

PLANNING AND ZONING COMMISSION

AGENDA

JUNE 6, 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

+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 April 11, 2023
 - 7.2 Minutes of May 16, 2023
8. Staff updates.
 - 8.1 Review Innovative Housing Planning Grant (IHOP) template.
9. Commissioner Updates. Historic Preservation workshop June 7, 2023 2-4 p.m. in town hall. Public is invited.
10. Public hearing - Ordinance 565 Series 2023 Amending the Land Use Code to Promote Workforce Housing.
 - a. Open public hearing.
 - b. Staff presentation.
 - c.. Public and Commission participation.
 - d. Close Public Hearing
 - e. Declaration of Finding of fact

11. Action/Recommendation - Ordinance 565 Series 2023 Amending the Land Use Code to Promote Workforce Housing.
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.
14. Continuation to June 20, 2023 at 6:30 p.m.

PLANNING AND ZONING COMMISSION

MINUTES

DATE APRIL 11, 2023, 6:30 P.M.

420 CENTRAL AVE DOLORES CO. 81323

OR VIRTUALLY BY THE LINK BELOW:

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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 pledge was recited by the group.
3. **ROLL CALL:** Present at the meeting were: Chairperson Robinson, Commissioners Watters, Powell, Tucker and EX Officio Youngquist. Staff members present were Attorney Kelly and Assistant Clerk Swope. Planner Ms. Garvin attended via Zoom as did Nancy of S E H planning Inc.
Absent were Ex officio Lewis, Building Official Doudy and Manager Charles.
4. **IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.** None mentioned.
5. **PUBLIC PARTICIPATION 5 minutes per person.** No one else attended the meeting.
6. **APPROVAL OF THE AGENDA.** Commissioner Tucker moved and Commissioner Powell seconded to approve the agenda.
Yes: All
No: none
7. **CONSENT AGENDA**

7.1 Minutes of March 7, 2023

Commissioner Tucker moved and Commissioner Powell seconded to approve the minutes with the typos corrected and the acronym AMI used in the presentation of David Bruce defined this way; Average Median Income, also known as Area or Annual

Median Income.

Yes: All

No: none

8. Staff updates

8.1 Neighborhood Meeting Notes with 19th street owners March 30, 2023

8.2 June 27 2022 Board Workshop discussion attainable housing project opening letter.

8.3 Resolution R496 Series 2022-Creating the Dolores Affordable Housing Task Force.

The Commissioners briefly reviewed the contents of the packet.

8.4 Review the strategies Planner Ms. Garvin will present to the Commissioners. This will be the time when the Commissioners will decide on certain policies and standards for workforce housing and make recommendations to the Board of Trustees.

Attachment: Dolores DOLA Strategies Drafting pdf.

Planner Ms. Garvin presented the Department of Local Affairs recommended strategies for affordable housing grant eligibility. Five topics were listed for discussion.

A. Affordable Housing Policy and Definitions. It is the Planning Commission's duty to create a definition for affordable housing. It will contain income eligibility that targets income earners earning income between the cut off for subsidized housing and income below the income required to purchase market rate housing.

The Commission will consider income definitions that will please two funding sources, HB 1271, and Prop 123. They are the regulations adopted by the state to promote and support affordable housing efforts.

The committee reviewed the proposed definition of affordable housing.

B. Length of Deed Restriction Information. Planner Ms. Garvin spoke of creating deed and development agreements for developers to deter unfinished projects. (Information about deed restrictions was provided in Appendix A)

C. Workforce housing "workforce" housing is differentiated from "affordable" housing by selecting criteria for eligibility, like making working in the same city as you live a requirement. Chairperson Robinson asked each Commissioner for thoughts on adding workforce housing criteria to the Land Use Code. The three Commissioners did not think it would be a beneficial item to add to the LUC, because setting the criteria is an administrative duty. It is not seen as a benefit for Dolores because of the limited types of employment in town. This element will be considered for addition to the program administration later.

The next discussion item is the “use-by-right” trigger for affordable housing development when it “meets the building density and design standards of the zone district.” The policy question is what number, percentage or other value triggers a use-by-right? The group talked about setting the trigger at one, a minimum of one but a percentage, an affordable dwelling unit on a lot with a single-family dwelling, a range of units based on the size of the development. Ms. Garvin will be providing some examples of inclusionary zoning which uses “development pro forma” to figure out the break point to determine how many units a developer needs to have in a project to afford to build affordable units.

The group discussed the permitted use table regarding duplexes with the focus on the proposed 19th street affordable housing development. The minimum lot size for duplexes is different than the lot size for townhomes in the Land Use Code. Maximum density has not been set for zones in the Land Use Code yet but a density bonus could allow additional units if it includes affordable housing. The concern from the group is the impact on other town characteristics of town and the quality of life. Finding the right combination of incentives and controls will be a focus at the next session. There is some concern in the Commission about not having a firm idea of the need for affordable housing within the community and how many is too many for the developer to make it good business? Ms. Garvin reminds the group that density bonuses are not necessary to add to the Land Use Code to meet the strategies mark with DOLA. The other observation made by this group is that some of this group and many other members of the community can’t even afford to buy an “affordable” house even if many others can. The other limiting factor is the finite amount of developable land within the corporate limits.

D. Expedited Process Incentives. This method would enable the project to be reviewed without public hearing and or Commission or Board if it meets all the criteria of the check list established by the town. Ms. Garvin presented the draft of the list including timelines for community meeting requirements, timeline of application submittal to final approval, parking, and quality of life features, i.e., trails or open space.

Ms. Garvin will add an element that would allow an application to redevelop a commercial property if it could show the benefits of redeveloping a commercial property while keeping the required commercial presence.

Ms. Garvin will be at the May 2, 2023 meeting to share more information about developers’ ability to add affordable units to a proposed development, language relating to redevelopment of commercial property to affordable housing, address the incentives for development and the impact on other features of the community. The Commission

will have time to review the appendix material and research affordable housing strategies of other communities.

E. PUD Community Benefits This discussion was not discussed and will be added to the May 2, 2023 meeting.

9. **Adjournment.** Chairperson Robinson adjourned the meeting at 8:15 p.m.

Linda Robinson, Chairperson

Ann Swope, Assistant Clerk

PLANNING AND ZONING COMMISSION

MINUTES

~~DATE MAY 2, 2023, 6:30 P.M.~~

MAY 16, 2023 6:30 P.M

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1. **CALL TO ORDER** Vice Chair Heeney called the meeting to order at 6:31 p.m.
2. **PLEDGE OF ALLEGIANCE** The pledge was recited as a group.
3. **ROLL CALL** Present at the meeting were Chairperson Robinson (via Zoom), Vice Chair Heeney, Commissioners Powell, and Tucker, Ex Officio Youngquist. Staff present were Manager Charles, Building Official Doudy, Attorney Kelly, Planner Garvin, and Assistant Clerk Swope. Absent were Commissioner Watters and Ex Officio Lewis
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 Tucker moved and Commissioner Powell seconded to approve the agenda.
Yes: all
No: none
7. **CONSENT AGENDA**

7.1 Minutes of April 11, 2023
The Minutes of April 11, 2023 were omitted form the packet and will be submitted for approval at the June 6, 2023 meeting.
8. **Staff updates.** Manager Charles updated the commission on the town activities and current project planning in Dolores as of this meeting. The siren project is in the installation phase, the Generator project is in the bid stage, and the trade bids for 601 Central remodel were reviewed and approved by the Town Board. The town met with Brownsfield and Colorado Department of Health and Environment staff

regarding the demolition of 420 Central. There will be another round of asbestos testing on the building. The town will be eligible for federal funding for infrastructure improvements. There will be additional financing and debt load to the town but overall, the value of the funding is \$4.6 million.

8.1 Understanding Growth and Housing Issue in Dolores

- A. Comprehensive Plan
- B. Dolores Future Housing Needs/Regional Housing Needs Assessment
- C. Natural and Structural Limitations

8.2 Discussion items:

A. Where Does the Rural Homes Project Fit? Planner Garvin opened her presentation with a few questions to the Commission.

1. For affordable housing, are changes to the Land Use Code necessary? Planner Garvin restated the existing standards and regulations that the Commission added to the Code before adoption in 2022.

2. Are updates to the Comprehensive Plan necessary to the effort to promote affordable housing development? Commissioner Powell says that the Commission has been pursuing updating the Comprehensive plan for years but nothing happens.

The need for promoting affordable housing is assessed on several studies conducted around the state and by region. The studies revealed that there are barriers for certain income households to purchase or rent homes at an affordable cost.

In Dolores the response showed that 63% of people said there were barriers for affordable housing options. The most common barrier was the price of a starter home or rent and the location of housing in relation to the location of workplace. Construction costs have increased the price of new homes. Second homeowners that use their homes for vacations and vacation rentals put pressure on the housing prices. The loss of home inventory is a factor in the price of homes as well.

Planner Garvin's presentation guided the Commission through the statewide efforts to promote affordable housing development listed below. The presentation is recorded on the town's YouTube channel and can be viewed from the town website.

B. Changes at the State Level

- a. Prop. 123. Portions of state income tax revenue provide funding opportunities for housing projects and planning grants. Municipalities and Counties can opt into the program by November of 2023. There are some criteria that must be achieved by the municipalities on the rate of development of affordable housing in a defined period. Penalties will occur if growth targets are not met. Chairperson Robinson asked if Prop 123 supports Accessory Dwelling Units (ADU). Planner Garvin says that information on ADU's is available on the Department of Local Affairs (DOLA) website.

Vice Chair Heeney asked if there is a time limit for more affordable housing development. Ex Officio Youngquist is comfortable with the commitment of growth by percentage in a defined time limit.

Attorney Kelly brought up the cost of infrastructure and wondered if Prop 123 might fund those costs.

Manager Charles says there are additional funding sources through DOLA and Prop 123. Chairperson Robinson is not keen on incentivizing developers before understanding the effect of density bonuses on the town.

Commissioner Tucker is comfortable putting the expedited review process into the code for affordable housing development applications.

Chairperson Robinson is comfortable putting in use-by-right in all residential and mixed-use zones as long as the development meets the underlying zone regulations.

Planner Garvin is looking at ways to blend use-by-right with density bonuses.

Commissioner Tucker wants to make the determination of effect on each zone before adding density bonus to the Code.

- b. Future of SB23-213 and Potential Legislative Requirements. (This bill did not pass.)
- C. Town Priorities Addressed by LUC Update. The strategies put into the Land Use Code in 2022 were use-by-right for Accessory dwelling units and townhomes in single family residential zones that meet the bulk area standards and other regulations within the code.
- D. Identify Potential Additional Changes for Affordable Housing
 - a. Short-term. Add the definition of affordable housing to the Land Use Code, amend the permitted use table to include affordable housing development use-by-right in all zones. Establish a density bonus for development with affordable housing units. The Commission and the town manager have determined that the Mandatory Homeowners Association requirement in Subdivision regulations was not needed and will be removed along with these updates that the Commission will recommend to the Board of Trustees for adoption.
 - b. Long-term. Update the Planned Unit Development procedures and standards. Establish a plan for Land banking. Pursue funding opportunities for planning and development. Commissioner Tucker wondered about opportunities for the town to purchase tear downs and rebuild. Planner Garvin says Land Bank entities can purchase existing homes and maintain them as rentals. Manager Charles says school districts have begun purchasing and maintaining homes for rentals to teachers and other school staff. Developers don't find profit from developing affordable housing so they don't choose to do it.

8.3 Refining agreed to LUC edits. (These will be scheduled for public hearing with the Planning Commission June 6, 2023)

A. Discussion/ recommendation:

1. Definition of affordable Housing see attached definition. Pg 3.

The Commission agreed to use both definitions of affordable housing and add the definition to the Land Use Code.

Discussion/ recommendation:

2. Permitted Use table - amendments. Pg 3,4

The Commission asked for more study to be done on this subject so they can evaluate the effects on the town.

Discussion/ recommendation:

3. Affordable housing expedited review process. See attached process. Pg. 5

The Commission approved the process to be added to the Land Use Code.

Discussion/ recommendation:

4. Density bonus- the establishment of a density bonus program to increase the construction of units that meet critical housing needs in the local community. See attached process pg. 6

The Commission wants to study this more and asked staff to fact find on maximum density for the town.

Discussion/ recommendation:

5. Remove Mandatory Homeowner association from the Land Use Code.

The Commission approved removing this from the Land Use Code and directed the staff to include it in the amending ordinance for the other strategies on Affordable Housing (Workforce Housing)

The Commissioners directed the staff to develop an ordinance for promoting workforce housing by amending the land use code to include the dual definition of affordable housing (DOLA and Prop 123 definitions) and add an expedited review process for affordable housing development permit applications. They also asked for language to remove the Mandatory Homeowners Association requirement from Subdivision procedures.

The Commissioners will discuss amendments to the Permitted use table, density bonuses and maximum build out at the June 20, 2023 Continuation meeting.

A public hearing on the proposed ordinance will be scheduled for the June 6 meeting will be published.

On the subject of protecting historic properties from redevelopment, Commissioner Powell informed the group of a federal and state income tax credit program for historic preservation that individual property owners and properties within a district can earn 35% of the project value in tax credits for approved improvement to historic properties. The commission is invited to attend the workshop on June 7, 2023 2- 4 p.m. in the Town Hall presented by the History Colorado program administrators to explain the benefits of the program.

9. **Adjournment.** Vice Chairman Heeney adjourned the meeting at 8:10 p.m.

Vice Chairman, Dan Heeney

Ann Swope, Assistant Clerk

Affordable Housing Definition

A. Affordable Housing Definition

Dolores, Colorado, establishes the following affordable housing policies and definitions, adjustable as necessary to remain eligible for applicable sources of state and federal funding. Dolores, Colorado, will aim to approve housing developments priced so that more rental households earning no more than 80% of the Area Median Income, and existing homeowners earning no more than 140% of the Area Median Income, can afford to live in the Town. Where required by state or federal funding requirements, these standards shall be adjusted as follows:

Dolores, Colorado, will aim to approve, and as needed, annually increase the supply of new and existing housing so that more rental households earning no more than 60% of the Area Median Income, and existing homeowners earning no more than 100% of the Area Median Income, and first-time homeowners earning no more than 120% of the Area Median Income, can afford to live in the Town while paying no more than 30% of their gross monthly income for housing.

Proposed Use Table Amendments

Table 4.1: Primary Uses	LLR	new	R1	new	MRF	MH	CB1 + 2	CH	LI	new	P	R10	R35	Additional Use Limitations
	LLR1	LLR 2	NR1	NR2	NR3	MH P	DM U	CM U	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	-	-	-	-	-	Sec. 4.5. A
Townhomes (3 or more attached units)	C[1]	C[1]	C[1]	P	P	-	C	P	-	-	-	-	-	Sec. 4.5.A
3-4 du/structure multifamily	-	-	C[1]	P	P	-	PL	PL	-	-	-	-	-	Sec. 4.5.A
5-8 du/structure apartment	-	-	-	-	P	-	C	PL	-	-	-	-	-	
9+ du/structure apartment	-	-	-	-	P	-	-	PL	-	-	-	-	-	
Affordable housing development	P	P	P	P	P	P	P	P	-	-	-	P	P	
Manufactured Home	-	-	-	-	-	P	-	-	-	-	-	-	-	Sec. 4.5.A

Drafting notes:

1. Definition of "affordable housing development: a residential rental or ownership development in which at least [add number or percentage] of the units are affordable housing and are income restricted for a minimum period of [add number] years.
2. Proposed development must conform with zone district dimensional standards without any requests for variances.

Affordable Housing Expedited Review Process

1. Administrative Review

An affordable housing site plan shall be reviewed in accordance with the general approval procedures applicable to administrative review in Section 13.6, with the following modifications:

a. A community meeting shall be required for those projects that propose:

1. 10 or more total dwelling units;
2. 10,000 square feet or more of floor area; or
3. Development of 3 or more units on a lot adjacent to an existing single-family detached dwelling.

b. The total time between when the affordable housing site plan application is determined to be complete and the approval of the site plan shall not exceed 120 days. Applicants shall have 20 days to resubmit revised documents to address comments from the Town or the application shall be considered inactive and abandoned.

c. The construction of on-site affordable units in any development 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.

2. Parking

a. Required Off-Street Parking

Parking shall be provided in accordance with Table 8.1 except that off-street parking for affordable housing units shall be provided at a minimum of 1 space per dwelling unit.

b. Bicycle Parking

Bicycle parking for developments with affordable housing units shall be provided as follows:

1. Short-term spaces: 2 plus .05 per bedroom calculated across the entire development. Short-term spaces shall meet the design requirements of Section <> [to be added].
2. Long-term spaces: 2 plus .05 per bedroom calculated across the entire development. Long-term bicycle parking shall be covered, enclosed, and secured to the maximum extent practicable. Long-term bicycle parking may be located inside a building.

3. Applicability of Standards to Adaptive Reuse of Commercial Properties for Affordable Housing Projects

a. Zoning District Standards

1. The structure may be expanded to the dimensional maximums of the applicable zoning district.
2. If the structure is nonconforming, it may be expanded in all aspects except expansion of the nonconformity.

b. Development Standards

The site shall be brought into compliance with applicable requirements of the following sections when lot space is reasonably available:

1. Article 7, Landscaping, Screening, and Trees
2. Article 8, Parking, Loading, and Access.
3. The site shall be brought into full compliance with Article 10, Outdoor Lighting and Article 11, Signs.

Density Bonus-

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

- a. This strategy is intended to: Allow more housing units to be built on a specific site than would otherwise be allowed by the applicable zone district.
- b. It works by: Changing required zoning standards in a manner that allows the construction of more building area. Bonuses could include:

1. Relaxing dimensional standards such as minimum lot size, lot coverage, or setbacks
2. Permitting a larger number of dwelling units in a building or development site
3. Providing a bonus height allowance or exemption from height restrictions that allows for construction of additional stories
4. Reducing the amount of open space required on a development site
5. Reducing the required number of parking spaces

DOLA Strategy: Allowing planned unit developments (PUD) with integrated affordable housing units.

- a. This strategy is intended to: Support the creation of additional affordable housing by requiring the creation of affordable housing as one of the requirements of PUD approval.
- b. It works by changing the PUD regulations to specify that affordable housing development must be included in any new planned unit development.

c. Dolores Policy Questions

1. Should the PUD regulations be amended to require some amount of affordable housing?
2. How much affordable housing should be required?

April 11: PUD Community Benefit Ideas

This is a sample code section from another community that shows how they will incorporate housing and other community priorities as PUD community benefit requirements. This list could be limited to affordable housing or changed to reflect other community priorities in Dolores.

In order to be deemed as an acceptable alternative to the Town's established zone districts, the Conceptual and Final PUD shall include at least one of the following community benefits:

A. Affordable Housing

Affordable housing providing at least ___ <insert minimum number> units of deed-restricted affordable housing.

B. Sustainable/Resilient Design

The application must propose project, site, or building design features demonstrated to achieve two or more of the following reductions in resource consumption or trip generation when compared to those levels anticipated for developments of a similar type under the reference base district:

1. A reduction in water consumption of at least 25 percent; or
2. A reduction in non-renewable energy use of at least 25 percent; or
3. A reduction in average daily motor vehicle trip generation of at least 25 percent

C. Park or Trail Dedication to Remedy Current Deficiencies

The application shall include a report that describes deficiencies in the existing local parks and recreation system.

The application shall include information as to how the project will solve or improve such deficiencies.

Innovative Housing Planning Grant (IHOP) Template for Reporting Strategy Adoption

Grantee Community Name: Town of Dolores Grant # IHOP-PLN__

Award Date: _____ Grant Agreement Executed: _____ Expiration Date: _____

Documenting Strategy Adoption:

- Provide the date of adoption as well as a copy of (or link to) the ordinance, resolution, or code citation, along with a brief explanation of how this either incentivizes or reduces barriers to affordable housing.
- The program requires formal adoption of *at least one* new qualifying strategy per community, though many communities have adopted several strategies.
- Please share details about any strategies that were considered but *not adopted*, and why. This helps DOLA understand which strategies are a fit with different types of communities across the state.
- All strategies that meet the minimum criteria will be counted towards the total but it's important to determine how many strategies were adopted *during* or as a result of the IHOP grant program.

The list of 16 strategies below are based on HB21-1271, the legislation that created this program.

1. The use of vacant publicly-owned real property within the local government for the development of affordable housing

Brief description and Link to Code Citation, Ordinance, or Resolution:

Town will be pursuing Ordinance to transfer land to developer for a planned affordable housing project.

2. Subsidize or Reduce Fees: The creation of a program to subsidize or otherwise reduce local development review or fees, including but not limited to building permit fees, planning waivers, and water and sewer tap fees, for affordable housing development

Brief description and Link to Code Citation, Ordinance, or Resolution:

Not chosen

3. Expedited Review for Affordable Housing: The creation of an expedited development review process for affordable housing aimed at households the annual income of which is at or below 120% of the area median income of households of that size in the county in which the housing is located

Brief description and Link to Code Citation, Ordinance, or Resolution:

The town is in the process of amending LUC to include expedited review process.

<https://townofdolores.colorado.gov/government/ordinances>

Date of Strategy Adoption:

Prior to
IHOP Grant

During IHOP
Grant Period

Date of Strategy Adoption:	
Prior to IHOP Grant	During IHOP Grant Period
	X

4.	<p>Expedited Review for Commercial Conversions: The creation of an expedited development review process for acquiring or repurposing underutilized commercial property that can be rezoned to include affordable housing units, including the preservation of existing affordable housing units</p> <p>Brief description and Link to Code Citation, Ordinance, or Resolution: Will be included in the pending LUC update.</p> <p>https://townofdolores.colorado.gov/government/ordinances</p>	X
5.	<p>Density Bonus: The establishment of a density bonus program to increase the construction of units that meet critical housing needs in the local community</p> <p>Brief description and Link to Code Citation, Ordinance, or Resolution: Pending.</p>	
6.	<p>Submetering: With respect to utility charges, the creation of processes to promote the use of sub-metering of utility charges for affordable housing projects and the creation of expertise in water utility matters dedicated to affordable housing projects</p> <p>Brief description and Link to Code Citation, Ordinance, or Resolution: Not chosen.</p>	
7.	<p>Subsidize Infrastructure: With respect to infrastructure, the creation of a dedicated funding source to subsidize infrastructure costs and associated fees related to publicly owned water, sanitary sewer, storm sewers, and roadways infrastructure</p> <p>Brief description and Link to Code Citation, Ordinance, or Resolution: Not chosen.</p>	
8.	<p>Granting duplexes, triplexes, or other appropriate multi-family housing options as a use by right in single-family residential zoning districts</p> <p>Brief description and Link to Code Citation, Ordinance, or Resolution: https://townofdolores.colorado.gov/sites/townofdolores/files/documents/Dolores-2022-Land-Use-Code.pdf Table 4.1 Primary uses page 84</p>	X
9.	<p>Affordable Housing as a Use by Right: The classification of a proposed affordable housing development as a use by right when it meets the building density and design standards of a given zoning district</p> <p>Brief description and Link to Code Citation, Ordinance, or Resolution: Ordinance 565 Series 2023 Amending the Dolores Land Use Code to promote Workforce housing.</p> <p>https://townofdolores.colorado.gov/government/ordinances</p>	X
10.	<p>ADUs: Authorizing accessory dwelling units as a use by right on parcels in single family zoning districts that meet the safety and infrastructure capacity considerations of local governments</p>	X

Brief description and Link to Code Citation, Ordinance, or Resolution:

<https://townofdolores.colorado.gov/sites/townofdolores/files/documents/Dolores-2022-Land-Use-Code.pdf> Table 4.3 Accessory Uses page 114

11. PUDs: Allowing planned unit developments with integrated affordable housing units

Brief description and Link to Code Citation, Ordinance, or Resolution:

Pending.

12. Allowing the development of small square footage residential unit sizes

X

Brief description and Link to Code Citation, Ordinance, or Resolution:

<https://townofdolores.colorado.gov/sites/townofdolores/files/documents/Dolores-2022-Land-Use-Code.pdf> Article 4 A 4. Size Page 116

13. Reduced Parking: Lessened minimum parking requirements for new affordable housing developments

X

X

Brief description and Link to Code Citation, Ordinance, or Resolution:

Both the Land Use Code and Ordinance 565 have reduced parking for affordable housing.

LUC: <https://townofdolores.colorado.gov/sites/townofdolores/files/documents/Dolores-2022-Land-Use-Code.pdf> table 8.1 page 173

Ordinance 565:

<https://townofdolores.colorado.gov/sites/townofdolores/files/documents/3588%20DOD%20LUC%20amendment%205%202023%20for%20workforce%20housing%20v%20web%20version.pdf>

14. The creation of a land donation, land acquisition, or land banking program

Brief description and Link to Code Citation, Ordinance, or Resolution:

Pending. Discussion for adopting this is ongoing.

15. An inclusionary zoning ordinance (per CRS 29-20-104(1))

Brief description and Link to Code Citation, Ordinance, or Resolution:

Pending.

16. Other novel, innovative, or creative approaches to incentivize affordable housing development

Brief description and Link to Code Citation, Ordinance, or Resolution:

Total Number of Strategies: 4

4

Additional notes on adoption of strategies, such as plans for future adoption.

Template of Final Informal Memo

Example from grant agreement:

“In addition, a **final informal report or memo** will be submitted that reports which strategies [Grantee] originally proposed to pursue, the outcome of that exploration, which strategies were adopted (and links to the code sections), the community engagement process used, how the process was inclusive and addressed equity concerns, how the housing needs assessment (and other applicable studies) informed policy decisions or approach, and any lessons learned.”

1. **Strategies originally proposed to pursue** [Refer to original grant application]
Accessory Dwelling units use by right, reduced off street parking, and allowing duplexes, triplexes and town homes in residential zones.
2. **Outcome of strategy exploration and which strategies were adopted.** [Completing the chart above may sufficiently address this, unless there are additional details you'd like to share.]
The strategies were explored and compared to the existing language in the new code. They were evaluated for the compatibility to the community values and needs and the ability of the staff to administer the strategies.
3. **Community Engagement process used, how the process was inclusive and addressed equity concerns.**
The Planning Commission held biweekly meetings for 18 months. There was a kickoff meeting and public input at the initiation of the land Use Code Update where housing barriers in Dolores were brought to light.
4. **How the final product of the consultants work informed policy decisions or approach.** (Housing Needs Assessment or other study)
The Consultant used the input from the public participants to create language in the updated code to reflect the values and concerns of the community. The Town performed a community survey in the same period and found housing barriers to be the biggest reason people might leave Dolores.
5. **Lessons Learned.**
Xxxxxx need some input.

TOWN OF DOLORES
PLANNING AND ZONING COMMISSION
PUBLIC HEARING FOR:

**A PRESENTATION AND PUBLIC HEARING ON ORDINANCE 565 Series
2023 TO AMEND THE DOLORES LAND USE CODE TO PROMOTE
WORKFORCE HOUSING"**

DATE: JUNE 6, 2023

TIME: 6:30 P.M.

PLACE: 420 CENTRAL AVE, DOLORES, CO. 81323

NOW, THEREFORE, BE IT KNOWN, that notice is hereby given of a Public Hearing before the Dolores Planning and Zoning Commission at 6:30 P.M. on Tuesday June 6, 2023, in person at 420 Central Ave or by virtual link provided on the Town of Dolores website <https://townofdolores.colorado.gov/> Planning and Zoning tab under "Government"

The purpose of this hearing is for the Planning and Zoning Commission to present Ordinance #565 Series 2023 to amend the Dolores Land Use Code to Promote Workforce Housing. A copy of the proposed ordinance amending the Land Use Code is available on the Town of Dolores website at <https://townofdolores.colorado.gov/> and the town clerk's office.

Comments may also be made in writing to Town of Dolores, P.O. Box 630, Dolores, CO or deliver to 420 Central Avenue, Dolores, CO 81323 or by email to Tammy@townofdolores.com

Done this 23rd day of May 2023

/s/ Tammy Neely, Town Clerk

Publish in the-Journal Wednesday May 24 and May 31, 2023

Town of Dolores
Public Hearing Guidelines

The goals of the public hearing are the broadest public notice, a clear proposal, greatest possible public input and a simple procedure.

1. The Mayor/Chairperson declares the public hearing open.
2. Staff and/or Applicant present(s) an analysis of the case and offer(s) any written comments.
3. Staff/Applicant formally request action be taken.
4. The Mayor/Chairperson establishes whether any proponents and/or opponents are signed up to speak.
5. Public may comment or ask questions. Speaking time will be limited to no more than 5 minutes, or 3 minutes if there are many speakers. **NOTE:** At no time should the public speak directly to the applicant or vice versa. All comments must be directed to the Board/Commission.
6. Applicant may respond to staff and public questions, but not introduce any new evidence or information not previously presented by either group.
7. The Board/Commission may ask questions of the applicant.
8. Mayor/Chairperson declares public hearing closed.
9. Declaration of Findings of Fact
10. Motion by Board/Commission Members – motion to recommend approval, approval with conditions, denial or continuance for more information.
11. Discussion by Board/Commission. **NOTE:** Only Staff may be questioned at this stage.
12. Roll call vote

TOWN OF DOLORES, COLORADO

ORDINANCE NO. 565 SERIES 2023

**AN ORDINANCE TO AMEND THE DOLORES LAND USE CODE TO PROMOTE
WORKFORCE HOUSING**

WHEREAS, pursuant to C.R.S. § 31-23-301, the Town of Dolores (“Town”) possesses the authority to zone, rezone, change, supplement, and revise the zoning classifications or designation of property and to regulate land uses within the Town.

WHEREAS, the Town is authorized by C.R.S. § 31-23-301 to regulate zoning and land use within the Town’s boundaries, and the Town has in fact adopted a comprehensive zoning scheme.

WHEREAS, the Dolores Town Board identifies housing affordability as a priority community issue; and

WHEREAS, the Dolores Town Board believes that it is important that the people who serve our community including hourly employees, town staff and our teachers have the option to live in the community they serve; and,

WHEREAS, a diversity of housing options benefits community vitality and health; and,

WHEREAS, encouraging a diversity of housing options will increase the ability of individuals and families across a range of income levels to choose to live in the same community in which they work; and,

WHEREAS, the Town of Dolores has created a task force to study the issue of housing affordability and make recommendations to the Board of Trustees; and,

WHEREAS, the Planning Commission has held numerous meetings to study the issue of housing affordability; and,

WHEREAS, the Department of Local Affairs and the state of Colorado under the newly passed Proposition 123 provide funding opportunities to municipalities and developers for affordable housing projects; and,

WHEREAS, the Town of Dolores Planning Commission and the Housing Task Force has recommended certain changes to the Town of Dolores Land Use Code to achieve the goal of promoting the development of affordable and workforce housing in the community as well to be better positioned to receive grants and other funding to support these goals; and,

WHEREAS, after public notice and final public hearing on June 6 2023 as required by the Dolores Land Use Code and applicable law and regulations, the Town of Dolores Planning and Zoning Commission has recommended approval of proposed amendments set forth in Exhibit A, attached hereto and incorporated herein by reference.

WHEREAS after public notice and public hearing, the Town of Dolores Board of Trustees finds that the proposed amendments to the remaining provisions of the Town of Dolores Land Use Code promote the health, safety and welfare and are in the best interests of the citizens of the Town of

Dolores, including the goal of promoting the Town's inventory of affordable and workforce housing, and should be adopted.

WHEREAS, the Board of Trustees wish to exercise its express statutory authority to amend the Town of Dolores Land Use Code as set forth herein in order to obtain sources of funding to promote affordable and workforce housing and to incentivize development in a manner to increase the Town's inventory of affordable and workforce housing.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES:

SECTION 1. The Town of Dolores Land Use Code as adopted by Ordinance 556-2021 on December 13, 2021 and Ordinance 557-2022 on February 14, 2022 is hereby amended as provided on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2. The Dolores Land Use Code shall otherwise remain in full force and effect except as expressly amended herein.

SECTION 3. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 4. This Ordinance shall take effect _____ or thirty (30) days after final publication whichever is later.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the _____ day of _____, 2023, in the Town Board Chambers in Town Hall, Dolores, Colorado, at which time and place all persons may appear and be heard concerning the same.

Passed adopted and approved on the first reading on June ____, 2023.

DOLORES BOARD OF TRUSTEES:

By: _____

Attest:

By:

Passed adopted and approved on the second and final reading this _____ day of _____, 2023.

DOLORES BOARD OF TRUSTEES:

By: _____

Attest:

By: _____

EXHIBIT A

1. Section 2.5 of the Dolores Land Use Code is hereby amended to include the following Affordable Housing Definition:

Affordable housing, as further defined under Article 16, is either a rental unit(s) priced for households earning no more than 80% of the Area Median Income, or an ownership unit(s) priced for households earning no more than 120% of the Area Median Income. AMI information shall be determined by the U.S. Department of Housing and Urban Development (HUD), and affordable rental information shall be as determined by the Colorado Housing Finance Authority (CHFA). The affordability measurements in this definition may be adjusted pursuant to the Town of Dolores Affordable Housing Policy.

2. There is hereby created a new Article 16 to the Dolores Land Use Code as follows:

Article 16 Affordable Housing

Statement of Policy

The Town of Dolores, Colorado, establishes the following affordable housing policies and definitions, adjustable as necessary to remain eligible for applicable sources of state and federal funding.

Dolores, Colorado, will aim to approve housing developments priced so that more rental households earning no more than 80% of the Area Median Income, and homeowners earning no more than 120% of the Area Median Income, can afford to live in the Town.

Where required by state or federal funding requirements, these standards shall be adjusted as follows:

Dolores, Colorado, will aim to approve, and as needed, annually increase the supply of new and existing housing so that more rental households earning no more than 60% of the Area Median Income, and existing homeowners earning no more than 100% of the Area Median Income, and first-time homeowners earning no more than 120% of the Area Median Income, can afford to live in the Town while paying no more than 30% of their gross monthly income for housing

Affordable units shall be deed restricted for a minimum of 35 years or a length as determined by the Dolores Board of Trustees.

Applicability and Process Modifications

A site plan for a development project that includes at least 50 percent affordable housing shall be reviewed in accordance with the general approval procedures applicable to administrative review in Section 13.6, with the following modifications:

A community meeting shall be required for those projects that propose:

10 or more total dwelling units;

10,000 square feet or more of floor area; or

Development of 3 or more units on a lot adjacent to an existing single-family detached dwelling.

The community meeting shall be held no more than 60 days prior to submission of the project application. The Zoning Administrator shall be responsible for providing reasonable notice to the entire community of the meeting time and location along with an opportunity to submit comments for at least seven days following the meeting. The applicant shall be responsible for providing a project summary to the Town at least 15 days prior to the community meeting.

The total time between when the affordable housing site plan application is determined to be complete and a determination on the site plan shall not exceed 120 days. Applicants shall have 20 days to resubmit revised documents to address comments from the Town or the application shall be considered inactive and abandoned.

Applicable Standards and Adjustments

The project shall comply with all application LUC requirements with the following exceptions:

Vehicle parking shall be provided in accordance with Table 8.1 except that off-street parking for affordable housing units shall be provided at a minimum of 1 space per dwelling unit.

Bicycle parking: Long-term spaces shall be provided for single-family attached or multifamily developments as follows: 2 plus .05 per bedroom calculated across the entire development, including market-rate units. Long-term bicycle parking shall be covered, enclosed, and secured to the maximum extent practicable. Long-term bicycle parking may be located inside a building.

Section 13.5 Administrative Adjustments may be requested for any applicable standard except vehicle and bicycle parking.

Development Timing and Construction

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.

Submission Requirements

The following information shall be submitted either on the site plan or with an application for expedited review, as determined by the Zoning Administrator:

Name of proposed development.

Sworn proof of ownership and a notarized letter of authorization from the landowner permitting a representative to process the application.

The land area and legal description.

The proposed land use and the area of each use in square feet.

The existing zoning of the property.

The zoning and residential density of all adjacent properties.

Public and private utility service lines and/or main lines with appurtenances.

Title certificate or abstract of titles covering all lands to be conveyed to the Town.

Current tax information.

If the application involves public improvements:

Preliminary construction plans for the proposed public improvements including street plan and profile sheets, storm drainage improvements plans and other improvements;

A preliminary pavement design report;

A Traffic Study, if required elsewhere in the Code.

A draft Affordable Housing Agreement with the Town that documents how the applicant will meet the requirements of this section. The Affordable Housing Agreement shall be in a form approved by the Town Attorney.

Signature blocks for the Zoning Administrator and Planning and Zoning Commission chair.

3. **Section 6.12 of the Dolores Land Use Code pertaining to a Mandatory Homeowners' Association is repealed in its entirety.**
4. **Section 6.13 pertaining to Condominium Subdivision is hereby renumbered Section 6.12.**