

PLANNING AND ZONING COMMISSION MEETING AGENDA

August 6, 2024 at 6:30 PM

601 Central Ave

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

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 any time before the dated board meeting.

6. Approval of the Agenda
7. Consent Agenda
 - a. Minutes of July 2, 2024 Regular meeting.
8. Staff Updates
 - a. July 8 and 22, 2024 Manager's Report: Leigh Reeves
 - b. Attorney's Report Jon Kelly
 - c. July 8, 2024 Building Official- Fire Marshal Report: David Doudy
9. Commissioner Updates
 - a. July 2, 2024 Commissioner Report to the Board of Trustees
10. Public Hearings none scheduled.
11. Discussion

- a. Review of the Language to amend the Land Use Code regarding accessory dwellings and structures within the Mixed-Use Zones submitted by Elizabeth Garvin.
- b. Continuation for developing 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.

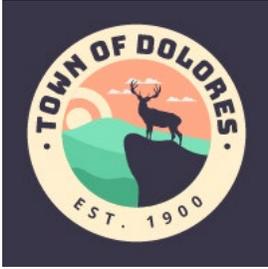
12. Future Agenda Items

These items are being retained on the agenda until the Commissioners have the capacity to discuss, plan or revamp.

-Comprehensive Plan Sub plans, Weed Management , Watershed Management, Hazards Mitigation.

-Public outreach and education.

13. Adjournment



PLANNING AND ZONING COMMISSION MEETING MINUTES

July 02, 2024 at 6:30 PM

601 Central Ave

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

1. **Call to Order.** The meeting was called to order by Chairperson Robinson at 6:36 p.m.
2. **Pledge of Allegiance.** The pledge was recited.
3. **Roll Call.** Present at the meeting were chairperson Robinson, commissioners Powell, Kelly, Tucker and Nemanic, Ex Officios Peterson and Curry, staff Manager Reeves and Assistant Clerk Swope.

4. **Identification of Actual or Perceived Conflicts of Interest.** None stated.

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 any time before the dated board meeting.

No public participation occurred.

6. **Approval of the Agenda.** Commissioner Nemanic moved and Commissioner Powell seconded to approve the agenda.

Yes: all

No: none

7. **Consent Agenda**

a. Each set of minutes to be voted on individually.

A. Minutes of June 4, 2024 Planning and Zoning Commission Meeting

Commissioner Powell moved and Commissioner Tucker seconded to approve the minutes of the June 4, 2024 meeting.

Yes: all

No: none

B. Minutes of May 14, 2024 Planning and Zoning Commission Meetings

Commissioner Tucker moved and Commissioner Powell seconded to approve the minutes of the May 14, 2024 meeting.

Yes: all

No: none.

8. Staff Updates

a. June 10 and June 24 2024 Manager's Report: Leigh Reeves

Manager Reeves updated the Commissioners on several items.

- demolition of old town hall, saving \$65 K on new hall remodel, \$20k over budget on Asbestos abatement. Town can apply savings from new hall to demolition of old hall.

-Joe Rowell Park electric supply,

-Community Center manager has been hired.

-New rates to use the Community Center are 200% higher than the previous 20-year-old rates.

- Chamber Director is passing the Farmers Market administration back to the Town. The manager will be finding solutions for parking issues, vendor participation, and entertainment. Trustee Peterson asked for more information about the transfer of administration. There is some planning ongoing for the position to be filled by Anne Pattillo, a vendor who operates in the Market. The Parks Committee is currently hosting youth activities during Farmers Market each Wednesday.

- Creation of an Entertainment District in the downtown area around Flanders Park.

-Flanders Park bathroom contractor begins work on the construction.

-Ordinances are being pushed forward for allowing open container on specific areas of public spaces, restructuring the chain of command with the town officials and the town manager, establishing terms for Planning and Zoning Commission to odd and even designations, and water and sewer tap regulations for accessory structures.

- Galloping Goose Historical Society proposes a track extension in Flanders Park.

-Application for a technical grant for the Affordable Housing Project on 19th street has been issued.

- Application for a subdivision of property shared with the Dolores Fire Protection District pending. Working out the sewer easement within the new lot divisions.

-Town will be hiring "Safe Build" contract services to do the permit review for the Dolores Fire Protection District when they apply for a grant funded remodel of the fire station.

- Town to be sending out weed notices to citizens who have overgrowth of weeds. It is

intended to produce weed management and aesthetic results. Commissioner Tucker recommends the town staff educate the property owners about maintaining the right of way and the alley adjacent to their lots.

- Dust Control to be applied to several streets in town next week.

- b. Attorney's Report Jon Kelly. There was no report for this meeting.
- c. June 10, 2024 Building Official- Fire Marshal Report: David Douady. Manager Reeves reviewed the report containing compliance notices to property owners who have been identified as having an uncertified dwelling in an accessory structure. Commissioner Powell wonders how the citizens have responded to the notices and what could be done for educating the property owners. She suggests framing the solution as a positive gain for the owner.

9. Commissioner Updates

- a. June 4, 2024 Commissioner Report to the Board of Trustees.
Commissioner Kelly updated the Commission on the developing Bio Char proposal. The County website shows the application as withdrawn. The group of interested citizens are going to continue to speak up at meetings to encourage the Commissioners to deny the permit. She says there was not sufficient information in the application to determine whether an engineering plan had been completed.

10. Public Hearings-No public hearing scheduled.

11. Discussion

- a. 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.
The Commissioners asked to review the Special Exception permit application that was submitted and reviewed by the Commissioners at the May meeting. The preferences of the Commission on submittal requirements are that the submittal matches the criteria in the Land Use Code in the Special Exception Procedures section. The staff did not require the applicant to demonstrate how the application met the criteria in the Land Use Code and the Comprehensive Plan. The staff did not document the content of the pre-application meeting. The staff did not add information about the staff review of the application which is relevant to the pursuit of the application. This application form does not have enough direction for the applicant for producing factual data. The Commission will continue this permit development at the August or September meetings. Commissioner Powell will put together a summary of elements that could help improve this application form.

- b. 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. The group discussed future planning grant for the update to the Comprehensive Plan. They think that they might be able to focus on the sub plans that will be referenced in the Comprehensive Plan like weed management, hazards mitigation and a Water shed plan. The Commissioners asked the staff to locate the worksheet that was created about the Comprehensive Plan during the time that the previous manager had been developing strategies for public processes to update the Plan. The group deliberated on the methods of obtaining the best feedback from the community. Figuring out who to send questionnaires to and by which method. Commissioner Tucker likes the method of offering information to the public with brief updates on each element of the Plan that the Commissioners are working on. Public outreach may be done in a physical manner by meeting the public where they are gathered and having discussions on the project.
- c. How to improve citizens’ understanding, compliance, and enforcement of town ordinances, including the Land Use Code: Group discussion, facilitated by the Manager. No discussion occurred at this meeting.

12. Future Agenda Items

- a. These items are being retained on the agenda until the Commissioners have the capacity to discuss, plan or revamp.
 - The Commissioners want to keep the special exception permit on the agenda as a discussion item.
 - The Comprehensive Plan sub plans.
 - Public outreach and education.

13. Adjournment- Chairperson Robinson adjourned the meeting at 8:20 p.m.

Linda Robinson, Chairperson

Ann Swope, Assistant Clerk



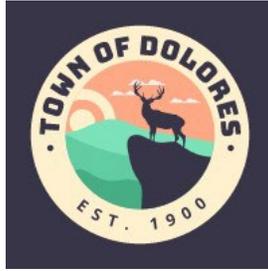
Town Manager's Report

Date: July 3rd, 2024

To: Board of Trustees

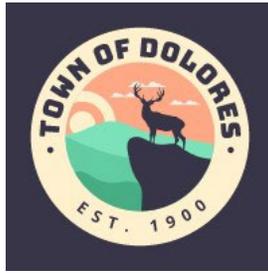
From: Leigh Reeves

- In the consent agenda you will find the final permit request for the Boggy Draw Beat down event with a smaller portion of the park in use.
- Old Townhall demo/New Townhall – We are still plugging along and have removed the asbestos from the CMU(concrete masonry unit) which is where the majority of the asbestos resided. We are on track to finish on time, July 20th, once completed we will have a much larger fence and big demolition equipment to take down the building. Once the building is gone Randy and team will be providing fill dirt for the demolition company to spread.
- P&Z – The Subdivision/Plat revision for the fire department will come up to P&Z on August 6th. There will be a public hearing at that time. It will then come to the board on August 12th for a public hearing and approval by the board. Please remember this went to the voters in an election in 2022 and it was approved. We are working with Nancy Dosdale of SEH to get the work completed for the voter approved property plat for the Fire District.
- Community Center – We have hired a new manager, Fred Manar. Fred lives on 7th st and is super excited to be working with the town and the community



center. He will be a great asset and started last week. We are working with Jon to get a new contract and have updated the pricing to reflect the new approved rental rates. The committee is also advocating for a legacy rate. Legacy renters include, The Masons, AA, The Dolores Mountain Quilters and the Sr lunch program. The rates will go up annually starting next year at a rate of inflation. Jonnie Ryan and myself have talked to the legacy renters about the rental rate increase and consolidating space so we can clean up center and create storage for new customers.

- Flanders park bathroom – Cruzan construction started construction on the Flanders park bathroom. You can see the concrete has been poured and the basic plumbing in the foundation has been done.
- Joe Rowell Park – The town has taken over the Farmers Market. We are excited about this opportunity. I am working with several vendor liasons to take care of weekly needs. Wednesday, July 3, 2024 I will be conducting a survey of vendors to see how we can improve traffic for them. JRP is not attracting a large crowd like Flanders and is not bringing residual business to the town square currently. We will be putting up more signage to inform citizens of the new location.
- We will be putting Mag Chloride on the streets July 8th and 9th. The process starts with us watering the streets on July 8th and then Randy has hired a company to put Mag Chloride down on the streets. I sent you a list of streets earlier today.
- We are seeing an increase in the number of people creating spaces to rent as an STR without a permit. As we discuss these properties, please do not refer to the owners by name only addresses. This process is advancing as people



respond or don't to our requests for information. Jon is starting to get involved on some of these as owners continue to disagree with our standards. We have run out of permits on STRs which has also created some tension in the community. Those owners are given other options or put on a wait list.

- I am working with the Parks committee to develop the budget for our GOCO grant, which is due in September. Mike Wight has agreed to come to the parks meeting on July 11th, to provide guidance on our plan.
- We hosted Julie Beyers from the Colorado Department of Public Safety on July 3rd. David took her to inspect our sirens and the concrete pad that will have the new back-up generator once it is delivered.
- Heather and I will have a presentation prepared about the 6-month mark of our budget and projections for where we will be this year. Heather is working on finalizing the numbers for January – June of this year. We will have to present an amended budget for approval soon to include our emergency spending.
- CDOT has installed the West side behavioral sign on the highway. They are currently working on the East side sign. Both will be completed by the 4th of July.
- I will be meeting with Laura Lewis-Marchino on Tuesday to work out an agenda for the board retreat. We will be looking at the survey and other ideas and creating our own for moving forward. It will be presented to you via e-mail when it is completed to see if we need any additions.



- Finally, we will have the first reading of Ordinance 571. Option 1: This will modernize the code to include better definitions of the word premise and piggy-backing. It will define the line of requiring a property owner to install a separate tap when using the second “ADU” as a dwelling unit.
- Option 2: Will keep the code from 1989, which basically has the same requirements but goes into more code detail about electrical and plumbing requirements, as well as sewer grease traps for mobile restaurants. It also refers to premise as opposed to the more specific and modern terminology of ADUs- accessory dwelling unit. We have determined that our dividing line is if someone will be living in it.



Town Manager's Report

Date: July 18th, 2024

To: Board of Trustees

From: Leigh Reeves

- Old Townhall demo/New Townhall – The asbestos abatement will be done by July 29th. We will start putting fence up for the demolition on August 5th and hope to be done by August 19th. The town will be hauling dirt to fill in the place where the building was located. The demolition company will use their large equipment to level it out and then we will be compacting it.
- P&Z – The Subdivision/Plat revision for the fire department will come up to P&Z on September 3rd. There will be a public hearing at that time. It will then come to the board on September 9th for approval by the board. Please remember this went to the voters in an election in 2022 and it was approved. We are working with Nancy Dodsall of SEH to get the work completed for the voter approved property plat for the Fire Protection District.
- Flanders park bathroom – The walls are being put up now. The wall closest to the demolition site should be complete before the demolition starts. Heather will be submitting the required paper work to CDOT for re-imbusement.
- We continue to work on the GOCO grant for Joe Rowell Park. Mike Wight was not able to attend the last parks meeting but Erin Neer is willing to help with the process. The grant is due in September. I spoke with Mike about adding a



bathroom by the baseball fields and he was in favor. I also spoke with Jana McKenzie about a concession stand. It currently is not recommended because of vandalism so we will probably not pursue this.

- Tammy and I met with Laura Lewis-Marchino last Tuesday to work out an agenda for the board retreat. You will find the agenda attached and under administrative business. We will be meeting from 2-5pm on Friday, July 26th for ISO training and then the retreat will be at the DRB from 9am to 3pm on Saturday. Please stop by Kelly's Kitchen for breakfast. We will have her menu so we can get everyone's order for lunch.
- We will have the second reading of Ordinance 571 with a public hearing. This will modernize the code to include better definitions of the word premise and piggy-backing. It will define the line of requiring a property owner to install a separate tap when using the second "premise" as a dwelling unit.
- You will be voting on R612 which is a resolution to support the Galloping Goose museum, with an Enterprise zone designation. This will allow them to give a tax credit for donations to the organization. OEDIT (Office of economic development and international trade) is the organization that gives the ok for this designation. Region 9 takes the lead in making the recommendation to OEDIT and the official request goes to the office in Denver. This is also a designation we might want to seek for Lost Canyon Bike Club. It will hopefully help them attract more donations.
- You will be voting on Resolution R613. The estimate by SGM for the D&E (design and engineering) is \$400k. The D&E work will take 9 months to complete, which will give us a fall of 2025 start date for the project. This resolution will create a loan from the general fund to the water fund, so we can



start the work. The amount is approximately \$200k. When we get our final loan from DOLA and CDPHE we will pay back the general fund as we can roll the match for D&E into the final loan. We need to start design work so we can begin the project next fall.

- Retreat Agenda – You will find included in the packet the draft of the agenda. Please let me know if you have any questions.
- You will also find attached the LUC definition of our Dark Skies policy as requested in the last meeting.
- Please don't forget training from 2-5pm on Friday, July 26th and of course, the retreat at DRB from 9am – 3pm on Saturday, July 27th.

Town board July 8, 2024

Building Official/Building Inspector report

Current projects:

1. #1141 – Hood Temporary final
2. #1148 – Footers
3. #1147 – Floor joists
4. #1143- Sheathing inspection
5. #1143 – Ice and water inspection

New permits: One permit - \$1,030.00

1. #1148 – 400 Railroad – Porch replacement

Consultations - Phone and in person

38 Phone and in-person

Construction Inspections

8 construction inspections of permits issued.

Future projects on the horizon:

No new projects currently

Business Inspections

None

Food trailer/truck inspections

One

STR Inspections

One Annual

One Re-Inspect

We now have 18 STR's in town as we had two who turned their permits back in. We will continue to reduce the number of STR's until we are down to 15.

Internet Technology

Some of the new equipment for the board room is arriving.

SPECIAL PROJECTS

1. Flanders Park Bathroom
 - a. The foundation and floor have been poured.
 - b. The drain plumbing is installed.
2. Electrical issues in Joe Rowell Park
 - a. Cruzan Construction and Matthews Electric should begin work on this project next week.
3. 420 Central Remediation project – Remediation is continuing.

STR's

We now have 18 STR's in town as we had two who turned their permits back in. We will continue to reduce the number of STR's until we are down to 15.

We have a non-compliant STR listed on AIRBnB. A certified letter was sent to the owner of the property, and we are awaiting their reply.

Compliance issues

We are working with two properties in town that have done conversions without permits for additional dwelling units, one attached and one detached. We are working on addressing these two issues.

1. Allow ADUs and Accessory Structures in DMU and CMU through Conditional Use Review

Article 4: Use-Specific Standards

Section 4.1. Accessory Uses

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	Add. Use Stand.
Key	/P/ Permitted, /PL/ Permitted with Use Limitations, /--/ Not Permitted /C/ Conditional Use Review													
Dwelling														
Accessory Dwelling Unit [1]	P	P	P	--	--	--	C	C--	--	--	--	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
General														
Accessory Use or Structure	P	P	P	P	P	P	C--	C--	P	--	P	P	P	Sec. 4.6.B
Drive-Thru	--	--	--	--	--	--	--	P	--	--	--	--	--	Sec. 4.6.D
Greenhouse, noncommercial	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home Occupation	P	P	P	P	P	P	P	P	--	--	--	P	P	Sec. 4.6.E
Kennel, Private	P	P	P	P	P	P	--	--	--	--	--	P	P	
Outdoor Sales Lot	--	--	--	--	--	--	--	P	P	--	--	--	--	
Outdoor and Sidewalk Seating	--	--	--	--	--	--	P	P	--	--	--	--	--	
Outdoor storage	--	--	--	--	--	--	--	--	P	--	--	--	--	
Park/playground	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recreational Vehicle Park	--	--	--	--	--	P	--	--	--	--	--	--	--	Sec. 3.6.B
Restaurant	--	--	--	--	--	--	P	P	--	--	--	--	--	
Retail sales	--	--	--	--	--	--	P	P	--	--	--	--	--	
Solar energy facility	P	P	P	P	P	P	P	P	P	P	P	P	P	
Wind energy facility	P	P	P	P	P	P	P	P	P	P	P	P	P	

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

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

4.6

A. Accessory Dwelling Units

1. Applicability

Accessory dwelling units (ADUs) in applicable zones are permitted on any parcel where a single-unit detached dwelling unit or duplex is permitted or currently exists. Where each duplex unit is on an individual lot, each lot may have an ADU.

2. Ownership and Occupancy

- (a) The property owner shall live in either the primary or accessory dwelling unit.
- (b) The accessory dwelling unit shall not be sold separately or subdivided from the primary dwelling unit or lot unless both lots created by the subdivision conform to the minimum lot size for the zone district where located.

3. Dimensional Standards and Location

- (a) All new and existing ADUs must be located in a habitable structure that meets applicable Town building and life safety codes. ADUs shall not be located in:
 - (1) Non-habitable areas within buildings or accessory structures (e.g., shed, garage),
 - (2) Commercial (office/retail) or industrial (warehouse) spaces, or
 - (3) Outdoors in a temporary structure (e.g., tent, yurt, treehouse, or other similar structure) or in a recreational vehicle, mobile home, travel trailer, commercial or passenger vehicle or trailer, or any portable storage unit.
- (b) ADUs must have separate water and sewer taps.
- (c) One accessory dwelling unit is permitted per residential lot. The ADU shall be located on the same lot as the primary unit and the primary unit must be constructed prior to the accessory dwelling unit.
- (d) Accessory dwelling units may be internal or attached to the primary dwelling unit or separate, detached accessory dwelling unit that may or may not be attached to a detached garage.
- (e) Unless specifically addressed in this section, accessory dwelling units are subject to the same zone district dimensional regulations for a principal building; e.g., setback requirements and lot coverage standards.
 - (1) A detached accessory dwelling unit shall not cover more than 30 percent of the available rear yard between the primary structure building line and the rear yard setback line.
 - (2) These standards do not apply to legally established detached garages that contain an accessory dwelling unit. Any expansion of a detached garage for conversion into an ADU shall comply with the appropriate setback and yard requirements for the detached garage.

- (3) Maximum height for a new, detached accessory dwelling unit shall not exceed the height of the principal dwelling unit unless the ADU still conforms to the height limit for the zone district.
- (4) The footprint of a detached accessory dwelling unit shall not exceed the footprint of the principal dwelling unit.
- (f) An existing accessory structure whose height or setback(s) does not meet the requirements for a dwelling in the zone district may be converted into an accessory dwelling unit, but the structure may not be altered in any manner that would increase the degree of height or setback non-conformity and provided the ADU complies with all other applicable standards such as parking and storage.

4. Size

- (a) The gross floor area of an attached or internal accessory dwelling unit shall not exceed the gross floor area of the primary dwelling unit.
- (b) The gross floor area of a detached accessory dwelling unit shall be no more than 80 percent of the gross floor area of the principal dwelling unit. A detached ADU may be as small as permitted by the adopted Building Code.

5. Construction

- (a) Accessory dwelling units must contain a kitchen or a food prep area, bathroom, sleeping area, and 100 square foot or larger storage area, all for the sole use of the unit.
- (b) Water and sewer service shall be provided pursuant to the Dolores Municipal Code.
- (c) Mobile homes, manufactured housing, recreational vehicles, travel trailers, and any other wheeled or transportable structure shall not be used as accessory dwelling units.
- (d) A new street address for a new ADU is required to assist in emergency response.

6. Design

- (a) An ADU, either detached or an extension of an existing structure, shall meet all design standards applicable to the primary structure.
- (b) Accessory dwelling units shall have a separate entrance with a clearly labeled street address.

7. Parking

The accessory dwelling unit shall have at least one dedicated off-street parking spaces in addition to the parking required for the primary dwelling unit.

8. Home Occupations

Home occupations are permitted in an accessory dwelling unit.

B. Accessory Use or Structure, General

Accessory uses or structures may be permitted subject to the following conditions:

1. Such uses shall be limited to those customarily associated with and appropriate, incidental, and subordinate to the principal use.

2. Such uses shall be located on the same lot or tract as the associated principal use.
3. Such uses shall be controlled in the same manner as the associated principal use, except as otherwise expressly provided in this Code.
4. Accessory structures shall not exceed the total square footage of the principal structure.
5. The maximum height cannot exceed height of principal structure
6. In no event shall an accessory use be construed to authorize a use not otherwise permitted in the zone district in which the principal use is located.
7. No accessory use or structure shall be established prior to the principal use or structure to which it is accessory.
8. Notwithstanding other provisions of this Code to the contrary, all accessory structures larger than 120 square feet shall be considered an accessory building. Any structure larger than 120 sq. ft. requires a building permit. All accessory structures regardless of size are subject to setbacks and spacing between buildings.

Section 13.11 Conditional Use Permits

A. Purpose

A conditional use is a use that may or may not be appropriate in a given zone district depending upon the circumstances and the conditions imposed upon the approval of the use. The conditional use permit process allows the Town to consider and establish appropriate conditions to reasonably mitigate adverse impacts of the use upon the proposed site and surrounding properties.

B. Applicability

1. Conditional use permits may be approved for the uses indicated as conditional uses in Tables 4.1 and 4.3 for the applicable zoning district. Any change or expansion of an approved conditional use shall require application for a new conditional use permit.
2. A conditional use permit may not be used to change the maximum density or intensity allowed in the underlying zone district. Accessory dwelling units are exempt from the density calculation for any lot.

C. Procedures

1. Common Procedures

The common procedures for conditional use permits are identified in Table 13.2 and are summarized here for applicant convenience.

2. Specific Procedures

(a) The Zoning Administrator shall distribute the complete conditional use application to appropriate referral agencies, which may include the following:

- (1) Electric power association
- (2) Dolores School District
- (3) Dolores Fire Protection District
- (4) If the property on which the proposed conditional use is located is within a potential hazard area, Colorado Geological Survey comment may be requested.
- (5) If the property on which the proposed conditional use is located is within a wildlife habitat area, Colorado Parks & Wildlife comment may be requested.

(b) Notice Requirements

- (1) Published notice of the P&Z public hearing shall be provided at least 10 days prior to the hearing. date.
- (2) Mailed notice of P&Z public hearing shall be provided at least 15 days before the hearing date.



- (3) Published notice of the Board of Trustees public hearing shall be provided at least 15 days before the hearing date.

D. Decision Criteria

When considering an application for conditional use permit, the Planning and Zoning Commission and Board of Trustees shall consider whether the application complies with following criteria:

- (a) The proposed use is consistent with the Dolores Comprehensive Plan;
- (b) The proposed use complies with all applicable provisions of the LUC;
- (c) The proposed use will not have a negative impact on the value of surrounding property or the general neighborhood;
- (d) The location and size of the use, the nature and intensity of the operation involved or conducted in connection with is, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of neighborhood property in accordance with the applicable zoning district regulations. In determining whether the use will dominate the immediate neighborhood, consideration shall be given to:
 - (1) The location, nature, and height of buildings, structures, walls, and fences on the site; and
 - (2) The nature and extent of the proposed landscaping and buffering on the site.
 - (3) Whether adequate utility, drainage, and other necessary facilities have or will be provided; and
 - (4) Whether adequate access roads or entrance and exit drives will be provided and shall be designed to prevent traffic hazards and minimize traffic congestion.

E. Review and Decision-Making

Applications for conditional use permits shall be reviewed and decided upon as follows:

1. Planning and Zoning Commission

The Planning and Zoning Commission shall first review the application at a public hearing and make a recommendation and report to the Board of Trustees.

2. Action by Board of Trustees

- (a) The Board of Trustees shall hold a public hearing before deciding on a Conditional Use Permit.

The Board of Trustees may, in the interest of the public welfare and to assure compliance of this Code, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized. This may include conditions as necessary to mitigate impact on public facilities and services, including but not limited to water, sewer, streets, and street lighting. The Board may also impose development standards and safeguards as the conditions and location indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, traffic circulation or other undesirable or hazardous conditions.



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.
- ✓ A Quorum 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.

Site plan review allows Town review of specific types of development to ensure compliance with standards in the Land Use Code. Pursuant to LUC Section 13-4-A.1, the following requests and projects must have site plan approval before the Town can issue building or occupancy permits:

New Construction: All new uses and structures that are not part of a preliminary PUD application or preliminary subdivision plat. Construction on any site with existing trees subject to Section 7-7-E. Preservation of existing trees.

Building Alteration: (1) Any proposed redevelopment that meets or exceeds 10 percent increase in gross square footage, (2) Any request that would significantly alter the design of the site or building(s).

Existing Conditions: show details of the site including:

- Geographic location in Dolores – adjacent to streets and alleyways
- Existing use _____ Refer to table 4.1 of LUC Article 4 – Use Specific Standards
- Proposed use _____ Refer to table 4.1 of LUC Article 4 – Use Specific Standards
- Building dimensions, including storage and accessory structures – Principal Structure – Square Footage _____ Height, _____ Parking _____ Accessory Structure(s) – square footage _____ Height, _____ Eave lines _____ Parking spaces _____
- Building design including façade, finishes, Sidewalks, fences.

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- Set back lines (linear feet from property line to exterior wall or eave overhang): Street front _____ Side/interior _____ Rear _____
 - Wildlife or hazard zone overlay, Such As Flood Zone, Steep Slope, Wildlife Habitat Area, Riparian Buffer, Wildland Fire Hazard Zone.
 - Existing utilities, Water service _____ Sewer service _____, Electric _____, Gas _____, Other _____
 - Existing drainage: _____

Temporary Uses and Structures: All requests for temporary uses and structures.

Site Alteration: (1) Relocation of development pads, buildings, or dwelling units for some practical reasons such as topography, road alignment or easements provided that the modification does not significantly alter the site design in terms of parking layouts, vehicular circulation, landscape design, and other similar components of the development plans. (2) An increase or decrease in a proposed setback, provided LUC requirements are still met. (3) A modification to a recreation area or open space design, but not elimination or more than a 10 percent reduction. (4) A change in the parking lot layout or vehicular circulation. (5) A change in the landscape design or a change of more than 20 percent of plant types.

General Provisions: (1) Any change that may affect an adjoining residential neighborhood. (2) A request to change or delete a condition of approval established by the PC or the Board.

Applicant Contact Information

Name: _____ Business Name: _____

Address: _____

Phone: _____ Email: _____

If applicant is not the property owner of record, an Agent Letter must be submitted along with the application

Affected Property Information

Street Address:

Street Address

Apartment/Unit #

City/State/Zip

Legal Description of Affected Property (ex. Subdivision: SOUTHERN Lot: 1-6 Block: 6 1.56AC, DOLORES, CO):

Short project description (ex., a new residential subdivision with a mix of single family and duplex units):

Submission Information

Site plans provide three types of information about a proposal: 1) basic information about the site, 2) relevant information about the zone district, and 3) specific information about the project. **Please attach three copies of a site plan containing the following information:**

Basic Site information:

North arrow and scale
Vicinity map
Name, address, phone number, and email address for site plan preparer, applicant, and owner
Property address, legal description, and parcel number
Property boundaries, dimensions, and lot size(s), individual lots must be dimensioned
Road right-of-way lines and pavement width
Name of streets abutting and within 50 feet of the property
Existing building(s): (a) location and footprint dimensions, and (b) height
Proposed building(s) and/or additions: (a) location and footprint dimensions, and (b) height
Existing and proposed utilities on the site, including utility size, easement size, and culverts.
Location and type of existing and proposed wireless communication facilities.

Zoning Information:

Total lot coverage by lot, including building coverage and paved surfaces
Existing and proposed building setbacks from all property lines and the road ROW along with setbacks required by the applicable zone district; location and depth of river setback where applicable
Any changes to zone district dimensional standards with a reference to the LUC provision that permits the proposed change
Residential Development: lot size per dwelling unit, total number of dwelling units, floor area of each dwelling unit, where applicable
Proposed uses by building, structure, or site location
Compliance with any use-specific standards that affect site design, such as accessory structure dimensional standards or ADU minimum lot sizes.
Existing and proposed site access locations

Project-Specific Information

The Town reviews the following information for most projects. The Zoning Administrator can make changes to this list when additional information is necessary to review the project or when some items are not necessary to project review. It is a good idea to schedule a meeting with the Zoning Administrator to identify the types of information that will be necessary for your project.

Site Features, Topography, and Grading

1. Topographic lines at two-foot intervals and grades, both existing and proposed; spot grades of completed improvements.
2. Indication of where prominent natural features are, such as existing trees, streams, and ridgelines.
3. The 100-year floodplain line and elevation above floodplain.

Stormwater

1. Stormwater runoff calculations, flow patterns, and a stormwater management plan. If possible, stormwater shall be retained in an on-site detention area.
2. Location and design of low impact development features.

Infrastructure Availability

1. Expected water consumption per day in gallons; required flow rate in GPM and/or peak instantaneous demand; proposed fire service line size if required; proposed water meter size.
2. Industrial uses: expected wastewater discharge flow per day and waste stream characteristics (i.e., TSS or BOD)
3. Site-specific utility service information such as on-site manholes, clean-outs, and connection points.
4. If required for the project, please attach the traffic impact analysis report.
5. Location, type, and area of on-site sewage disposal systems, if applicable.

Parking, Access, and Circulation

1. Sidewalk location and design.
2. Total number of required parking spaces and a detailed floor plan to calculate usable floor space for parking space requirements. Shared parking agreements must be included if used for parking allotments and shall be irrevocable to protect everyone's current and future interests.
3. Dimensions and design of parking and loading areas, including specifications for paving and striping.
4. Location and dimensions of fire lanes and identification of adequate hydrant access.
5. Dimensions and design of stacking spaces for drive-thru facilities.

Landscaping, Buffering, and Screening

1. A landscape plan that meets the requirements of Section 16-9-2. Plant materials, sizes, and quantities may be shown in a table on the side of the landscape sheet.
2. Identification of screening materials, design, dimensions, and estimated time of maturity.
3. Parking lot landscaping layout, materials, and the location of a snow storage site if required.

Open Space

Where required, the location and dimensions of public and/or private open space.

Outdoor Lighting

1. Provide information on outdoor lighting indicating height, fixture type, and locations.
2. Identify any existing nonconforming lighting that will be brought into compliance with Article 12, Outdoor Lighting.

Signs

Where signs are requested, the sign application may accompany the site plan application or be submitted at a later date.

Development Fees

Calculation information for any required development fees, such as impact fees.

Review Process

Site plans are reviewed by the Zoning Administrator. The Zoning Administrator can collect feedback on the application from Town departments such as Public Works. The Zoning Administrator then reviews the application against these criteria:

1. The site plan is consistent with the Dolores comprehensive plan.
2. The site plan is consistent with any previously approved subdivision plat, planned development, or any other precedent plan or land use approval as applicable.
3. The site plan complies with all applicable development and design standards set forth in the LUC.
4. Any significant adverse impacts reasonably anticipated to result from the use will be mitigated or offset to the maximum extent practicable.
5. The development proposed in the plan and its general location is, or will be, compatible with the character of surrounding land uses and structures.
6. The development can be adequately served by Town services including, but not limited to, roads, water, and wastewater.

The Zoning Administrator has the authority to refer a site plan application to the Planning Commission where the application presents issues that require Planning Commission review.

REMEMBER TO SIGN APPLICATION

I swear that the information included herein is accurate, to the best of my estimation. 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 it with conditions.

Signature of Property Owner or Agent

Date

Staff Record: Pre-Application Meeting Date: _____ Zoning Development Application submitted _____ Date _____ Application Complete: ____Yes ____No. Returned for the following reasons: _____ _____

Can Building Permit Be Applied For? YES _____ NO _____
Comments _____
Signature of Building Official _____ Date _____
IF THE BUILDING OFFICIAL SO AUTHORIZES, AN APPLICATION(S) FOR A BUILDING PERMIT THAT CONFORM MATERIALLY WITH ALL INFORMATION PROVIDED ABOVE MAY BE SUBMITTED TO THE BUILDING DEPARTMENT.