

# ROUTT COUNTY PLANNING COMMISSION

## MINUTES

**FEBRUARY 21 , 2019**

The regular meeting of the Routt County Planning Commission was called to order at 6:00 p.m. with the following members present: Chairman Steve Warnke, Bill Norris, Troy Brookshire, Andrew Benjamin, Roberta Marshall, Karl Koehler, John Merrill, Geoff Petis, Brian Kelly and Greg Jaeger. Commissioner Peter Flint was absent. Assistant Planning Director Kristy Winser and staff planner Alan Goldich also attended. Sarah Katherman recorded the meeting and prepared the minutes.

### **PUBLIC COMMENT**

There was no public comment.

### **MINUTES - December 20 , 2018**

Commissioner Norris corrected a typo. Commissioner Kelly moved to approve the minutes of the December 20, 2018 Routt County Planning Commission meeting, as amended. Commissioner Norris seconded the motion. **The motion carried 9 - 0.**

### **MINUTES - January 3, 2019**

Commissioners Norris and Merrill corrected two typos. Commissioner Brookshire clarified a comment. Commissioner Kelly moved to approve the minutes of the January 3, 2019 Routt County Planning Commission meeting, as amended. Commissioner Jaeger seconded the motion. **The motion carried 9 - 0.**

**ACTIVITY: PL-19-101**

**PETITIONER: Micro Living, LLC**

**PETITION: Conceptual PUD and Sketch Plan for a tiny home project in Milner**

**LOCATION: Lots 4-7, Block 2, Town of Milner**

Mr. Michael Buccino introduced the project by discussing the definition of a tiny home. He stated that tiny houses generally have a footprint of under 400 sq. ft. in. This does not include lofts. He reviewed the questions and issues that often come up in considerations of tiny homes. These include: sewage and waste water disposal, how they are different from a camper, where they can be located (particularly those on wheels), whether they should be considered temporary, and how they fit into regulatory schemes. With regard to regulations, Mr. Buccino noted that Routt County had adopted Appendix Q of the IRC 2018 update, which contains new rules and dimensional standards for structures under 400 sq. ft.

Mr. Buccino reviewed the places in Routt County that might be suitable for tiny homes, noting that the availability of water and the possibility of connecting to a waste water treatment facility were key. He noted that Milner fulfills all of these criteria for development. He presented photos of the proposed site, which under current zoning could accommodate two single family homes as a use by right. Mr. Buccino emphasized that he intends to construct homes that are on foundations - not on wheels - so that banks will finance them. He said that he would like to subdivide the lots and sell the units at an affordable price for new homeowners. He reviewed the site plan for six tiny houses on the parcel, arranged around an open space area. He indicated the eight parking spaces. He stated that rather than requesting a zone change or modifications to the code, he is pursuing a Planned Unit Development (PUD).

Mr. Buccino presented elevation drawings of the proposed units. There will be two sizes and all units will have lofts, full-sized kitchens and full-sized bathrooms. The structures will be built on 60-inch deep foundations to allow for water heaters, utilities and storage underneath.

Mr. Goldich reviewed the PUD process, which is intended to allow creativity and flexibility for projects that do not fit neatly into the Zoning and Subdivision Regulations. He stated that the Conceptual PUD and Sketch Plan process is the stage of review in which compliance with the Master Plan is determined. The process allows Planning Commission and the Board to decide if they like the basic concept of the design, and allows the applicant to get feedback on a proposal before finalizing the details and incurring the costs associated with fulfilling the requirements needed in later stages of review. The Planning Commission will make a recommendation to the Board regarding whether the proposal complies with the Master Plan and should move on for further review.

Mr. Goldich reviewed the proposal for six units with footprints of 200 - 260 sq. ft., and heights of 25 ft. The units are proposed to be served by a single common well and cistern, and will tap into Milner's central sewer system. He reviewed the access to the parcel and noted that only eight parking spaces are being proposed. He stated that the PUD regulations require 25% useable open space. The current proposal shows 23.3% open space. Mr. Goldich stated that Colorado Parks and Wildlife had requested that bear-proof trash containers be required. Steamboat Springs Rural Fire Protection District said that fire hydrants would not be needed. Colorado Department of Transportation stated that it would not issue an access permit for the alley onto U.S. Highway 40. The Road and Bridge Department said that they would like the following issues to be addressed: storm water management, specific numbers regarding anticipated traffic to be generated by the development, specifics on improvement of the alley and utility easement locations and sizes.

Mr. Goldich reviewed the four issues for discussion listed on page 3 of the staff report. He added that at the next stage of review, the following issues must be

addressed: the 25% open space requirement, the fee in lieu of public sites, utility easements and locations, and how trash will be collected and stored.

In response to a question from Commissioner Merrill, Mr. Goldich said that the fire department had not commented on the proposed space between the buildings, but that the Building Department had stated that unless the structures are a minimum of 5 ft. from the property line, special (and more costly) construction methods will be required. Commissioner Jaeger asked about access for emergency vehicles. Mr. Goldich said that the fire department had not commented on this issue.

In response to a question from Commissioner Petis regarding the issues for discussion and the suggested conditions of approval (COAs) in the staff report, Mr. Buccino requested that the fee-in-lieu be waived, citing his desire to keep the cost of the units as low as possible. Regarding the density, Mr. Buccino estimated that the total development would house 6 - 12 people, versus the 8 or more that would likely be housed by two single-family residences on the lots. Regarding the parking, Mr. Buccino noted that the site is only 75 ft. from the bus stop which provides public transportation to Steamboat. He offered that one space for each unit, with a little extra would be sufficient. He stated that it would be difficult to accommodate additional spaces due to the need for snow storage, but with reduced setbacks and smaller decks it might be possible. Mr. Buccino said that in the next iteration of the plan, it would be easy to add the additional square footage needed to meet the 25% open space requirement. The open space area will not be open to the public. He reviewed the site plan and noted that the utilities would be modified to reflect a single well rather than two wells, per the direction of the Department of Water Resources. He stated that a homeowners' association (HOA) would be created to own and manage the open space and enforce the covenants.

Commissioner Kelly asked about the access through the alley and the need for a wider surface to serve as a shared road. Mr. Buccino said that he does have a maintenance agreement for the alley, which is not maintained by the County. He said that the alley would be improved far enough north to allow for snow storage beyond the parking spots. Mr. Goldich said that the platted width of the alley is 20 ft., but it is an alley and not a main travelling thoroughfare. The County does not have standards for alleys, nor does the fire department. Mr. Goldich reported that the fire department said that a 16 ft. wide travel surface would be adequate. The fire department also said that their engines carry hose that will stretch 150 ft., which would allow all the units to be served from Main Street.

In response to a question from Commissioner Brookshire, Mr. Goldich said that CDOT will not issue an access permit to US 40 from the alley. Commissioner Brookshire asked about the 25 ft. height. Mr. Buccino said that this would accommodate a ceiling height in the loft of approximately 6 ft. He said the structures could be this tall because they are to be built on foundations and not

on wheels. Mr. Goldich confirmed that 25 ft. is about the same height as most two-story houses in Milner.

Commissioner Koehler asked about the setbacks. Mr. Buccino reviewed the proposed setbacks, but noted that they could be adjusted, along with the size of the decks to get to the 25% open space requirement.

In response to a question from Commissioner Marshall, Mr. Buccino said that the open space area will be landscaped and uses for it will be defined. Regarding the fencing, he said that an attractive perimeter fence would be constructed.

Commissioner Norris asked about the shared water system. Mr. Buccino confirmed that the HOA would be responsible for the pump and shared facilities maintenance, but that the individual lot owners would be responsible for everything that is within the structure. Mr. Buccino said that the utility easements would be addressed and adjusted to accommodate maintenance. Mr. Buccino reviewed some zoning changes that some localities around the country are considering to accommodate tiny houses, but stated that at this time the best path for tiny home development is through the PUD process.

Commissioner Brookshire asked if the water well would be subject to water quality testing. Mr. Goldich said the proposed system would be too small to be subject to the standards that apply to public water drinking systems.

### **Public Comment**

Mr. Chris Ousback, the adjacent property owner with the fence along the alley, expressed concern with plowing, snow storage and the use of the alley. He also expressed concern regarding drainage and lights in the alley.

Mr. Colby Ginter, another adjacent property owner, said that he uses the alley as his driveway and maintains it. He indicated his property on a site plan. He expressed concern regarding snow plowing and storage, the need for fencing and the possibility that the development would generate dogs at large in the neighborhood. Mr. Goldich stated that the alley is a platted, publicly owned alley.

Ms. Laurel Selbe stated that she lives a block to the east of the proposed development, and indicated her home on an aerial map. She expressed concern with the availability of water. She said that when she drilled a well on her property it caused the neighbors' wells to run dry. Those neighbors are now hauling water to their homes. She indicated the location of the dry wells on the map. She also expressed concern with snow storage.

Ms. Emily Gerde said that she and her family live in a tiny home near town. She said that the tiny home works well for her family because it is affordable and sustainable. She said that it provides an option for homeownership that is otherwise not available. Ms. Gerde added that she does not want to live in an RV or a trailer park - she wants to have a yard and a garden. She offered that the

proposal provides an example of what is possible in affordable housing. She urged the Planning Commission to approve the petition.

Mr. Jason Waldschmidt, a Milner resident, indicated his home on an aerial map. He said that he had to purchase two lots in order to build his home, had to drill a shared well and had to abide by the required setbacks of the zone district. He suggested that the proposal was effectively re-zoning by not requiring the developer to follow these same rules. He also asked about the price point of the lots, which will dictate the number of parking spots that will be needed. Mr. Waldschmidt suggested that approving this development would be unfair to the homeowners in the neighborhood that have followed the established zoning regulations.

Mr. Ruddy Camilletti echoed the concerns already expressed. He also expressed concern with the limited parking, and asked what would happen if any of the homeowners needed additional space for trailers, boats, motorcycles, etc.

Mr. Jacob Custer, a Milner resident and the partner of Laurel Selbe, confirmed that the water concerns are neighborhood-wide. He suggested that the proposed parking would not be sufficient because most homeowners would have two cars. He said that very few people ride the bus.

Seeing no further comment, Chairman Warnke closed public comment.

In response to a question from Chairman Warnke, Mr. Goldich said that storage of trailers, etc. could be prohibited by the covenants that would be enforced by the HOA. He added that Routt County does not differentiate between cars, trailers and other types of vehicles.

Mr. Goldich said that the zoning will change if this application is approved. Under the current Medium Density Residential zoning, two single family dwellings could be constructed as a use by right. Regarding snow removal, Mr. Buccino reviewed the residential road maintenance agreement which calls for shared responsibility for alley maintenance and improvement by the four property owners on the Main Street side of the alley. The alley is, however, publicly owned. He reviewed where the snow from the alley could be stored at the north end. Mr. Buccino also pointed out that the existing derelict building is in the right-of-way and impedes snow storage. He stated that with the new development the snow removal and storage would be improved.

Regarding the fee in lieu of public sites, Ms. Winser noted that the proposed development would add four additional units beyond what is currently allowed as a use by right and so may have an impact on public sites in the neighborhood. She said that any modification of the required fee in lieu would be the decision of Board of County Commissioners.

In response to a question from Chairman Warnke, Mr. Buccino reiterated that the setbacks would be adjusted at the next level of review to increase the open space and create sufficient room for utility maintenance. He said that at that time the location of the water and sewer lines would be known. He noted that the current plan is conceptual in nature.

### **Roundtable**

Commissioner Petis stated that he is in support of allowing the proposal to move forward. He stated that the proposal is in conformance with the Master Plan. He cited the introduction to and Chapter 12 of the Routt County Master Plan regarding the need for diverse housing opportunities. Regarding parking, he stated that he believes it could be an issue because most homeowners would have multiple cars. He said that this should be addressed at the next stage of review. He said that he thinks there is sufficient room for setbacks that will allow for adequate separation, snow storage, utilities and maintenance. Commissioner Petis noted that the language regarding fees in lieu of public sites is "shall" in one location and "may" in another of the regulations. Mr. Buccino offered that installing a cluster box for mail delivery might satisfy the public benefit requirement. Commissioner Petis agreed that there may be a creative solution to providing a public benefit. He stated that the proposed density was appropriate for the location and offered that the impact would be about the same as that generated by two full-sized single family homes.

Commissioner Jaeger stated his agreement with Commissioner Petis' comments. He agreed that the setback, utility and alley concerns could be addressed at the next level of review. He offered that the HOA will play a very important role in the success of the development. Commissioner Jaeger expressed concern regarding the parking and the snow storage, noting that snow storage will reduce the space available for emergency services access. He stated that the well system is sufficient to supply water for the number of units proposed.

Commissioner Koehler stated that because the occupancy is difficult to predict, it is hard to evaluate density. He agreed that there is a demand for these units, however. He expressed concern that the parking and snow storage would be inadequate and questioned the rationale for allowing a PUD not to comply with the standards. He also expressed concern that the proposal would be different in character from the surrounding area.

Commissioner Benjamin agreed with the concerns previously cited. He stated that the fee in lieu should not be waived, although he appreciated the effort to think creatively about public benefit. He said that he thinks that they will have to haul snow off site. He said that although he is not certain that he supports the proposed pattern of development, he thinks the proposal should move forward to the next level of review.

Commissioner Merrill stated that he was not concerned with the proposed density. Regarding parking, he noted that the applicant is NOT required to

comply with the standard, but said that at the next level of review the plan should have more than eight spaces, if possible. Commissioner Merrill agreed that snow storage was a concern. He stated that he thinks the utility easements and setbacks can be adjusted sufficiently.

Commissioner Kelly stated the he does not have a concern regarding the adequacy of the parking, provided that it does not become an issue for the neighbors. He suggested that a COA should address this issue. He agreed, however, that a few more spaces should be squeezed in, if possible. He noted that Milner has a mobile home park, and suggested that if our community is ever going to address the shortage of affordable housing, it will need to consider options such as tiny homes. Commissioner Kelly stated that he likes the concept.

Commissioner Norris stated that he has concerns with putting this type of development in the middle of a neighborhood of residents who have obeyed all the rules of the existing zoning. He expressed concern with the proposed density in this location and with the inadequacy of the setbacks, utility easements and parking. He also suggested that the overall water situation in Milner should be investigated. He said that despite his concerns, he likes the plan conceptually and would support moving it forward.

Commissioner Marshall stated her support for the proposal, noting that anything would be an improvement over the current condition of the property, and compared it to a bungalow style development. She stated that she thinks the proposal is consistent with the Master Plan goal of providing a diversity of housing for all Routt County residents. Commissioner Marshall agree that the parking is a concern, but offered that spaces could be associated with particular units. She suggested that permeable surfaces be considered to help with drainage. She said that she is confident that the setbacks and easements can be addressed. Commissioner Marshall cited parking and water as the main two concerns.

Commissioner Brookshire stated that he really wants to support the proposal, and that he is okay with the density, but shares the concerns regarding parking and snow storage. He suggested that the proposal would work better with five units, with the possibility of adding a sixth if all goes well and there are no complaints after a certain period of time. He stated that he would like to see some sort of study regarding the availability of water across Milner. He noted that because the proposal requires an approval by the County, it must be scrutinized more closely. He said that comparison to the uses allowed by right is not sufficient. Commissioner Brookshire suggested that a letter from the Division of Water Resources regarding the impact of additional wells in Milner might be appropriate. He said that he looks forward to seeing the proposed covenants, noting that the issue of trailers, and other vehicles would have to be enforced by the HOA. He stated that the County should physically close the alley at the north end to prevent access onto US 40. Mr. Buccino noted that the alley maintenance agreement does not address the landowners on the other side of the alley.

Regarding the request for a letter from the Division of Water Resources, Mr. Goldich noted that this would exceed what is required by the Subdivision Regulations.

Commissioner Petis noted that the four main areas of concern: parking, snow storage, alley maintenance and the availability of water are all addressed in the suggested COAs. Chairman Warnke agreed. All of these issues must be addressed at the next level of review.

### **MOTION**

Commissioner Petis moved to recommend approval of the Conceptual PUD and Sketch Plan with the findings of fact that the proposal with the following conditions meets the guidelines of the Routt County Master Plan and the Steamboat Springs Area Community Plan and is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations and Sections 3 and 4 of the Routt County Subdivision Regulations. He provided the applicant with direction to address, in particular, the issues cited in COAs: 4.a.1, 4.a.4, 4.g, and 4.h.1. This approval is subject to the following conditions:

#### **General Conditions:**

1. This Conceptual PUD & Sketch Subdivision Plan approval is contingent upon submittal of a complete application for a Preliminary Subdivision Plan within twelve (12) months. If the applicant chooses not to subdivide the property, this approval is contingent upon submittal of a complete application for Final PUD.
2. Prior to recordation, the applicant shall submit an electronic copy of the approved plat to the County Planning Department in a .DWG format or other format acceptable to the GIS Department.
3. The approval shall not be issued until all fees have been paid in full.
4. The Final PUD/Preliminary Plan submittal shall include the following detailed information in addition to the information listed in Section 7 of the RC Subdivision Regulations:
  - a. Plans to satisfy the requirements of Section 4 of the Subdivision Regulations including:
    1. Underground utility plans and easements
    2. Survey Monuments
    3. Detailed plans for Sanitary Sewage Disposal and a letter of commitment from RCEH
    4. Detailed plans for Water Supply and easements
    5. Fire Protection
    6. Landscaping plan that addresses the landscaping proposed for the open space and all lots



7. Stormwater Drainage and issues raised by Road & Bridge in their letter dated February 8, 2019
  - b. Soils report
  - c. Architectural plans that show the exterior style of the proposed residences. Such plans shall state that angle irons will be installed on the roofs to prevent snow from sliding onto neighboring properties.
  - d. Storage locations and methods for securing trash
  - e. Site plan showing land to be dedicated as open space and uses attributed to the open space in conformance with Section 7.3.F of the Zoning Regulations and section 3.5.1 of the Subdivision Regulations.
  - f. Calculation of fee in lieu in conformance with Section 3.5.2 and 3.5.3 of the Subdivision Regulations.
  - g. Documentation that addresses the issues concerning alley development presented by the Road & Bridge Department in their letter dated February 8, 2019.
  - h. Draft Covenants that shall address:
    1. Conveyance of the open space and parking areas to a HOA;
    2. Maintenance of the common elements provided on the property;
    3. Provision requiring downcast and opaquely shielded lighting;
    4. CPW's recommendation to use certified bear resistant trash receptacles
5. The Final Plat notes shall include, but are not limited to:
  - a. Routt County (County) and the Steamboat Springs Area Fire Protection District (District) shall be held harmless from any injury, damage, or claim that may be made against the County or the District by reason of the County's or the District's failure to provide ambulance, fire, rescue or police protection to the property described on this plat, provided that the failure to provide such services is due to inaccessibility of the property by reason of internal roads being impassable. This conditions shall not relieve the County or the District of their responsibility to make a bona fide effort to provide emergency services should the need arise.
  - b. Address signage in conformance with Routt County Road Addressing, Naming, and Signing Policy shall be located at the entrance to the driveway.
  - c. The open space shall remain as open space in compliance with the Section 7 of the Routt County Zoning Regulations.
6. A plat note concerning the non-exempt status of the water well shall be included on the Final Plat. If a plan for augmentation is obtained in conjunction with the well permit, then this plat note will not be required.

7. The Final PUD plan application shall include locations of all utilities.
8. If subdivision of the lots is pursued, the applicant shall enter into a Subdivision Improvement Agreement (SIA) acceptable to the County that addresses improvements including, but not limited to, dry utilities, water, sewer, drainage facilities, open space amenities, parking areas, landscaping, reclamation and revegetation, and surveying. The SIA shall be recorded concurrently with the Final Plat/PUD Plan.

### **Discussion**

Under discussion, Commissioner Brookshire asked whether it would be appropriate to include a condition that would require the petitioner to provide more information about the impact of the proposed wells on the neighbors. Commissioner Petis stated that this is not required by the Subdivision Regulations.

**The motion carried 8 - 1, with the Chair voting yes.**

In explanation of his dissenting vote, Commissioner Koehler stated that he does not believe a 6-unit PUD is compatible with the surrounding neighborhood. He cited concerns regarding the adequacy of the parking, snow storage and usage of the alley and stated that six units is just too many for the site.

Ms. Kim Waldschmidt, who requested to speak following the vote, stated that she and her husband needed to purchase two lots to construct their home and it took all they had to do it. She stated that this is a big concern for many of the neighbors. She noted that the lots next to hers, with whom she shares a well, were also purchased. She expressed concern with the impact on her well if another six units are allowed on the lots adjacent to hers. She also expressed concern with the potential for such development to decrease her property value.

### **APPOINTMENT OF A NEW MEMBER TO THE AREA PLAN COORDINATING COMMITTEE**

Commissioner Merrill reviewed the duties of the APCC representative. Following discussion, Commissioner Benjamin volunteered to fill the position.

### **ADMINISTRATOR'S REPORT**

Ms. Winser reviewed the upcoming agendas, including that for the March 7<sup>th</sup> joint meeting with the Board of County Commissioners.

Ms. Winser stated that the Board had upheld the Planning Commission recommendation to deny the Wendler road vacation request in Hahn's Peak Village.

**The meeting was adjourned at 8:30 p.m.**