

**PLANNING AND ZONING COMMISSION**

**AGENDA**

**DATE SEPTEMBER 6, 2022, 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. **APPROVAL OF THE AGENDA**
6. **PUBLIC PARTICIPATION 5 minutes per person.**
7. **CONSENT AGENDA**
  - 7.1 Minutes of July 5, 2022

**8. Staff updates**

**8.1** Housing Task Force RFQ posted on the town website (Opportunities) and sent to American Planning Association as well as local known housing developers.

**8.2** Code Enforcement update -verbal - Building Official

**8.3** Development/ Land Use activity report - verbal - Building Official

**8.4** Land Use consultant Elizabeth Garvin hired for amending the LUC to include additional zoning strategies to meet DOLA criteria for grant funding.

9. **Public hearing Ordinance 560 Series 2022 “Clean up” ordinance for the Dolores Land Use Code**
  - 9.1 Staff presentation.
  - 9.2 Finding of fact.

10. **Discussion and possible decision: Approve, Disapprove, Approve with conditions or amendments - Ordinance 560 Series 2022 Dolores Land Use Code “Cleanup” ordinance.**

**11. Adjournment**

Attachments: Minutes of July 5, 2022, Ordinance 560 Series 2022 Clean up ordinance for the Land Use Code and DOLAs 16 zoning strategies.

**PLANNING AND ZONING COMMISSION**

**MINUTES**

**DATE JULY 5, 2022, 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 6:39 p.m.
2. **PLEDGE OF ALLEGIANCE.** The group recited the pledge.
3. **ROLL CALL.** Present at the meeting were Commissioners Powell, Tucker Watters, Heeney and Robinson, Ex Officios Youngquist and Lewis. Staff present were Manager Charles, Building Official Doudy and Assistant Clerk Swope.
4. **IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST. None stated.**
5. **APPROVAL OF THE AGENDA** Commissioner Tucker moved and Commissioner Heeney seconded to approve the agenda.  
  
Yes: all  
  
No: none
6. **PUBLIC PARTICIPATION 5 minutes per person. None**
7. **CONSENT AGENDA**  
  
7.1 Minutes of June 7, 2022.  
  
Commissioner Watters moved and Commissioner Tucker seconded to approve the consent agenda.  
  
Yes: all

No: none

## **8. Staff updates**

**8.1** Grant awards: Housing Planning, JRP Master Plan, Bear-To-Human Conflict Reduction; Trash Container Upgrades, Bathroom Grant, Adult Exercise Equipment.

Manager Charles reported to the Commissioners about all the grants the town had been awarded. The Fishing is Fun grant was the only one that would be delayed to 2023.

**8.2** Update on the progress of finalizing the Land Use code for printing the full version. The edited version of the New Land Use Code will be posted on the town website chapter by chapter but not in a complete volume.

**8.3** Code Enforcement update -verbal - Manager and Building Official.

Building Official Doudy reported on the current violations being managed by the town. One is a steep slope disturbance which a third-party engineering company will evaluate to determine if mitigation is necessary.

The reinforcement project at the Del Rio building is on schedule. The building has been stabilized and work on the floor levelling and repairs to the floor joists are ongoing. The fire suppression system will be restored next.

The convenience store at 11<sup>th</sup> street has closed and removed the gas pumps and fuel tanks. However, the contractor backfilled the area without a permit or an inspection. The contractor supposedly collected soil samples to send to the state EPA lab.

The town has been receiving complaints of abandoned vehicles, trailers and campers parked on the public streets. Notices have been issued.

**8.4** Development/ Land Use activity report - verbal - Building Official

The new owners of the Rio Grande Southern building will be improving the building in phases. The first phase will be remodeling the commercial kitchen and opening a restaurant. The attic will be closed off.

The Marijuana Shop has completed the final requirement for occupancy by installing the handicap parking pad.

## **9. Discussion and possible decision:**

**9.1** Setting goals for the task force. Please watch the [YouTube video](#) of the June 27, 2022, Board Workshop regarding attainable workforce housing. The task force will contain citizens the town, school, and realtors and will develop strategies and opportunities for workforce housing development and identify building sites for the housing.

**9.2** Appoint two P&Z members to the Dolores Attainable Housing Task Force. Commissioner Watters and Heeney assigned to the task force. They will attend monthly meetings yet to be scheduled.

**9.3 Discuss Watershed Protection Planning Process.** Commissioner Tucker is interested in attending any Watershed meetings.

**10. Future agenda items.** Reading the Clean-up ordinance (public hearing)

**11. Adjournment**

Attachments:

- Workshop Material,
- Award letter,
- Preliminary Planning and
- Analysis Grants Program

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**Linda Robinson, Chairperson**

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**Ann Swope, Assistant Clerk**

**TOWN OF DOLORES, COLORADO**  
**ORDINANCE NO. 560 SERIES 2022**

**AN ORDINANCE AMENDING PORTIONS OF THE DOLORES LAND USE CODE**

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, as the result of a years-long process of public hearings, comprehensive review and revision of the Dolores Land Use Code, the Board of Trustees adopted Ordinance 556-2021 on December 13, 2021 and Ordinance 557-2022 on February 14, 2022 which repealed and replaced the Dolores Land Use in its entirety.

WHEREAS, Town Staff and the consultant employed by the Town of Dolores to guide the process of revising the Land Use Code have identified a number of corrections and amendments to the newly adopted Land Use Code that are necessary to correct clerical errors and clarify the intent of certain provisions.

WHEREAS, it is typical for local governments to enact such a “clean up” ordinance following a comprehensive revision.

WHEREAS, after public notice and final public hearing on September 6, 2022 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 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.

**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 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 \_\_\_\_\_, 2022, 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 September \_\_\_\_, 2022.

**DOLORES BOARD OF TRUSTEES:**

By: \_\_\_\_\_

Attest:

By: \_\_\_\_\_

Passed adopted and approved on the second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**DOLORES BOARD OF TRUSTEES:**

By: \_\_\_\_\_

Attest:

By: \_\_\_\_\_

**EXHIBIT A**

Page and Section references are to the July full code in PDF.

<b>Page</b>	<b>Section</b>	<b>Provision</b>	<b>Action</b>
10	2.3	Interpretations	This provision ended-up in two locations and should just be located in the procedures. See edits below
11	2.4. B.2	Height/Permitted Exceptions	Conflicts with Section 3.11.B, Table 3.8 (pg. 74) – which standards does Town want to keep?
15	2.5. A	Definitions/A Terms	Adult Use – does the Town have Adult Use standards to reference here? If not, strike the term.
61	Table 3.2	Dimensional Standards for Residential Structures	CMU should be added to columns 5-8, shown below
88	Table 4.1	Marijuana Uses	Please confirm that I included the marijuana uses correctly
89	Table 4.1	Community Garden	Add a cross-reference to 4.6.C in the Additional Use Limitations column
96	4.5. B.4	Short-Term Rentals	Should (f) Review by Board of Trustees be included in the LUC?
177	8.4. E.3	Small Use Exception	Insert “nonresidential” as shown below
203	9.5. E.2	Specific Standards	Article 54, Section C (1)a looks like an external reference that I was not able to update. Can anybody confirm what this references?
205	9.5. E.3.c	Manufactured Homes	I think the reference to paragraph (4) should be updated to E.3.a. and b. but want to see if anybody can confirm this?
234	12.7. F	Nonconforming Signs - Abatements	I’m not sure this section was successfully implemented nor whether the Town actually wants to pursue amortization? Consider striking this section.
268	13.7. D.8	Public Lands Dedication	Is there a public lands dedication requirement for annexation? If not, strike this requirement.
280	13.13. D	Procedures for Designating Historic Structures	Remove the last sentence: “The initial application fee is hereby established at \$75.00” and add that fee to the regular fee schedule.



**Section 2.3 Interpretations**

**A. Authority**

The Zoning Administrator shall have the authority to make all interpretations of the text of this Code, and the boundaries of the Official Zoning Map.

**B. Requests for Interpretation**

An interpretation may be requested by any affected person, any resident or real property owner in the Town of Dolores, or any person having a contractual interest in real property in the Town of Dolores pursuant to Section 13.14, Land Use Code Interpretations [delete remainder of section].

**Table 3.24: Dimensional Standards for Residential Structures**

	LLR-1	LLR-2	NR-1	NR-2/NR-3, DMU, CMU	NR-1-[1], NR-2, NR-3, DMU, CMU	NR-3, DMU, CMU	NR-3, CMU	
Standard					Town House [2]	3-4 DU Multifamily	5-8 DU Apartment	9+ DU Apartment
Min. Lot Dimensions								
Lot Area (min/max)								
Single-Family Minimum	12,500	12,000	2,000	2,000				

**3. Small Use Exception**

Any nonresidential individual use in a space that is 2,000 square feet or smaller shall be exempt from the minimum parking requirement of Table 8.1.

Department of Local Affairs criteria for accessing HB 1221 funds.  
The applicant must have met a minimum of three to be eligible.  
Red are the criteria items the town has already met.  
Blue are Town comments  
Green are DOLA comments

1. **The use of vacant publicly owned real property within the local government for the development of affordable housing;**
2. **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;**
3. **The creation of an expedited development review process for affordable housing aimed at households the annual income of which is at or below one hundred twenty percent of the area median income of households of that size in the county in which the housing is located; (townhomes and multifamily dwellings added to use table as conditional uses in LLR1, LLR2 and NR1 where at least one unit of affordable housing is provided – didn't specify 120% AMI but could add that?)** Communities where this is a verified qualifying strategy (to varying degrees of effectiveness) have adopted this in code, demonstrate it in their application materials, or in their development review guide. Affordable housing must be the explicit purpose. As currently formulated, this likely wouldn't qualify.
4. **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; (the new LUC changed commercial districts to mixed-use so the Town can allow second-floor residential in most of the community)** Same as response to #3 above bc must be explicitly for affordable housing purpose.
5. **The establishment of a density bonus program to increase the construction of units that meet critical housing needs in the local community;**
6. **With respect to water 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;**
7. **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;**

8. **Granting duplexes, triplexes, or other appropriate multi-family housing options as a use by right in single-family residential zoning districts;** (duplexes allowed in all single-family districts (LLR1, LLR2, NR1), all other residential and commercial districts permit multiple unit dwellings) My response on this qualifying would turn on whether they're allowed as a use by right or merely not prohibited.

9. **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;**

10. **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;** (allowed by right in LLR1, LLR2, NR1) This appears to qualify.

11. **Allowing planned unit developments with integrated affordable housing units;**(previously existing tool that was carried forward)This appears to qualify.

12. **Allowing the development of small square footage residential unit sizes;**(minimum single family attached reduced from 900 to 800 sf, minimum multifamily/apartment unit reduced from 500 to 400 sf per unit) This appears to qualify.

13. **Lessened minimum parking requirements for new affordable housing developments;** (parking reduced from 2 spaces per du to 1 space per du) This would qualify if it's specific to affordable housing developments. If it's not specific to aff housing, then I'd say you should suggest it as an "other" strategy and we would have to review and have discussion.

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

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

16. **Other novel, innovative, or creative approaches to incentivize affordable housing development.** (creation of new, smaller lot zone districts to allow resubdivision and more residential development; increased maximum lot coverage in districts where townhomes and multifamily are permitted; clarified where residential uses are allowed in mixed-use structures) This is interesting and may qualify. We'd dig into the details to assess the size changes & impact.

OK those are my thoughts. Please let me know if you think I've misunderstood any of the changes you explained and I'd be happy to give more thought to it.

Thanks