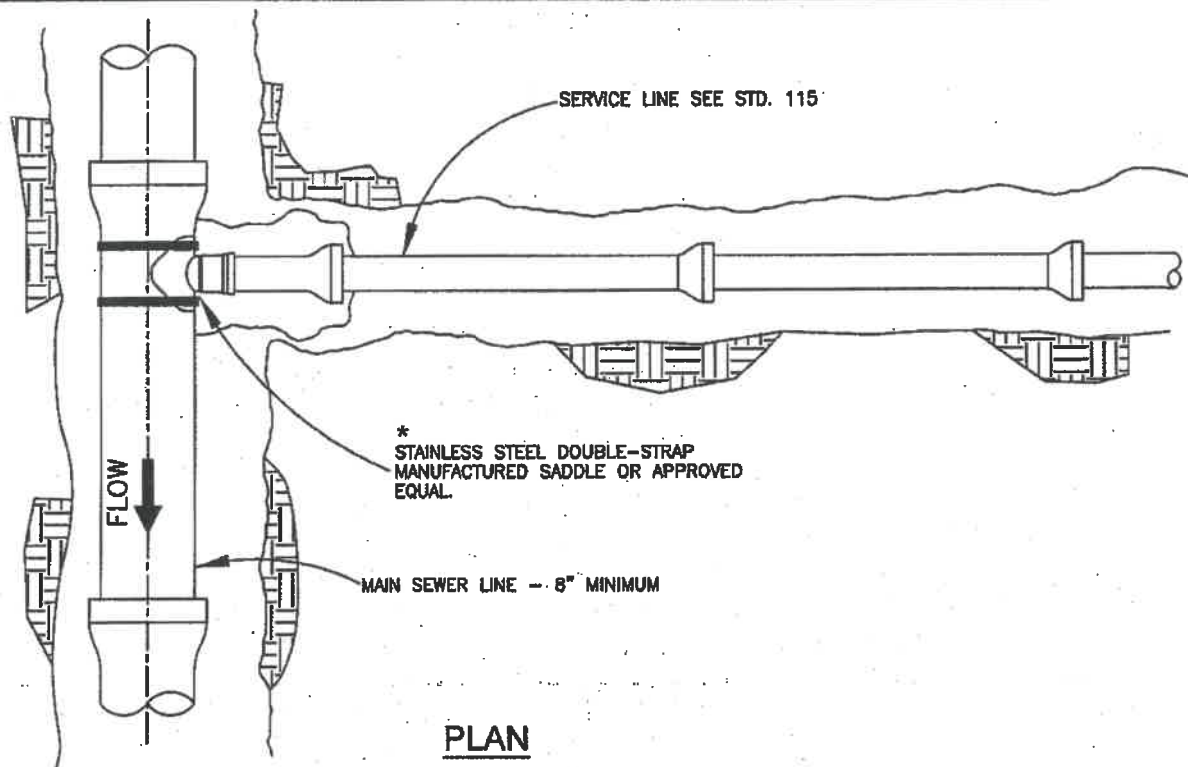
SECTION A-A

| REV. | DATE |
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| △ | 1/22/08 |

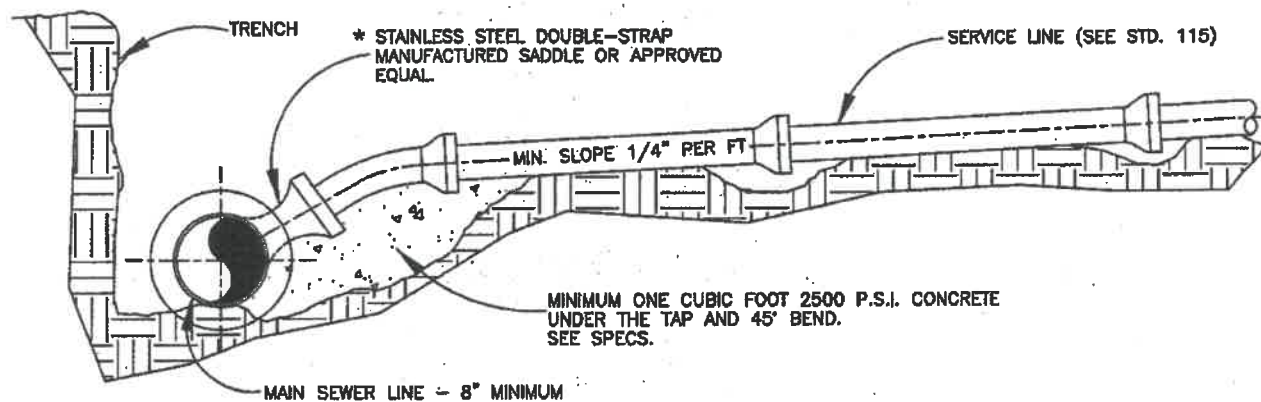
**CONSTRUCTION
STANDARDS**

**SEWER SERVICE AT
DEAD ENDS & CUL-DE-SAC**
STANDARD No. D-105 SHEET 1 OF 1

**PUBLIC
WORKS
DEPARTMENT**



PLAN



ELEVATION

NOTES:

1. ALL SERVICE LINES SHALL CONFORM TO LOCAL PLUMBING CODE.
2. SERVICE LINE SHALL NOT PROTRUDE INTO SEWER MAIN.

| REV | DATE |
|-----|--------------|
| * | 1/08 8/13 |

**CONSTRUCTION
STANDARDS**

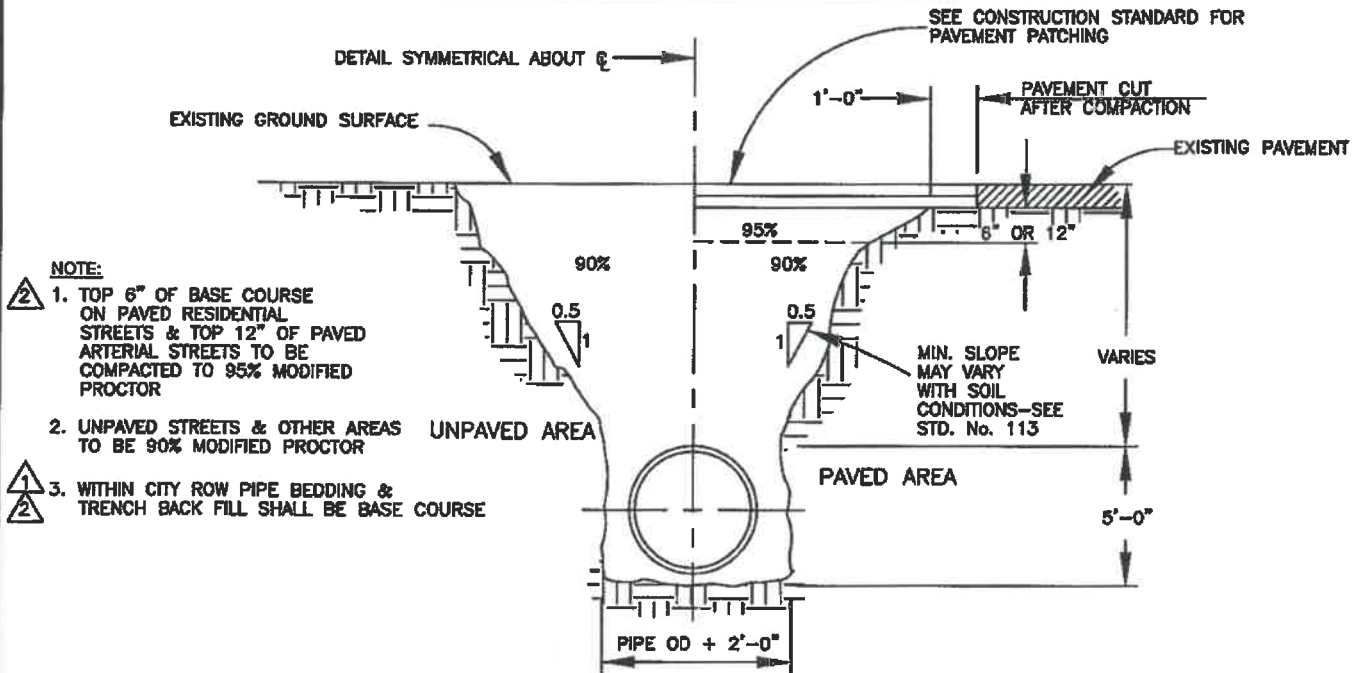
**TAP SADDLE
CONNECTION**

STANDARD No. D-109 SHEET 1 OF 1

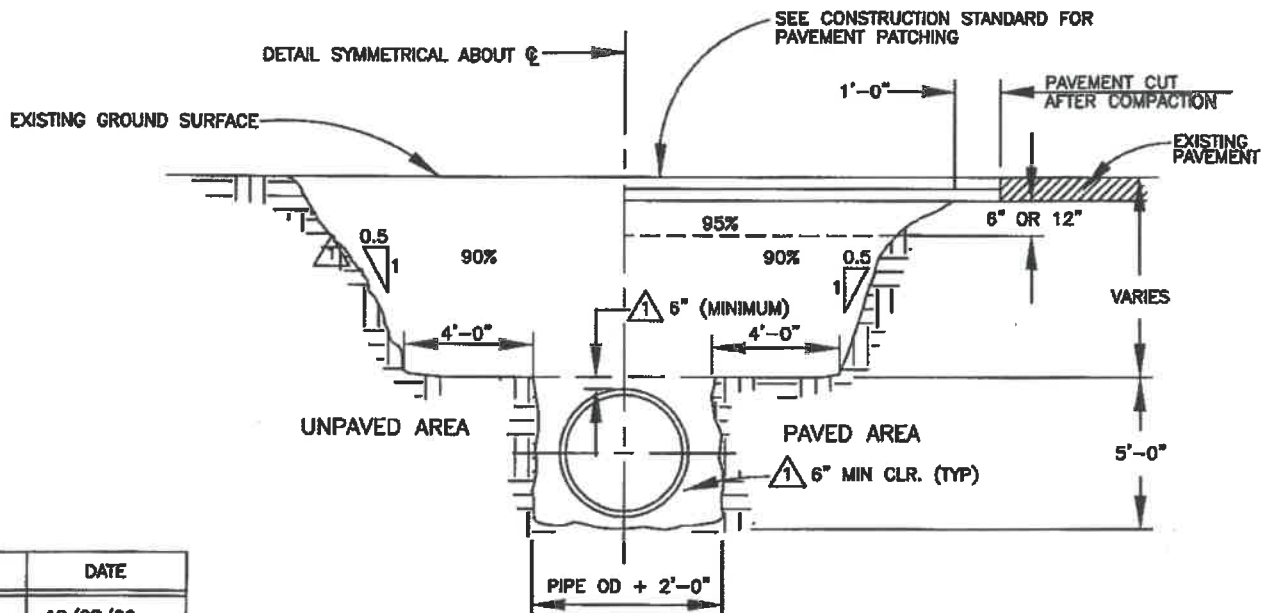
**PUBLIC
WORKS
DEPARTMENT**

APPROVED _____ DATE _____

| PIPE DIA. | TRENCH WIDTH | PIPE DIA. | TRENCH WIDTH |
|-----------|--------------|-----------|--------------|
| 8" | 2'-6" | 30" | 8'-6" |
| 10" | 2'-8" | 36" | 7'-0" |
| 12" | 3'-0" | 42" | 8'-0" |
| 15" | 3'-0" | 48" | 8'-6" |
| 18" | 4'-6" | 54" | 10'-8" |
| 21" | 4'-6" | 66" | 13'-0" |
| 24" | 5'-6" | 72" | 14'-0" |



TRENCHING DETAIL - PIPE LESS THAN 72" O.D.



TRENCHING DETAIL - PIPE OVER 72" O.D.

| REV. | DATE |
|------|----------|
| 1 | 12/08/02 |
| 2 | 1/22/08 |

CONSTRUCTION
STANDARDS

TRENCH DETAILS

STANDARD No. D-112 SHEET 1 OF 3

PUBLIC
WORKS
DEPARTMENT

APPROVED _____ DATE _____

TOWN OF DOLORES

RESOLUTION NO. R483 SERIES 2022

A RESOLUTION IMPOSING AN OPEN FLAME FIRE BAN

WHEREAS, the Town of Dolores, Colorado is a statutory town incorporated under the laws of the state of Colorado.

WHEREAS the Town of Dolores enacted Ordinance No. 536 Series 2018 granting the Board of Trustees the authority to enact a resolution imposing an open flame fire ban as conditions require.

WHEREAS Southwest Colorado and the Town of Dolores are under historic drought and extraordinary fire danger.

WHEREAS the Montezuma County Sheriff recommends that the Town of Dolores impose a fire ban for the health, safety, and welfare of the citizens of the Town of Dolores and surrounding community.

WHEREAS the Board of Trustees agree that the interest of the health, safety and welfare of the citizens make it advisable to impose an open flame fire ban as authorized by and defined by Ordinance No 536 Series 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES as follows:

1. The Board of Trustees, pursuant to Ordinance No. 536 Series 2018 and as authorized by Colorado law, hereby imposes an Open Flame Fire Ban as defined in said Ordinance within all incorporated areas of the Town of Dolores.
2. This resolution shall continue in full force and effect until repealed by the Board of Trustees.
3. It is the intent of this resolution that any person violating the fire ban as defined by Ordinance No. 536 shall be subject to the penalties set forth therein.
4. The staff of the Town of Dolores shall inform the public of the imposition of the Open Flame Fire Ban.
5. If any section, clause, phrase, word other provisions of this resolution shall for any reason be held invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases words or other provisions and the validity of this resolution shall stand notwithstanding.
6. Introduced, read, and passed as a resolution at the regular meeting of the Board of Trustees of the Town of Dolores held on May 23rd, 2022, at which a quorum was present. The Fire Ban will be in effect beginning May 25th, 2022

ADOPTED by the Board of Trustees of the Town of Dolores, Colorado, on May 23rd, 2022.

THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES:

By: _____, Mayor Leigh Reeves

Attest: _____, Town Clerk Tammy Neely