

ROUTT COUNTY PLANNING COMMISSION AGENDA

October 4, 2018
6:00 PM

County Commissioners Hearing Room, Historic Courthouse
522 Lincoln Avenue, 3rd Floor, Steamboat Springs, Colorado
Live audio is available by calling (970) 870-5499

1. CALL TO ORDER

2. PUBLIC COMMENT

Members of the public may address the Planning Commission on items not on the agenda. (Comments regarding items on the agenda will be taken during that agenda item.)

3. ITEMS FOR CONSIDERATION

A. Housekeeping Adoption

Activity #:	PL-18-132
Petition:	2018 Housekeeping Amendment
Applicant:	Routt County
Legal:	County Wide
Location:	County Wide

Documents:

[PC adoption memo 10.4.18.pdf](#)

4. ADMINISTRATOR'S REPORT

Administrator's Report may include the reading of future Planning Commission agendas and recent Board of County Commissioner decisions.

5. ADJOURNMENT

WiFi access is available in the Hearing Room, and agenda packets can be accessed at www.co.routt.co.us/AgendaCenter.

All programs, services and activities of Routt County are operated in compliance with the Americans with Disabilities Act. If you need a special accommodation as a result of a disability, please call the Commissioners' Office at (970) 879-0108 to assure that we can meet your needs. Please notify us of your request as soon as possible prior to the scheduled event. Routt County uses the Relay Colorado service. Dial 711 or TDD (970) 870-5444.



Memorandum

To: Planning Commission

From: Kristy Winser, Planning Staff Kwinser@co.routt.co.us

Date: October 4, 2018

Subject: Adoption of 2018 Housekeeping Amendments, PL-18-132

Attachments:

- Resolution
- Exhibit A edited
- Exhibit A clean version
- BCC Minutes August 28, 2018

The Housekeeping Amendments were previously discussed on June 21, 2018 and August 2, 2018 where the attached Exhibit A amendments were recommended for approval to the Board of County Commissioners. This item is scheduled for adoption with the Board on October 16, 2018.

To summarize, Planning Commission and the Board agreed that the following items could be scheduled for adoption. The proposed amendments are shown on the attached Exhibit A.

- Take out Commuter Zone from Section 2 Definitions & 5.3.1 table.
- 3.4.4. Powers and Duties of the BOA – separate into two sentences.
- 3.4.6. Remove both “profit” and “cost of development” from this section.
- 7.3.1. – eliminate the zone change from the PUD process in order to streamline the process.
- 5.9.3 Exemptions- to correct a typo in the sentence.

Regarding the Secondary Dwelling Unit discussion, there was general consensus to allow SDUs in all residential zone districts, provided that the lots are served by central water and sewer.

The other discussion item related to SDU's was whether SDUs on parcels of 35 acres or less must be attached to the Primary Dwelling Unit. After further discussion with the Planning Commission, there was general consensus to allow detached SDUs in all cases where SDUs are allowed, provided that all setbacks and other requirements are met. However it was suggested that for parcels of less than 35 acres, to decrease the max separation allowed from 300 foot separation to 200 feet. It should be noted that maximum separation can be appealed through the variance process.

The last item on the housekeeping list was to add fractional ownership to the use chart (as a disallowed use). Similar to how the county addresses short term rentals. The main issue of concern was to limit the separation of interests through ownership of a parcel. In particular, owners in a time-share each have their own separate deed, which is different from a single entity ownership, even if that entity is made up of different owners. The separate deed issue is the issue. A new definition was suggested by as:

Fractional Ownership –Shared ownership of a vacation, resort or residential property by people in an arrangement which allocates usage rights based on time, fixed rotating or revolving “,

Both Planning Commission and the Board agreed that there could be a separate more philosophical discussion on this at a later time.

STATE OF COLORADO)
)ss.
COUNTY OF ROUTT)

RESOLUTION NO. 2018-P-__
RE: Amendment of the
Routt County Zoning Regulations
Planning Activity No. PL-18-132

Recitals

A. Colorado counties are authorized by Section 30-28-111, Colorado Revised Statutes, to adopt, by resolution, zoning regulations.

B. Pursuant to its statutory authority, the Board of County Commissioners of Routt County (hereinafter the “Board”) first adopted zoning and subdivision regulations in 1972 and has, on a number of occasions thereafter, amended those regulations.

C. The Board has proposed the review and amendment of Sections 2, 3.4.4.B, 3.4.6, 4.19, 5.3, 5.3.1, 5.9.3 and 7.3.1 of the Routt County Zoning Regulations (hereinafter the “Regulations”), such amendments are attached in “Exhibit A”.

D. In June, July and August of 2018, the Routt County Planning Commission (hereinafter the “Planning Commission”) and the Board held public work sessions concerning the proposed amendments of the Regulations.

E. The Planning Commission held a public hearing on October 4, 2018, notice of said hearings having been advertised in the Steamboat Pilot, a newspaper of general circulation, and posted in accordance to law, and, upon a motion made and approved, recommended that the Regulations be amended.

F. The Board held a public hearing on October 16, 2018, notice of said hearing having been advertised in the Steamboat Pilot, a newspaper of general circulation, and posted in accordance to law, and, upon a motion made and approved, that the Regulations be amended.

G. Following receipt of public comment and discussion, Commissioner _____ moved to approve amendments to Sections 2, 3.4.4.B, 3.4.6, 4.19, 5.3, 5.3.1, 5.9.3 and 7.3.1 of the Routt County Zoning Regulations.

H. The motion was duly seconded by Commissioner _____ and passed on a ___ to ___ vote.

NOW, THEREFORE, BE IT RESOLVED that by the Board of County Commissioners of Routt County, Colorado, Sections 2, 3.4.4.B, 3.4.6, 4.19, 5.3, 5.3.1, 5.9.3 and 7.3.1 of the Routt County Zoning Regulations are hereby amended to include the amendments as shown in Exhibit A attached hereto, to be effective on the date set forth below.

ADOPTED AND EFFECTIVE THIS ____ DAY OF _____, 2018, BY THE BOARD OF COUNTY COMMISSIONERS OF ROUTT COUNTY, STATE OF COLORADO.

ATTEST:

BY THE BOARD OF COUNTY COMMISSIONERS

Kim Bonner, County Clerk

Douglas B. Monger, Chair

RESOLUTION VOTE:

Douglas B. Monger:	Yes	No	Abstain	Absent
Cari Hermacinski:	Yes	No	Abstain	Absent
Timothy V. Corrigan:	Yes	No	Abstain	Absent

EXHIBIT A

Bold language is to be added. Language with strike through is to be removed.

- **Section 2 Definitions:**

- ~~Commuter Zone:~~

~~That portion of the unincorporated part of Routt County identified on a map of the Commuter Zone maintained in the Planning Director's Office. As of the adoption of these amended and restated Regulations, the boundary of the Commuter Zone is the Urban Growth Boundary as established for the purposes of the Steamboat Springs Area Community Plan. The Commuter Zone boundary may be amended from time to time in accordance with the procedure for amending the Zoning Regulations.~~

- **3.4.4. Powers and Duties**

The Board of Adjustment shall have the powers and duties granted by Colorado Revised Statute Sections 30-28-117 and 118, including:

- ~~○ B. To grant, upon an appeal relating to appellant's property, a variance from the strict application of any regulations regarding minimum setbacks, minimum lot width, maximum allowable building height or maximum separation permitted between a Secondary Dwelling Unit and a Primary Dwelling Unit if, by reason of exceptional narrowness, shallowness, or shape of the specific piece of property at the time of the enactment of the regulations, or by reason of exceptional topographic conditions, or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the said property and provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these Regulations.~~

B. To grant, upon an appeal relating to appellant's property, a variance from the strict application of any regulations regarding:

- 1) minimum setbacks,**
- 2) minimum lot width,**
- 3) maximum allowable building height, or**
- 4) maximum separation permitted between a Secondary Dwelling Unit and a Primary Dwelling Unit.**

- **Section 3.4.6 - Standards for the Grant or Denial of Variances**

~~B. Under no circumstances shall a variance be granted on the sole basis of personal convenience or profit or special privilege to the applicant.~~

- **Section 4.19** Add Secondary Dwelling Units to the use chart as allowed in all residential zone districts.
- **5.3. Secondary Dwelling Units Standards for all residential zone districts ~~the AF, AC, and MRE Zone District.~~ Renumber below**
 - A. Secondary Dwelling Units and the Primary Dwelling Unit must use a single entry point on to the public road system or the road system in the subdivision in which the Buildable Lot is located.
 - B. No Secondary Dwelling Units on the Buildable Lot may be separated by more **than 200 feet on less than 35 acres or 300 feet on 35 acres or more** from the Primary Dwelling Unit measured from the closest part of the foundation of one Dwelling Unit to the closest part of the foundation of the other Dwelling Unit.
 - ~~C. The minimum parcel size for a Secondary Dwelling Unit detached from the Primary Dwelling Unit is 35 acres. On a parcel of less than 35 acres the Secondary Dwelling Unit must be attached to the Primary Dwelling Unit.~~ **Detached Secondary Dwelling Units are permitted in all cases where allowed, provided that all setbacks and other requirements are met.**
 - D. The maximum size for a Secondary Dwelling Unit is 800 square feet of habitable space, measured by the area within the inside face of the walls of the structure, including habitable space in the basement but excluding garages and decks and porches that are not enclosed.
 - E. **Minimum lot size for a Secondary Dwelling Unit without Central Water and Central Sewage Collection System is 5 acres.**

- **5.3.1 Secondary Dwelling Unit Control Chart-** Remove Commuter Zone from the chart
- **Section 5.9.3 Exemptions**

The following signs do not require a Minor Use Permit, as long as the applicable standards ~~and~~ **are** complied with.

- ~~• 7.3.1. Rezoning to the PUD Zone District~~

~~Before an approved PUD plan or an amendment thereto is recorded, the land on which it is located shall be zoned PUD or OR. If a Zone Change is required, all Section 7 Planned Unit~~

~~Development Routt County Zoning Regulations 7-3 the applicable Standards, including, but not limited to Section 8.2 of these Regulations shall apply~~

EXHIBIT A
(Clean Version)

- **3.4.4. Powers and Duties**

The Board of Adjustment shall have the powers and duties granted by Colorado Revised Statute Sections 30-28-117 and 118, including:

- B. To grant, upon an appeal relating to appellant's property, a variance from the strict application of any regulations regarding:
- 1) minimum setbacks,
 - 2) minimum lot width,
 - 3) maximum allowable building height, or
 - 4) maximum separation permitted between a Secondary Dwelling Unit and a Primary Dwelling Unit.

- **Section 3.4.6 - Standards for the Grant or Denial of Variances**

B. Under no circumstances shall a variance be granted on the sole basis of personal convenience or special privilege to the applicant.

- **Section 4.19 Uses by Zoning District Chart**

Add Secondary Dwelling Units to the use chart as allowed in all residential zone districts.

- **5.3. Secondary Dwelling Units Standards for all residential zone districts**

- A. Secondary Dwelling Units and the Primary Dwelling Unit must use a single entry point on to the public road system or the road system in the subdivision in which the Buildable Lot is located.
- B. None of the Secondary Dwelling Units on the Buildable Lot may be separated by more than 200 feet on less than 35 acres or 300 feet on 35 acres or more from the Primary Dwelling Unit measured from the closest part of the foundation of one Dwelling Unit to the closest part of the foundation of the other Dwelling Unit.
- C. Detached Secondary Dwelling Units are permitted in all cases where allowed, provided that all setbacks and other requirements are met.
- D. The maximum size for a Secondary Dwelling Unit is 800 square feet of habitable space, measured by the area within the inside face of the walls of the structure, including habitable space in the

basement but excluding garages and decks and porches that are not enclosed.

- E. Minimum lot size for a Secondary Dwelling Unit without Central Water and Central Sewage Collection System is 5 acres.

- **Section 5.9.3 Exemptions**

The following signs do not require a Minor Use Permit, as long as the applicable standards are complied with.

Commissioner Hermacinski moved to waive the Special Use Permit fees for PL-18-167.

Commissioner Monger seconded; the motion carried 3-0.

HOUSEKEEPING WORKSESSION / ADOPTION; PL-18-132

Ms. Winser stated that this is a follow up discussion from the housekeeping worksession on July 10th. Planning Commission last reviewed this on August 2nd and they agreed with everything included in Exhibit A in the staff packet. To summarize, Planning Commission and the Board agreed that the following items could be scheduled for adoption.

The following proposed amendments are shown on the attached Exhibit A.

- Take out Commuter Zone from Section 2 Definitions & 5.3.1 table.
- 3.4.4. Powers and Duties of the BOA – separate into two sentences.
- 3.4.6. Remove both “profit” and “cost of development” from this section.
- 7.3.1. Eliminate the zone change from the PUD process in order to streamline the process.

Ms. Winser added that there was a typo discovered and corrected in section 5.9.3 of the exemptions for sign permits.

Ms. Winser noted that regarding the Secondary Dwelling Unit (SDU) discussion, there was general consensus among Planning Commission to allow SDUs in all residential zone districts, provided that the lots are served by central water and sewer. Further, Planning Commission suggested that for parcels of less than 35 acres, to decrease the max separation allowed from 300 foot separation to 200 feet. This supports the ranch/compound look of clustered buildings and the maximum separation can be appealed through the variance process.

Commissioner Hermacinski suggested changing the wording regarding SDUs to allowing them on five acre parcels if the lot is served by central water and *central* sewer. Also, she supports that suggested change by Planning Commission regarding the decrease in maximum separation on parcels under 35 acres.

Ms. Winser stated that on July 10th there was some discussion with the Board regarding fractional ownership. Planning Commission agreed, that there could be a separate more philosophical discussion on this at a later time and it was removed from the list of recommended actions.

Ms. Winser noted that this adoption will come back in a resolution format after a formal recommendation from Planning Commission.

No further business coming before the Board, same adjourned sine die.

Kim Bonner, Clerk and Recorder

Douglas B. Monger, Chair

Date