

PLANNING AND ZONING COMMISSION

AGENDA

DATE FEBRUARY 1, 2022 6:30 P.M.

**MASK REQUIRED IN PERSON AT
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
+16699006833,,92252992315# US (San Jose)
+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. APPROVAL OF THE AGENDA**
- 6. PUBLIC PARTICIPATION 5 minutes per person.**
- 8. CONSENT AGENDA**
 - 8.1 Minutes of January 11, 2022**
 - 8.2 Continue this meeting to February 15, 2022 for a public hearing concerning a special exception permit.**
- 9. Staff updates. LUC discussion, the clean-up.**
- 10. Discussion and possible decision:**
 - 10.1 Preliminary Plat review- Gonzales and Smith boundary adjustment (replat).**

Attachment: Summary from staff. The subject plat is in paper format.
- 11. Continued to February 15, 2022**

PLANNING AND ZONING COMMISSION

MINUTES

DATE JANUARY 11, 2022 6:30 P.M.

**MASK REQUIRED IN PERSON AT
420 CENTRAL AVE DOLORES CO. 81323**

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1. **CALL TO ORDER** Chairperson Robinson called the meeting to order at 6:34 p.m.
2. **ADMINISTRATIVE: Appointment of the Chairperson and Vice Chairperson.** This item was moved to follow the approval of the agenda.

Attachment: contents of Municipal Code Title 2 pertaining to the Planning Commission.
3. **PLEDGE OF ALLEGIANCE.** The pledge was recited by the members.
4. **ROLL CALL:** present at the meeting were Commissioners Truelsen, Powell, Tucker, Heeney and Robinson, Ex Officios Watters and Lewis, Staff members Manager Charles, Building Official Doudy, Attorney Kelly and Assistant Clerk Swope. Planner Garvin was present.
5. **IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.** None identified or perceived.
6. **APPROVAL OF THE AGENDA** Commissioner Truelsen moved and Commissioner Powell seconded to approve the agenda.
Yes: all
No: none

ADMINISTRATIVE: Commissioner Truelsen moved and Commissioner Powell and Tucker seconded to appoint Linda Robinson as Chairperson. Roll call vote:
Yes: Tucker, Heeney, Truelsen, and Powell
Okay: Commissioner Robinson
No: none

7. PUBLIC PARTICIPATION 5 minutes per person. The one public participant declined.

8. CONSENT AGENDA

8.1 Minutes of December 7, 2021

8.2 Continue this meeting to January 18, 2022

Commissioner Powell moved and Commissioner Truelsen seconded to approve the consent agenda.

Yes: all

No: none

9. Zoning designation for Town owned properties including parcels to be annexed into corporate limits.

Attachments: Section 3.9 Zone District Public Zones and Use table 4.1 Primary Uses map showing the town owned properties to be annexed. (The map with the properties was added to the meeting as it came to the town from the County mapping department later in the day.)

9.1 Discussion and action: Recommend zoning for the town owned properties to be annexed into corporate limits.

The Commissioners and ex Officios reviewed the map showing the parcels of town owned property that will be annexed with in the town corporate limits. They also reviewed the permitted uses for public zones. The property has been identified for use by the town for public utility facilities. The P 1 zone is defined as an Open Space District and restricts subdivision and most development. One of the identified possible municipal use is for a water storage tank. It was determined by the commission that this use is permitted in the zone in the definitions for municipal facilities. Commissioner Tucker was reassured that the standards for construction in hazardous areas would be met. Attorney Kelly will be wording the purpose of use including conservation easement into the Ordinance for annexation.

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

10. Public Hearing - Presentation of the updated Dolores Land Use Code.

Attachment: Adoption Draft Land Use Code One click here [Dolores Draft Updated Land Use Code](#) or on the town website, <https://townofdolores.colorado.gov/> there is a link on home page or under Projects in the Government tab.

The Draft Land Use Code is available for view on the town website, paper copies are available at the town hall and at the Dolores Public Library. For the last two years articles of the Draft Land Use Code have been posted on the town website.

Chairperson Robinson opened the public hearing at 7:02 p.m.

Manager Charles stated the purpose of the public hearing is to finalize the document and move it to the board for Adoption. Attorney Kelly affirmed that this is a Statutory step in the adoption process. Planner Garvin retold the amount of time and work the Commission has done (as volunteers) to create this document for the community and has represented the community very well.

Chairperson Robinson asked for any public comment. Receiving none, Robinson closed the public hearing at 7:09 p.m.

10.1 Discussion and action:

A. Recommend approval as is,

B. Recommend approval with changes,

C. Return the updated Land Use Code to staff for further development.

Manager Charles notified the Commission of the public comments relating to the Land Use Code that arrived before this meeting. The comments related to minimum lot size reduced to 3000 square feet. The concern is that with this new smaller lot size the owners may split a standard lot and create two lots. The second comment was about “tiny homes” Manager Charles thought the Commission might want to talk about these two issues.

Garvin addressed the comment about reducing lots to 3000 square feet. She brought up a slide to demonstrate the permitted structures per square foot and showed how development of smaller lots can be permitted by conditional use in some zones and depend on the dwelling unit per structure. The potential for a lot-split may occur in NR-3 and LLR 1 with the appropriate process. The new NR-2 zone will include the existing single-family lots that are less than the minimum standard of 6000 square feet. That standard will bring these lots into compliance with the Land Use Code and allow the owners to make improvements on their lots without the application for a variance. Chairperson Robinson asked for feedback from the Commission as to their satisfaction of the explanation. The Commissioners did not add comment, and some nodded in agreement to Chairperson’s statement of satisfaction and Ex officio Watters felt that Garvin’s explanation was satisfactory.

As for tiny homes, Planner Garvin offered some options for the commission to consider. In the structural dimension standards, the minimum dwelling area is 800 for all zones until units/structure exceed two.

- Watch and wait for demand,

- If we think tiny homes may be in demand, we can add an exception for tiny home to be allowed provided it meets building codes. If it applies across the board. Could reduce the 800 square foot area.
- Define tiny homes somehow but may be hard to do.
- Allow only in special circumstances as in a planned unit development (PUD) permit. A PUD allows the developer leeway in the standards anyway.

Answering Commissioner Truelsen inquiry about public interest, Building Official Doudy says that some property owners of mobile home parks have asked about tiny homes, and a property owner outside of town limits may be interested in developing tiny homes PUD and asked to be allowed to be annexed into city limits.

Commissioner Tucker says to leave the code as is. Powell says that she would prefer to address this subject in the future reviews of the code after adoption.

Commissioners Heeney, Powell Truelsen and Robinson agreed with Commissioner Tucker and Powell to wait for demand to occur. Robinson remembers that there is a smaller dimension standard for Accessory Dwelling units and is satisfied that the standards allow for flexibility as written. Heeney cautions that the term "tiny home" may be a politically incorrect term for houses.

Chairperson Robinson lists finding of facts and asked for guidance and assistance. She chose to adapt the statement form Attorney Kelly which is below:

Attorney Kelly states that the motion would state the findings of facts are that the Commission has held a public hearing and the notice of the hearing was published and the Commission has considered the comments presented at the hearing and considered the written comments that were submitted prior to the public hearing and make the recommendations that the revised Land Use code be approved by the Town Trustees.

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.

Commissioner Tucker added at this time a written comment regarding easement definition and easement types was submitted and thought there should be a response to it. Planner Garvin response is the following: these easement identifications will be addressed in the development application process. Attorney Kelly says this really is an issue within the county development where large tracts of land are subdivided for housing or other and the easements become a factor for those types of events.

Robinson reiterates that the Land Use Code will be reviewed periodically and amended as needed in the future.

Some banter about missing the two meetings a month and perhaps looking to other towns to dissect their land use codes for fun was mentioned. Heeney reminded the group that “Its Dolores don’t make it worse” was the focus on the Commissioner’s mind as they worked on the revisions.

The roll call vote was:

Yes: Truelsen, Powell, Robinson, Heeney and Tucker

No: none

Manager Charles said that in all his years of working with Commissions and Boards he has never seen a more hard-working group.

11. Continued to January 18, 2022

RE: Lot line adjustment Joanna Smith and Ruby Gonzales

According to Article VI.J.1 - Re-plats shall be subject to all the requirements of the LUC regarding preliminary plats and final plats, provided, however, that the Board of Trustees shall be authorized to approve an amending plat without notice or hearing where the re-plat or plat amendment is solely for one of the following purposes and does not remove any covenants or restrictions or increase the number of lots.

According to Article VI.J.1.i – An amendment to a plat can be approved when, “The purpose of the amendment is to relocate or vacate one (1) or more lot lines between one (1) or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment”.

Both parties have submitted the application and agree on the amending of the original plat. In addition, this amendment does not create any additional lots, is not in conflict with any covenants or restrictions and therefore, meets the requirements of the LUC.

With this application meeting all the requirements of Article VI.J.1, the zoning commission need only decide to conditionally approve or disapprove the re-plat. There is no requirement for a public hearing or further action by the commission.

Once the commission moves, the Zoning Official shall submit the preliminary plat/final plat to the Town Board for their consideration along with the planning and zoning recommendations.

The Board of Trustees can then decide to approve the plat or disapprove the plat. If the plat is disapproved, it shall be returned to the sub-divider by the Zoning Administrator with an attached statement of the reasons for such action.



Discussion and Possible Action

Meeting Date: 2-1-22
AGENDA DOCUMENTATION
Item

TO: DOLORES PLANNING AND ZONING

FROM: David Doudy

SUBJECT: Boundary line adjustment 200 S. 5th Street – Smith/Gonzales

PURPOSE AND BACKGROUND

Joanna Smith and Ruby Gonzales submitted an application for a boundary line adjustment between their two properties. The application was submitted to cure a setback issue between the two properties. Currently there are two porches on Ms. Smith's property that do not meet the setback requirements as outline in the LUC of the town. A section of Ms. Gonzales' property is being purchased by Ms. Smith and the boundary will reflect this change.

FISCAL IMPACT

There is no financial impact to the Town of Dolores

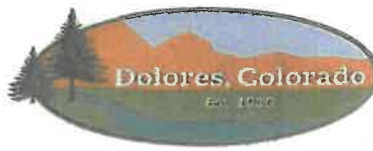
RECOMMENDATIONS

It is staff's recommendation that this boundary line adjustment be approved for the following reasons and conditions;

Reasons for approval

1. This zoning request will address the setback non-compliance between the two properties

420 Central Ave, P O Box 630 Dolores, CO. 81323
Ph. 970-882-7720 fax. 970-882-7466
www.townofdolores.com



2. This zoning request will decrease the pre-existing non-compliance on Ms. Smith's lot of a lot that is less than 6000 square feet by adding more square footage to that property.
3. This zoning request meets all the requirements of Article VI.J.1.i – The purpose of the amendment is to relocate or vacate one (1) or more lot lines between one (1) or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment.

Conditions:

1. A building permit shall be secured to reduce or remove the section of the porches on the south side of the building to meet the setback requirements.
2. Completion of the permit for the south porches shall be fulfilled within 180 days of the final approval of this plat.
3. Any financial requirements must be fulfilled between the two parties.

With these requirements met, a public hearing is not required and a simple approval by the Planning and Zoning Commission is required to move this project to the Town Board for their approval.