

Del Norte Regular Town Board Meeting

February 8, 2023

The Board of Trustees of the Town of Del Norte, Rio Grande County, State of Colorado, met in regular session on February 8, 2023, in the Board Meeting Room, 140 Spruce Street, Del Norte, Colorado at the hour of 5:00 p.m. There being present at the **CALL OF THE ROLL** the following persons:

ROLL CALL:

Town Board present: Mayor Pro tem Bob Muncy, Trustee Leigh Anne Lobato, Trustee Shelly Burnett, Trustee Louie Velasquez and with Trustee Brenton Williams and Mayor Chris Trujillo absent. Mayor Pro tem Muncy declared a quorum present.

MINUTES:

Motion was made by Trustee Leigh Anne Lobato and seconded by Trustee Louie Velasquez to approve the January 11, 2023, Regular Board meeting. Roll call: All ayes. Mayor Pro Tem Muncy declared motion carried.

Trustee Brenton Williams entered the meeting.

CONSENT AGENDA

Kevin mentioned he had nothing new to report to the Board. COP Archuleta stated that he has no burglaries this month. Nick from Element Engineering addressed the Board and spoke on the Town discharge permit the new limits are more stringent and our system will need to be upgraded to be CDPHE compliance. He will get a PER for the Board to review next month, but he wanted to notify the Town Board they will probably have to go to a mechanical plant and that's going to be costly. Mike Hager from Element Engineering also addressed the Town Board concerning the Streetscape project the projected cost is coming in over 41%, Mike stated that we are looking into more additional funding from CDOT TAP monies, the State let us know we can apply, but with this will only be able to do phase one, which is Cherry west to Alder street. Phase two was Cherry Street to French Street. Mike also touched on Ninth Street to let the Town Board know the cost also is up on that project, we started with a budget of \$350K it's looking more at \$600K, so the Town will have to decide on funding for that project. The motion was made by Trustee Shelly Burnett and seconded by Trustee Louie Velasquez to approve the consent agenda. Roll call: All ayes, Mayor Pro tem declared motion carried.

NEW BUSINESS

Oath of Office: Town Board member- Marty Asplin-Attorney Farish administered the oath to Marty Asplin who is replacing Joe Archuleta. Marty will fulfill the term until April 2024, next Town election.

Esteban Salazar- Health and Wellness-SLV Great Outdoors-Park RX American-Nature's prescription- Esteban addressed the Board to encourage residents to use the parks and trails in Del Norte. They are promoting health and wellness by getting individuals to walk outdoors, through park Rx prescription. He asked Town Board permission to anchor a punch-hole device that participants can access to keep track of the number of times they use the park or trails and would qualify for incentives the program has to offer, could be a water bottle, etc. Motion was made Trustee Shelly Burnett to allow Esteban Salazar to put the punch -hole devices in, he will need to contact Kevin Larimore, Public works for placement, seconded by Trustee Louie Velasquez. Roll call: All ayes, Mayor Protem declared motion carried.

Randy Kern-Rio Grande County Building Inspector-New IECC Codes –Update Town Ordinance- Randy Kern gave the Town Board an update that the energy codes and building codes need to be updated. With the new energy codes, it made sense to update some of the building codes, currently we are under 2006 IBC and will be updating to 2018 IBC. Randy stated that the State isn't giving us much time to make these changes we have to the new update codes by June 30, 2023.

Susan Williams- Rio Grande/Del Norte Library 2022 Financial review- Susan presented the Town Board with their financials for 2022, it's in their bylaws that they have to be presented to Town Board.

Alta #5504 – 805 Grand Avenue- Fermented Malt Beverage Liquor renewal- Motion was made by Trustee Leigh Anne Lobato and seconded by Trustee Brenton Williams. Roll call: All ayes, Mayor Pro tem **declared motion carried.**

Del Norte Chamber-Special Events Permit- March 9, 2023- 578 Grand Ave- Motion was made by Trustee Shelly Burnett and seconded by Trustee Leigh Anne Lobato. Roll call: All ayes, Mayor Pro-tem declared motion carried. Paul Fennel thanked the Town Board for the approval and stated that he welcomed them to the event where he will be showcasing his new record shop/camping store.

COMMITTEE/OTHER BUSINESS:

Chamber Update- Paul Fennel gave Town Board an update and stated that Chamber is revamping Better Del Norte 1% fee to have more transparency on what and where the monies are going and they are working on a DN Chamber membership drive.

Kevin Larimore-Public Works –gave presentation of Town mapping system that he is currently working on.

Set Work Session Date and Time- February 16 or 22 for Town Code review-SEH Consultants-February 22, 2023 at 10:00 a.m. is the date scheduled for the public meeting.

Vacant Housing registry draft concept- presented for Town Board to review

ATTORNEY REPORT

Draft ordinance accessory dwelling units (ADU's) - discussion was held and Trustee Shelly Burnett made motion to adopt ADU's the ordinance number will be 753, seconded by Trustee Brenton Williams. Roll call: All ayes, Mayor Pro-tem Muncy declared motion carried.

ORDINANCE No. 753

AN ORDINANCE OF THE TOWN OF DEL NORTE AMENDING THE DEL NORTE MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS

WHEREAS, the Planning Commission of the Town of Del Norte has considered the developing issue of Accessory Dwelling Units (ADU's) within the Town of Del Norte and recognized that regulations concerning the placement, location, use, size, setback, and other provisions contained in Chapter 16 (Zoning Code) of the Del Norte Town Code, should be reconciled and integrated with Section 16-6-20 (Accessory Uses and Structures) of said Code; and

WHEREAS, the above referenced Section provides for accessory "uses", but does not specifically provide for "accessory dwelling units" as an "accessory use"; and

WHEREAS, the Planning Commission has studied the regulations of other Towns in the State of Colorado and the specific needs of the Town of Del Norte as a comparison and has recommended amendments to the Del Norte Municipal Code concerning ADU's.

NOW THEREFORE, be is ordained by the Board of Trustees of the Town of Del Norte that subsections (2) and (3) of Section 16-6-20(a) (Accessory Uses and Structures) be repealed and reenacted to read as follows:

Section 16-6-20. Accessory Uses and Structures.

(2) Accessory Dwelling Unit (ADU)

An Accessory Dwelling Unit (ADU) is a separate, complete housekeeping unit limited to no more than two (2) bedrooms, living room, kitchen, and at least $\frac{3}{4}$ bathroom facilities with its own entryway. ADUs may be either detached (standalone or above an accessory building) or integrated (in a basement, upstairs or in an attached addition) to an existing dwelling. An ADU may be added as a part of an existing primary residence, new construction, the conversion of an existing structure, a conversion of an existing house or after a new primary house is built within Code guidelines on the same lot.

(i) One (1) ADU is allowed in R1, R2, and CH on parcels meeting or exceeding 7,500 sq ft in area.

(ii) Permit – Any ADU must have an initial conditional use permit filed and approved in accordance with the provisions of Article 8, Chapter 16 of the Del Norte Municipal Code with the Town of Del Norte along with town building permits.

(iii) Size – All ADU's must have a minimum of 300 sq/ft of finished floor space.

- Integrated ADUs. The finished floor space of an integrated ADU shall not exceed 650 square feet except that ADUs that are located entirely in basements or attics are not subject to this requirement.
- Detached ADUs. The finished floor space of detached ADUs shall not exceed 650 square feet.

(iv) Water/Sewer/Access. All ADU's must have a letter from the Town utility department stating that it approves of one (1) principal dwelling unit and one (1) ADU on the property in regard to access, available water, sewer and other utilities. No more than one (1) principal structure and one dwelling unit shall exist on any Town lot.

(v) **ADDITIONAL REGULATIONS.** All ADU's must:

(v-1) meet current Town setback requirements;

(v-2) be on a permanent foundation;

(v-3) follow current building/ health codes with the county building permitting system;

(v-4) be subject to a final inspection and approval by the county building inspector;

(v-5) no part of any accessory dwelling shall be located within ten (10) feet of any principal structure unless it is attached to, or forms a part of, the principal structure;

(v-6) one (1) additional off-street parking space shall be provided for each ADU. Sharing existing driveways is acceptable if all parking spots can be accessed only if one vehicle is not blocking the other in or requiring parking on the street;

(v-7) ADU's are encouraged to provide workforce housing;

(v-8) each ADU shall have, at the minimum, one (1) sleeping area, one (1) kitchen area, and $\frac{3}{4}$ bathroom;

(v-9) no ADU can be used as a Short Term Rental (STR);

(v-10) the following are not eligible as ADU's: shipping containers, sheds, travel trailers, tree houses, trailer coaches, motor homes, camper coaches, fifth wheel trailers, recreational park trailers, recreational vehicles, truck campers, or similar mobile homes;

(v-11) ADU's located in R1 and R2 zones require the owner to occupy one of the units on the parcel. If located in the Commercial Highway zone, the owner of the parcel must be a permanent resident of Rio Grande County;

(v-12) Residential ADU's existing at the time of the effective date of this code provision shall be subject to the provisions of Article 7 (Nonconforming Uses), (Sec. 16-7-10 through 16-7-30) of the Del Norte Municipal Code.

NOW, THEREOF, be is resolved by the Board of Trustees of the Town of Del Norte, Colorado that numbering of remaining subsections of 16-6-20 shall be conformed accordingly.

DONE and **SIGNED** this 8th day of February, 2023

Executive Session

Motion made by Trustee Shelly Burnett and seconded by Trustee Brenton Williams to go into executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(1) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; past employee and conference with the Town Attorney for local public body for the purpose of receiving legal advice on specific legal questions, under CRS Section 24-6-402 (4)(b). Roll call; All ayes, Mayor Pro tem declared motion passed. Mayor Pro Tem Bob Muncy stated it is February 8, 2023 the time is approximately 7:28 p.m. as required by open meeting law; this executive session is being electronically recorded. Also present at this executive session are the following persons. Trustee Leigh Anne Lobato, Trustee Brenton Williams, Mayor Pro Tem Bob Muncy, Trustee Shelly Burnett, Trustee Marty Asplin, Trustee Louie Velasquez, Town Attorney Gene Farish, Town Administrator Bernadette Martinez, Town Treasurer Ramona Dordan, Chief Frank Archuleta. This is a executive session for the following purpose; for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(1) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; past employee and conference with the Town Attorney for local public body for the purpose of receiving legal advice on specific legal questions, under CRS Section 24-6-402 (4)(b). I caution each participant to confine all discussion to the stated purpose of the executive session, and that no formal action may occur in the executive session. If at any point in the

executive session any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make objection. Attorney Eugene Farish stated it his opinion, that this is an executive session for Attorney Client communication. Executive Session took place, until motion was made and carried to exit the executive session. Motion was made by Shelly Burnett and seconded by Trustee Marty Asplin to come out of executive session at approximately 7:47 p.m., Mayor Pro tem stated those present in executive session was Trustee Leigh Anne Lobato, Trustee Brenton Williams, Trustee Shelly Burnett, Trustee Marty Asplin, Trustee Louie Velasquez, Town Attorney Gene Farish, Town Administrator Bernadette Martinez, Town Treasurer Ramona Dordan, Chief Frank Archuleta had to response to a call. For the record, if any person who participated in the executive session believes that any substantial discussion of any matter not include in the motion to into executive session occurred during executive session, of that any improper action occurred during executive session in violation of the Open meeting law, I would ask that you stated your concerns for the record. Hearing none the next item is action of the results of the executive session, no action taken.

With nothing further motion made to adjourn.

Submitted this 8th day of March 2023