

RECORD OF PROCEEDINGS
TOWN OF DILLON
PLANNING AND ZONING COMMISSION

REGULAR MEETING
WEDNESDAY, February 7, 2024
5:30 p.m.

COUNCIL CHAMBERS
275 LAKE DILLON DRIVE

1. CALL TO ORDER

The regular meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, February 7, 2024, in person at Town Hall. Michael Parsons called the meeting to order at 5:28 p.m. Commissioners present were Suzanne Pugsley, Michael Parsons, Timothy Pillow and Mark Cribbet. Staff members present were Ned West, AICP, Sr. Town Planner; Jonathon Blank, Planner I; Nick Cotton-Baez, Town Attorney; Jessie Klehfoth, Events and Marketing Director; Terese Berger, Recreation Manager; and Libba Muzi, Recording Secretary.

2. WELCOME NEW PLANNING COMMISSIONER: Timothy Pillow

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

Commissioner Pillow moved to approve the minutes from the December 6, 2023, regular meeting. Commissioner Cribbet seconded the motion, which passed unanimously.

4. PUBLIC COMMENTS

No public comment.

5. EDAC UPDATE:

The EDAC meeting was cancelled as the Town Manager advised that the group should not meet during the land use process.

6. DISCUSSION: Application Review Process for the Planning Commission

SUMMARY:

The Planning and Zoning Commission reviews Level III and Level IV Development Applications. In addition, the Planning Commission reviews Dillon Municipal Code (“Code” or “DMC”) text amendments related to Chapter 16 – Zoning and Chapter 17 – Subdivisions, reviews master plan documents, are the stewards of the Dillon Comprehensive Plan, and review map changes. The Town Council receives a

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recommendation for approval from the Planning Commission on Level IV applications and Code amendments, and then holds their own public hearing.

Level III. The following development activities shall be considered Level III developments:

- (1) New multi-family residential building or condominium.
- (2) New hotel or motel building.
- (3) New commercial, office, and/or industrial building.
- (4) New mixed-use building.
- (5) New bed and breakfast or boarding houses.
- (6) Minor PUD amendment.
- (7) Outside patio or deck associated with any commercial, office, industrial, or multifamily residential building.
- (8) Accessory structure greater than two hundred (200) square feet in a non-residential zoned area.
- (9) Addition to a commercial, office, and/or industrial building.
- (10) New hot tub or swimming pool associated with any commercial, office, industrial, or multi-family residential building.
- (11) Freestanding solar panel.
- (12) Major change to a Level III development permit.
- (13) Minor change to an approved Level IV development permit.

Level IV. The following development activities shall be considered Level IV developments:

- (1) PUD.
- (2) Major PUD amendment.
- (3) Major change to a Level IV development permit.
- (4) Multi-family residential uses in the Mixed Use (MU) Zone.
- (5) Telecommunication tower.

When the Planning Commission reviews a Level III or IV Development Application they do so through a Public Hearing. Public hearing notices are provided by posting a notice in the legal section of the paper, mailing hearing notices to property owners within three-hundred feet (300') of the boundary of a land use application, and posting the site with a clearly visible hearing notice.

Upon submittal of a land use application, the applicant is afforded due process. Applications are not to be discussed outside of the hearing, sunshine laws apply, and public input should only be received in the public hearing in present or in written submittal to the Town Clerk. The Planning Commission acts as judges of an application and weighs the merits of the application against the criteria set forth in the Code. As such, there are quasi-judicial proceedings conducted similar to court proceedings. The Town of Mead, Colorado website presents the quasi-judicial proceedings rather succinctly,

“In a quasi-judicial proceeding, the Town Board or Commission is not setting new policy, but applying the standards in an existing ordinance, statute or regulation to facts presented at a hearing, similar as to how a judge would act. In other words, they are applying the law to the facts gathered at a public hearing to arrive at its decision.”

(<https://www.townofmead.org/boardoftrustees/page/quasi-judicial-proceedings>)

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During the public hearing, the Chairperson introduces the resolution and opens the public hearing. Typically, the applicant will present the application and provide a detailed presentation of the elements of it. Town staff will then provide a presentation detailing the relevant zoning and subdivision code analysis. Town staff may or may not make a recommendation. The Commissioners may ask questions of each presenter. Then the public hearing is opened to the public and members of the public are invited to provide comments by addressing them directly to the Commissioners and not staff or the applicant. The Commission will not respond directly to public comments but may ask questions of anyone who testifies. The Commission will continue or close the public hearing. Upon closing the public hearing, the Commission will deliberate on the evidence presented.

Prior to making a decision or a recommendation on a Level III or IV development application, the Planning and Zoning Commission and Town Council, respectively, shall require a finding that the applicant and evidence presented to the reviewing body established the following by competent and sufficient evidence:

- (1) All required approvals for the development application were issued and remain valid and effective.
- (2) The proposed development substantially complies with all other applicable requirements of this Code and other applicable Town regulations, standards, and ordinances.
- (3) No Level IV application shall be approved without a finding by the Town Council considering the effect of such approval on the Comprehensive Plan (DMC § 16-2-230, 16-2-270 & 16-2-280).

Following any public hearing, the Planning Commission shall render a decision to approve, approve with conditions, deny, or continue a Level III Development Permit based on the approval criteria set forth below; except that, the Planning Commission shall not be required to render a decision where the approval or denial of a separate application at the same public meeting has rendered a decision on the subject application moot. Any conditions must be reasonably related to impacts created by the proposal. Any continuance shall be for no longer than thirty-five (35) days (DMC § 16-2-220). Following the Planning Commission's review of the Level IV development application in a public hearing, the Planning Commission shall either continue the application, or provide a recommendation to the Town Council to approve, approve with conditions, or deny the application based on the approval criteria set forth in Division 8 of this Article. Any conditions must be reasonably related to impacts created by the proposal (DMC § 16-2-260).

Should the Commission's review of a land use application yield unanswered questions or a realization that there is insufficient evidence, it is incumbent upon the members of the Commission to continue the hearing to a future date such that they receive additional evidence and are satisfied that the application meets all of the pertinent Code requirements and review criteria.

COMMISSIONER QUESTIONS:

Ned West explained the application review process and notified the Commission that the Town has received a Level 4 development application that will be reviewed at the special meeting scheduled for February 21, 2024.

He explained that with the submission of this application, the Sunshine Law does go into effect which prohibits Commissioners from engaging in any sort of discussion regarding the application.

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Timothy Pillow asked for clarification regarding whether that includes casual peer discussions and Ned West confirmed that any sort of discussion would be a violation.

Pillow also revealed that he will not be available to attend the special meeting and inquired about any alternative voting options to which Ned affirmed that all votes must be done in person and the committee would still have a quorum without him in attendance.

Michael Parsons asked how our review process compared to other local governments. Ned West and Nick Cotton-Baez said that it is relatively consistent with a few aspects that are unique to the Town of Dillon, but nothing out of the ordinary.

7. DISCUSSION: Comprehensive Plan Updates

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 recognized that this is an ongoing review process and there is a lengthy review process. He acknowledged his regret in not hiring a consultant but has confidence that this Summer great progress will be made.

West called for any amendment suggestions to the “Town of Dillon Facilities” section in the Comprehensive Plan.

Parsons asked for clarification around the goal of this section and Ned West affirmed his questioning that it is to detail what the facilities look like and what the goal of their implantation would be.

Timothy Pillow asked for clarification of the process for updates. Ned West explained that the Commission will create recommended amendments and submit them to the Town Council for approval.

The Commission recognized the need for updated pictures.

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The Commission questioned the mention of the Cemetery as a facility and agreed that maybe that is not the best placement.

The Post Office is discussed in the section and the Committee, alongside guidance from Nick Cotton-Baez, reiterated the fact that it sits on Federal land, not land owned by the Town of Dillon.

8. **DISCUSSION: Integrating Solar Provisions into the Code**

SUMMARY:

Solar panels, or Photovoltaic systems (PV), are increasingly desirable by residents and businesses in Summit County. The County annually supports a residential bulk purchase and installation program (HC3 is a community resource for the program: <https://highcountryconservation.org>)

The Dillon Municipal Code provides a Level I and Level II Development Permit process for issuing permits for PV systems and an increasing number of systems are being installed. Town staff is focused on streamlining the process and to link residents with resources, incentives, funding sources.

SolSmart:

- Create an Energy Action Plan – Working with Xcel Energy and their Partners in Energy program
 - o Will be included in the Town’s Comprehensive Plan update (Coming soon).
- Free technical assistance and guidance to implement national solar best practices in Dillon.
 - o Expand the use of solar energy in Dillon.
 - o Consider increasing PV on public facilities.
- Apply strategies that make solar more affordable and accessible to all Dillon residents.
- Attaining Dillon’s clean energy and sustainability goals.
 - o Outlined in Comprehensive Plan update
- Encourage growth in renewable energy businesses.
- Seek ‘Silver’ Designation

Potential Code Amendments for Solar:

- Local Policies are Important to Reducing Cost
- Remove Administrative Barriers
 - o “Soft Costs” represent 65% of the total solar system cost.
- Streamlined Permitting Processes for Solar PV
 - o Dedicated PV application online
 - o 1 day or Instant permit issuance
 - o Summit County Building Department has an over the counter permit process to issue permits for rooftop PV systems.
- Consider classifying PV as an accessory use allowed by-right in all zone districts.
- Considerations for Battery Energy Storage Systems (BESS) in all zone districts.
- BABA o Build America Buy America
- Decommissioning solar panels

COMMISSIONER QUESTIONS:

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Ned West shared with the Commission that the Town has joined SolSmart and Jon Blank gave a brief overview for what this means for the Town.

Michael Parsons asked how many solar applications we get a year and Ned shared that it is very few, about one or two. Parsons then questioned how it would create more accessibility for such a little-used aspect. Blank explained that it removes soft costs which are about 60% of the total cost for a solar development.

Suzanne Pugsley questioned how HOAs restrictions affect solar developments. Ned agreed this was a good question to investigate.

Ned West inquired about whether or not the commission was comfortable with staff approving solar applications. The commission agreed that if there were specific standards set, they did not mind having it stop at staff level.

Lastly, Ned asked if there is a zone that should not allow solar developments. The commission agreed that if there was one, it would be the Parks and Open Space zone.

9. **DISCUSSION: Public Facilities Design Standards and Materials**

SUMMARY:

The Town adopted Architectural Design Guidelines in 2017 after a nearly year's long effort working with Roth Sheppard Architects, community stakeholders, and local builders and architects. The effort yielded an aesthetic unique to Dillon which has now manifested in new buildings such as the Homewood Suites, Dillon Medical Center, and Peaks Medical and Urgent Care buildings. The Amphitheater and support buildings also embody the architectural style that is uniquely Dillon. We call it "Mountain Lakestyle," and it is that style that staff feels should carry into any newly constructed public facing Town owned facilities.

By creating a set of standardized policies for the appearance of Town facilities, the Town can move forward with a consistent look and feel that will speak Dillon. With this goal in mind, staff seeks input from the Planning Commission to assist in creating architectural elements and a materials palette for future structures such as park restrooms, a Town Park Pavilion, improvements at the Marina, and other potential new facilities.

COMMISSIONER QUESTIONS:

Ned West jumpstarted the conversation by using the two bathroom facilities in the town core as an example as to why these guidelines may need some work. They are very similar structures but look completely different in design. He suggested that the Commission weigh in on how to avoid this situation with new developments, as the Code does not currently have extensive language around design guidelines.

Michael Parsons noted that there needs to be more enforcement to withhold the guidelines that are in place.

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There was unanimous agreement that new language needs to be developed, and that this conversation should continue moving forward.

10. OTHER BUSINESS:

PROJECT UPDATES:

- West Anemone Urgent Care- RTU screen has been installed. No news as to when phase two of the development plan will begin.

SPECIAL MEETING SCHEDULING:

- A special meeting with a public hearing is scheduled for February 21, 2024.

11. ADJOURNMENT

There being no further business, Michael Parsons adjourned the meeting at 6:59 p.m.

Respectfully submitted,

Libba Muzi

Libba Muzi
Secretary to the Commission