

LUC Town of Dolores questions on You tube video

Note: Questions on similar topics have been grouped and answered jointly.

Questions and comments:

1. One of the goals of the modification of the LUC is to adopt a “range of housing opportunities and choices” what does that mean? What is a range of housing opportunities versus what we have now? What are we seeking to include that we have not? What don’t we have that we are saying we should? I am thinking maybe you all were thinking deed restricted housing, more PUD development? Tiny Homes? Homes over 3, 000 square feet? What “range’ of housing are we primarily trying to attract? If there could be some clarification around this language of “range”.
2. Zone district is also allowing for more housing choice. What do we mean when we say that? Are we saying more choice in how you stay in Dolores ... like STR versus long term rental or diversity in housing choices? What does that really mean or look like to say you are offering more housing choice? A little help on that definition or concept I feel would be valuable in understanding this as a priority.
3. Housing Updates: I need to understand what is the difference between allowing two unit dwellings in all residential districts and allowing two unit structures in all residential districts if you could clarify please.

This goal is accomplished through creating an LUC that makes the development of residential development of a range of housing types (single family, townhouse, over-the-shop apartment) easy to build in the right location in Dolores. We have a significant and growing housing shortage across the state that is fueling increased prices:

Much of our state’s affordable housing challenge is driven by inadequate supply. Between 1996 and 2006, Colorado added around 48,000 housing units each year. This volume tracked with net migration and employment growth. Since 2007, new housing units have averaged 26,500 units per year—55% of the volume prior to 2007—even as employment and net migration continued to grow. That is at least 21,000 homes each year that didn’t get built. (Colorado Housing Affordability Project: <https://cohousingaffordabilityproject.org/our-platform/>)

Housing prices across Colorado are rapidly exceeding the affordable threshold for the people who live and work in our communities, including our teachers, emergency services providers, and all kinds of workers who staff our shops and businesses. The “housing opportunities” goal doesn’t specify what type of housing goes where – that is still accomplished through the zone districts and use table - it just serves as a reminder in the implementation of the LUC that the Town needs to focus on ensuring that residential construction is not caught up in too many regulatory requirements.

The types of housing that can be built in any neighborhood are still determined by the zone district and the use table. Dolores’ current LUC is actually pretty progressive about the types of housing allowed in different zone districts – the Town already allows single family and two-family units in R-1 (new NR1), MRF (new NR3), and MH (new MHP). This approach is incorporated into the new NR2 district. Two changes have been made in this update: (1) the LLR (new LLR1) and LLR2 districts have been amended to allow two-family units, and (2) Townhomes and 3-4 unit multifamily structures (often designed to look

like a single family home, shown below) may be allowed through conditional use review where one unit is restricted to affordable/workforce housing. The current use table (in black and white) and the new use table (in color) are shown below:

Use-Type Residential-Uses	Zoning-Districts										
	R-1	LLR	MFR	MH	R-10	R-35	CB-1	CB-2	CH	LI	P
Apartments (a)	P		P	P			P	P	P		
Dwelling, single-family	P	P	P	P	P	P	P	P	P		
Dwelling, two-family (b)	P		P	P					P		
Dwelling, multi-family (c)			P	P					C		
Dwelling, mobile home (d)				P							
Mobile home park or subdivision (e)				P							

Table 4.1: Primary Uses	LLR	new	R1	new	MRF	MH	CB1 + 2	CH	LI	new	P	R10	R35
	LLR1	LLR 2	NR1	NR2	NR3	MHP	DMU	CMU	IND	P1	P2	R10	R35
	Key: /P/ Permitted Use /PL/ Permitted with Use Limitations /C/ Conditional Use /-/ Not Permitted [1] Affordable Housing Required												
RESIDENTIAL													
Households Living (dwelling unit/structure)													
1 du/structure	P	P	P	P	P	P	C	PL	--	--	--	P	P
2 du/structure	P	P	P	P	P	P	PL	PL	--	--	--	--	--
Townhomes (3 or more attached units)	C[1]	C[1]	C[1]	P	P	--	C	P	--	--	--	--	--
3-4 du/structure multifamily	--	--	C[1]	P	P	--	PL	PL	--	--	--	--	--
5-8 du/structure apartment	--	--	--	--	P	--	C	PL	--	--	--	--	--
9+ du/structure apartment	--	--	--	--	P	--	--	PL	--	--	--	--	--
Manufactured Home	--	--	--	--	--	P	--	--	--	--	--	--	--

This two-unit, multigenerational home will be allowed in all residential zone districts.



This three-unit multifamily structure will be allowed as a permitted use in NR2 and NR3 and as a conditional use in NR1 if one unit is reserved as affordable/workforce housing.



4. What does infill development and complex site development mean? That is unfamiliar language to me in the presentation. What do those look like on the ground and what do they typically require to achieve?

Infill development can be two things: 1. Figuring out how to build something on a lot that has unique problems, such as lot lines at weird angles or one side that slopes away from the center; and 2. Redevelopment of an underused or vacant structure into a different structure or use, such as renovating a single story commercial building into a mixed-use building with second story apartments. A complex site is a lot, typically without a structure, that is hard to develop because of things like geologic hazards, environmentally sensitive areas, poor street access, or problems accessing water, sewer, or utilities. Both infill and complex sites typically remain undeveloped long after the surrounding lots have been built on.

5. What is an example of a non-conforming use and structure that we currently do not have here in town?
6. What is an example of a non-conformity we may already have in town? What is an example of one that could come into town? Again, this seems to be a strategic planning sort of deal. I would not know whether we pursue accepting or eliminating nonconformity structures without knowing what they are and if they fit in our strategic vision for the town or somehow help to meet that “eclectic” Dolores design.
7. Article 12: Nonconformities; I just need to actually read this to see it.

Nonconforming uses and structures (“nonconformities”) are existing legal uses or structures that have some problem complying with LUC amendments, such as a single-family home located along Railroad in a location not zoned for single-family dwellings. Property owners typically do not have control over nonconformities, they are created code by changes approved by the Town. Dolores, for example, currently has many homes that are nonconforming because the last LUC update changed some of the residential front setbacks from around 10 feet to 25 feet – so any home built any closer to the front property line than 25 feet became a nonconforming structure. The problem with nonconformities is that in order to make changes to the property, like adding a garage or ADU, the nonconformity has to be fixed or the Town needs to issue a variance. The goal is to reduce the number of nonconformities, so the Town’s strategy in this round of LUC updates is to limit the creation of new nonconformities and try to adjust the regulations so some of the existing nonconformities are in compliance with the new LUC.

8. Comments on Article 1: Just to clarify it looks like there are no modifications to this?

Addition of “transitional provisions” that explain how the Town will process any complete any applications that are in process while the LUC update is being adopted.

9. Comments on Article 2: Measurements, definitions and interpretations: none
10. Article 3: Definition of Zone Districts: JS comment, no question here.

11. Minimum lot size... to clarify, what is the smallest lot we are proposing to accept? The presentation says to modify the LUC to better reflect lots that are already on the ground. Like what kind of lots do we have in town that would benefit from this change? Examples would be very helpful in understanding this here. My sense is that sure maybe one or two on the ground but aren't they really more non-conforming and this language is really to set the tone to shrink lots in the future. Any further comments in clarifying this on both accounts would be helpful.
12. Allowing some lots to be split to create more housing. What is the ultimate current housing potential growth if all lots that could be split were split? How many lots are eligible to do that currently with this proposed zoning change? How many additional structures at max could that potentially create? What kind of open space regulations could be coupled with that to aid in creating buffer with potentially the creation of condensed housing areas with the splitting of large lots?
13. How do you make a current lot conforming? I don't understand that. A lot is what it is, just because you create a LUC regulation, the lot lines do not change... what does that phrasing mean? I am having trouble grasping how that concept works on the ground.

Similar to housing types, lot sizes are determined by zone district. Different districts have different minimum sizes. These are the changes to minimum lot size in the updated LUC:

MFR (NR3) and CBD 1,2 (DMU):

- Single-family detached unit: reduced from 6,000 sf to 3,000 sf
- Two-family unit: reduced from 6,000 sf to 3,000 sf
- Townhomes: reduced from 2,500 per unit to 1,200 per unit (minimum of 3 units, reflecting that individual townhomes are typically pretty narrow)
- 3-4 family-unit: total minimum lot size for either set at 7,000 sf, rather than 7,500 for 3 units or 10,000 for 4 units.

There is also a new NR2 district included in the LUC. On the zoning map, some properties that are currently NR1 but that are too small to meet the minimum 6,000 sf lot size are shown as NR2, with a minimum lot size of 3,000 sf. This change will make these properties conforming (see the Nonconformities discussion above) and allow the property owners to keep investing in their properties through maintenance and updates without seeking a variance. These properties will be rezoned NR2 as part of the LUC public hearing and adoption process, they are currently zoned R-1.

The lot sizes for R-1 (NR1) and LLR (LLR1) have not changed. Somebody who wants a smaller lot in either of those districts would need to file a rezoning application and have a public hearing so the neighborhood and Town officials can consider whether the smaller lot size would be appropriate according to the rezoning criteria.

Why include smaller lot sizes? Dolores is fairly built-out. One way to encourage additional development and maximize the Town's investment in current infrastructure (water, sewer, streets) is to make sure the zone district lot dimensions are not so large that only high-end (expensive) single-family units will be constructed.

Below are two tables. The top table – Residential Area Regulations – shows the current minimum lot sizes by zone district and by housing type, and the bottom table – Table 3.4 Dimensional Standards for Residential Structures – is the updated version in the new LUC.

RESIDENTIAL AREA REGULATIONS											
	Zoning Districts										
Development Standard	R-1	LLR	MFR	MH	R-10	R-35	CB-1	CB-2	CH	LI	P
Single Family or One Family Dwelling											
Min. Lot Area/unit (sq. ft. or ac.)	6,000	43,560	6,000	6,000	10 ac.	35 ac.	6,000	6,000	6,000	--	--
Min. Front Yard & Street Side (ft.)	10'	25'	6'	25'	25'	25'	0	0	10'	--	--
Min. Interior Side Yard (ft.)	6'	20'	6'	10'	20'	20'	0	0	6'	--	--
Min. Rear Yard (ft.)	6'	20'	6'	10'	20'	20'	25'	25'	6'	--	--
Min. Lot Width (ft.)	50'	70'	50'	50'	200'	200'	--	--	50'	--	--
Max. Lot Coverage (%)	50%	20%	50%	50%	--	--	50%	50%	50%	--	--
Min. Area/unit (sq. ft.)	900	900	900	900	900	900	900	900	900	--	--
Max. Height (ft.)	35'	35'	30'	35'	35'	35'	35'	35'	35'	--	--
Duplex or Two-Family Dwelling											
Min. Lot Area/unit (sq. ft.)	6,000	--	3,000	3,000	--	--	6,000	6,000	6,000		
Min. Front Yard & Street Side (ft.)	10'	--	6'	10'	--	--	0	0	10'		
Min. Interior Side Yard (ft.)	6'	--	6'	10'	--	--	0	0	6'		
Min. Rear Yard (ft.)	6'	--	6'	10'	--	--	25'	25'	6'		
Min. Lot Width (ft.)	50'	--	50'	50'	--	--	--	--	50'		
Max. Lot Coverage (%)	50%	--	50%	50%	--	--	50%	50%	50%		
Min. Area/unit (sq. ft.)	900	--	900	900	--	--	600	600	600		
Max. Height (ft.)	35'	--	30'	35'	--	--	35'	35'	35'		
Multi-family Dwelling											
Min. Lot Area/unit (sq. ft.)	--	--	2,500	2,500	--	--	--	2,500	2,500	2,500	
Min. Front Yard & Street Side (ft.)	--	--	6'	10'	--	--	--	--	--	10'	
Min. Interior Side Yard (ft.)	--	--	6'	10'	--	--	--	--	--	10'	
Min. Rear Yard (ft.)	--	--	6'	10'	--	--	--	--	--	10'	
Min. Lot Width (ft.)	--	--	50'	50'	--	--	--	--	--	10'	
Max. Lot Coverage (%)	--	--	50%	50%	--	--	--	50%	50%	50%	
Min. Area/unit (sq. ft.)	--	--	600	600	--	--	--	400	400	400	
Max. Height (ft.)	--	--	30'	35'	--	--	--	35'	35'	35'	

Table 3.4: Dimensional Standards for Residential Structures

	LLR-1	LLR-2	NR-1	NR-2/ NR-3, DMU		NR-1 [1], NR-2, NR-3, DMU				NR-3, DMU		NR-3	
Standard						Town House [2]		3-4 DU Multifamily		5-8 DU Apartment		9+ DU Apartment	
Min. Lot Dimensions													
Lot Area (min/max)													
Single Family min/max (sq. ft.)	43,560/ no max.	12,000/ 43,560	6,000/ 12,000	3,000/ 6,000									
Duplex min/max (sq. ft.)	43,560/ structure	12,000/ structure	6,000/ structure	3,000/ structure									
<u>3-4 unit</u> Multifamily home	43,560/ structure	12,000/ structure	6,000/ structure	6,000/ structure									
Townhouses and Apartments						1200/unit		7000/ structure		10,000/ structure		10,000/ structure	
Min. Lot Width (ft.) All districts except DMU	70	70	50	50		20		50		20		50	
DMU				n/a		n/a		n/a		n/a			
Max. Lot Cover. (%) All districts except DMU	20	50	50	60		70		70		70		70	
DMU				100		100		100		100			
Front Build-to Line (ft)													
See Sec. 3.5.C.2													
Min/max range (ft)	n/a	n/a	n/a	n/a		10-20 ft		10-20 ft		10-20 ft		10-20 ft	
Min. Setbacks (ft)													
				NR	DMU	NR	DMU	NR	DMU	NR	DMU	NR	DMU
Front Yard	25	25	10	10	0	n/a	6/0	n/a	6/0	n/a	6/0	n/a	6/0
Street Side	25	25	10	10	0	10	6/0	10	6/0	10	6/0	10	6/0
Interior Side Yard	20	20	6	6	0	6	6/0	15	6/0	6	6/0	15	6/0
Rear Yard	20	20	6	6	25	6	6/25	10 [3]	6/25	10 [3]	6/25	10 [3]	6/25
Det. Acc. Struct, from alley	0	0	0	0	0	0	0	0	0	0	0	0	0
Structure Dimensions													
Min. Area/unit (sq. ft.)	800	800	800	800		800/unit		400/unit		400/unit		400/unit	
Max. Height, Principal Bldg (ft.)	35	35	35	35		35		35		35		35	
Max. Height, Access. Bldg (ft)	[4]	[4]	[4]	[4]		27		27		27		27	

- Notes
- [1] May require conditional use permit approval in NR-1 district.
 - [2] Side setbacks measured at exterior of building, not between individual units
 - [3] 20 abutting LLR-1 or LLR-2
 - [4] Height of principal building

14. Do we need to really be talking about annexation to have a worthwhile and sizeable industrial zone district?

This is a strategy and policy question for the Board. Without annexation, the Town would either need to rezone property or encourage a group of adjacent property owners to rezone. The Industrial District is included in the LUC for future use and does not need to be mapped to be part of the adopted LUC.

15. Please clarify what is meant by parking reductions for affordable housing. What is a reduction and what is being reduced and why just affordable housing?

There are multiple required site elements in the LUC that take up space on a lot – think parking, landscaping, setbacks. One way to allow the construction of more structure on a lot, something that is crucial to creating affordable housing, it is helpful to reduce the other site elements. Reducing a parking space (9'x18') is the equivalent of creating space for a typical room. The Town can also decide to reduce parking across the board, many communities are, which would be a policy discussion for the Board. Here's a discussion about ending parking minimums: <https://www.strongtowns.org/parking>

16. Article 4 Use Standards: The example used was to be able to put a dog kennel in your backyard if it meets the Use Standards. That was a concerning example. Does Use Standards essentially eliminate the process or pathway of a variance or a special use permit process and review from the board of adjustments?
17. Under Article 4 Use Standard; what would be an example of addressing a non-primary use and or an accessory or temporary use? Doesn't accessory mean it would then go through an accessory use process? Does this potentially replace the concept and language of a special use permit?

The goal of the use standards is to collect all of the Town's requirements for any particular use in one location so both the applicant and Town know the expectations for a use. Where specific standards can be set for dog kennels, they should be in the regulations and staff should be able to approve the use. If staff disapproves the use or the applicant has a problem that requires a variance, the applicant can still go to the Board of Adjustment.

The LUC has primary, accessory, and temporary uses and the review processes are still the same unless standards were added to move a use from special use permit to administrative review, similar to the dog kennel example.

18. Article 5: Site layout and Structure Design; What does Neighborhood Manners mean? Can we have an example or a concept definition?

Neighborhood manners is a description for the regulations that make sure different structure and use types have good transitions in height and spacing. For example, the Town may not want to allow a new three story commercial building with a drive through to be located right next to a single story house. In that case, the drive through would need to be located away from the house and the side of the commercial building next to the house might need to be designed with the roof stepped down to the second story.

19. The design of sidewalks is an interesting add in this article. Does this imply that HOA developments could or will be encouraged to be developed to meet this? Or who is really the

target development entity for sidewalk designs? I always assumed it was town responsibility on town owned streets and could see it added in PUD or subdivision regulations, but I am questioning if Dolores is the sort of place that really wants to promote HOA regulatory entities to get these sorts of things in place.

20. Again, the sidewalk issue. I am curious where or who the burden of ensuring that residential sidewalks exist on both sides of the street falls on? They are public streets so I am assuming that burden is on the town and should really be part of a strategic visioning goal of increased non-auto pathways. I am not sure this sort of demand should be embedded in a LUC and up to the responsibility of property owners who purchase in town limits. This feels more like an infrastructure goal or a condition that could be placed on a PUD or some other multi unit housing development if a sidewalk does not exist already. It seems is should be sitting in both the strategic plan and if anywhere in the LUC in the subdivision standards.

The LUC currently requires sidewalks with new construction and building expansions of over 25% of the current floor area in Article V.C.

21. Traffic impact analysis is interesting phrasing. I can see this applicable to like the marijuana location adjacent to my residential neighborhood. But are we also requiring all new development to incorporate off street parking? Off street parking is important and critical but much like what was described to us in the STR phase, I am not sure it is worth the sacrifice of a quality yard or open space area. Can the two exist in old town proper lots that are already nonconforming and or are proposed to be reduced in size.

Traffic impact analysis is used to make sure that the road and car circulation design is sufficient for the development. A TIA is required for new development or redevelopment that is anticipated to generate traffic that will impact the neighborhood or community. A good example of this would be the development of a subdivision with 10 or more homes that all exit onto the same residential road or the approval of a Dunkin Donuts with a drive through on Central. Here are the criteria that will trigger a TIA:

B. A TIA shall be required with applications for development review when:

1. Trip generation during any peak hour is expected to exceed 200 trips per day or more than 100 trips during any one-hour peak period, based on traffic generation estimates of the Institute of Transportation Engineers' Trip Generation Manual (or any successor publication); or
2. A TIA is required by the Planning and Zoning Commission or Town Board as a condition of any land use application approved pursuant to the requirements of this Code; or
3. The Town Administrator may require a TIA for:
 - (a) Any project that proposes access to a street with Level of Service "D" or below;
 - (b) Any application for a rezoning
 - (c) Any case where the previous TIA for the property is more than two years old; or
 - (d) Any case in which the Town Administrator determines that a TIA should be required because of other traffic concerns that may be affected by the proposed development.

The LUC does include a full set of parking standards that are more detailed than the current regulations but do not increase the required parking. No parking is required in the DMU district.

22. I see in the Site Layout and Structure Design that one of the goals is to carry forward design standards that reflect the “eclectic” Dolores style. Can you provide an example of a structure or structures that model some sort of eclectic Dolores style? I am having trouble envisioning what that is we are interested in maintaining.

Article 5 includes some photos and more detailed descriptions of the required design elements.

23. Unit 6: Subdivision Standards: The only thing I would add to this is also the required development of non-auto pathways, routes or trails that connect to other systems already established in town proper and aid in leading to commercial, open space and public facility areas such as schools, town hall, medical facilities and the library. I like the public land requirement!

Nice! That’s part of P&Z’s hard work on behalf of the Town.

24. Article 7: Landscaping: You can tell Linda’s expertise really shine in this section! I guess the question is who maintains that this occurs (HOA again or?) and who enforces this if the landscaping is not maintained long term? I am curious if we are going to lock ourselves into HOA required development of these areas for this enforcement... and if that may impact the “eclectic” Dolores style ... with the potential development of many mini subdivision, HOA based development areas just so this LUC requirement has an enforcement mechanism to it. I am concerned the concept of covenants (CC &R- covenants, conditions and restrictions) is not a Dolores desired characteristic.

Maintenance and enforcement are always difficult questions when it comes to landscaping. Section 7.5.E requires property owners to maintain their own landscaping. A new subdivision could do this through an HOA, but it is not required.

25. Landscaping, screening and trees: what kind of roof mounted equipment needs to be screened? Could you provide an example? I also am thinking about height requirements when I see this. I recall the Smiley building issue in Durango. The issue was the building was at maximum height for that zoned area and then they put on solar panels which were then considered part of the structure and therefore they were past the zoned height limit. What are we doing around this? Are we considering the roof mounted solar panel equipment part of the structure or can it exceed the maximum height? What about air conditioner units and or internet structures for line of site internet. I am thinking none of these three can be required to be screened as any screening inhibits the production of the product. I would like a little more clarification on what we are really trying to screen and its relationship to the maximum height of the structure in a zoned area.

Solar equipment is specifically exempt from the rooftop screening requirement. The requirement for other equipment is simply that “mechanical equipment shall be screened by parapet walls or other screening devices.” Rooftop screening is not required in all zone districts.

26. Article 8: Parking, Loading and Access: I would like to say I would like to see Access Standards applied to special event permits for Joe Rowell Park. This is one area where vehicles either both

with the event itself (organizers, vendors, volunteers) and or event participants do “dump” (in Garvin’s words) right into residential streets. Particularly 2nd street.

That is a requirement that the Town could incorporate into a special event permitting process.

27. What does sliding applicability mean with these parking standards. How does that get determined and what process allows for this to be overturned if the sliding applicability becomes an issue for constituents and residential areas of the town?

The sliding scale is created to ensure that residents only have to meet new standards when they are making fairly significant change to their property. Article 7.2 provides an example of this: existing properties do not need to comply with the new landscaping standards unless the property expanded the existing structure by 10% or more. In other words, if a property owner does not change the existing building, the current landscaping is fine. If the property owner does expand the existing structure between 10 and 75%, they will only need to partially comply with the landscaping standards (the LUC explains how to calculate that). It isn’t until they expand the structure by 75% or more that they need to fully comply with the landscaping standards, similar to new construction.

28. Article 9: Hazards and Environmentally Sensitive Areas: already adopted in 1st round. Need to keep moving forward to add visual aids.. aka.. hazard maps to show at minimum geologic and flooding hazards. Potential resources could be FEMA and Foley and Associates. It is essential that the town is a good neighbor to potential or current property owners and to be knowledgeable in its own efforts to provide visual information on any potential hazard challenges that could be faced. It is stated in the beginning of the video presentation that one of the goals of the LUC modification is to add more visual aids. Out of all areas, I think this one is an important one to just be sure even some sort of skeletal visual aid is present to help both people interested in developing in Dolores and quite frankly staff that maybe dealing with these sorts of issues down the line.

FEMA maps are available to the Town and should be referenced in the flood hazard section. These maps are not typically included in a land use code because they are created and controlled by FEMA. Adding more geologic hazard mapping has been discussed and considered by P&Z and Town staff and is a potential long-term solution, but the mapping resources are not immediately available. The potentially expensive additional work to map the cliffs may also have very limited usefulness to either the Town or property owners, because there are relatively few properties that have the potential to both have a structure safely placed on it and are on slopes greater than 15%. The LUC approach chosen considers the potential overall cost to the community and the limited usefulness to most Dolores residents of paying for this mapping by shifting the burden back to the property owner to demonstrate how a structure can be built on slopes greater than 15%. If the Town decides to map geologic hazard areas at some future time, that information can be used in conjunction with the impact evaluation required by the LUC.

29. Article 10: Outdoor Lighting; So how does the Rotary Christmas lights on the hill then fall within the new lighting standards? I am sure this property is not even in town limits (is it) but it is frustrating the impact it does have on the residential LUC desire for a dark skies. It is technically a trespass. Additionally, I would like to mention that the Outfitter should be made aware of

these new standards and I look forward to keeping and enforcing the compliance timeline on this issue as its all night lighting is clearly not going to be in compliance after adoption.

If the Rotary lights are in Dolores, they are exempt from the lighting regulations because they will be considered a seasonal lighting display that is allowed for 45 days or less within one calendar year. The Outfitter's lighting sounds like something to discuss further with staff.

30. Things I need clarification on in the Outdoor lighting description: C. Increasing night time utility.. etc. to foster nighttime use of property? This sounds like it is actually promoting the use of nighttime lighting? I read it a couple of times and it seems contradictory to the other dark skies initiatives. F. What does it mean by saying increasing the use of outdoor electrically powered luminaires? When I look this up a luminaire is just a light fixture or I should clarify to say a light fixture and all its components seems to be what the definition of what a luminaire on electrician websites- is that the draw to using the term? Does this mean we are encouraging more people to put up more exterior light fixtures? I need help understanding why this is in there. I think it just needs to be taken out. It is not helping the case of strengthening the dark skies initiative. I think F needs to be removed and a more clear direct intent of having all exterior light fixtures illuminate downward with sides to reduce light trespass is a clear and more direct route to go. F just has a lot of confusing and quite frankly contradictory looking verbiage.

These are all purpose statements that are included as a policy framework. They guide the drafting of the outdoor lighting standards and are also included as a reference for decision-making. For example, some properties will require nighttime lighting for safety reasons (e.g., hotels and banks); where this is the case, the Town should consider whether the proposed lighting is designed to provide both nighttime safety and to protect the privacy of adjacent residents.

The "use of outdoor electrically powered luminaires" purpose statement is focused on energy conservation and maximizing benefits to the Town, which the Town has defined as dark skies, so this purpose would encourage the review of lighting applications to see that lighting is minimized and low energy or solar powered lighting sources are provided as possible.

31. I do not agree there should be any room for any deviations in this section. I would push to remove any deviations or exemptions. I would need some clear examples of why these would need to exist at all. The LUC can be modified in this section, if necessary, if and when new light technology comes along. The strongest part of this is the compliance timeline and the lighting curfew... my question is ... how is this enforced, mainly through complaint process?

The deviations process is intended to provide Dark Skies protections while allowing the Town to accommodate unique circumstances. Here are the standards:

Section 10.9. Deviations

Deviations from the lighting standards provided in this section may be approved by the Planning & Zoning Commission when the applicant can prove:

- A. There are unique circumstances affecting the subject property that make it infeasible or impractical to comply with strict application of the lighting standards detailed in this section.
- B. The proposed deviation will achieve the purpose and intent of this section.
- C. The levels of light pollution will not exceed the level anticipated to be produced by a project compliant with this section.
- D. The proposed project will not be contrary to or in conflict with the Comprehensive Plan.

Lighting violations are enforce through the Town's complaint process.

32. Article 11: Signs; All I have to say is I assume the illumination component of this article strictly aligns with the Dark Skies outdoor lighting so as to maximize the potential for reduction of light trespass and support in every manner the strongest potential for dark skies.

Yes, the Sign Code specifically references the Outdoor Lighting article.

33. Article 13: Administration and Procedures... this says it is taking place in early January in the video... Does that mean it is coming before the Board soon? Don't recall this .. I am sorry and need a refresher. Is this about the Board of Adjustments, appeals and the like? Dec. 13th meeting it said. Maybe I will go back and look. Thank you for including it.
34. Article 14: Violations, Penalties, Enforcement; I need to review this section in the document itself.
35. Article 15: Matters of State and Local interest (1041); Weird.. she went silent on that one.

Oops. I think I converted the recording incorrectly and cut off the last few minutes. I'm sure I said "thanks for listening and please join the public conversation about the LUC."

J. Stark Feed back Comments:

1. I see in the presentation one of the major housekeeping items is adding photos, graphics and illustrations. I would like to go back to considering even the simplest identification of general Hazard areas articulated in the LUC that hazard overlays on town lot maps be included for reference in accordance with this goal. I feel this is a top priority to get done and add. I have provided an example of how simple this can even look to the Town Manager and I feel it is important to incorporate to be a “good” and helpful neighbor to our potential property owners, developers and business owners.

Comment above.

2. Seems that “How” new development works with existing development is contingent on the strategic plan.. what are we looking to achieve for the town and then you can establish guidelines for how these can co-exist. I am a little concerned this is a cart before the horse sorta deal.

The updated LUC includes foundational or baseline standards on which the Town can decide to incorporate more detailed standards in the future. This LUC should support a variety of policy and planning choices and approaches that the Town could make regarding new development, including the creation of a new comprehensive or strategic plan.

3. Article 5: Site Layout and Structure Design: I think that the language we want in this section is not bikeable and walkable but maintaining and improving connectivity of non-auto pathways, routes and trails throughout town.

Examples:1. <https://www.countyhealthrankings.org/take-action-to-improve-health/what-works-for-health/strategies/bike-pedestrian-master-plans>

2. <https://atpolicy.org/active-transportation-plans-index/>

Different planning organizations use different terms. If the Town prefers this language it can be substituted into the LUC in place of bikeable or walkable with the same outcome.