

**PLANNING AND ZONING COMMISSION**

**AGENDA**

**AUGUST 1, 2023 6:30 P.M**

**420 CENTRAL AVE DOLORES CO. 81323**

**OR VIRTUALLY BY THE LINK BELOW:**

Join Zoom Meeting

<https://zoom.us/j/92252992315>

Meeting ID: 922 5299 2315

One tap mobile

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+12532158782,,92252992315# US (Tacoma)

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.
5. PUBLIC PARTICIPATION 5 minutes per person.
6. APPROVAL OF THE AGENDA
7. CONSENT AGENDA  
7.1 Minutes of the June 6, 2023 and June 20, 2023 meetings.
8. Staff updates.
9. Commissioner Updates.
11. Future agenda items:
12. Adjournment

**PLANNING AND ZONING COMMISSION**

**MINUTES**

**JUNE 6, 2023 6:30 P.M**

**420 CENTRAL AVE DOLORES CO. 81323**

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1. **CALL TO ORDER** Chairperson Robinson called the meeting to order at 6:36 p.m.
2. **PLEDGE OF ALLEGIANCE.** The group recited the pledge of allegiance.
3. **ROLL CALL.** Present at the meeting were Commissioners, Watters, Powell, and Tucker, Chairperson Robinson. Ex Officio Youngquist and Lewis, staff members Charles, Doudy, Kelly and Swope. Absent, Commissioner Heeney.
4. **IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.** None stated.
5. **PUBLIC PARTICIPATION 5 minutes per person.** No public attended the meeting.
6. **APPROVAL OF THE AGENDA** Commissioner Powell moved and Commissioner Tucker seconded to approve the agenda.  
Yes: all  
No: none
7. **CONSENT AGENDA**  
  
7.1 Minutes of April 11, 2023  
  
7.2 Minutes of May 16, 2023  
  
Commissioner Powell moved and Commissioner Tucker seconded to approve the consent agenda with both sets of minutes.  
  
Yes: all  
  
No: none
8. **Staff updates.**  
Manager Charles told the Commission that the 2024 budget will include grant match of \$25K for a \$50K grant through DOLA (Department of Local Affairs) for consulting services for an updated Comprehensive

Plan.

The town is reapplying for another GOCO grant after being turned down for a previous \$1M grant. This one will be for the bike park and dog park on the west end of Joe Rowell Park, shade structure, modifying the west softball field fence for a mobile one.

Commissioner Tucker has been inventorying weeds in town and marking them on a mapping device he will share with the Montezuma County Weed Department for adding to the County GIS weed layer (Geographic Information System).

He briefly described four types of noxious weeds that are prevalent in Dolores.

#### **8.1 Review Innovative Housing Planning Grant (IHOP) template.**

Manager Charles reviewed the Innovative Housing Planning Grant template for Reporting Strategy Adoption. The template reveals that the town currently has adopted 4 strategies and is pursuing 4 additional strategies.

Commissioner Tucker asked about reducing off-street parking requirements conflicting with the known existing problem of off-street parking. Manager Charles says that the parking will be addressed when the project kicks off.

#### **9. Commissioner Updates. Historic Preservation workshop June 7, 2023 2-4 p.m. in town hall. The public is invited.**

Commissioner Powell described the details of the workshop and what the representatives of each segment of Historic preservation would be talking about. The State and National registrar, the state tax credit office person, and the State Certified Local Government person. Tax Credits may be the most interesting things for the property owners. The Tax Credits office is very interested in keeping historic properties in viable use. B Commissioner Powell hopes to see property owners matched up with the resources these offices offer.

#### **10. Public hearing - Ordinance 565 Series 2023 Amending the Land Use Code to Promote Workforce Housing.**

**a. Open public hearing.** Chairperson Robinson opened the public hearing on Ordinance 565 Series 2023 at 6:55 p.m.

**b. Staff presentation.** Attorney Kelly presented Ordinance 565 Series 2023 and Exhibit A. Attorney Kelly discussed the

Title of the Ordinance with the term "Workforce housing" in the body just because the term Affordable is commonly misinterpreted in the context the town is using the term Affordable". Manager Charles explains that DOLA uses Affordable in its definition. The title will be amended to Affordable Housing rather than Workforce housing.

Exhibit A is a reference to a section in the Land Use Code that has mis-numbered Section 2.5 and is changed to 2.6. The definition of Affordable Housing is inserted into the chapter 2 Definitions of the Land Use Code.

Exhibit A includes the proposed addition, Chapter 16. Affordable Housing. This chapter provides for policies and definitions adjustable as necessary to remain eligible for applicable sources of state and federal funding. Expedited Review will be added to the Land Use Code. It pertains to a development project that includes at least 50 percent affordable housing. The review process will be processed administratively within 120 days of submittal of a complete application unless the project is larger than 10 units, has 10,000 or more square fee floor area or 3 or more units adjacent to single family residential detached dwelling. Reduced off-street parking from two per dwelling unit to one.

Development timing and processing. The construction of affordable units in any development approved through this process shall be timed such that the units shall be constructed and pass final inspection concurrently or prior to the market-rate dwelling units in that development.

The submittal requirements for development are identified in this chapter.

Removal of Mandatory Homeowner's Association was removed from the proposed ordinance by the Commissioner.

**c. Public and Commission participation.** There were no public comments submitted for this hearing.

Commissioner Watters asked if the Area Medium Income was specifically for Dolores. It is determined regionally, in this case, Montezuma County.

Commissioner Tucker asked about the two definitions of affordable housing definition. The purpose of the definition as written is to be able opt for grant funding from either DOLA or Proposition 123.

Commissioner Powell asks if the off-street parking is a required parking area. Not unless there are covenants written in the deed. The other concern Commissioner Powell has is enforcement capacity if parking becomes a nuisance condition. There could be a segment added to the Nuisances ordinance for dealing with that. She says this is acknowledging that parking is an issue but housing problems are more important. Chairperson Robinson suggests that the square footage you give up in parking requirement becomes land area for building or open space within the development.

Tucker asks if more out of area contractors will look at development here rather than the local developers who may not choose to. Kelly thinks this is a prevalent conversation in many municipalities and he expects to see developers looking at the opportunities here and everywhere else.

Staff strongly recommended the Commissioners leave Mandatory Homeowners Association in the Land Use Code because the language says the town "may require Mandatory Homeowners Association." The development will likely have common areas of interest which would be hard to manage without a Mandatory Homeowners Association. Kelly says these attached developments need to have the mechanism in place for as long as the deed restrictions. Commissioner Powell observes that the language gives the Board of Trustees the option to require a mandatory homeowners association or not depending on a case-by-case basis.

Commissioner Tucker says removing it gives up a tool within the code.

Ex Officio Youngquist says there is no harm in leaving it in and settles the unknown unintended consequences of removing it.

Commissioner Watters says to leave it in.

There were no community members present at the public hearing, and no comments were made by email or other correspondence.

**d. Close Public Hearing.** Chairperson Robinson closed the public hearing at 7:45 p.m.

**e. Declaration of Finding of fact.** Chairperson Robinson chose to have Attorney Kelly cite the findings of fact as follows:

A Notice of public hearing on the subject was published, the Commission opened a public hearing, the Commission found the proposed amendments to the land use code are in the interest of the citizens, their health and safety and meet the objective of development affordable housing units.

**11. Action/Recommendation - Ordinance 565 Series 2023 Amending the Land Use Code to Promote Workforce Housing.**

Commissioner Watters moved and Commissioner Tucker seconded to approve Ordinance 565 with the title

renamed Amending the Land Use Code to Promote Affordable Housing and listed corrections to Exhibit A listed here. Change section 2.5 to 2.6 in item 1. Affordable housing definition. Correct one typo of "application" to "applicable" in the first sentence of Applicable Standards and Adjustments and remove item 3 and 4 of Exhibit A.

Yes: Watters, Powell, Tucker, and Robinson.

No: none

12. **Future agenda items: public hearing for an ordinance to amend LUC to include updated permitted use table, density bonuses and new Planned Unit Development permit processes.**

13. **Set the July meeting to July 11, 2023 Independence Day Holiday.**

Commissioner Powell moved and Commissioner Tucker seconded to move the July 4 meeting to July 11, 2023.

Yes: all

No: none

14. **Continuation to June 20, 2023 at 6:30 p.m.**

Commissioner Powell moved and Commissioner Tucker seconded to continue this meeting to June 20, 2023 to continue discussion of amending the Land Use Code to pursue strategies to promote Affordable Housing.

Yes: all

No: none

The meeting was continued at 7:55 p.m.

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Linda Robinson, Chairperson

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Ann Swope, Assistant Clerk

**PLANNING AND ZONING COMMISSION**

**MINUTES**

**JUNE 20, 2023 6:30 P.M**

**CONTINUATION MEETING**

**420 CENTRAL AVE DOLORES CO. 81323**

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1. **CALL TO ORDER** Chairperson Robinson called the meeting to order at 6:33 p.m.
2. **PLEDGE OF ALLEGIANCE.** The group recited the pledge.
3. **ROLL CALL.** Present at the meeting were Chairperson Robinson, Commissioners Powell, Tucker, and Heeney. Also present were town manager Charles, Planner Garvin and Assistant clerk Swope. Absent were Commissioner Watters, Ex Officios Youngquist and Lewis, Attorney Kelly and building Official Doudy.
4. **IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.** None stated.
5. **PUBLIC PARTICIPATION 5 minutes per person.** No one else attended the meeting.
6. **APPROVAL OF THE AGENDA.** Commissioner Powell moved and Commissioner Tucker seconded to approve the agenda.  
yes: all  
no: none
7. **Staff updates.**

**7.1 Presentation – Dolores DOLA innovative Housing Strategies LUC and Policy Drafting.** Planner Garvin Planner Garvin presented the proposed amendments to the Land Use Code in section 9.

**8. Commissioner Updates. Historic Preservation workshop June 7, 2023**

Commissioner Powell told the commissioners about the historic Preservation Workshop that occurred on June 7, 2023. There were 3 agencies representing information to the audience about historic registers, tax credits, and funding opportunities. The group that came made some interesting observations about the structures they found in town. Some were interested in the “salt box” appearance of some of the homes and they noticed some homes which had no foundations per se.

**9. Action/Recommendation - Selection of strategies to amend to the Land Use Code.**

**9.1 Add Affordable dwelling units to Table 4.1: Primary uses.**

This will add Affordable dwelling units as a use-by-right to zones where residential use is allowed by right and by conditional permit.

**9.2 Amend the use table to designate “affordable housing” as a permitted use when the project qualifies as affordable housing. Including use limitation for affordable dwelling units:**

- 1. The project shall meet the dimensional and density standards of the applicable zone district.**
- 2. All units shall meet the definition of Affordable Housing in Section <>, Measurements and Definitions.**
- 3. Density bonus is not applicable to affordable housing projects approved administratively.**

Chairperson Robinson asked to change the permitted use for dwellings to conditional in Downtown Mixed Use and Corridor Mixed Use zones. It was approved by consensus.

**9.3 DOLA Strategy: The establishment of a density bonus program to increase the construction of units that meet critical housing needs in the local community.**

This would apply to any project meeting the criteria for Affordable housing development. Ways to increase density are amending the setback standard, increase lot coverage percentage, reduce minimum lot size, amend the maximum height of buildings, reduce off-street parking requirements, and amending open space requirements. The commissioners discussed the percentage of affordable dwelling units in a project to meet the eligibility for amendments to the development and bulk area standards. The commission was concerned about the off-street parking reductions. The existing issue in residential neighborhoods is the low capacity of on-street parking. Planner Garvin will include additional procedures for reduced parking in neighborhoods where on street parking capacity is found to be low.

**9.4 DOLA Strategy: Allowing planned unit developments (PUD) with integrated affordable housing units relating to community benefits in affordable housing, Historic Structure/site PUD, and Sustainable/Resilient Design PD.**

Allow Affordable housing development in PUD without extra approval process when the

development can demonstrate community benefits, sustainable development, and historic preservation.

The commission reviewed the strategy of Land Banking. This strategy would be a program developed by the Boar of trustees and administered by town staff. The commission also agreed that it would be a good idea for the town to collaborate with other county agencies to obtain land for development.

10. **Future agenda items:** Subdivision of the Fire Protection district and town owned property, public hearing on the new amendment to the Land Use Code.
11. **Adjournment.** The meeting was adjourned at 8:05 p.m.

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Linda Robinson, Chairperson

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Ann Swope, Assistant Clerk