

# Dolores Land Use Code Update 2021

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P&Z WORKING DRAFT SEPTEMBER 2021



# Article 9: Hazards and Environmentally Sensitive Areas

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# Contents

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1. Geologic Hazards
2. Areas of State and Local Interest (1041 Regulations)
3. Streets, Roads, and General Site Access
4. Ridgeline Hazard Standards
5. Hillside Development Standards
6. Grading and Erosion Control Permit
7. Riparian Buffer Standards
8. Wildfire Hazard Study

# Overview

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## UPDATES

- Geologic Hazard Evaluation established for development on steep slopes
- Hillside development standards – grading and erosion standards for development on slopes (when allowed), includes standards for streets and roads built on slopes over 15%
- Grading and Erosion Control Permit established
- Riparian buffer standards to maintain natural areas around streams
- Wildfire Hazard Study established for development within moderate, high, or highest wildfire areas

## CARRY FORWARD

- 1041 Areas of State and Local Interest
- Ridgeline hazard standards for future construction on the mesa



# Geologic Hazard Evaluation: Applicability

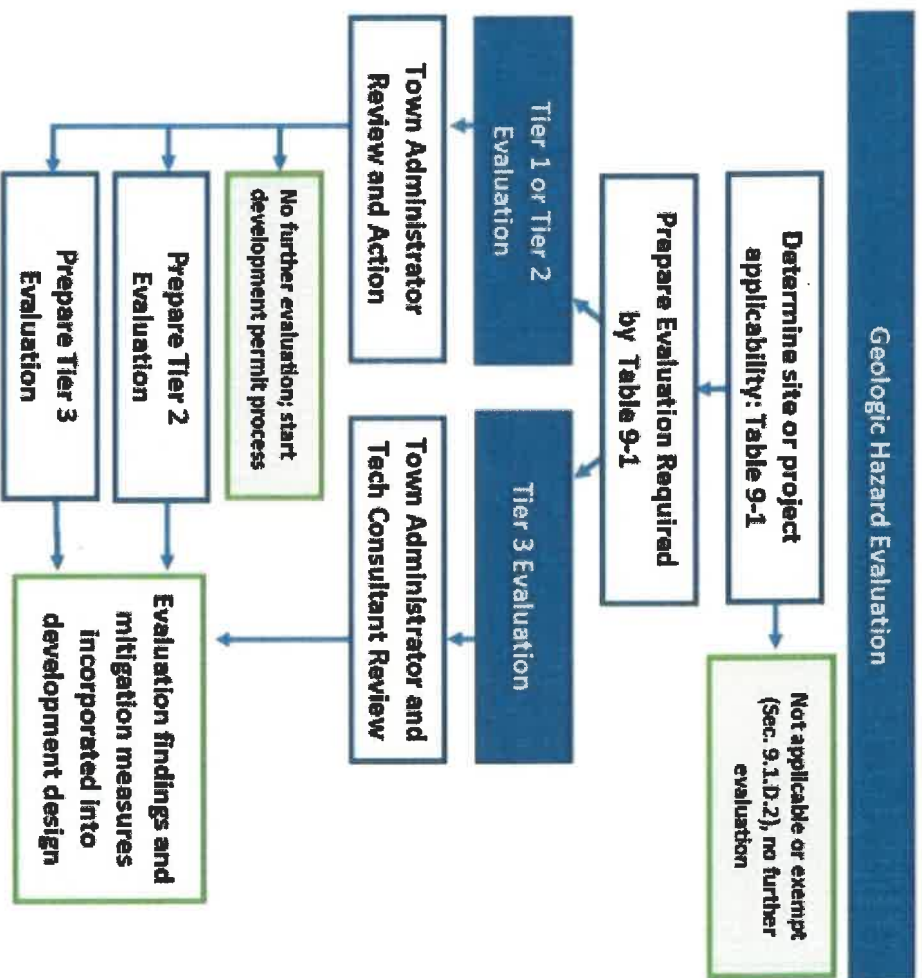
Purpose: Allow the Town to assess the potential impacts of proposed development in geologic hazard areas and include safety mitigation measures in the final project design.

**Table 9-1: Geologic Hazard Evaluation Applicability**

Application Type or Location	Geologic Hazard Evaluation	Section
Building Permit [1]	Tier 1	2
Zoning Development Permit [1]	Tier 1	2
Grading Permit	Tier 1	2
Slope Between 15 and 30% (w/in limits of disturbance)	Tier 3	2
Slope Greater than 30% (w/in limits of disturbance)	104.1 Permit	2
Site Plan	Tier 1	2
Minor Subdivisions	Tier 1	2
Conditional Use Permit	Tier 1	2
Major Subdivision	Tier 3	2
Construction of streets, roads, and driveways	Tier 3	2
Completed Tier 1 Evaluations	May require Tier 2 or Tier 3	2
Completed Tier 2 Evaluations	May require Tier 3	2

Notes: [1] New construction with a permanent foundation

# Geologic Hazard Evaluation: Process



# Hillside Development Standards

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This section establishes basic site design standards for hillside development. These standards are focused on keeping the hillside stable and minimizing the amount of structural change made to the hillside during development.

Purposes:

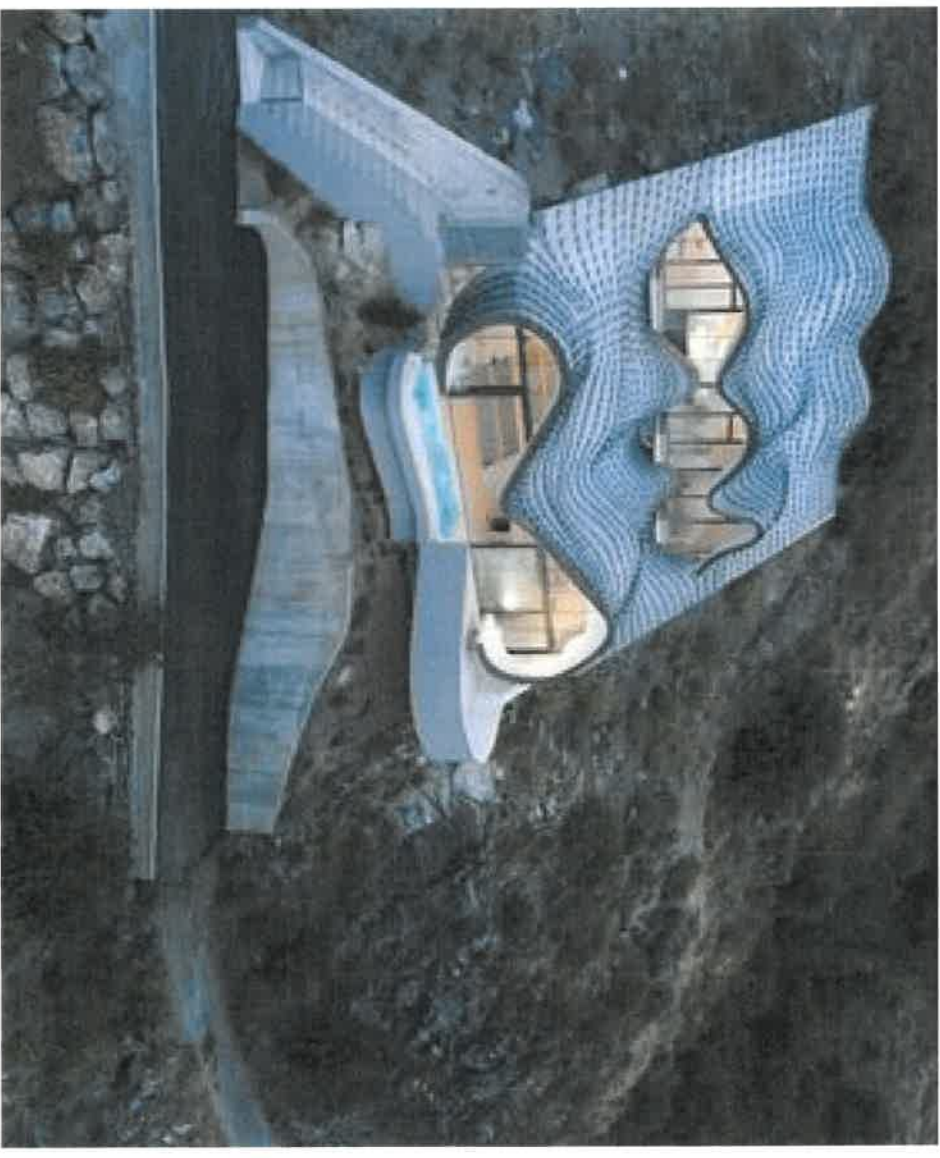
1. Require retention of natural landmarks and prominent natural features that enhance the character of the Town;
2. Minimize the water runoff and soil erosion problems incurred in adjustment of hillside terrain to meet on-site and off-site development needs;
3. Retain open hillsides and significant ridgelines in as near a natural state as is feasible as an important community value;
4. Encourage the planning, design and development of hillside area building sites so as to provide maximum safety and human enjoyment;
5. Encourage minimal grading which affects the natural contour of the land and which will round off, in a natural manner, sharp angles at the top and ends of cut-and-fill slopes;
6. Require retention of trees and other vegetation which stabilize steep hillsides, retain moisture, minimize erosion and enhance the natural scenic beauty, and where necessary, require additional landscaping to enhance the scenic and safety qualities of the hillsides; and
7. Provide for the preservation and maintenance of significant ridgelines, open space and recreational lands.



# Hillside Development Standards

## Requirements:

- Limits on new lots on sites with steep slopes
- Encourages clustered development
- Grading limited to minimum necessary
- Design standards for slope cut or fill
- Site layout standards to minimize impact and visibility of structure and maintain natural landscape
- Street and driveway safety standards
- Disturbance limits for street and driveway grading



GilBartoleme Architects, Granada, Spain





# Grading and Erosion Control Permit

## Applicability

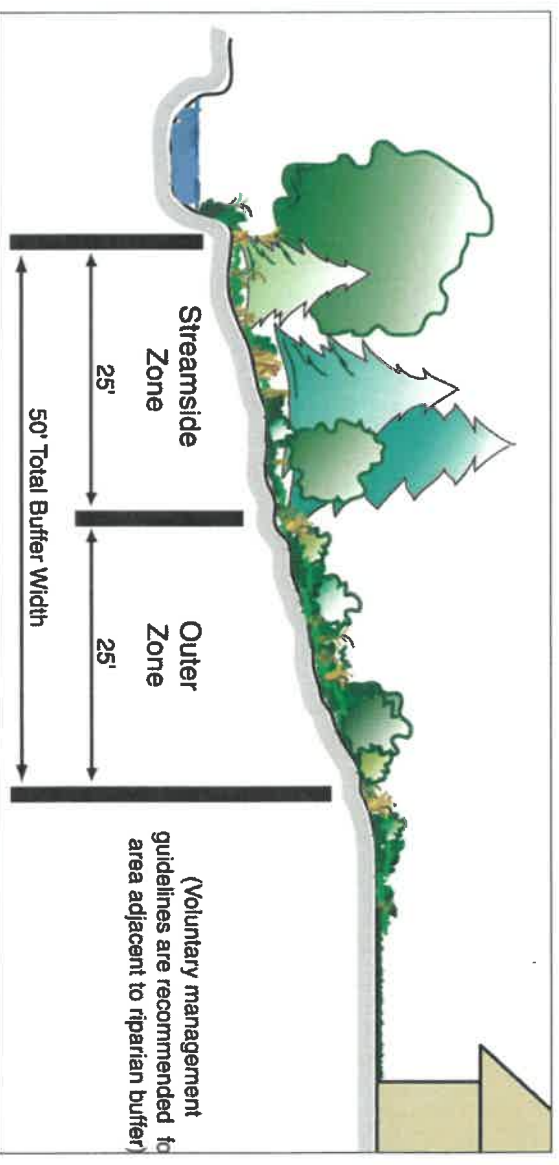
1. An excavation, fill, or combination in excess of 100 cubic yards;
  2. An excavation which, at its greatest depth, will be 3 or more feet below the ground surface, over an area of 500 square feet or more;
  3. A fill that, at its greatest depth, will be 3 or more feet above the ground surface, over an area of 500 square feet or more;
  4. An excavation or fill by a developer or contractor not working on behalf of the Town or a Public Utility that falls within a public sewer, water main, storm drainage, or power line easement, a public right-of-way, or any other public utility easement. This includes the preparation of roads, sidewalk, etc. (major grading);
  5. Vegetation removal over an area 500 square feet or more (major grading); or
  6. Mining, quarrying, or gravel operations.
- Purpose:** Allows the Town to review how an applicant plans to:
- Grade, cut, and/or fill a site,
  - Maintain the site during construction, and
  - Revegetate where needed.

# Riparian Buffer Standards

Purposes: This section is intended to:

- Minimize erosion,
- Stabilize stream banks,
- Protect and improve water quality,
- Preserve fish and wildlife habitat, and
- Preserve the natural aesthetic value of areas adjacent to streams, rivers, water bodies, and wetland areas of the Town of Dolores.

**Purpose:** Protect riparian areas – the vegetated/natural zone adjacent to a river – from new development by placing a buffer between the active areas of the lot and the riparian area(s).



Buffer zone illustration, for discussion purposes only

# Wildfire Hazard Study

Purpose: Allow the Town to increase the safety of new development in wildfire risk areas through improved site design and the establishment of defensible spaces.

Wildfire Hazard Study required for the following development within moderate, high, and highest wildfire hazard areas:

- Multifamily (including multiple duplexes), mixed-use, or non-residential development
- New subdivision or resubdivision that creates new lots
- Planned unit developments

New single-unit and two-unit development required to comply with CSU FireWise plant material standards.

## Wildfire Risk (2020 analysis)

### Wildfire Risk to Homes/Potential Structures (2020)

- No Risk (0)
- Lowest Risk (1 to 40th)
- Low Risk (40th to 70th)
- Moderate Risk (70th to 90th)
- High Risk (90th to 95th)
- Highest Risk (95th to 100th)



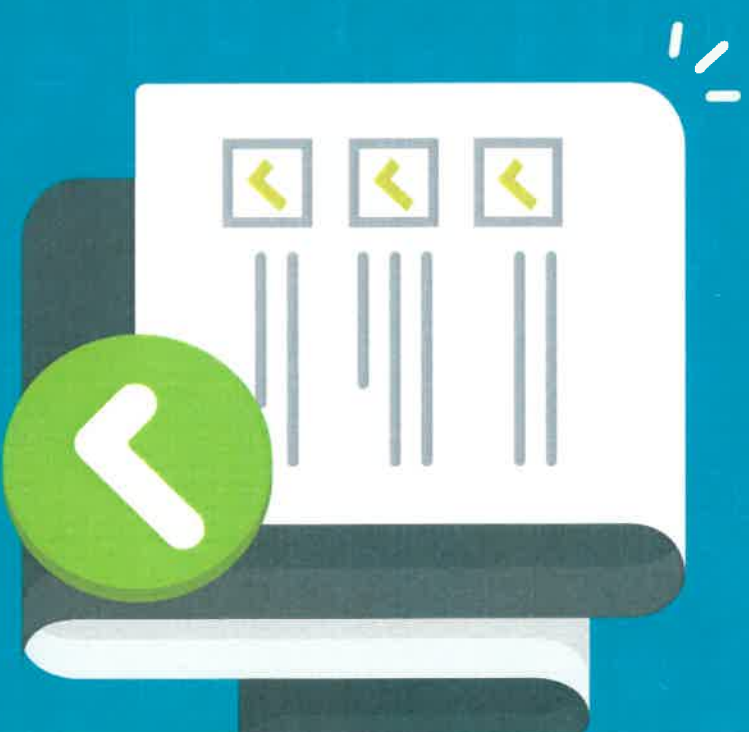
# Article 13: Administration and Procedures

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# Contents

1. Review and Decision-Making Bodies
2. Administrative Officials
3. Summary Table of Review Authority
4. General Procedures
5. Specific Procedures



# Overview

## UPDATES

- Common procedures described to help applicants understand all steps in a process
- Summary table of review steps
- New procedures/permits:
  - Administrative Adjustment
  - Grading and Erosion Control Permit
  - Location and Extent Review
  - Conservation Subdivision
  - Short-Term Rental Regulations
  - Site Plan
  - Solar and Wind Energy Facilities Permitting

## CARRY FORWARD

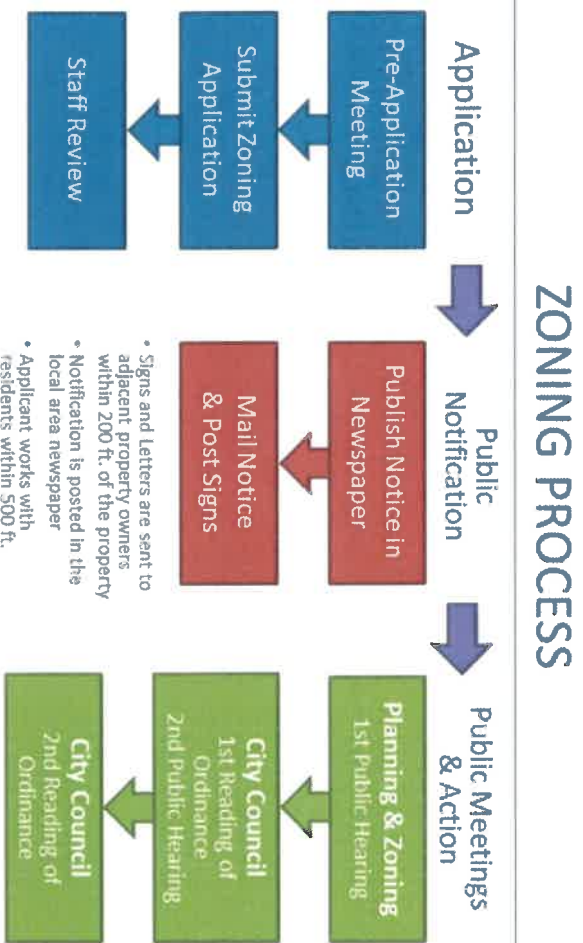
- Current specific procedures
  - Appeal of Administrative Decisions
  - Areas of State and Local Interest
  - Comprehensive Plan Amendment
  - Conditional Use Permit
  - Historic Preservation
  - Land Use Code Interpretation
  - Minor Subdivision Plat
  - Major Subdivision Plat
    - Condo/Townhouse Subdivision
  - Planned Unit Development
  - Sign Permit
  - Special Exceptions
  - Temporary Use Permit
  - Variances
  - Vested Rights
  - Zoning Development Permit
  - Zoning Map and Land Use Code Text Amendments



# General Procedures

Purpose: Describe how project and permit applications are submitted, reviewed, decided-on, and appealed.

1. Pre-Application Meeting
2. Submit Application
3. Staff Review and Report
4. Recommendation
5. Decision/Hearing
6. Post-Decision Actions
7. Public Notice Requirements
8. Appeal



**EG note: Replace this image with Dolores-specific process**

Common Procedures	1. Pre-App Meeting	2. Submit Application	3. Staff Review & Report	4. <u>Recom'd</u>	5. Decision Hearing	6. Record of Decision
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**Key: X = Required Step; A = Administrative/Staff, BOA = Board of Adjustment, Board = Board of Trustees, P&Z = Planning & Zoning Commission**

Administrative Adjustment	--	X	X	--	A	X
Administrative Determination		X	X		A	X
Annexation	X	X	X	P&Z	Board	X
Appeal of Administrative Determination	--	X	X	A	BOA	X
Areas and Activities of State Interest (1041)	X	X	X	P&Z	Board	X
Comprehensive Plan Amendment	X	X	X	Staff	P&Z	X

# Applicable General Procedures



**Table 13-1: Summary of Review Authority**

PROCEDURE	Zoning Administrator	Planning & Zoning Commission	Board of Trustees	Board of Adjustment
<b>Key: R = Review/Recommendation, D = Decision, and A = Appeal</b>				
Administrative Adjustment	D			A
Administrative Determination	D			A
Annexation	R	R	D	
Appeal of Administrative Determination				D
Areas and Activities of State Interest (1041)	R	R	D	
Comprehensive Plan Amendment	R	D		
Conditional Use Permit	R	R	D	

Summary Table of Review Authority

# Specific Procedures: Standard Format

Purpose: Ensure that all specific procedures include a complete description of how the process will work to allow both staff and applicants to anticipate the same steps.

## Section 13.6. Administrative Decisions

For procedures where the Zoning Administrator serves as the decision-making authority, the Zoning Administrator shall make a decision according to the following steps:

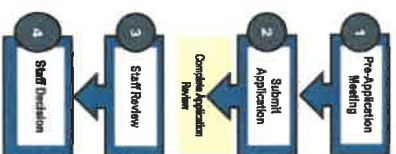
- A. Procedure**
  - 1. Common Procedures**

The common procedures for administrative decisions are identified in Table 13-2. They are summarized here for applicant convenience.
  - 2. Specific Procedures**

Notice is not required for an administrative decision unless otherwise specified in an individual application type.
- B. Review Criteria**
  1. When the Zoning Administrator has the authority to decide an application, except in the case of an interpretation, the application shall be reviewed against the applicable provisions of this LUC.
  2. To be approved, an application shall be fully consistent with the standards of this Zoning Code unless administrative adjustment is concurrently approved to allow specified deviation from applicable standards. An administrative approval may include instructions and clarifications regarding full compliance with the LUC, but shall not be approved with conditions that require action beyond the specific requirements of this LUC.
- C. Decision-Making**
  1. The Zoning Administrator shall review the application for conformance with all applicable provisions of the LUC.
  2. Within 15 days of the determination of a completeness, the Zoning Administrator shall decide to approve or deny the application and provide written notification of the decision to the applicant. If an application is denied, the written notification shall include the reasons for denial.
- D. Appeal**

An appeal to the BOA may be made by any applicant aggrieved by a denial of an administrative decision.
- E. Post-Approval Actions**

Unless otherwise provided in the specific application type or the individual approval, administrative approvals are valid for a period of 12 months from the date of approval and shall expire if an appropriate permit (e.g., building or certificate of occupancy) has not been issued for the project. Administrative adjustments may be extended for an additional 6 months with the approval of the Zoning Administrator. A request for extension shall be made prior to the permit expiration date.



# New Procedures

- Administrative Adjustment
- Grading and Erosion Control Permit
- Location and Extent Review
- Conservation Subdivision
- Short-Term Rental Regulations
- Site Plan
- Solar and Wind Energy Facilities Permitting



## Purposes:

- Ensure both applicants and the Town have procedures designed for the review of specific development types
- Add some design and approval flexibility
- Create path to LUC enforcement

