



# PLANNING AND ZONING COMMISSION MEETING JUNE 4, 2024 AGENDA

June 04, 2024 at 6:30 PM

601 Central Ave

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If you wish to attend virtually, please visit the town website under the government tab for the  
zoom link: <https://townofdolores.colorado.gov>

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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)

*This is an opportunity for citizens to address the commission at this time or during a public hearing. Each person will have 5 minutes. The planning commission encourages public comment by the following sources: live at the town hall, virtually via zoom (see the town website for the link), or by submitting your comments, via email, to the town clerk at [tammy@townofdolores.com](mailto:tammy@townofdolores.com) any time before the dated board meeting.*

6. Approval of the Agenda
7. Consent Agenda
  - [a.](#) Minutes of May 14, 2024 Regular meeting Public Hearing
8. Staff Updates
  - [a.](#) Manager's Report: Leigh Reeves for May 28, 2024 meeting.
  - b. Attorney's Report Jon Kelly - verbal report
9. Commissioner Updates
  - [a.](#) Report for May 14, 2024 P Z Meeting
10. Discussion
  - [a.](#) Planner Garvin's work product concerning Land Use Code standards for Corridor Mixed Use Zones

- b.** Develop a process to work with staff to edit the Special Exception Permit Application form to align completely, explicitly, and precisely with the current Comprehensive Plan and Land Use Code: Group discussion, facilitated by the Manager
- c.** Better understanding of the previously requested Special Exceptions to aid evaluation of the efficacy of the 2022 Land Use Code.
- d.** Updates to the Town's 1997 Comprehensive Plan, including funding for a new Comprehensive plan and other steps to move forward: Group discussion, facilitated by the Manager

**11. Future Agenda Items**

**12. Future Agenda Items**

- a.** How to improve citizens' understanding, compliance, and enforcement of town ordinances, including the Land Use Code: Group discussion, facilitated by the Manager

**13. Adjournment**



**PLANNING AND ZONING COMMISSION MEETING MINUTES**

**May 14, 2024 at 6:30 PM  
Town Hall – 601 Central Avenue**

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for the zoom link: <https://townofdolores.colorado.gov>**

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- 6. Approval of the Agenda**
- 7. Consent Agenda-Approve Minutes of April 2, 2024 Minutes- attached.**

- a. April 2, 2024 Minutes

**8. Administrative Business**

- a. Motion and second needed to appoint a Commissioner to Vice-chairperson.  
Commissioner Heeney held the Vice Chairperson position until his retirement from the Commission in April of 2024.

**9. Staff Updates**

- a. Manager’s Report: Leigh Reeves  
Manager Reeves update the Commissioners on the ongoings of town projects and the

latest communication with Planner Garvin concerning standards of the Corridor Mixed Use zone. The material will be sent to the Commissioners by Manager Reeves. The Community Center Board has met twice since they were formed. They have been reviewing overhead costs and revenues of the Community Center.

The electric supply for Joe Rowell Park ball field lights and supplemental services is dilapidated and needs to be repaired before it can be used.

Manger Reeves thanks the commissioners and the Ex Officios for attending the CIRSA training session at the Board of Trustees meeting.

**b. Attorney’s Report Jon Kelly**

Attorney Kelly reviewed the procedure for the commission to perform the role of quasi-judicial body for the public hearing. He admonished them to remain objective throughout the presentation and allow the applicant and staff to present the evidence for their determination. and that they understood no ex-parte` conversations had been held prior to the presentation.

**c. Building Official Report: David Douady-No report this month.**

**10. Commissioner Updates**

**a. P Z Commission Report to the Board of Trustees on April 2, 2024 meeting.**

The report was included in this meeting’s packet. Commissioner Powell added to the information that the Exxon Building had been added to the State and Federal Register of Historic places. Commissioner Powell would like to pursue identifying properties in Dolores who may have historic structures and guide them to pursue getting on the historic registers by working directly with State and Federal agencies.

**11. Public Hearings**

**a. Discussion / Action Public Hearing process**

**b. Special Exception Permit Application by**

**MDD LLC P O Box 213 Rico, CO. 81332**

**1603 Central Ave, Dolores, CO. 81323**

Chairperson Robinson opened the public hearing at 7:25 p.m.

Manager Reeves presented the staff report on the Special Exception Permit. The Zoning Administrator reviewed the application, as well as the Building Official and Town Attorney. The staff found the application could be recommended for approval because it meets the required

criteria for approval.

The applicant presented his application to the Commission and expressed his strong desire to have a shop in Dolores but needs storage for raw materials for his wood crafting. He purchased a Zircon storage unit to use as storage because the previous owner had one on the premise in the same position he would like to have his storage unit. When he met with the zoning administrator and the building official he found that the Land Use Code had been updated with a prohibition of accessory structures on Corridor mixed use zone. He applied for a building permit for an addition to the shop but found that the rear setback requirement in the updated zone standards required a 25-foot setback. The shop is set on a 4-foot setback. After reviewing the options for placement of an addition, the most preferable use of the property is to add on to the west side of the shop, thus requiring a permit for a setback exception.

The Commissioners asked the applicant a few questions about the use of a prefabricated structure, and how it would be attached. Commissioner Tucker asked if the landscaping plan would impact the parking lot requirements. The applicant said the strip of land to be landscaped will not interfere with parking or driveway access. He has reached out to a local nurseryman for advice on types of landscape plants that will work in the area and be climate tolerant. Commissioner Powell did not have questions for the applicant but would like to address her concerns about the town's compliance with its responsibility for process related to the Land Use Code and the Comprehensive Plan. A request for more systematized information about the proposal demonstrates the alignment to the vision and goals of the two policy documents concerning land use.

The public hearing closed at 7:25 p.m.

Attorney Kelly summarized the staff recommendation, declared that the process was followed correctly regarding public hearing notices, publishing timeline and postings, and suggested the Commissioners review the evidence, discuss the information from the presentation and the application, and make a motion to approve, approve with conditions, continue the matter to a future date, or deny the permit.

Commissioner Tucker moved and Commissioner Nemanic seconded to approve the Special Exception permit with the condition that the landscaping and parking requirements are met. Discussion followed with Commissioner Powell voicing concerns of a lack of consistency of the procedures of the Land Use Code with the intent of the Comprehensive Plan.

Commissioner Powell stated that she would have moved to continue the application so that the Commissioners could examine the application for alignment to the goals of the Comprehensive

Plan. Commissioner Powell reminded the group that former Commissioner Heeneey got on the Commission 17 years ago with intentions of helping update the Comprehensive Plan.

Commissioner Powell feels like the town staff should submit background information regarding the efforts the town staff put forth to examine alternative solutions for the applicant before settling on a Special Exception permit application. Powell thinks that special exception permits are disassembling the new Land Use Code. Powell advocated for updating the Comprehensive Plan as soon as can be done because it is the component of the Land Use Code's effectiveness.

Chairperson Robinson would like to see the staff presentations give more information on the application process and state the roles of the staff and the Commission for these applications. There was discussion about the land use code and the Comprehensive plans meeting the need of the community in the present. Urban design is applicable to a community for creating an atmosphere and physical cues for the public. Robinson says the new setbacks in this zone were designed to create certain conditions within this zone district. She wants discussion about what the goals of the districts are and what conditions outlined in the Land Use Code are meant to create and how each special exception affects the goals of the zone district. That information should be stated by the staff for this application. Robinson says it's the staff's job to guide the applicant to pursue options that fit in the standards of the zone district. Powell says things would be easier if both staff and Commission should come to a consensus about the information needed to perform the duties of each group. A clear procedure that produces the information the Commission needs to examine the application as to the policy that the Land Use Code has established. Chairperson Robinson questioned the information about previous Land Use Code compliance and other records of Special Exception Permit that was included in the staff report. It should have no relevance on the current application as submitted because codes change and the new codes don't take away the property rights of the subsequent owners. They can still use their property but not expand the nonconformity. Commissioner Nemanic offers that it works the other way regarding the function of the code. If there seems to be a preponderance of Special Exception applications then maybe the Land Use Code is not serving the community. Maybe the standards impose a hardship on property owners in zone district. Ex Officio Curry clarified with the Commission that the setback exception is on the rear of the property not the street side of the property. Curry is concerned about crowding of street side frontage blocking visibility for pedestrians.

Chairperson Robinson thinks Dolores is and should remain a pedestrian themed town. Where

cars are second in line of importance within the business district to pedestrians. The placement of buildings on the street front forces vehicle parking in the rear. Chairperson Robinson hopes that the new standards result in the commercial zone evolving to more pedestrian oriented features. Getting more buildings closer to the streets causes more pedestrian use. This would meet the goals of the updated Land Use Code. Exception permits don't produce the results that meet those goals.

Curry thinks that the Commission needs to look at ways to enhance pedestrian access. This applicant's proposal does not affect the outcome of the goals of the Land Use Code. He thinks landscaping along street frontages causes visibility issues for vehicle traffic and pedestrians.

Commissioner Kelly points out that the purpose of the Special Exception permit is to address a solution that has no other remedy. Maybe the information that gets presented to the Commission should include the process of elimination to remedies that lead to the application of the exception.

The discussion was brought to a close by Commissioner Powell who reminded the group that there was a motion and a second to approve the Special Exception Permit.

Attorney Kelly read the motion contents to the group. Which is listed below:

Attorney Kelly guided the Commissioner Tucker and Nemanic to include the four required criteria to be included in the motion. It follows below:

"I move to recommend approval of the application for a special exception finding that:

1. Notice of the public hearing held May 14, 2024 was published in the Cortez Journal, mailed, and posted on the property in accordance with the requirements of the Dolores Land Use Code.
  
2. A public hearing was held on May 14, 2024 at which the Planning and Zoning Commission considered the documents and statements presented by staff and the applicant and considered public comment on the application.
  
3. The applicant meets the decision requirements for a special exception as set forth in the Dolores Land Use Code specifically that:

*1. That granting the special exception will ensure the same general level of land use compatibility as the otherwise applicable standards; **The corridor mixed use is the preferred zone for this kind of manufacturing. The site has ample separation from the surrounding properties to mitigate sound and dust.***

*2. That granting the special exception will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks, and other land use considerations;*

*(a) Special exceptions for setbacks shall be granted only where the standard separation between buildings in the district that normally results from the required setbacks is maintained and guaranteed by easement on the adjacent property; **The corner property is separated by side yards on both sides of the property that is not a street.***

*(b) Special exceptions for historic replica signs shall be granted subject to the following:*

*(1) A historic replica sign shall be located on a structure or in a district that has been historically designated pursuant to Section 13.14.*

*(2) Applications for a historic replica sign will be supported by documentation evidencing the historic style, format, and location of the sign to be replicated;*

*(3) A historic replica sign shall replicate the style and format of a historic sign, but need not employ the same words, phrases, or symbols; and*

*(4) The Planning and Zoning Commission or Board of Trustees must find that the proposed historic replica sign contributes positively to the historic redevelopment of the Town.*

**3. That granting the special exception will not adversely affect property values in any material way; The Planning Commission has approved six other special Exception permits where the four listed criteria have been met.**

**Additionally, this property recently had a storage unit on the same spot that the addition is proposed to be installed and used in the same manner as the previous storage unit. This unit would be structurally attached to the existing structure and mounted on engineered footers.**

**4. That granting the special exception will be generally consistent with the purposes for this LUC described in Section 13.4.E.3. The public hearing notice was published and sent to the neighbors in the 250-foot area as required in Section 13.H 4. See attached notice.”**

The condition imposed on the applicant was to comply to the Landscaping and Parking standards in proportion to the increase in square footage.

Roll call vote:

Yes: Tucker, Kelly, and Nemanic

No: none

Abstained: Powell and Robinson (Powell felt that more information was needed for a decision to be made)

Manager Reeves addressed the concerns of the Commissioners over the roles and responsibilities of Staff and Commission. Reeves would also like to define the functions of staff and Commission.

Manager Reeves has been talking to Department of Local Affairs representative Patrick Rondinelli about grant funding for a Comprehensive Plan update. The state does have grant opportunities for certain elements of the project.

**12. Discussion-None for this meeting.**

**13. Future Agenda Items**

- a. Proposed Language for amendments to the Land Use Code prepared by Planner Garvin.
- b. Revisit the discussion on presentation material what the staff’s job is specifically and what their role is to the applicant and to the Commission.



**14. Adjournment**

The meeting was adjourned at 8:42 p.m.

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Linda Robinson, Chairperson

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Ann Swope, Assistant Clerk



## Town Manager's Report

Date: May 23, 2024

To: Board of Trustees

From: Leigh Reeves

- Old Townhall demo – We have signed a contract with Element Environmental which will be before you Tuesday night for Asbestos abatement (R595). The project will begin on June 10<sup>th</sup> and take 4-6 weeks. I will bring the contract for demolition at the next meeting.
- P&Z – We had a special hearing at the last P&Z meeting. A variance for set back was approved three commissioners yes and 2 abstained for not enough information. Going forward we can consult with Nancy Dossdall, our LUC consultant to finalize the presentation. We have Elizabeth Garvin set to present at the next meeting on June 3<sup>rd</sup>. Also before you is the first reading of an Ordinance 574 to fix the confusion I created on P&Z Commissioner terms.
- Community Center – Before you on Tuesday is a contract for janitorial services at the community center with Wagner industries(R601). This vendor is fully insured and works for the City of Cortez and the Forest Service. We have not interviewed anyone for the manager's job, as we have only had one applicant. We also have before you a resolution(R599) for a 200% increase in fees beginning on July 1<sup>st</sup>, 2024. Please remember it takes a minimum of \$36K to pay the community center expenses.



- Flanders park bathroom – We received one bid from a local contractor, Cruzan. The original amount was \$350K. We have cut out heated sidewalks and an onsite project manager and saved \$40K while still maintaining functionality. Cruzan has used a different electrician which brought the total down to \$273K. Our grant is for \$165K from CDOT. In working with Ken Charles, we will be using ARPA funds of \$26K and another \$25K out of the general fund. \$37K will need to be pulled from reserves to pay for this bathroom.
- Joe Rowell Park – Before you on Tuesday is an emergency resolution(R602) to take out \$40K (\$39,844, to be exact) from reserves to install a new electrical panel for the whole park. It will include a medal building installed on a concrete slab. It will have ports to the outside to support festivals and food trucks. It will also have timers for the softball fields.
- We have created a formal resolution (R593) to send to the County P&Z commission to voice our opposition to the BioChar facility proposed for the Ironwood location.
- We have a resolution (R594) raising the limit of the town manager’s ability to sign contracts from \$5K to \$10K as needed due to inflationary pressures.
- Also for consideration is a resolution (R600) for exempting seniors from an increase in the base water and sewer rate.
- We have an Ordinance-575 to amend the municipal code pertaining to open containers for alcohol at Kelly’s Kitchen and the Community Center. This will allow Kelly to transport alcohol to her outside dining area.
- Finally, we have an Ordinance–576 amending the Municipal Code to make all



town employees report to the town manager as discussed previously and in support of the presentation made by Sam Light. Trustees will still be voting every two years to appoint officers.

Report to the Board of Trustees on the  
 Planning & Zoning Commission meeting held  
 May 14, 2024

Discussions of potential interest to the Board and items for upcoming P&Z meeting agendas

<b>Agenda Item/Description</b>		<b>Discussion</b>
9.a.	Staff Updates: Interim Manager's Report	Included in packet
9.b.	Staff Updates: Attorney's report	Verbal Report, delivered virtually. P&Z should expect to receive an application for subdivision of the Dolores Fire District property at the west side of Town. He reminded the group that they would be evaluating the application and serving in their quasi-judicial capacity.
10.	Commissioner Updates:	Commissioner Powell reported, as an item of potential interest to P&Z, that the Exxon Building had been formally listed on the Colorado State Register of Historic Properties and the National Register of Historic Places – making it eligible for property-owner initiated financial preservation incentives.
11.	Public Hearing: Special Exception Permit Application by MDD, LLC	P&Z approved the Special Exception Permit Application. Two members abstained from the vote based on their need for additional information. The commission discussed information that would assist them in making informed decisions. See 12, below for topics that would ameliorate the situation. P&Z will address these topics, beginning with their regular June meeting.
12	Potential June agenda items and presenters	<ul style="list-style-type: none"> <li>• How to improve citizens' understanding, compliance, and enforcement of town ordinances, including the Land Use Code: Group discussion, facilitated by the Manager</li> <li>• Proposed language for amendments to the Land Use Code: Contract Planner Garvin</li> <li>• Updates to the Town's 1997 Comprehensive Plan, including funding for a new Comprehensive plan and other steps to move forward: Group discussion, facilitated by the Manager</li> <li>• Develop a process to work with staff to edit the Special Exception Permit Application form to align completely, explicitly, and precisely with the current Comprehensive Plan and Land Use Code: Group discussion, facilitated by the Manager</li> <li>• Better understanding of the previously requested Special Exceptions to aid evaluation of the efficacy of the 2022 Land Use Code.</li> </ul>

**Dolores LUC  
Discussion Edits | May 13, 2024**

**1. Should ADUs and/or accessory structures be allowed in the CMU zone district?**

Currently, ADUs are only allowed when accessory to single or two-unit (duplex) dwellings. Neither ADUs nor accessory structures (non-habitable) are allowed in the CMU district. Section 4.6, Table 4.3: Accessory Uses provides:

**Table 4.3:  
Accessory Uses**

	LL R	ne w	R1	ne w	MR F	MH P	CB 1+ CB 2	CH	LI	ne w	P	R 10	R35	
	LL R1	LL R2	NR 1	NR 2	NR 3	M HP	D M U	CM U	IN D	P1	P2	R 10	R 35	<b>Add. Use Stand.</b>
<b>Key</b>	<b>/P/ Permitted, /PL/ Permitted with Use Limitations, /--/ Not Permitted</b>													
<b>Dwelling</b>														
Accessory Dwelling Unit [1]	P	P	P	--	--	--		--	--	--	--	P	P	Sec. 4.6.A
Caretaker or guard residence, accessory	--	--	--	--	--	--		--	P	--	P	--	--	
Shelter [2]	P	P	P	P	P	P	P	P	P	--	P	--	--	
Short-Term Rental	PL	PL	PL	PL	PL		PL	PL	PL			PL	PL	Sec. 4.5.B
<b>General</b>														
Accessory Use or Structure	P	P	P	P	P	P	--	--	P	--	P	P	P	Sec. 4.6.B

[1] Shall be located on a lot with a single unit detached or duplex dwelling.

[2] Accessory to public, civic, and institutional uses only.

While there are some single and two-unit dwellings in CMU, the LUC does not allow expansion of that structure/use type beyond where they already existed when the LUC was adopted. This is reflected in Section 3.7.2: CMU Purpose and Intent:

**2. Corridor Mixed-Use (CMU) (was CH)**

The CMU Corridor Mixed-Use district is designed to accommodate a wide variety of commercial activities, to make Dolores a more attractive and energetic place to live, work and shop and to enhance the economic development of Dolores. It is intended for application in areas designated “Commercial Highway” on the land use map of the Comprehensive Plan. New single-family and duplex development is not permitted in the CMU district but residential uses that existed as of the adoption date of this LUC are considered compliant uses and permitted to maintain their residential status.

This restriction is repeated in Section 3.7.D District-Specific Site and Structure Standards:

**1. DMU and CMU Location of Residential Use**

- (a) Residential development in mixed-use structures shall be located either behind the front 30% of the building or above the ground floor.
- (b) Single and two-unit dwellings are only permitted in mixed-use structures or as a replacement for a single or two-unit dwelling that pre-existed the effective date of this LUC. Replacement dwelling units are subject to conditional use permit review.
- (c) Existing commercial structures may not be converted to residential use on the ground floor.

The Town’s goal of limiting ADUs and the expansion of single and two-unit residential development in CMU was to protect existing commercial structures from residential conversion and encourage the development of more mixed-use and commercial development in the Town. If this goal has changed, Table 4.3 can be amended to allow either:

- A. ADUs for single or two-unit residential in the CMU district.
- B. ADUs for all residential-only structures with enough lot space to meet the ADU requirements (single-unit, duplex, and townhomes) in CMU, but not for multifamily or mixed-use.
- C. Alternatively, the Town could allow ADUs as a conditional use, determined on a site-by-site basis.

Accessory structures, such as detached garages or storage units, were not allowed because they are not commonly used with mixed-use or commercial development and can cause accessibility problems for emergency officials. Attached garages or storage units are allowed. If the Town wants to change this approach, Table 4.3 can be changed to allow accessory structures for any of the following:

- A. All residential-only structures (single-unit, duplex, and townhomes) with enough lot space for a detached accessory structure, but not for multifamily or mixed-use.
- B. Any structure with enough lot space for a detached accessory structure.
- C. Alternatively, the Town could allow accessory structures as conditional use, determined on a site-by-site basis.

**2. Should existing commercial structures be allowed to be converted to residential uses?**

The intent of the prior Planning and Zoning Commission in drafting the CMU district was to protect existing commercial uses from conversion to residential uses. The discussion was focused on the Town’s limited existing stock of commercial spaces. Generally, a commercial mixed-use district does not allow single or two-unit residential development because that development pattern takes up more land area than mixed-use or multifamily and a purpose of the district is to allow the creation of compact mixed-use development.

Colorado is currently experiencing a very expansive residential housing market and there may be pressure in the Town to convert commercial spaces to residential space. The Town should consider the long-term impact of allowing this change before making any LUC amendments.

**3. The CMU rear setback is oversized and should be amended.**

The CMU district was created as a conversion of and update to the 1998 LUC's Commercial Highway (CH) district. The minimum rear and interior setbacks in CH were 6 feet with an option to reduce the setback for detached accessory buildings to zero for lots adjacent to an alley. It appears that when the CH district was converted to CMU, the 25-foot rear setback applicable to DMU (previously CB-1 and CB-2) was incorrectly applied.

Table 3.4 should be amended to change the CMU rear yard minimum setback from 25 feet to 6 feet or less, and to change the detached accessory structure alley setback from 25 feet to zero feet.





# Special exceptions

*Dolores Development Services: From Concept to Construction*

The Dolores Land Use Code sets the requirements for general special exceptions in Article 13 Section 13-25.

## Getting Started

Special exceptions are deviations from otherwise applicable operational performance standards; compatibility standards; setback standards; fence standards; design standards; sign standards, limited to historic replica signs only; and road design standards; where development is proposed that would be (1) compatible with surrounding land uses, (2) in keeping with the public interest and (3) consistent with the purposes of this Code.

**A property owner or developer may request a special exception when the provisions of Section 13.5, Administrative Adjustment, are insufficient to provide the regulatory relief sought for the site or development.**

## General Special exception Guidelines

- ✓ Applicants can start a request for special exception by submitting a complete application for special exception to the Zoning Administrator. Applicants with questions about the application form or process are encouraged to call (970) 882-7720 or stop by Town Hall to talk about their application. The Town does not accept incomplete applications.
- ✓ The Zoning Administrator will review the complete application and make a recommendation to the Planning Commission.
- ✓ A public hearing is required for special exception applications. The Town will provide notice of the hearing by mail to neighboring property owners, by publication in the newspaper, and by giving a sign to the applicant to post notice on the property for at least 15 days before the hearing.
- ✓ Special exception applications are reviewed and decided on by the Planning Commission. Applications may be approved, approved with conditions, or disapproved. Conditions imposed on a special exception permit may include, but are not limited to, size, bulk, and location; standards for landscaping, buffering and screening, lighting and adequate ingress and egress; cash deposits, bonds and other guarantees of deposit; other on-site improvements; or hours of operation.
- ✓ **Board of Trustees: Subdivision Special Exceptions**  
In conjunction with the review of subdivision applications, the Board of Trustees shall be authorized to grant special exceptions subject to the requirements of Article 6, Subdivision Standards.
- ✓ Issuance of a special exception permit shall authorize only the variation which is approved in the special exception permit. A special exception permit shall run with the land.
- ✓ Construction on the project must start within 12 months of the date of the approval of the special exception permit or the special exception approval will lapse and automatically become null and void. The Town will not provide notice that a permit is about to lapse or has lapsed. Permitted time frames do not change with successive owners. Upon written request, only 1 extension of the twelve-month time frame may be granted by the Planning Commission for a period not to exceed 12 months for good cause shown.

## Special exception Submittal Requirements

The applicant shall file 3 copies of an application requesting a special exception that includes all the information required by the special exception application form.

### Public Hearing, Notice and Decision

- ✓ The Planning Commission shall hold a public hearing on an application for a special exception permit. At the public hearing, the Planning Commission shall consider the application, the staff report, the relevant support materials and the public testimony given at the public hearing.
- ✓ The Planning Commission will consider the following criteria when reviewing a special exception application. To be approved, an application must meet all of these criteria.
  1. The proposed use is a permitted use in the underlying zone district.
  2. There are special circumstances existing on the property for which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and zone district;
  3. Such unnecessary hardship has not been created by the applicant;
  4. The special exception is necessary to permit the applicant the same rights in the use of the property that are enjoyed under this LUC by other properties in the vicinity and zone, but which are denied to the subject property;
  5. The special exception will not adversely affect the land use pattern as outlined by the Future Development Plan and will not adversely affect any other feature of the Comprehensive Plan of the Town;
  6. The special exception will have no significant adverse impact on the health, safety or general welfare of the surrounding property owners or the general public; and
  7. The special exception will not cause injury to the use, enjoyment, or value of property in the vicinity.
- ✓ After the close of the public hearing, the Planning Commission shall vote to approve, approve with conditions, or disapprove the application for a special exception, in accordance with the required findings of Article 13 Section 13-25 of the Dolores Land Use Code, and shall show the same in its minutes.
- ✓ Four members of the Planning Commission must vote in favor of the application for a special exception to be approved.
- ✓ Notice of decision. The Zoning Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Planning Commission's decision.



For Internal Purposes Only (initials)	Section 10, Item b.
Approved: _____	
Approved with Conditions: _____	
Denied: _____	
Filing Fee paid: _____	

**Application for Special Exception Permit; Must be Submitted with Application for Site Plan Review**

**Per Dolores Land Use Code, Article 13 Section 25:** A Special Exception permit is required for deviations from otherwise applicable operational performance standards: compatibility standards; setback standards; fence standards; design standards; sign standards, limited to historic replica signs only; and road design standards; where development is proposed that would be (1) compatible with surrounding land uses, (2) in keeping with the public interest and (3) consistent with the purpose of this Code. **A property owner or developer may request a special exception when the provisions of Section 13.5, Administrative Adjustment, are insufficient to provide the regulatory relief sought for the site or development.**

Mark any of the deviations this application will address: \_\_\_ operational performance, \_\_\_ compatibility standards, \_\_\_ setback standards, \_\_\_ fence standards, \_\_\_ design standards, sign standards, limited to historical replica signs only, or \_\_\_ road design standards.

To request a Special Exception Permit, fill out the information below and include **three (3) copies** of a site plan that meets the requirements listed on the Dolores site plan application, plus a Special Exception fee of \$\_\_\_\_.

**Personal Information<sup>1</sup>**

Full Name: \_\_\_\_\_  
*Last First M.I.*

Address: \_\_\_\_\_  
*Street Address Apartment/Unit # City/State*

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Affected Property Information**

Property Address: \_\_\_\_\_  
 (if different) *Street Address Apartment/Unit # City/State*

Business Name: \_\_\_\_\_

Property Type: \_\_\_ Single-Family Residential \_\_\_ Duplex \_\_\_ Townhome \_\_\_ Multi-Family Unit \_\_\_ Commercial  
 \_\_\_ Other (please describe: \_\_\_\_\_)

Property Status: \_\_\_ New construction \_\_\_ Remodel/addition \_\_\_ Other (please describe: \_\_\_\_\_)

Zoning District: \_\_\_\_\_

**Description of Special Exception Request.** Please use the space below or attach another sheet to further describe the situation and what you are seeking to use the property for. Photographs and other information may be attached as well. Describe any impacts that the proposed Special Exception Permit will have on neighboring properties. Describe how you will meet the Special Exception Permit review criteria in LUC Article 13 Section 23 - D.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<sup>1</sup> If applicant is not the property owner, an Agent Letter must be submitted with this application.

**REMEMBER TO SIGN APPLICATION**

I swear/or affirm that the information included herein is accurate, to the best of my knowledge. I understand that no application shall be considered complete, and shall not be reviewed, until the application is complete, the review fee is paid in full (if applicable), and public hearing notice requirements (if applicable) have been fulfilled. The Board of Trustees may deny my request for a Special Exception permit, approve the request, or approve the request with conditions.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

Staff Record:

Pre-Application Meeting Date: \_\_\_\_\_

Site Plan Review Application submitted \_\_\_\_\_ Date \_\_\_\_\_

Application Complete: \_\_\_\_ Yes \_\_\_\_ No.

Returned for the following reasons: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Special Exception Permit

Date of submission \_\_\_\_\_

Payment received \_\_\_\_\_

Application Complete: \_\_\_\_ Yes \_\_\_\_ No.

Returned for the following reasons: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**1997 TOWN OF DOLORES COMPREHENSIVE PLAN REVIEW**  
**Dolores Planning and Zoning Commission**  
**July 24, 2019**

**Introduction**

The Dolores Planning and Zoning Commission (P&Z) undertook a review of the 1997 Comprehensive Plan (Plan) for the Town of Dolores beginning December 2018. Review of the Plan was a high priority for P&Z due to the age and applicability of the Plan considering a pending grant request to update the Town’s Land Use Code (LUC) – a subset of the Plan. Subsequently the Town did receive the grant.

It is P&Z’s desire that information in the Plan review be used by the successful bidder to help with the LUC and Plan revision. The Plan review is also intended to be used by the Town Board and staff, as well as interested publics, as both the LUC and Plan are modernized. Our review showed a need to acknowledge successes and accomplishments in the Plan, but to also acknowledge what information, aspirations, objectives, etc. are no longer applicable to where we believe the Town is heading.

Our review was not technical, but rather an attempt to determine what portions were still relevant, not relevant and to identify new issues/concerns that needed discussion, considering the age of the Plan. Individual objectives not discussed were deemed to still be relevant. We also attempted to identify whether Plan objectives were tied to specific areas within the LUC. This was important in that the LUC is the implementing document of the Plan.

The review is organized by Plan Section. The review is best read with a copy of the current Plan in hand. Individual goals and objectives are validated. Some goals may need to change and some objectives are out of date. Objectives not specifically addressed in our review were deemed to still be of use. In some sections new objectives have been added. Finally, the last section of our review is comprised of Plan recommendations.

**Plan Introduction**

This section is comprised of the three areas: Authorizations, Applicability, and a Vision Statement. We believe the contractor/Town can validate the Plan Authorization as the language is from the Colorado Revised Statutes. This would also be useful as there are some new requirements that the State requires of Comprehensive Plans.

The Applicability section discusses the fact the Plan applies to the Town as well as a three-mile Urban Influence Area. It is P&Z’s recommendation that this section, when revised, acknowledge changes in the use and density of the Town’s Urban Influence Area since 1997.

P&Z believed that the 1997 Vision Statement was still valid and applicable.

## Plan Section II – Existing Conditions

This section contains baseline Town information including history, physical setting, current land use patterns economic/demographic information, public facilities and services, population estimates/projections, and land use inventory and holding capacity.

All of this information needs to be updated and beefed-up especially the history section. Much of the information is statistical and can be gathered by the Town/contractor.

Trends should be identified to show what has changed between when the Plan was implemented in the 1997 and where we are at today. Some trends P&Z identified:

- Development has taken place away from the Town square – the Town square is not as robust due to growth taking place in eastern portions of the Town;
- County has seen growth, but Dolores has experienced very little growth;
- There is increased interest in the marijuana and craft alcohol production businesses;
- There appears to be more renters vs home owners now as opposed to 1997 (validate);
- There continues to be an increase in business locations being re-developed into residences;
- The Town continues to offer positives such as open space, a pedestrian-friendly environment, the Galloping Goose and a multitude of recreation opportunities.

P&Z suggests the following updates:

- History: See Appendix A at the end of this report
- Areas identified as steep slopes may see increased development pressure. LUC needs to ensure clear, enforceable language addressing what uses are compatible within all areas. For safety reasons there is a need to maintain hillsides in undisturbed and fully vegetated conditions;
- Floodplain language needs to be validated;
- Wildlife. The new Plan should address potential human vs bear/mountain lion conflicts. Continue the new bear/trash ordinance. Acknowledge a need to address the need to dispose of the large amount of unharvested fruit that serves to attract bears and other wildlife opportunists such as skunks. The Town has a vibrant fishery – maintenance and improvement of existing habitat structures should be acknowledged. The economic benefits of the annual Mesa Verde Birding Festival and other activities such as big game hunting should be acknowledged and promoted. Include items such as updated big game winter range maps in the new Plan.
- Under the Land Use Inventory and Holding Capacity section (p.8), Dolores encompasses 467 acres not 367 acres.

**Plan Section III – Goals and Objectives**

This section contains goals and objectives for 8 different areas that attempt to implement the Vision Statement identified in the Plan Introduction. Goals and objectives were developed via 1997 public work sessions. P&Z attempted to validate goals and objectives while also suggesting appropriate edits and additions as needed.

**Residential/Commercial Transition:**

- Goals:
  - Current goal appears to still be valid;
  - Opposed impacts that adversely impact adjacent landowners;
  - Keep business activities within property boundaries;
- Objectives:
  - # 8, compatibility of light and industrial uses within the town and residences, needs to be updated. Examples provided were locations of Air BnBs as well as bed and breakfast establishments, consider home-based businesses acceptable due to the availability of the internet, and identify common uses in neighborhoods.
  - # 15 : Need to be more specific on the mobile and manufactured homes standards - need to also reference Building Codes;
  - # 16: Core commercial business district(s) need to be more specific both as to location and definition i.e. more carefully define forms of this district to create the best possible environment for retail and offices. Set noise, light limits, etc.
  - # 18: Non-commercial uses in predominately commercial areas needs further review i.e. more carefully define forms of this district to create the best possible environment for retail and offices. Set noise, light limits, etc.

**Proposed Light Industrial/Business Park:**

- Goals: Not sure an industrial/business park is now a compatible or desirable use.

**Protection and Enhancement of the Natural Setting:**

- Goals: Current goal appears valid; however, the following objectives would appear to be more appropriate today;
- Objectives:
  - Add Dark sky initiative, to prevent light pollution, promote views of night sky, and preserve health of citizens and wildlife. When needed, use light fixtures that project down, not up or to the sides.
  - Protect riparian and wetland areas. Specify details of such protected areas to accommodate wildlife, and flood waters.
  - Protect Canyon rim, slopes, and river from inappropriate development that might damage the functioning and aesthetics of any such features.

- For Protection of town from potential flooding and storm water drainage:
  - Designate areas to can handle flood-water (open space and parks, etc.). Have working infrastructure (storm drains, etc.) to move flood water and collection areas for water to filtrate back into water table.
  - Use permeable surfaces (permeable paving, open soil surface as possible) with goal of directing water back into the water table.
- Promote Landscaping in town that supports native pollinators and native bird habitat.
- Promote native and xeric plants that don't require much additional water application.
- Revise list of approved landscape species.
- Add list of noxious species to actively control.
- Create awareness of invasive species (i.e. whitetop, Siberian elm, Canada thistle, Russian knapweed, jointed goatgrass etc.)
- Require enforcement and management of noxious weeds per State statutes.
- Use incentives such as up zoning and down zoning to encourage preservation of riparian and wetland areas, and other important features of the landscape.
- Add a glossary to the Comprehensive Plan. Suggested for terms such as "up zoning" "down zoning" and many others.

Town Appearance, Streetscape, Community Image:

- Goals: Current goal was validated and deemed to still be valid;
- Objectives:
  - # 5: Promote uses of alleys.
  - # 2 and #6: Sidewalks: Visited the idea that the Town provide incentives to encourage the landowner to rebuild, sidewalks.
  - # 7: Encourage maintenance of landscaped buffer between street surfaces and sidewalks in residential districts.
  - # 8: Ensure setbacks, etc. are addressed in LUC.
  - # 11: Review signs and lighting. The Committee decided to table this review.
  - # 13: Reviewed, the possibility of narrowing lanes. With cooperation of C.D.O.T.
  - See above for landscaping and weed control needs.
  - Update with photographs of desirable features to maintain.
  - Setbacks, volume and scale of buildings is most important (affecting the spatial definition of the outside public realm), minimize requirements for superficial features (i.e. building colors).
  - Reconsider overall building heights allowed.
  - Encourage owner-inhabitation of properties (vs. rental properties), which makes for more responsible property maintenance and town citizenship.
  - See last section, Plan Recommendations, for suggestions regarding mobile home parks.



Historic Preservation, Downtown Redevelopment and Enhancement:

- Goals:
  - The group believed there was a potential code issue in that the “downtown area” needed to be better identified
  - Split goals between Historic Preservation and business/residential. The group believed History/Preservation and Business/Residential went together better
  - Validate/review the 2 existing historical districts in Town
- Objectives:
  - #1: Edit: “Adopt regulations or take other measures such as providing sidewalks deciduous trees, etc. to improve the human scale atmosphere.” The group believed the objective, as written, was too restrictive.
  - #2: Keep for downtown/pedestrian areas
  - The group did comment on the fact that there appears to be too many “District” designations for the size and complexity of the Town
  - Should businesses be required to provide parking?
  - Commercial vehicle use around businesses should be addressed i.e. access and parking
  - #3, #4, and #5: Keep
  - #6: Probably not needed
  - #7: Completed
  - #8: Are there unique architectural design elements unique to Dolores? If not, the objective could be re-written using language that captures/encourages/identifies unique features that fit Dolores’ urban form and landscape context. Suggest using photographs when describing architectural and landscape features
  - #9: Probably not needed if there are few key design elements around
  - #10: Not needed b/c of lack of design regulations
  - #11: OK for now
  - #12: Questionable if needed
  - #13: Not needed
  - #14: Keep. Need to discuss the objective with the Chamber
- Add: #15: Move Town administrative buildings and presence out of Flanders Park to promote visual access to Flanders Park from Railroad Ave. to promote local business locations, and to promote use of the Park to visitors and residents alike

Recreational Opportunities and Trails:

- Goal: In general, more visionary goals are needed to address all residents, all ages, to include the great features of our landscape and access to the outdoors. Current goal should be modified as follows: Enhance *and create* recreational opportunities, including sidewalks and trails, for people of all ages and abilities. Consider the need for more trails and continued pedestrian access to all recreation features.

- Objectives:
  - #1. Prioritize the construction *and all-season maintenance* of sidewalks, and previously approved trails (i.e. the Riverwalk and Ridgewalk Trails) and park improvements in the Capital Improvement Plan, along with all other public improvements. (*What is the Ridgewalk Trail? Is there a Capital Improvement Plan in place?*)
  - #2. Change to: Develop a parks improvement plan for all town parks and trails to include a variety of recreational facilities and opportunities. Ensure pedestrian connectivity to between Town parks.
  - #3. Change to: Prioritize connectivity of all developed areas to the Town Core and Public Lands via a system of sidewalks and trails.
  - #4. Leave as is.
  - #5. Leave as is.
  - #6. Delete and combine with #3.
  - # 7. Maintain flexibility on actual sidewalk and trail alignments within an overall plan. (*Could this be reworded for clarity? 'Flexibility' and 'alignments' are confusing. (Is the intention something more like 'Maintain flexibility in the alignment and connectivity of sidewalks and trails within an overall plan, in order to accommodate natural features and pre-existing structures?')*)
  - #8. Develop A.D.A sidewalk/ trail standards to meet the needs of pedestrians, bikers, and handicapped persons. (*Aren't these standards already defined by federal and state guidelines? If so is the objective necessary?*)
  - #9. Leave as is.
  - #10. Pursue grants to fund the acquisition of public open space and park lands.
  - #11. Require new development to make public land dedications in order to maintain the town's existing public lands "level of service." (*Reword for clarity. Define "public lands level of service."*)
  - #12. Leave as is.
  - #13. Change to: Improve and maintain fish habitat structures and access.
  - #14. Cooperate with *federal, state and* local governmental entities in the planning of recreational opportunities and trails.
  - #15. New: Ensure that the Town is in compliance with ADA guidelines and that accessibility is considered in all possible ways throughout the maintenance and development of trails and recreational opportunities.

Tourism:

The requirement to discuss tourism in a Plan is a State requirement [C.R.S. 31-23-206(5)] and was not required in 1997. In the summer, there is an influx of visitors from around the world. Area attractions include Mesa Verde National Park, San Juan National Forest, Dolores River, and McPhee Lake. During winter at peak snow season there is a small boom of skiers that come to ski in Telluride.

- Goal: Promoting the areas tourist destinations is important in growing the local economy throughout the 4 corners area. It is important to leverage all these assets of the entire region to grow the economy of Montezuma county.

- Continued collaboration among the various governmental and economic development organizations to stimulate the local economy is of the utmost importance to fulfilling a quality tourism experience and to produce a sustained economic boost for the Town of Dolores.
- Objectives:
  - #1: The city should encourage businesses and attractions in Dolores that provide a unique tourist experience, and do not upset the reason why people choose to live here, so that visitors will want to return, and residents will want to stay.
  - #2: How do we get people to stop in Dolores?
    - Dolores River: let people know about fishing and rafting in the town.
    - Promote McPhee Lake to attract tourism.
    - Promote the quietness and personalized nature experience that exist in the town.
    - We are a pedestrian town with many centrally located amenities, let's encourage our visitor to park their car and walk our town.
    - Future regional trail development to connect to statewide trails systems.

Public Facilities and Services:

- Goal was still applicable, but needed to be defined better.
- Objectives:
  - New: Create a private/public partnership to encourage sidewalk construction and maintenance.
  - #6 and #9 have been completed.
  - Modify #11 to read: Seek to develop additional capital improvement/infrastructure funding sources.
  - New: Ensure a modern, efficient, technological infrastructure is in place to support business and education opportunities.

Future Land Use Pattern:

- Current goal needs to be updated. Several suggestions have been made:
  - Form a desired use within the town; including a desire for mixed uses. Uses should be less the focus and regulation of noise, and population density more of the focus.
  - Goal for Dolores is to be characterized a compact river valley within a variety of businesses, integrated thoroughfare sustaining a gallery of life environments.
  - Form based codes dictating densities for building forms, setbacks, build to lines, street space to facilitate pedestrian activity.
  - Mixed uses are a priority for commercial area with commercial uses prioritized for ground level residential, and or office spaces above.
  - Develop street scopes that work for pedestrians and promote street life of the town.

- Require each zone to address parking needs especially in mixed and commercial use areas as well as locate parking behind buildings.
- Objectives:
  - #3 Delete
  - #5 Re-write to accommodate newer and appropriate businesses from 14<sup>th</sup> Street east to town limits.
  - #8 Coordinate with Montezuma County, current objectives may not be valid.
  - #9 Needs more discussion. Consider options for smaller houses, etc.
  - #11 Strike last sentence.
  - #13 Strike
  - #15 Re-write to be more positive
  - #16 Encourage renovation of existing or historical structures in lieu of demolition, unless necessary to meet code requirements.

## **Plan Section IV – Future Land Use**

### **Introduction:**

P&Z would like to see more flexibility in the land use categories so they accommodate the varied activity common to our small town. We would like to stay away from adding more zones, and instead redefine existing zones to accommodate an expanded vision of the forms with mixed uses that will benefit the community and place.

Since the 1997 Land Use Plan and Zoning Codes were developed, the internet has become a very prominent part of life. The larger economy has experienced some healthy periods, but also the great recession, which hit our region quite hard. Climate patterns have become more extreme and fire and flood threats are stronger.

The Town of Dolores should seek to define land use categories that accommodate residences of a variety of sizes, have enough flexibility to accommodate appropriate small and home business /economic activity, to protect the Town's prized natural resources, and to identify and promote the desired physical qualities of the town towards creating a great place to live and work.

### **Relevance of Future Zones outlined in 1997 Comp Plan:**

Current land use categories are defined most prominently by allowed uses, density and lot size. The LUC dictates a few mostly superficial forms intended to match a style of building arising out of the Victorian style of architecture. In addition, some heights are defined and setbacks are defined by the uses they are intended for. Largely absent are codes that will (*would?*) result in a strong and attractive public realm and urban form defining the street space and open spaces around or between buildings. Zones do not effectively consider how special landscape features and the ecosystem of Dolores are best preserved. *Current land use categories also do not* promote best practices for storm water control and retention, flood mitigation, or wild fire resistance.

The 1997 future land use zone boundaries generally followed existing uses in the town, and to that extent they remain relevant. Those uses have arisen in time, not simply through the application of codes, but also in large part by how those locations, with their forms and adjacencies, are conducive to the uses. All proposed future land use zones, except for the R-3 zone which hasn't been applied, remain relevant as unique areas. However, we recommend redefining them and naming them to include form-based code.

**Form -based Codes:**

Form-based codes might hold some valuable tools for the Town of Dolores. Conventional methods of zoning, which are focused on what uses are permitted, have often shaped the form of the built environment in unintended—and occasionally unwanted—ways. Integrating some of those approaches into the Dolores LUC and Plan may accomplish more of the physical and functional town environment that the community wants. Form-based codes include specification of what uses are permitted in a building or place, but focus on the essential physical character of development, particularly how it relates to the public realm that everyone shares. Form-based codes are a good tool for achieving what the kind of place a community may want, i.e. preserving what it cherishes, and preventing what it doesn't want.

Some online resources with information on Form Based Codes are:

- <https://formbasedcodes.org/definition/>
- <https://www.cmap.illinois.gov/documents/10180/10715/CMAP+Form+Based+Codes+Guide+Iowres.pdf/5a034e51-ffd5-4b71-b5f1-c068d0096293>

**Recommendations:**

The following are some considerations to include in the Town of Dolores' LUC and Plan:

- Look at ways to adjust all zones so they start to become based partly on the physical forms within the zones. We are a small town and there is naturally cross-pollination between uses in zones. Therefore, zones may better be defined by form requirements in lieu of restricting them entirely by activity (commercial, residential, etc.) Rather than require specific color or decorative items, or forms based on a nostalgic style for an architectural period (old western, Victorian), use form and volume in a more pure and simple way to promote elements that create positive “space” outside for the community members to experience.
- For example:
  - Define strong build-to lines relating to how the structures define the communal street and pedestrian spaces.
  - Lot coverage to vary within zones based on identified open space areas and the street qualities desired for the overall community experience, and densities of buildings that the street scape and parks spaces require.
  - Garage and parking placement -best in rear of most buildings so that cars don't dominate the public space. Require strict organization and site plan requirements for parking areas that include trees, and best practices for storm water retention and management.
  - Height and volume targets/ restrictions of buildings need to be rethought.

- The current height limit in residential areas, as demonstrated by a recently constructed residence along the north edge of the town, is out of scale with the neighborhood, impacting the experience of the residents outside and in the streets.
- The volume of buildings, with some basic receding and protruding pieces of the volume are important pieces for assuring that the built form creates interesting public outdoor space with light and shadow.
  - In all forms in town, it is important to maintain solar access for buildings and take advantage of passive solar benefits such as light and heat.
  - For zones occurring in areas with prize natural resources (river, wetlands, hillsides, and heritage trees groups) define the forms of those zones by the requirements for preserving those natural resources. Create incentives for preserving all those areas. Allow for modifications of setbacks and build to lines to preserve natural features. Allow for greater densities in some areas to preserve more open space. Consider incentives and ways for the town to acquire private property pieces with wetlands and potential areas along the river that can accommodate flood water.
- Look at codifying the design of parking lots and layout around buildings and streets to better the form of the districts. Require strict organization of parking patterns and travel routes, with landscape (especially trees) in islands within and surrounding the parking spaces. Require the implementation of best practices for storm water retention and reclamation.
  - Allow for manufactured structures within zones, as per appropriate for the Forms prescribed for each zone, and in compliance with desired materials, forms, and quality of construction.
  - Develop tight regulations around noise, parking, parking, traffic activity, smells, light, for all districts, and most heavily within areas dominated by residences having the strictest regulation.
  - Require trees plantings to improve all districts forms and reduce urban heat gain around parking lots and hard surfaces, and provide inviting outdoor space. Trees are especially important for creating inviting public spaces around streets and sidewalks.
  - Allow for smaller building minimum square footages and more dense development to accommodate the limited space available in the valley, to discourage urban sprawl, to preserve prized natural resources, to allow for affordable housing options.
  - Work on storm water retention infrastructure to be effective in all areas of town, and make them into attractive landscape features: i.e.: ponds, wetlands, areas with greater plant density and tree canopy.
  - Develop strong “dark sky” standards to protect the town and surrounding ecosystem from harmful effects of light pollution.
  - The Town should consider solar panel installation incentives for sizable buildings (with enough square footage for efficient collection), including solar power production by the town for the town buildings and facilities. A collective solar farm, located over some otherwise negative space (i.e. the sand filters at the sewer treatment plant) may be something to consider.
  - Large lot categories remain relevant even though they have minimal application potential within the town. Their application to private land covering the hillsides is effective in preventing destabilizing activity on the hillsides.
  - Further define all zones where ever they meet important natural features - i.e. slopes, wetlands -that address relevant geotechnical issues.

Allow for more dense development in areas without natural hazards and sensitive features to compensate restricting development in those sensitive areas, and establish open space. Create incentives for preserving all those areas. Allow for modifications of setbacks and build to lines on existing lots to preserve natural features.

- The current category titled R-3 is likely irrelevant. It hasn't been applied, and may have been developed should more rural area up valley of the town be incorporated into the town. However, it's likely much more beneficial for areas up-valley to be developed at the same density as the rest of the town, if annexation is to be cost effective for the town. Additionally, it's more beneficial to allow for buildable areas that are free of natural features such as steep slopes and wetlands, to be developed densely so that slopes, wetlands, and flood prone areas can remain undisturbed and serve their environmental functions.
- The current zone "Highway Commercial" should be thoroughly (*better as opposed to thoroughly?*) defined to address the fact that not every area along the highway must have a commercial use, and the current sets of forms along the highway are less than appealing in creating both attractive places for business and for the outdoor public space. Continuous highway commercial development without careful regulation on forms (in buildings, parking, and build to lines) simply results in an overwhelming linear barrage of signs and parking.
- It's important to apply design thinking to solving land use consequences arising out of the current taxation differences between commercial properties, and residential properties. The trend is for commercial buildings to be converted into residential spaces to meet the demands for housing (and reduce the tax burdens). The town needs to consider other ways business can be positively incentivized to locate in Dolores.
- Simply regulating the zones by the strict use of commercial activity could result in many vacancies in properties with required commercial use, and it may cause a decrease in valuation of such properties. Many of the buildings in lots zoned for commercial activity that are being repurposed for housing are marginally attractive with little pedestrian access, along the strip of highway 145 going through town. Promoting the development of better form of the overall urban environment in Dolores, may be more of an incentive to attract business because that will create a more attractive public realm which will subsequently attract more human activity.

### **LUC Compatibility:**

In general, the LUC supports the goals and objectives within the Plan. However, there are some issues with the LUC in general:

- LUC needs to be a clear, enforceable document that assures compliance with and movement towards meeting the Plan's goals and objectives.
- LUC needs to be in an electronic, searchable format.
- The LUC generally follows the Comp Plan.
- There are several areas that are duplicated or in conflict.
- LUC needs to be better organized to be a more effective product.
- Setbacks: Suggest using 8-10 feet setbacks from street edge to promote consistency, but also maintain flexibility where required. Disabled persons with appropriate proof of disability would be exempt from these requirements for home access.

- Sidewalks: All sidewalks installed by the Town would be the responsibility of the property owner to ensure they stay passable and clear of any hazards and debris. One exception would be sidewalks that border Hwy 145 through town. P&Z suggests that the Town help keep sidewalks along Hwy 145 clear of snow due to the frequency of State plows throwing slush and snow over them at all hours. Not keeping these sidewalks clear could be a safety issue for the Town should someone get hurt or get hit walking on the road way during the winter.
  - All sidewalks installed by the Town will be the Town’s responsibility for maintenance and upkeep of the condition of the sidewalk.
  - Should a property owner decide to install a sidewalk on their property they are also tasked with keeping it well maintained and clear of all debris. The Town will not be responsible for the maintenance or upkeep of the sidewalk it will be the property owner responsibility.
  - The Town should continue to assist property owners wanting to install replacement sidewalks by hauling off old concrete, assisting with grading and flagging new alignments, as needed.

**Plan Recommendations:**

- Develop an inclusive public involvement plan when revising the Comprehensive Plan and Land Use Code.
- Consider the following when re-visiting mobile home parks:
  - There is a definite need for affordable homes in Dolores.
  - Mobile home parks should be integrated into the aesthetics of Dolores to include open spaces, and landscaping that includes trees and nicely maintained yards
  - The Town should work with property and home owners to make these parks a great place to live.
  - Creating a better quality of life in mobile home parks it will also create a better quality of life for the Town of Dolores.
  - Dense occupation makes housing more affordable for those that live there.
  - Dolores could work with park owners to vary codes to allow for permanent houses that are smaller than what the code allows (Tiny Homes).
  - It is expected that mobile homes will comply with building codes, such as snow load.
  - The Town should encourage property and home owners to incorporate the above features so one can “put the park back in mobile home parks.”
- From our discussion regarding a proposed light industrial/business park:
  - Approach the chamber of commerce to pinpoint the appropriate industry types to encourage in the town.
  - Encourage artisan community-“Makers Economy”, and appropriate homebased businesses that blend with dominant neighborhood uses.
  - Promote solar access for all buildings and yards, for energy efficiency, and the ability for households to have vegetable gardens.
  - Prevent development on ridgelines that may be seen from canyon floor.



## APPENDIX A

### A BRIEF HISTORY OF THE DOLORES RIVER VALLEY

The Dolores area has been occupied for thousands of years. Prebasketmaker people were here 5000 years ago. They included Sandia II followed by ancestral Puebloans, basketmaker culture, and Mesa Verde culture followed by Ute Mountain Ute bands, who occupied the mountains in Southwest Colorado.

The Domingues-Escalante expedition camped on or near the present site of Dolores in August of 1776. They were following maps of previous expeditions including Miera, who had already named many of the rivers including the Dolores River (the River of Sorrows).

The Rio Grande Southern narrow gauge railroad was built in 1891. In 1893 the town of Big Bend was moved up the Dolores River to the present site of Dolores. The historic Rio Grande Southern Hotel was built to accommodate train passengers and train crewmen.

After the first wave of immigrants who settled up river, the second wave brought families that knew farming and could produce food and hay to be shipped out of Dolores. After 1900 the Rio Grande Southern railroad was heavily used to ship apples, potatoes, hay, cattle and sheep back east. Hay was produced in large quantities and shipped to the racing stables in the East.

In 1906 the San Juan and Montezuma National Forests (NFs) were created from Forest Reserves via executive proclamation by President Theodore Roosevelt. Current Forest Reserves in the Montezuma County area were made a part of the Montezuma NF. Headquarters for both NFs were initially in Durango but in 1908 the Montezuma NF headquarters were moved to Mancos and subsequently moved to Cortez in 1940. The Montezuma NF was combined with the San Juan NF in 1947, although the Norwood Ranger District was made a part of the Uncompahgre NF. The primary mission of the National Forests at that time were to provide a reliable source of timber, grazing, water, and recreation uses, among others, in the spirit of multiple use.

The Bureau of Land Management (BLM), a federal agency within the Department of Interior, also manages public lands not within the National Parks or National Forests in the Dolores area. BLM was created in 1946 from the merger of the General Land Office and Grazing Service. The focus then of BLM was to concentrate on long use of public lands as opposed to disposal of the same lands. The Federal Land Policy and Management Act of the 1976 (FLPMA) further unified BLM's mission and kept public land public while managing for long term multiple use. Popular local BLM public lands are: Canyons of the Ancients National Monument, Anasazi Heritage Center, Phil's World, Dolores River Canyon, and portions of the Disappointment Valley.

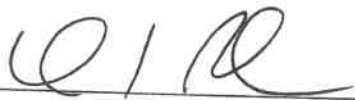
The narrow gauge ran until 1951. Seven Galloping Geese were built in 1931 and 1932. Goose number five carried mail, passengers and light freight to Rico and Ridgeway until 1951. The Dolores Rotary Club purchased Goose number 5 in 1952. It sat for many years and was restored by the Dolores Rotary Club and Galloping Goose Historical Society members.

It now runs on the short track for Dolores events and is used for excursions in Durango and Chama New Mexico.

With three car dealer ships, a movie theater, skating rink, a flour milling company, and a meat processing plant, Dolores was a hub of the county. In the 1950's, when Highway 160 was routed through Cortez, it changed the dynamics of Dolores making Cortez the hub of Montezuma County.

- Parks Committee will continue to provide additional comments to the Plan review as they complete their own review and edits of the Town Park Plan.

This report was prepared and recommended by the Town of Dolores Planning and Zoning Commission as witnessed by the signatures below:

  
\_\_\_\_\_  
Linda Robinson, Chairperson

08.06.19  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Dan Heeney, Vice Chairperson

08/06/19  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Deanna Truelsen, Member

8-6-19  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jerry Whited, Member

8-6-19  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Mark Tucker, Member

6 Aug 2019  
\_\_\_\_\_  
Date