

**TOWN OF DILLON  
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING  
WEDNESDAY, October 4, 2023  
5:30 p.m.**

**VIRTUAL MEETING VIA MICROSOFT TEAMS  
CONFERENCE ID: 607 589 745#**

**1. CALL TO ORDER**

The regular meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, October 4, 2023, virtually via Microsoft Teams. Alison Johnston, called the meeting to order at 5:32 p.m. Commissioners present were Alison Johnston, Suzanne Pugsley, Michael Parsons, and Mark Cribbet. Staff members present were Ned West, AICP, Sr. Town Planner; Jonathon Blank, Planner I; Nick Cotton-Baez, Town Attorney; and Libba Muzi, Recording Secretary.

**2. APPROVAL OF THE MINUTES OF AUGUST 2, 2023, REGULAR MEETING**

Commissioner Parsons moved to approve the minutes from the August 2, 2023, regular meeting. Commissioner Cribbet seconded the motion, which passed unanimously.

**3. PUBLIC COMMENTS**

No public comment.

**4. EDAC UPDATE:**

No EDAC update.

**5. RESOLUTION: PZ 06-23, SERIES OF 2023 A RESOLUTION RECOMMENDING THE ADOPTION OF THE THREE-MILE PLAN FOR THE TOWN OF DILLON.**

**SUMMARY**

The purpose of the Three-Mile Plan is to address the specific statutory requirements of Colorado Revised Statutes (C.R.S.) § 31-12-105, which requires that a municipality adopt an annexation plan prior to the annexation of any land into the municipality, and that it provide direction to the municipality and land owners concerning land use issues and infrastructure improvements needed upon annexation into the Town of Dillon. The statutes stipulate that the Three-Mile Plan be reviewed annually.

The Three-Mile Plan is essentially unchanged from its adopted form from 2022.

See Exhibit 'A' of this Staff Summary for the redline edit version of the 2023 Three-Mile Plan wherein the title and footnote is changed to reflect the year 2023. Also, a minor change to the review cycle was made to reflect a scenario wherein the Three-Mile Plan can be reviewed and amended more than one a year if necessary and that the review and amendments therefore are not limited to January and February of each year, but still must be performed at least annually.

Please note that there is no current land annexation being considered by the Town.

### **COMMISSIONER QUESTIONS**

Commissioner Johnston mentioned how it is pretty straightforward and has been reviewed many times.

### **PUBLIC COMMENT**

No public comment

### **RECORD OF PLANNING COMMISSION ACTION**

Commissioner Parsons moved to approve Resolution No. PZ 06-23 Series of 2023.  
Commissioner Pugsley seconded the motion, which passed unanimously.

## **6. DISCUSSION: TRASH AND RECYCLING ENCLOSURES**

### **SUMMARY:**

The Dillon Municipal Code currently lacks clear regulations and design guidelines for waste and recycling enclosures. Staff believes there needs to be a Code amendment to create such regulations and guidelines.

Currently the Code states:

“Sec. 16-8-70. - Service areas.

Service areas, outdoor storage, garbage cans and trash storage areas shall be screened from adjacent properties, streets and other public areas by fences, planting or other suitable means as approved by the Town.

(Ord. 19-96 §8.03)”

Suggested Code Criteria:

Trash and recycling storage enclosures or structures shall be classified as an accessory structure so long as they meet the definition set forth in DMC §16-1-200 for an accessory structure.

-It is unlawful to construct a trash and recycling enclosure without a Development Permit and building permit

- Anticipate a Level I (120 SF or less) or Level II (greater than 120 SF) review process.

-Note: As the Code is currently written, a Level III process, thus a Planning Commission review and approval, is required for all enclosures greater than 200 SF on non-residentially zoned properties.

-Enclosures shall have a roof designed to support the snow and wind loads. The roof shall be designed such that it is not damaged during the servicing of the containers within the enclosure.

-Enclosure design submittals shall include at least one (1) waste hauler referral stating that their standard hauling equipment can access the waste receptacle for waste removal based on the design and site configuration. Access to the waste receptacle by haulers shall be designed to the greatest extent possible to avoid the impedance of traffic.

-Enclosures for large capacity steel receptacles, "Dumpsters", shall be designed with bollards along the interior backside to prevent enclosure damage during servicing. Bollards shall also be installed on either side of the opening for the waste receptacle.

-Service openings shall be designed to provide not less than eighteen inches (18") of clearance on either side of the proposed container. The opening corners shall be designed with protection (bollards, steel angle iron, etc.) to prevent damage during servicing.

-Swing gates shall have a minimum eight (8) inch clearance above the ground. Overhead doors are preferred as they are not subject to issues with snow accumulation as the swing gates are, and they create a better seal to prevent the attraction of vermin.

-A minimum thirty-six inch (36") access doorway for pedestrians shall be incorporated into the design.

-Provide at least one (1) trash and one (1) recycling container

-Provide a space equal to fifty percent (50%) of the trash container for a recycling container. Enclosures associated with restaurants shall also provide adequate space for a grease container.

-The design, color, and materials of the enclosure shall be architecturally compatible with the primary structure on the site.

-The enclosure shall be sited such that it is not a dominant feature on the frontage of the property.

-Enclosures shall be ventilated but said ventilation does not need to be mechanical unless required by applicable building codes.

-Enclosures shall be landscaped sufficiently enough to screen the structure from adjoining properties or roadways.

-All trash enclosures shall be structurally sound, maintained in good condition, kept clear of snow and ice, and kept clean at all times. No trash enclosure shall constitute a hazard to safety, health, or public welfare. The Town shall have the authority to cause the cleaning, repair, maintenance, or removal and replacement of all trash enclosures which are determined to be in disrepair or pose a hazard to safety, health, or public welfare.

-Owners of trash enclosures shall have thirty (30) days to comply with a notice to repair.

-If said owner does not repair the enclosure to the satisfaction of the Town within said time period, the condition shall be deemed a nuisance and may be abated in accordance with the nuisance abatement provisions in this Code.

-Proposed trash enclosures associated with large commercial structures shall to the greatest extent possible, incorporate the waste receptacle enclosure into the primary structure.

#### **COMMISSIONER QUESTIONS:**

The group acknowledged that this has been an ongoing discussion and Ned affirmed while adding that the focus has been the language in the code.

Ned clarified that any new language would apply to any new development in general. He then proceeded to review the new language that had been recommended.

Commissioner Johnston questioned whether or not the word “shall” leaves room for interpretation that it is just suggested not required. Ned clarified that this word implies a requirement.

Commissioner Pugsley asked for clarification on the different levels of review and Ned helped provide that clarification.

### **7. DISCUSSION: CONSIDERATIONS FOR CREATING A MARINA OVERLAY DISTRICT**

#### **SUMMARY:**

The Dillon Marina is currently located in two (2) zone districts: Parks & Open Space (POS) and Urban Reserve (UR). Only in the POS zone district is a marina use identified as a permitted use. By its name, the UR district consists of undefined, “reserve” areas of the Town. The UR zone district was originally intended to provide a zoning district for properties annexed by the Town that would not be developed for some time, and it was presumed properties within the UR district would be rezoned prior to their development. Thus, no permitted uses are identified in the UR zone district, and conditional uses are limited to existing uses and their potential expansion in accordance with conditional use criteria. In fact, all UR zoned areas are owned by Denver Water, who currently has no interest in any sort of development. They also are not presently interested in seeking a rezoning of their properties.

Due to the complexities arising from its inclusion in two (2) zoning districts, and the fact that a portion of the Marina is located on property leased from Denver Water, Town staff has determined the most appropriate course of action is to better define the activities associated with the Marina by the creation of an overlay district. The “Marina Overlay District” would function similarly to a Planned Unit Development (PUD) overlay district, but with defined permitted uses.

#### **COMMISSIONER QUESTIONS:**

Ned expressed concern about the use of the docks to remain of high importance and to keep that in mind while considering this overlay.

Nick Cotton-Baez commented on the legal perspective of rezonings and how the owner of the area is entitled to notice and due process, but it does not necessarily mean that they will agree with the outcome.

Suzanne Pugsley inquired about the density associated with the plans and what the limitations may be.

Ned shared the current zone district language that the Town has.

Suzanne also encouraged the specifications of the language to be specific about what the uses can and cannot be for this area.

Michael Parsons questioned the inclusion of “trash and recycling enclosures; waste and recycling sorting and storage facilities” within the new language. Nick clarified that this list was included to be as inclusive as possible with the language and acknowledged that it can either be very specific to avoid interpretation or allow for that vagueness and space for interpretation.

## **8. DISCUSSION: CONTINUING STUDY OF THE COMPREHENSIVE PLAN UPDATE**

### **SUMMARY:**

The Comprehensive Plan is a long-range, evolving document that guides the Town in achieving the vision and goals of the community by establishing a framework for developing regulatory tools and advising decision making for the future of the Town of Dillon. Under the stewardship of the Planning and Zoning Commission (“Planning Commission”), this dynamic document strives to promote the community’s values, goals, and vision for the Town. The Comprehensive Plan is not a regulatory document but provides the background for advised decision making for establishing policies, for the delivery of services, for providing orderly growth and development criteria, embodies both current and long-range needs, and provides for a balance between the natural and built environment.

As a guiding document, the Comprehensive Plan is not binding on the Town. However, the Zoning Code is intended to carry out the purposes of the Comprehensive Plan.

Town staff has worked with the Planning Commission to study the Comprehensive Plan to determine if there are portions of the Plan that might warrant focus for potential amendments.

### **COMMISSIONER QUESTIONS:**

Ned reviewed the idea that the Comprehensive Plan needs to be as updated as possible to update the Town’s code. He acknowledged that they have moved the timeline to early 2024.

Jon Blank was able to add a sustainability portion to the Comprehensive Plan and there are goals to expand the tourism and recreation portions of the plan.

Ned shared Jon's new section outline and Jon covered some of the highlights of the work he has done on this section.

Ned then shared and acknowledged the Town's Water Efficiency Plan.

**9. OTHER BUSINESS:**

- a. PROJECT UPDATES:
  - o New A-Dock at Marina
  - o Crane Day at the Marina
- b. Looking at commercial parking in the core area. Discussed Core Area zone district parking requirements related to restaurants and if there should possibly be some incentives to encourage such businesses.

**10. ADJOURNMENT**

There being no further business, Alison Johnston adjourned the meeting at 6:58 p.m.

Respectfully submitted,

*Libba Muzi*

Libba Muzi  
Secretary to the Commission