

**Planning And Zoning Commission  
Agenda  
February 6, 2024 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  
+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. Public Participation 5 minutes per person.**
- 6. Approval of the Agenda**
- 7. Consent Agenda**
  - 7.1 Minutes of the January 9, 2024 meeting.**
- 8. Staff Reports**
  - 8.1. Manager Ruud** – verbal update on recent administrative activities, Attachment, January Report to the Board of Trustees
  - 8.2. Attorney Kelly presenting language for item 10.2**
  - 8.3. Building Official Doudy** – attachment January report to the Board of Trustees, 2023 Year end totals data.
- 9 Commissioner Updates.**
  - 9.1 Chairperson Robinson report to the Board of Trustees January 22, 2024 attached.**
- 10. Discussion:**
  - 10.1. Consistency of definitions within the Land Use Code and the Building Code. No attachment.**
  - 10.2. Conditions under which the New Land Use Code regulations for commercial**

parking lots and landscaping would be triggered. No attachment

10.3. Weed Management Plan No attachment

10.4 Watershed Plan. No attachment

10.5 HB24-1152 – Accessory Dwelling Units Legislation Attachment- Colorado  
Municipal League legislative alert

Link to the bill

[https://leg.colorado.gov/sites/default/files/documents/2024A/bills/2024a\\_1152\\_01.pdf](https://leg.colorado.gov/sites/default/files/documents/2024A/bills/2024a_1152_01.pdf)

Link to CML website <https://www.cml.org/>

11. Future Agenda Items: to be determined.

12. Adjournment

**Planning And Zoning Commission  
Minutes  
January 9, 2024 6:30 p.m.  
420 Central Ave Dolores Co. 81323  
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1. **Call To Order.** The meeting was called to order at 6:35 p.m.
2. **Pledge Of Allegiance.** The group recited the pledge.
3. **Roll Call.** Present at the meeting were Commissioners Powell, Tucker, Heeney, and Chairperson Robinson. Ex officio Youngquist. Staff members Attorney Kelly, Manager Ruud, Building Official Doudy and Assistant Clerk Swope
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. **Consent Agenda**  
**7.1 Minutes of the December 5, 2023**  
Attachment, Attorney Kelly's presentation to Commissioners; *excerpts from Articles 2, 7 and 13 of the 2022 Dolores Land Use Code.*  
Commissioner Tucker moved and Commissioner Heeney seconded to approve the consent agenda.  
Yes: all  
No: none
8. **Appointment of Offices: Motion and second needed.**  
**8.1 Chairperson, Vice Chairperson, Secretary.**  
Commissioner Tucker moved and Commissioner Heeney seconded to appoint Linda Robinson to Chair, Dan Heeney to Vice-chair and Shirley Powell to Secretary.  
Yes: all

No: none

8.2 Commission terms reviewed.

*Chairperson Robinson Term expires 5/7/24, Vice Chairperson Heeney Term expires 5/7/2024, Commissioner Tucker Term expires 4/2/2024, Commissioner Powell term expires 4/2/2024. The newly vacant term, when filled, expires 5/6/2025. Committee members renewing in 2024 will serve 2-year terms.*

*Attachment Municipal Code 2.08.Planning and Zoning Commission. (Ord 341 1986) Attorney Kelly recommends this item of term appointments be added to the Board of Trustees agenda for consideration as the reappointments occur in the same month as elections.*

All the sitting Commissioners' terms will expire in 2024. They may reapply for the next term and the Board of Trustees will appoint from the pool of applicants in April and May of 2024. An eligible applicant can fill the vacant seat anytime and will expire in May of 2025. Flyers announcing this vacancy will be posted around town.

9. Staff Reports

9.1. **Manager Ruud** – verbal update on recent administrative activities, Attachment December Report to the Board of Trustees

Manager Ruud updated the Commission on the non-approval of the DOLA Infrastructure grant application of the 19<sup>th</sup> street housing project. Options for funding are mainly for planning at this time. Manager Ruud will apply for the Prop 123 planning grant and the DOLA planning grant as well.

9.2. **Attorney Kelly** waived his time to use it in item 11.1

9.3. **Building Official Douady** – *attachment December report to the Board of Trustees*

10. Commissioner Updates.

10.1 Chairperson Robinson report to the Board of Trustees December 11, 2023, attached.

11. Discussion:

**11.1. Discuss Section 13.23 of the Land Use Code specifically subsection 13.23 B. (c).**

**Applicability and Section 2.7 Flood Hazard Definitions – substantial improvement .**

*Attached – excerpts from the Land Use Code related to these items.*

The Commission reviewed the existing triggers in the Land Use Code and discussed the terms and definitions within the Land Use Code. One of the definitions is related to Flood Damage Prevention or an identified hazard zone like the Riparian zone. This is called “substantial improvement,” measured by development or improvement which is 50% or greater of the value of the property then the whole structure must become compliant to the standards of FEMA Regulations.

The landscaping standards for Commercial property have a threshold at 10% to 75% increase of gross floor area requiring adding the same proportion of landscaping or parking requirements to the application for improvement.

Attorney Kelly set three options of thresholds in landscaping and parking for the Commission to consider and discuss:

Option one, do nothing.

Option two, adjust the existing threshold.

Option three, use the Flood Damage Prevention standards or the Building Code standard for “substantial improvements” costing 50% of the value of the property to come into compliance with the landscaping and parking requirements of the Land Use Code. Building Official Doudy explained the valuation table used by FEMA to determine existing valuation of a property. He explained the “cumulative” measurement that FEMA uses is different than the per event measurement the Building Code uses. FEMA counts each improvement as an increase from the last improvement. Attorney Kelly recommends the Commissioner consider Substantial Improvements definitions for thresholds that are consistent with the definitions for thresholds in the Building Code and FEMA threshold language.

Attorney Kelly cautions the Commissioners to keep in mind that lowering the threshold will cause an increase in the capital costs of improvements impacted by these thresholds. He says the 10% or lower threshold will likely result in a lower amount of development activity. When asked by Commissioner Tucker about other municipalities’ standards Attorney Kelly says it varied widely but seemed to mirror the Substantial improvement definition overall.

Discussion. The difference between a 10 % increase of gross floor area versus a substantial improvement is that the substantial improvement definition is more universal among codes. Commissioner Tucker pointed out that a complete change to an existing parking lot was the purpose of this discussion. Youngquist asked what triggers a site plan review? He asked can the standard be applied to horizontal improvements without increasing gross floor area? The Commissioners recognize that the Building Official determines the valuation of the existing structure and weighs that with the applicant’s valuation of the cost of improvement. The Commissioners got clarification with the existing trigger impact on overall landscaping versus and new language that would trigger overall compliance to landscaping or separate the landscaping from redevelopment. The commission feels like the standards should apply to the entire improvement not just the structure. Right now, the standards only get triggered with a structural increase. Potentially the new language of valuation may trigger overall improvements to the landscaping and parking.

How do we separate zoning standards from building permits?

What triggers a site plan? If a dollar figure is the trigger, does the dollar figure include the improvement to the site? What if the parking lot cost more than the redevelopment of the structure? The Planning Administrator has the discretion to send this site plan to the Planning Commission.

Manager Ruud points out the language in the Land Use Code prescribes the valuation to be measured on the “Market” value of the structure. There are two steps to a development project approval, the planning and zoning and the building permit. Doudy says the Market

value is based on the valuation table determined by the International Code Council. The Building Official uses that chart of values for construction types to value the building permit and improvements to existing structures.

The Land Use Code has different definitions for valuation and thresholds in various sections of the Code. Part of the solution to this threshold language is to align the definitions throughout.

Can new standards be introduced for surface improvements based on structure improvements or for any changes to the surface area?

Does the site plan review require the Zoning Administrator consider the purpose of the Land Use Code?

Can the language for parking surface include permeable surface or storm water management?

Direction from the towns people is that they don't want to see a bunch of additional costs come at them when they try to make improvements to their property.

Consider standards for the exterior improvements that produce the effects the Land Use Code purpose statements in Section 1.2 Purpose and Applicability.

Changes to the surface or the layout of the parking area then other standards must be met. Is Commercially used property the focus of this threshold? Would it apply to the zone or just the use?

Storm water management is a consideration for hard surface parking surfaces. Does the Land Use Code need standards for surface types? Are retention ponds going to be required?

Attorney Kelly will develop a threshold for parking lot improvements at the 10% trigger for any improvements made to the exterior surface of the property in a commercial use.

Screening with adjacent residential will be an enforceable aspect?

#### **11.2. Discussion of other topics that are of interest of the Planning and Zoning Commission such as:**

- Potential Historic District, Commissioner Powel reminded the Commissioners that until the Town has the staffing capacity and the designation of "certified Local Government" with History Colorado there is not much reason to pursue any projects at the town level. Individual property owners can still apply for tax credits and historic register status on their own.
- Weed plan and compliance, Commissioner Tucker has a plotted weed map of the Town. He will stay connected with the County Weed department in the future developments of that Department. The department has gone through a transition with personnel and funding. The town will need to make their own weed management plan as a stand-alone program. Commissioner Tucker foresees compliance problems with resources and enforcement. The existing noxious weeds we have inventoried are not the species that need to be eradicated. However White top (Hoary Cress) is prevalent throughout town and is difficult to eradicate but can be controlled with treatments. He suggests that site

plan reviews include a weed inspection. If the weed inventory map is kept up to date it can be a service to the town for site plan review.

- Watershed Management Plan. The town can adopt a Watershed Ordinance creating a watershed area up to five miles upstream and in the surface within a five-mile area. To do this the town must do some engineering studies and environmental studies to determine the existing conditions of the watershed area and have public participation events as required for this public process. Some of the existing drainages on the escarpment above the town impact the town as the water drains through town. The Water Conservancy District Manager from Mancos has offered to present to the Board of Trustees regarding the watershed plan Mancos has been developing.
- Trails and Mobility Plan revisited. *This item was not discussed at this meeting.*

**12. Future Agenda Items:**

Consistency of definitions within the Land Use Code and the Building Code.

Conditions under which the New Land Use Code regulations for commercial parking lots and landscaping would be triggered.

Weed Management Plan, and Watershed Plan.

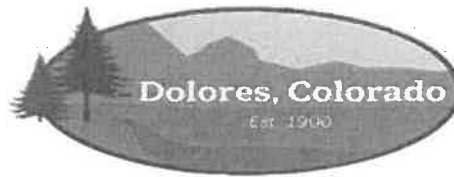
**13. Adjournment.** The meeting adjourned at 8:40 p.m.

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Linda Robinson, Chairperson

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Ann Swope, Assistant Clerk



## **Manager's Report Dolores Colorado**

**To: Mayor and Trustees**  
**From: Paul Ruud, Dolores Town Manager**  
**Date: January 8, 2024**  
**Re: Trustees Meeting**

### **January 8 Town Board Meeting Manager Updates:**

|                          |                         |  |
|--------------------------|-------------------------|--|
| <b>Trustees Meeting:</b> | <b>Ordinances for:</b>  | <b>Removal of Snow Permits</b>           |
|                          | <b>Resolutions for:</b> | <b>Trustees Election Ballot Question</b> |
|                          |                         | <b>Certification of 2023 Tax Levies</b>  |
|                          |                         | <b>Levying Property Taxes for 2024</b>   |

**Manager Items:**

- Region 9 Board of Director opening for the seat that Leigh Reeves used to have.**
- Dolores Chamber of Commerce Board Meeting on January 9, 2024.**
- Update and discussion of the New Town Hall Remodel Project and timeline, the planned Old Town Hall demolition, including the CDPHE Grant Application, and the planned Flander's Park Restroom Project.**
- Discussion about the timing of the Issuance of the 19<sup>th</sup> Street Affordable Housing Request for Proposal. Discussion about the DOLA Strong Communities Infrastructure Local Grant application. Discussion about the Local Planning Capacity Grant application.**
- Update on CDOT winter snow maintenance coordination on the 400 Block of Highway 145/Railroad Avenue. Update on Spring 2024 installation of Behavioral Feedback Speed Signs.**
- Update from the Montelores Coalition including discussions with Onward – A Legacy Foundation, acting as a new Fiscal Agent for the Coalition.**
- Update on Manager Ruud's Improvement Plan progress.**



## **Town board January 8, 2024**

### **Building Official/Building Inspector report**

#### **Current projects:**

1. #1088 – Hood system final
2. #1088 – Suppression system final
3. #1088 – Alarm system final
4. #1102 – Multiple inspections
5. #1127 – Multiple inspections
6. #1126 – Framing
7. #1126 – Roofing

#### **New permits: Four permits for a total of \$555.00**

1. #1128 – Tenant Improvement
2. #1129 – Gas line
3. #1130 – Gas line
4. #1131 – Heater replacement

#### **Consultations - Phone and in person**

20 Phone and in-person

#### **Construction Inspections**

19 construction inspections of permits issued.

#### **Future projects on the horizon:**

None at this point

#### **Business Inspections**

One

#### **Food trailer/truck inspections**

None

## **STR Inspections**

Six

## **Internet Technology**

Repaired one board member computer

## **SPECIAL PROJECTS**

### **1. New Town Hall**

- a. Painting of affected areas is ongoing.
- b. New Dias has arrived.
- c. The ceiling grid is finished.
- d. Solar system has been removed from 420 Central and is now in storage –  
Awaiting crews to install on new town hall in the spring early summer.
- e. Electricians are installing switches and outlets.

## **STR's**

We had one current STR operator inform us that they are no longer going to be doing STR's and the number of STR's is now reduced to 21.

## **Compliance issues**

No new issues this month

|           | PERMITS ISSUED | FUNDS COLLECTED | VALUATION      | CONSTRUCTION INSPECTIONS | BUSINESS INSPECTIONS | CONSULTATIONS | STR INSPECTIONS |
|-----------|----------------|-----------------|----------------|--------------------------|----------------------|---------------|-----------------|
| JANUARY   | 2              | \$2,366.75      | \$441,800.00   | 10                       | 1                    | 34            | 0               |
| FEBRUARY  | 0              | \$0.00          | \$0.00         | 7                        | 2                    | 33            | 2               |
| MARCH     | 0              | \$577.00        | \$17,300.00    | 7                        | 2                    | 25            | 1               |
| APRIL     | 5              | \$6,489.95      | \$32,000.00    | 20                       | 1                    | 31            | 0               |
| MAY       | 5              | \$1,250.00      | \$19,600.00    | 12                       | 2                    | 56            | 0               |
| JUNE      | 4              | \$932.85        | \$70,600.00    | 17                       | 3                    | 73            | 3               |
| JULY      | 4              | \$960.00        | \$25,674.14    | 15                       | 3                    | 30            | 1               |
| AUGUST    | 4              | \$728.83        | \$27,500.00    | 11                       | 0                    | 35            | 1               |
| SEPTEMBER | 3              | \$8,620.60      | \$764,813.64   | 9                        | 0                    | 65            | 1               |
| OCTOBER   | 3              | \$1,130.00      | \$56,870.00    | 13                       | 1                    | 39            | 2               |
| NOVEMBER  | 8              | \$1,512.68      | \$116,038.00   | 22                       | 1                    | 55            | 1               |
| DECEMBER  | 8              | \$1,054.00      | \$220.00       | 14                       | 1                    | 56            | 5               |
| TOTALS    | 46             | \$25,622.66     | \$1,572,415.78 | 157                      | 17                   | 532           | 17              |

21% over 2022      36% over 2022      61% over 2022      \* -10% less than 2022      \*\* -129% less than 2022      9.2% over 2022      125% over 2022

\* Due to major projects not starting until late in the year

\*\* Due to building official working on new Town hall

Report to the Board of Trustees on the  
Planning & Zoning Commission meeting held  
January 9, 2024

Highlights from the January 9, 2024 P&Z meeting that generated discussions of potential interest to the Board

| Agenda Item/Description |   | Discussion  |
|-------------------------|---|---|
| 8                       | Appointment of offices  | <ul style="list-style-type: none"> <li>Chair: Linda Robinson</li> <li>Vice chair: Dan Heeney</li> <li>Secretary: Shirley Powell</li> </ul> <p>The secretary will take on responsibility from the Chair for preparing a brief report for the Mayor and Board of items discussed at the meeting and for identifying agenda items for the next P&amp;Z meeting. The Commissioners agreed that this report would not be a comprehensive summary of the meeting nor would it replace the minutes being prepared by the Assistant Town Clerk. The report will focus on agenda items generating discussion, that likely would be continued on the agenda of the subsequent P&amp;Z meeting.</p>  |
| 11.1                    | Section 13.23 of the Land Use Code, 13.23 B.(c) Applicability | <ul style="list-style-type: none"> <li>The Commissioners and staff discussed the consistency of definitions used in the Land Use Code and the building code.</li> <li>Attorney Kelly discussed possible actions that the Town could take (or not) in response to proposed construction activities – after which the new LUC regulations for parking and landscaping would be triggered.               <ol style="list-style-type: none"> <li>Do nothing</li> <li>Change the current 10% trigger</li> <li>Move towards a “substantial improvement” trigger along the lines of the one used by FEMA</li> </ol> </li> </ul> <p>The group also discussed the possibility of using a change in the substrate of commercial parking areas as a trigger for the parking-lot-landscaping guidelines in the LUC.</p> |
| 11.2                    | Additional topics of interest to the Commissioners            | <ul style="list-style-type: none"> <li>The Commissioners discussed the advisability of shifting their focus their efforts from the Comp Plan to “sub-plans” that could be incorporated, by reference, into the Comp Plan.</li> <li>Weed Management Plan: Commissioner Tucker will work at getting a copy of the County’s “weed map,” and gather more information on their weed-management efforts.</li> <li>Watershed Management Plan: Manager Ruud will contact the Mancos Water Conservancy District to learn more about their plan, including potential funding for such plans.</li> <li>The Historic Preservation Plan was given a lower priority based on lack of Commission and Staff capacity and perceived need.</li> </ul>   |
| 12                      | Agenda items for February P&Z meeting                         | <ul style="list-style-type: none"> <li>The consistency of definitions used in the Land Use Code and the building code</li> <li>Conditions under which the new LUC regulations for commercial parking and landscaping would be triggered</li> <li>Weed Management Plan</li> <li>Watershed Management Plan</li> </ul>   |

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**CML Action Alert: HB24-1152 - Accessory Dwelling Units Legislation**

1 message

Colorado Municipal League &lt;bstables@cml.org&gt;

Wed, Jan 31, 2024 at 4:54 PM

Reply-To: bstables@cml.org

To: ann@townofdolores.com



## Accessory dwelling units bill introduced in the House

### Shaping up to form ADU policies for our communities

#### **House Bill 24-1152, Concerning Increasing the Number of Accessory Dwelling Units Introduced**

A new bill in the House, **HB24-1152**, concerning Accessory Dwelling Units (ADUs), raises some concerns about home rule and local control. While we share the state's goal of expanding housing options, this bill encroaches on traditional land use and zoning authority of home rule municipalities. As it is currently written, HB24-1152 suggests municipalities haven't been proactively addressing ADUs and affordable housing, which simply isn't true. Many of you have implemented or are working on **innovative solutions** tailored to your local needs. We continue to believe strong ADU policy should be built on **partnership, not preemption**. CML respectfully requests opposition, unless the bill is amended

## Help shape ADU policy

Help shape ADU policy in a way that respects local voices and empowers communities to find solutions that work for them by:

- Reviewing CML's position paper on **HB24-1152**.
- Reading the **complete bill**.
- **Contact your state lawmakers** to engage in the dialogue and voice your concerns.

If you do take a position or contact your legislators, please inform our housing policy advocate, Bev Stables at [bstables@cml.org](mailto:bstables@cml.org).



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Colorado Municipal League | 1144 Sherman St., Denver, CO 80203 | 303 831 6411

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