

**MINUTES  
PLANNING AND ZONING COMMISSION  
CONTINUATION MEETING  
DATE: October 20, 2020  
TIME: 6:30 p.m.**

**DUE TO THE COVID-19 PANDEMIC, THE COMMISSION HAS DECIDED TO MEET VIRTUALLY UNTIL FURTHER  
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**1. CALL TO ORDER** Chairperson Robinson called the meeting to order at 6:34 p.m.

**2. PLEDGE OF ALLEGIANCE:** Pledge was given to the image of the US flag on the screen.

**3. ROLL CALL:** Present at the meeting were: Chairperson Robinson, Commissioners; Tucker Truelsen, Heeney.

Others in attendance: Ex Officio Lewis and Watters, Staff; Attorney Kelly, Manager Charles, Building Official Doudy and Assistant Clerk Swope

There were at times, three community members listening.

**4. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.**

**5. APPROVAL OF THE AGENDA:** Commissioner Truelsen moved and Commissioner Tucker seconded to approve the Agenda.

Yes: All

No: none

**6. REVIEW OF THE CONSENT AGENDA-** none

**7. REMOVED CONSENT AGENDA ITEMS**

**7.1 PROCLAMATIONS/PRESENTATIONS:**

**8. STAFF REPORTS:** none

**8. ITEMS CONTINUED FROM PREVIOUS AGENDAS**

### **8.1 Short Term Rentals Revised as of October 6 2020**

Staff received various comments from the existing owners and have redrafted parts of the standards following the suggestions of the owners of Short Term properties in Dolores. Additionally staff would like to adopt Short Term Rental Regulations in conjunction with the Site Specific Standards for Marijuana Establishments into the existing Land Use Code (LUC) and later roll these standards into the updated LUC.

The items staff identified to remove from the section are; Owner occupied requirement, the proof of primary residence, permitted in an owner occupied and pre-existing primary Short Term Rentals. Other requirements based on owner-occupied requirements have been re-written.

Responses from the Commission:

Watters “why is staff capitulating to the owners comments?” Manager Charles answers the existing owners are not corporate and imposing owner occupied requirements could be a hardship on the current property owners. Watters says that now owner’s non corporate status could change.

Tucker says the reversal is to recognize STRs as part of the local market and as an economic driver.

Heeney always thought the owner occupied element would be hard to enforce and keep track of. He also has concerns for corporate take overs but hasn’t heard too many problems with that. If Dolores supposed to be somewhat of a tourist destination then people need somewhere to stay.

Truelsen says the owners she has heard from think the requirement is draconian and thinks taking it out is fairer.

Robinson says the owners who she has heard from are the people who have lived here and are invested in the town, have family here and are planning to return to live here and have been significant members of the community and that having only hosted opportunities and nothing in between that or anything else is an all or nothing approach where she thinks there is a nuance in the middle that can accommodate people in the community who are interested in this opportunity not just corporate interest. This could come down to how many one owner can have.

Building official Doudy. The reason for hosted only is due to the class he took this spring because other areas are having such issues with STRs. This section will only allow 30 STRs in town and only one licensed premise per owner. Restrictions for being non-hosted such as contact person in close proximity to the premise to provide 24 hour availability, and proper posting of contact numbers for the customers have been added in to the section.

Attorney Kelly will include Licensing fees for Short Term Rental permits in the Ordinance to be amended by resolution as needed.

**Comment [A1]:** This portion was amended by a motion in the November 2, 2020 meeting.

Tucker proposes some edits to the document; change the title to include “Vacation” in the title to be more Internet Searchable. In Section A 2. Clarify what this statement means. Consensus was to rewrite the sentence to say “Preserve long-term rental residential properties for the residents of Dolores and surrounding local communities” define structure better in C. 2 b. ii. “One license per structure” and in C. 2 c. add or refer to HUD housing defined in this item;

When discussing the zones where STR licensed premises are allowed the consensus was to prohibit them in Public, Industrial and Manufactured Housing zones and any commercial use structures. The Commission also want commercial use clearly spelled out in definitions or where practical.

In section D – Generally Applicable Requirements. The Commission defined occupancy load to eight (8) overnight guests and not more than 14 guests in the daytime. The number of guests may be measured by age meaning people under age (TBD) are not calculated. (No basement can be used for sleeping.) Also addressed in section D is off street parking. Consensus is off street parking shall be minimum of two and overflow parking shall be in a legal public place. Proof of Liability and homeowners Insurance requirements were removed as it is not a common practice in this industry. The requirement for a contact person to be available 24 hours a day and within 20 minutes travel time from the licensed premise and appropriate information of contact numbers and other required information posted on the premise in a visible noticeable location. Consensus was to share contact information with the neighbors as well. T The application fees can be set in the ordinance an amended by resolution.

Attorney Kelly recommended the Commission make a motion to send the STR section to the Board for adoption with the amendments made to the document at this meeting.

Commissioner Tucker moved and Commissioner Heeney seconded to forward this STR ordinance as amended to the Board of Trustees for adoption.

Yes: all

No: none

## **8.2 Amending the existing LUC to add in the specific standards for Marijuana Establishments**

### **a. Marijuana Establishment Site Specific Standards**

The Commission reviewed site specific standards and resolved the questions about the outdoor lighting section. The diagrams were examined and found appropriate for meeting the goals of the comprehensive plan.

**9. PUBLIC HEARING - None**

**9.1 Discussion and possible Action:**

**10. PRESENTATIONS FROM OTHER ORGANIZATIONS:**

**10.1 PARKS COMMITTEE OR OTHER ORGANIZATIONS**

**11. NEW BUSINESS:**

**11.1 Discussion and possible action:**

**12. ADMINISTRATIVE:**

**12.1 Appointments, memos, etc.**

**13. ADJOURNMENT:** Chairperson Robinson adjourned the meeting at 8:45 p.m.

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Linda Robinson, Chairperson

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Ann Swope, Assistant Clerk