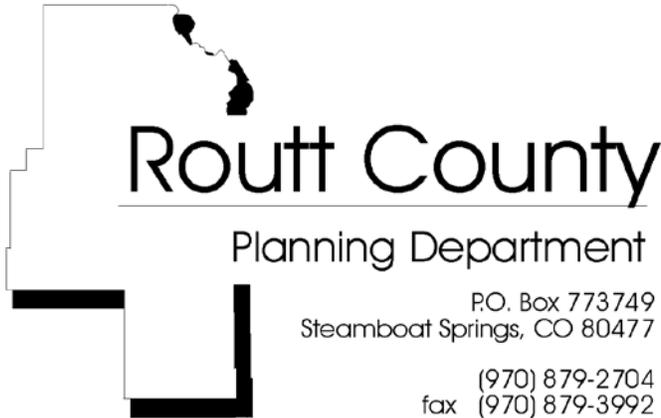


Memorandum



To: Planning Commission
From: Kristy Winser, Kwinser@co.routt.co.us
Date: June 4, 2018
Subject: 2018 Housekeeping Amendments, PL-18-132

Overview:

The purpose of this discussion is to discuss general housekeeping issues and proposed amendments to the Routt County Zoning Regulations regarding Secondary Dwelling Units.

Part 1: Zoning Regulations

- **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.

- **Staff Comment:** Remove the Commuter Zone, as it is no longer applicable. This was intended to allow for a Secondary Dwelling Unit on 5 acres if located within the Commuter Zone, prior to the recent amendments. Since the Regulations now allow for a Secondary Dwelling Unit on land 5 acres + the allowance for them in the Commuter Zone can be removed. It will also need to be removed from 5.3.1 Secondary Dwelling Unit Control Chart

- **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.

Staff Comment: The above 3.4.4. B. includes the list” of items that the BOA can hear. The language written is essentially a long run on sentence intended to summarize the 5 criteria of which the BOA should apply to criteria. Instead it is suggested for this section to be formatted as a list (below) and delete the remainder as it is discussed under 3.4.6 *Standards for the Grant or Denial of Variances*.

- minimum setbacks,
- minimum lot width,
- maximum allowable building height; or
- 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**

Redefine/review profit language under B. which reads: B. Under no circumstances shall a variance be granted on the sole basis of personal convenience, profit or special privilege to the applicant.

Staff comment: The word “profit” is unclear as it’s a word typically used when gaining money and not when spending money. It is suggested that profit be changed to “cost of development”.

- **Section 3.5 commuter zone-** take this out.

Staff Comment: The Commuter Zone is no longer applicable.

- **Section 4.19 Uses by Zone District Table**

Staff has had some debate over allowances for fractional ownership in the County. In general, if a land use is not listed under 4.19 then is likely a non-allowable use and applicants will make an argument for that use under a similar use. Because of situations like this, there is a continued effort for clarity of our regulations. To resolve the issue “fractional ownerships” could be added as a new line to the land use chart stating what zone districts they are allowed in. In addition a new definition under Section 2 should be considered.

Staff Comment: This is very similar to how we address short term rentals - which are only allowed in the commercial zone district and is a use by right. The same is recommended for fractional

ownership unless it were a proposed use as part of a PUD application. Then that use would be considered along with other uses of the PUD application. That should eliminate the argument that what they are doing is a Single Family Residence.

Suggested Fractional Ownership Definition: *Shared ownership of a vacation, resort or residence property by people in an arrangement which allocates usage rights based on time.*

- **7.3.1 Rezone to the PUD District.**

In an effort to support strategic initiatives and streamline review processes staff looked into the need for a two-step process (rezone and PUD review) as per 7.3.1. Although this is generally done concurrently, it is viewed as two separate steps. The question is whether this can be done as one step.

Staff Comment: Staff asked the attorneys if there was a way to make the rezoning automatic as part of the review for a PUD. Response was that there was no State Statute that would require two separate applications. However the way the regulations are written would require this to be done in two different steps. In addition to the language of 7.3.1, there is the review process chart that sets the approval of a final PUD to be done by the Planning Commission but the review of a Change of Zone to be done by the BCC. Further research supported the conclusion that there is no requirement of two separate steps, found in the Model County Land Use Code that was prepared by DOLA. In that model code, the PUD is described as a customized zoning district and only the PUD process as set forth in those regulations applies to a PUD (not the PUD AND the rezoning). Based on that rationale it is recommended that section 7.3.1. Rezoning to the PUD Zone District be removed. For multiple applications, it should be noted that in general an application is charged the total of all applicable Minimum Basic Fees at the time of application. However it has been a policy of the Planning Director to adjust the aggregate of fees for concurrent multiple processes based upon the scope and complexity of each affected application and the cost to Routt County to complete the reviews. So if this amendment was supported the County would not lose revenue as the cost would be the same.

Part 2: Secondary Dwelling Unit (SDU) Discussion:

Background: As you may recall the SDU regulations were recently amended. The amendments allowed for parcels of 5 acres or more and included parcels zoned MRE (5-acre zoning) to be eligible for a SDU meeting the Standards outlined in 5.3. Specifically as it relates to this discussion, an amendment to 5.3.C allowed for the minimum parcel size for a SDU detached from the Primary Dwelling Unit is 35 acres. On a parcel of less than 35 acres the SDU must be attached to the Primary Dwelling Unit. Standards 5.3B (300 foot separation) or 5.3D (Maximum size of habitable living space of 800sf), were not amended. 5.3B and 5.3D are not proposed to be amended, as part of this discussion.

- **5.3.C. Secondary Dwelling Unit Standards**

Discussion on “attached” in relation to the intent of 5.3c Secondary Dwelling Unit Standards. Section C states:

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.

Should the word “attached” when applied to the SDU standards, include allowances for inside or part of a qualifying Accessory structure? Therefore, on parcels less than 35 acres, can an SDU be considered so long as it is attached to a qualifying Accessory structure?

Staff Comment: Although staff believes that this amendment could be in keeping with intent of this regulation and the fact that one can have multiple accessory structures that meet setbacks as of right, there are still concerns to be considered. The intent of this standard is in keeping with the nature and character of Routt County from a visual standpoint to support the western rural character i.e. ranch compounds having structures in close proximity and open space surrounding it.

The concern is that some may find ways to circumvent the code by building a SDU and attach it to a “structure” such as a carport or a shed in order to have an SDU. How do we prevent this? Some thoughts on this are:

- possibly limiting the type of structure, only allowing “qualifying” structures to be considered, or
- For purposes of SDU standards to have attached mean as an integral part of the structure or inside of the structure.
- The structure would need to be no less than 5 years of age.
- Allowing Detached SDU’s in all circumstances that would allow an attached SDU.

• **Section 5.3 Secondary Dwelling Unit Standards for the AF, AC and MRE Zoning Districts**

Recommend allowances for an SDU in all residential zoning districts if they have central water and sewer. This would include areas such as West Steamboat, Stagecoach, Steamboat Lake and Tree Haus.

Staff Comment: The intent to allow for all residential zone districts to be eligible for a SDU would allow for more options to property owners as well as affordable housing options to the residents of Routt County. During previous worksessions regarding amendments to the SDU regulations, important discussion points circulated around sanitary sewer and the availability of water. Sanitary sewer was the basis for limiting an SDU to 5-acre parcels because it is the minimum acreage for a leach field in Routt County. Water when not serviced by a municipal or quasi-municipal water district has many complex facets. However as it relates to this discussion, the Division of Water Resources had no issue with a SDU within a water service provider area so long as the water provider operates within the terms and conditions of its water rights and decree.

Staff has concluded that if amendments were approved, that approximately 1,340 parcels could be eligible. This number may include existing SDU’s and does not account for areas whereby a homeowner’s association may prohibit the use. Staff included the breakdown of parcels and notable areas within the County on the attachment. The list was compiled by subdivisions that have parcels that are less than 5 acres, have water

and sewer service, and located in unincorporated Routt County. This number could be skewed a bit due to not knowing what parcels near the towns are served by town water systems and not have an exact record of what parcels are served in districts. For additional consideration the total number of parcels would be approximately 606 excluding Stagecoach and Steamboat Lake. This revised number would account for the areas surrounding the City of Steamboat Springs.

EXHIBIT A

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.~~

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, ~~profit~~ **cost of development** or special privilege to the applicant.

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 4.19 Uses by Zone District Table

Add "fractional ownerships" as a new line to the land use chart permitted in the Commercial Zone District.

Section 5.3.1 Secondary Dwelling Unit Control Chart- Remove Commuter Zone from the chart.

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~~

Subdivision	Parcel Count
ANDERSON/LARSON REPLAT	2
BENCH WARMER SUBDIVISION	2
BLACK HORSE II SUBD	68
BOND SUBDIVISION	1
BUSHY CREEK SUBD MDSE	2
CABINS AT LAKE CATAMOUNT (THE)	11
CABINS AT LAKE CATAMOUNT, REPLAT LOT 1	2
CABINS AT LAKE CATAMOUNT, REPLAT LOT 17	2
CABINS AT LAKE CATAMOUNT, REPLAT LOT 18	2
CABINS AT LAKE CATAMOUNT, REPLAT LOT 19	2
CABINS AT LAKE CATAMOUNT, REPLAT LOT 2	2
CABINS AT LAKE CATAMOUNT, REPLAT LOT 20	2
CABINS AT LAKE CATAMOUNT, REPLAT LOT 21	2
CABINS AT LAKE CATAMOUNT, REPLAT LOT 22	2
CABINS AT LAKE CATAMOUNT, REPLAT LOT 3	2
CABINS AT LAKE CATAMOUNT, REPLAT LOT 4	2
CABINS AT LAKE CATAMOUNT, REPLAT LOT 5	2
COYOTE RUN SUBDIVISION	25
EAGLES WATCH REPLAT OF LOTS 4 & 5	2
EAGLES WATCH SUBD	83
HERITAGE PARK SUBD	78
HERITAGE PARK, F2	1
HESSEL REPLAT	1
LOMAS SUBD	1
LYNX BASIN ESTATES	8
MARTIN STEAMBOAT LAKE SUBDIVISION	1
MEADOWGREEN AT STAGECOACH REPLAT #4	6
MEADOWGREEN SUBD F1	92
MEADOWGREEN SUBD F1 REPLAT LOT 61	1
MEADOWGREEN SUBD F2	1
MEADOWGREEN SUBD F3	7
MEADOWGREEN SUBD REPLAT 2	1
MIDDLE CREEK VILLAGE AT STAGECOACH	12
NEIGHBORHOODS AT YP BLACK TAIL MEADOWS	29
NEIGHBORHOODS AT YP DOUBLE CREEK	8
NEIGHBORHOODS AT YP YOUNGS PEAK	74
OLYMPIC SUBDIVISION	2
RED HAWK VILLAGE SUBDIVISION	28
SILVERVIEW ESTATES FILING 1	46
SILVERVIEW ESTATES FILING 2	81
SKY VALLEY SUBDIVISION	4
SNOKOMO ESTATES SUBD	1
SNOKOMO ESTATES, FILING 2	3
STAGECOACH MARKETPLACE	2
STAGECOACH SCHOOL SITE MDSE	1
STEAMBOAT II SUBD F1	121

Areas

Catamount

33

Stagecoach

447

Steamboat Lake

287

Tree Haus

119

West Steamboat

409

STEAMBOAT II SUBD F1 RESUBD LOTS 50 - 5	2
STEAMBOAT II SUBD F2	57
STEAMBOAT II SUBD F2A	23
STEAMBOAT LAKE SUBD 1	72
STEAMBOAT LAKE SUBD 2	205
STEAMBOAT LAKE SUBD 4	8
SUSLA/GOLDNER REPLAT	2
TIMBERS VILLAGE, THE	22
TREE HAUS STREET REPLAT	2
TREE HAUS SUBD	115
TREE HAUS SUBD, REPLAT LOTS 79 & 80	2
TWITCHELL SUBDIVISION	1
URBAN REPLAT	1
Total Parcels	1340