

PLANNING COMMISSION AGENDA

DO TO THE COVID 19 EMERGENCY SAN JUAN REGIONAL PLANNING COMMISSION WILL CONDUCT ALL OF ITS PUBLIC MEETINGS VIRTUALLY UNTIL FURTHER NOTICE. THE INFORMATION NECESSARY TO CONNECT TO THIS PUBLIC MEETING IS LISTED BELOW

TUESDAY, APRIL 21, 2020 AT 7:00 PM

1. Roll Call of Members
2. Minutes: March 17, 2020
3. **Preliminary-Final Plan, County Improvement Permit Application, Proposed “Tiny Home RV Park” Lime Creek Road CR 1, San Juan County**
4. **Review and Discussion of Proposed Changes to Town Accessory Dwelling Unit (ADU) Regulations**
5. **Other**
6. Adjourn

Join Zoom Meeting

<https://zoom.us/j/91764648031>

Meeting ID: 917 6464 8031

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Meeting ID: 917 6464 8031

STAFF REPORT FOR THE PLANNING COMMISSION

TOWN ADU REGULATIONS

REPORT DATE: APRIL 16, 2020.

MEETING DATE: APRIL 21, 2020.

FROM: PLANNING DIRECTOR.

Project: Town Ordinance with Proposed Revisions to the Town of Silverton Municipal Code Regarding Accessory Dwelling Units (ADUs).

Attached is a Draft Town of Silverton Ordinance 2020-03, regarding proposed revisions to the Town's Accessory Dwelling Unit (ADU) regulations.

The proposed revisions have been developed by the Town/County Planning Department, in conjunction with the newly created Town Code Committee. The Code Committee has been meeting weekly to review proposed Town Code revisions. The Code Committee consists of the Planning Director, Building Inspector, and Town Administrator.

The existing, adopted ADU regulations can be viewed on the Town of Silverton governmental website. The adopted Town ADU regulations are available under the website tab called "Ordinances." The adopted Town ADU regulations can be found under 2017 Ordinances, specifically Ordinance 2017-03.

The main proposed revision to the Town ADU regulations is the following:

Currently, the adopted Town ADU regulations are written and interpreted such that, to convert an existing structure or shed into a permitted, livable ADU, the existing structure must be "historic," where historic is defined as "meeting the requirements for listing in the National Register of Historic Places or as being a contributing element to a National Register District." The proposed regulations allow for existing structures to be converted into ADUs, on a case-by-case basis, even if the existing structure is not determined to be "historic."

Several sections of the existing ADU regulations are proposed to be deleted altogether. Those sections include overly-specific and conflicting requirements, such as those which describe when lofts and basements can and cannot be utilized as part of the ADU. Those paragraphs have generally been replaced with noting that all proposed ADU applications will be reviewed on a "case-by-case basis."

The intent of the proposed revisions to the ADU regulations is to allow for more low-impact infill within the Town proper, using private homeowner dollars to construct ADUs to address a public community issue, stemming from a consistent lack of rental, employee, and seasonal housing, by permitting ADUs in a safe and acceptable manner. The seasonal employee housing here is increasingly being served by RVs sprinkled throughout Town, allowed each summer through a repeat "emergency" Town Ordinance. Likewise, the prospect of job creation in Silverton is being stymied by a lack of housing units for potential employers and employees. If we want to attract outdoor rec and light manufacturing businesses to relocate here and provide jobs, those employers may decide to look elsewhere when they discover Silverton's lack of rental/employee housing. The lowest impact

STAFF REPORT FOR PLANNING COMMISSION, TOWN ADU REGS, APRIL 16, 2020.

way to increase housing in Silverton is by utilizing existing infrastructure (water mains, sewer mains, and roads), rather than extending infrastructure, which would increase the maintenance burden on Public Works.

Encouraging the conversion of existing structures into ADUs will make units more affordable to construct, use less natural resources and building materials, while not reducing permeable land and solar access like new structures would.

The ADU regulations as proposed, may serve to open up more opportunities for our existing homeowners to create safe, livable, and creative rental spaces, using the infrastructure and structures we already have in place. Currently we only have one ADU constructed since the ADU Ordinance was adopted in 2017. Most would-be ADU applicants that I have met with since June 2019, would require several variances, due to restrictions and conflicting requirements in the current ADU regulations.

Please feel free to contact me by phone or email, if you would like to discuss the proposed changes prior to the April 21 Planning Commission meeting.

Thank you, Lisa Adair PE
Town County Planning Director
Work cell (970) 946-9408
Home email: mackie@gobrainstorm.net
Home landline (970) 387-0500

Town of Silverton Colorado, Ordinance 2020-03, Regarding Accessory Dwelling Units (ADUs)



Town of
Silverton

ORDINANCE 2020-03

(Draft for Planning Commission Review, LMA, 4/16/20)

AN ORDINANCE REVISING MUNICIPAL REGULATIONS CONCERNING
THE PLACEMENT AND CONSTRUCTION OF **ACCESSORY DWELLING UNITS**
FOR RESIDENTAL HOUSING NEEDS

WHEREAS, pursuant to the authority conferred via C.R.S. Section 31-23-301, the Town of Silverton through its Board of Trustees (“Town”), is empowered to regulate and restrict the use of buildings, structures and land for use as residential or other purposes within its statutory jurisdiction, so long as such restraints are determined necessary to promote the general health, safety and welfare of the community; and

WHEREAS, through such authority, the Town has held that the use of **Accessory Dwelling Units (ADUs)** for long-term tenancy to address the Town’s housing needs, may be permitted after approval has been granted through an established “Use Subject to Review” application process; and

WHEREAS, the Town has witnessed an increased interest by property owners in constructing new ADUs, and remodeling existing structures to provide ADUs;

WHEREAS, the Town Board has acknowledged the growing need and community requirements to provide affordable, long-term housing for the elderly, local workers, and extended family; and

WHEREAS, the Town Staff has provided recommendations on these regulations to the Planning Commission, who has reviewed and considered the potential effects of ADUs on the community, and found allowing ADUs to be beneficial to the Town’s economy to address housing needs, and that allowing ADUs promotes general health, safety and welfare of the community, while preserving the historic character and scale of Town; and

WHEREAS, The Town Board has held public hearings and required readings on this Ordinance on the following dates:

First Reading Date: _____

Second Reading Date: _____

Adoption Date: _____

Publication Date: _____

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO:

A. Purpose: For the Town of Silverton to adopt a policy that promotes and encourages the creation of legal ADUs, to increase available long-term housing, while minimizing any increase

Town of Silverton Colorado, Ordinance 2020-03, Regarding Accessory Dwelling Units (ADUs)

in infrastructure maintenance, and while retaining existing neighborhood character.

B. Definitions: “Accessory” means that an ADU is subordinate to and smaller than the primary structure on the same parcel, and ADU is the general term for an accessory dwelling, including but not limited to, carriage house, miner’s cabin, granny flat, and shed. An ADU provides complete independent living facilities for a limited number of persons. It shall include permanent provisions for living, cooking, eating, sleeping, heating, lighting, electric, water, and sanitation, on the same parcel as the primary structure. The ADU shall meet all requirements as a habitable residence, per provisions of the currently adopted building codes, and all other applicable ordinances, and it shall receive a Certificate of Occupancy prior to becoming a legal ADU. Applications for ADUs will be reviewed and may or may not be permitted, on a case by case basis.

C. Review Process: ADUs require a Town Use Subject to Review Application, which shall first be reviewed by the Town Staff for completeness and compliance with the applicable regulations. A Site Plan, Utility Plan, Building Plans, and a text description of the project shall be submitted by the Applicant, along with the Town Use Subject to Review Application form, and adopted fee. Additional copies and additional submittal items shall be submitted as required by the Town Staff, to adequately evaluate the project. Property owners within 300 feet of the proposed ADU parcel’s exterior boundaries shall be notified by mail by the Town Staff, using pre-stamped pre-addressed envelopes submitted by the Applicant. Once determined to be complete, the application shall be reviewed by the Planning Commission, with their recommendation and any conditions of approval, forwarded to the Town Board. If an ADU application complies with all regulations, and there are no neighborhood compatibility concerns, then the Town Staff may exempt the ADU application from Planning Commission and Town Board review. The Town Staff shall schedule a Public Hearing for the Town Board to approve with conditions, table, or deny the application. Public notice shall be given a minimum of ten days in advance of the public hearing by publication. Any ADU application that does not fully comply with all provisions of the Ordinance shall automatically be subject to review by the Planning Commission and Town Board. Interpretation of and final decisions regarding these regulations shall be as determined by the Town Board, with any subsequent appeals to be heard by the Town of Silverton Board of Adjustment.

D. Occupancy: The maximum number of persons occupying an ADU shall be based upon the latest adopted building code, per square footage occupancy calculations. ADUs from 400 to 700 square feet are allowed an occupancy of up to 3 persons. ADUs that are 400 square feet or less are allowed up to 2 persons, with exiting and fire protective measures and/or upgrades as required by the Building Inspector.

E. Density: ADUs are not a unit of density; they are an accessory use in conjunction with a primary structure. A legally-conforming parcel may be permitted for one ADU. A request for an ADU on an existing non-conforming parcel, or the application for more than one ADU on a parcel, will be reviewed on a case by case basis.

F. Lot Size: Minimum parcel size shall conform to the zoning district requirements. Proposed ADUs on parcels which do not meet the required minimum parcel size, shall be reviewed on a

Town of Silverton Colorado, Ordinance 2020-03, Regarding Accessory Dwelling Units (ADUs)

case by case basis, and require review by the Planning Commission and approval by the Town Board.

G. Setbacks: Side lot line setbacks and rear lot line setbacks shall conform to the zoning district minimum requirements. ADUs shall be located in a subordinate location on the parcel, in relation to the primary structure. ADUs that are to be newly constructed shall comply with all required setbacks. ADUs proposed in existing structures are not required to meet the setback requirements; however, when reasonably feasible, as determined by the Town Staff, the non-conforming alley setback shall be increased. ADUs shall be located a minimum of ten feet from any existing or proposed propane tank(s). Additions to existing structures being converted to ADUs shall conform with the current minimum setback requirements. The final decision on any determinations, interpretations, and exemptions shall be decided by the Town Board.

H. Unit Types: ADUs shall be detached from the primary structure. ADUs may be located in conjunction with an existing garage and/or accessory outbuilding. ADUs contained within a primary structure are not permitted. ADUs shall not be attached to the primary structure; however, an existing structure, which is already physically attached to the exterior of the primary structure, may be converted into an ADU, after being reviewed by the Planning Commission, and if approved by the Town Board.

I. ADU in Existing Structure: An ADU that is to be located within an existing structure may require foundation improvements to accommodate the adaptive reuse and conversion into an ADU. This foundation work typically includes footings and foundation walls for a crawl space or a basement. The footprint of the foundation work shall not exceed the footprint of the existing structure above, where the lot line setbacks are non-compliant. If the work requires the temporary moving of the existing structure, it may be placed back into the same historic location and elevation upon the completion of work. However, if the non-compliant setback from the alley can feasibly be increased, then the structure shall be re-placed to cause the maximum compliance with the current minimum setback requirements. The requirements and interpretation of these provisions, and the site specific feasibility thereof, shall be as determined by the Town Staff. ADUs proposed in existing structures are not limited by minimum square foot limits; however, every ADU shall meet all applicable adopted building codes. The occupied spaces of an ADU shall be limited to 700 square feet. If a basement area is to be occupied for living, kitchen, bath, sleeping, the occupied spaces shall meet all IBC requirements, for exiting, emergency egress and rescue, along with snow diversion requirements. Non-occupied areas of a basement, partial basement or crawl space may be utilized for the storage needs of the ADU occupant(s), and as a mechanical room. All construction of ADUs in existing structures exceeding 50 years in age shall comply with historic preservation standards, whenever feasible, to retain the historic integrity of the structure and neighborhood; said requirements shall be as determined by the Town Staff.

J. Unit Size – New Structures: ADUs to be located in a new structure shall contain a minimum of 300 square feet, and a maximum of 700 square feet, measured from the ADU interior perimeter footprint. ADUs constructed above detached garages shall have a minimum of 300 square feet and a maximum of 700 square feet of usable floor area, as defined by the currently adopted building codes.

Town of Silverton Colorado, Ordinance 2020-03, Regarding Accessory Dwelling Units (ADUs)

K. Height & Width: ADUs shall be one-story, as measured from the ground surface, except if specifically approved to be multi-story, per review by the Planning Commission and approval by the Town Board. ADUs shall comply with the zoning district maximum height requirements. Height and width requirements are also subject to review and modification per other applicable requirements, as determined by the Town Board.

L. Orientation and Privacy: ADUs shall be oriented and designed in a manner that maintains the privacy of the occupants on adjacent properties, as determined by a site visit and site-specific conditions, including but not limited to building heights, solar access, locations of doors, windows and outdoor spaces, walls, fences and landscape screening. ADU applications shall depict and propose methods to minimize privacy impacts to adjacent properties.

M. Design Standards: ADUs shall be designed to be compatible with the architectural character of the primary structure, neighboring structures, and nearby historic structures. Decorative features, details, ornamentation, and accessory components shall maintain architectural character, neighborhood context, and historic preservation compatibility.

N. Access: ADUs shall have an individual exterior entry, with direct pedestrian access to a public right-of-way. Provisions for maintaining safe exiting from the ADU and to the public right-of-way way during all weather conditions shall be addressed.

O. Parking: ADUs shall have no off-street parking requirements. The applicant shall note the availability of two on-street parking spaces that are adjacent to the parcel, with the intent of protecting parking availability for neighboring properties. No posting of reserved parking for the ADU or the primary structure is allowed.

P. Utilities, Billing and ADU Address: ADUs shall have separate and independent billing for sewer, water, and refuse services, unless exempted from this requirement by the Director of Public Works. Electricity, heat, phone, internet, and other utility services shall be designed so as to allow for the continued use of the primary residence and/or the ADU when one is not occupied, as well as meeting the requirements of the service provider. Addresses for ADUs shall be the same as the primary residence plus one-half, or shall be assigned a number by the tap location method, as determined by the Director of Public Works and Building Inspector. Existing site and utility conditions may permit the joint usage of the primary structure's water and/or sewer service lines to serve the ADU, if approved by the Director of Public Works and Building Inspector. In such circumstances, independent metering, accessible shutoff, and lock out of water service for the ADU shall be installed. Applicable service fees for water, sewer, and refuse shall still apply to the ADU in this circumstance.

Q. Ownership and Use: The primary structure and ADU shall remain on one parcel with a single ownership. Parcels with ADUs shall not be subdivided. Owners may occupy either the primary structure or the ADU. Neither the primary structure nor the ADU shall be used as a vacation rental. Both dwellings cannot be rented simultaneously, unless specifically approved by the Town Board.

R. Leases: ADUs are intended to provide rental housing opportunities for working residents,

Town of Silverton Colorado, Ordinance 2020-03, Regarding Accessory Dwelling Units (ADUs)

seasonal workers, emergency service volunteers, or senior citizens, and shall have a minimum lease duration of at least three months per tenancy.

S. Severability Clause: If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, held to be invalid or unconstitutional, or its clarity of definition and interpretation of such questioned, such decision shall not affect the validity of the remaining portion of this ordinance, and the remainder of this ordinance will remain in force and effect. Definitions contained within this ordinance shall be interpreted and understood as those terms and uses commonly understood within the public realm.

INTRODUCED, APPROVED ON FIRST READING AND ORDERED PUBLISHED ONCE IN FULL on this _____ day of _____, 2020.

INTRODUCED AND ADOPTED ON SECOND READING on this _____ day of _____, 2020.

TOWN OF SILVERTON, COLORADO:

Mayor, Signature

Mayor, Print Name

ATTEST: _____
Kelli Fries, Town Clerk

STAFF REPORT FOR THE PLANNING COMMISSION
LIME CREEK ROAD TINY HOME RV PARK

REPORT DATE: APRIL 16, 2020.
MEETING DATE: APRIL 21, 2020.
FROM: PLANNING DIRECTOR.

Project: Proposed “Tiny Home” RV Park, Lime Creek Road, San Juan County, CO.

Application Type: Combined Preliminary-Final Plan for a San Juan County Improvement Permit Application.

Applicant: Blake Campbell. The applicant is the project site property buyer.

Owner: Nancy and Tom Dooley. The current property owners are selling the project site property.

Project Site Address: 1208 Lime Creek Road in San Juan County, CO.

Current Site Use: Vacant land, with an old log cabin.

Location: The project site is surrounded by a hairpin curve on Lime Creek Road. North of the project site is the Know Your Neighbor Subdivision. South of the project site is Forest Service public land, with a gravel quarry, and an unofficial RV/tent campground.

Proposed Improvements: This project is classified as a “Proposed RV Park” according to the County Land Use Regulations. The project includes 9 proposed units. The 9 units include: 6 proposed “tiny homes” on wheels (classified as RVs), 2 proposed mini-cabins, and there is one existing old cabin on the site, which could be renovated. Also proposed are: utilities and driveway improvements. The “tiny homes” on wheels, and the two mini-cabins are going to be rented as lodging, using Air B&B, on a nightly/weekly basis. The project will operate like an RV Park.

Permit Process: This project requires a San Juan County Improvement Permit. The application process includes three steps: Sketch Plan, Preliminary Plan, Final Plan. The Planning Commission reviewed the Sketch Plan on February 18, and recommended Denial. The County Commissioners held a legally-noticed Public Hearing on March 11, and approved a revised Sketch Plan, with Conditions of Approval.

Submittal: The 300 page Combined Preliminary-Final Application was received electronically on March 31. The Applicant mailed 15 paper copies (of a 70 page, abbreviated version of the application) to Silverton. 1 paper copy of the abbreviated application is **attached** for your review. I will provide you with the link to the 300 page, full submittal by email.

Access: The project site has legal access on Lime Creek Road (CR 1), and the project site has an existing driveway. Lime Creek Road used to be a State Highway, and the County Road easement width is at least 60 feet. The Applicant has offered to relocate the driveway to address adjacent land owner concerns.

Acreage: The Project Surveyor recently clarified in writing that the site acreage is approximately 5.75 acres.

STAFF REPORT FOR PLANNING COMMISSION, LIME CREEK ROAD TINY HOME RV PARK, 4/16/20.

Avalanche: The project site is not within a mapped avalanche zone, according to the adopted County avalanche hazard maps.

Geohazards: The project site is mapped on the adopted County geohazards map as CST and CSM. Colluvial mean gravity-deposited, CST is “colluvial slope thick,” and CSM is “colluvial slope moderate.”

Site Plan: The latest Site Plan shows 6 proposed “tiny home” RV spots, and 3 proposed mini-cabins. However, the Site Plan approved by the County Commissioners in March included only 2 proposed mini-cabins. The Site Plan originally reviewed by the Planning Commission included up to 17 units/camping spots, which was recommended for denial. Between the Planning Commission review and the County Commissioner review, the number of proposed units was cut in half. There is an existing old one-room cabin on this site, with no bathroom, which the Assessor classifies as “non-livable.” Depending on the proposed use of the existing cabin, the project currently includes a total of either 9 or 10 dwelling units. The total number of proposed dwelling units needs to be clarified. The project includes 6 “tiny homes” on wheels. The acceptable number of proposed mini-cabins should be discussed and determined as either 2 or 3. The proposed use of the existing old “non-livable” cabin should be clarified. It may or may not be renovated, occupied, and/or used as a storage shed.

Water: The Applicant submitted a draft surface water rights filing, to draw water from Mill Creek. The Applicant proposes to draw water from Mill Creek upstream of the project site (on a property his family owns). If current access easement deeds and utility easements do not permit that, then the Applicant proposes to draw water from Mill Creek on-site. The Applicant has been in contact with the Water Commissioner and Water Court processing his surface water rights application. Adequate water is required as a condition of this County Improvement Permit.

Sewer: The Applicant has submitted “engineered” septic system design plans and data. Septic profile test pits (required by the State and Health Department) were completed at the site in March. Final approval of the septic system is required as a condition of this County Improvement Permit.

Electric: Proposed underground electric will be provided by tying into the nearby existing La Plata Electric Association (LPEA) electric line. The Applicant is also investigating proposed alternate power (solar, hydro, 12V) instead of using LPEA electric, if alternate power would be acceptable to the County.

Phone & DSL: The Applicant is proposing to tie in to the nearby existing phone and DSL lines.

Propane: Propane in portable tanks is mentioned in the Application.

Woodstove(s): Woodstoves are proposed, which shall meet the requirements of the County Land Use Regulations. Some permanent campfire pits are also being reviewed by the Durango Fire Department.

Lighting: Exterior lighting is proposed, and shall meet the requirements of the existing County Land Use “dark sky” regulations, including but not limited to automatic shut off lighting.

Trash: The County’s RV Park regulations require a “bear proof” refuse storage system.

Elevation: The elevation at the project site is below 9,000 feet.

Structure Style(s): The proposed style of the structure(s) would be 6 variable “tiny homes” on wheels. There are also 2 to 3 wooden mini-cabins proposed. There is an existing old (natural brown) log cabin on this site. All building materials shall comply with the County regulations, including non reflective building materials, limited glazing, and natural colors (such as browns and greens) which will blend with the site vegetation.

Structure Height: The heights of the proposed structural improvements are relatively short, and are not anticipated to exceed the County’s typical guideline of 35 feet maximum structural height.

Historical Structures: The Applicant included research within the submittal regarding the history of the parcel and the existing cabin. The parcel was created by signature of Roosevelt. The cabin was constructed around 1950, as a temporary shelter for the Hotter family’s transient cattle drivers.

Wetlands: It is likely that this site has some wetlands along the on-site Mill Creek, also alongside Lime Creek Road, especially at any road culverts. Due to snow cover, the exact location of any on-site wetlands is unknown. It is likely the project site can be developed without impacting wetlands. The Applicant has applied for an Army Corps of Engineers wetlands jurisdictional determination. That Army Corps clearance is a Condition of the County permit approval, along with obtaining any other required State and Federal permits. The proposed Condition of Approval for this project requires Army Corps written approval, prior to any grading.

Survey: There is a 2006 stamped Survey Plat for this site, prepared by Licensed Surveyor John Mower of Mountain Man Surveying of Durango. Mountain Man Surveying recently provided written clarification of the acreage, approximately 5.75 acres. The survey shall be updated and filed at the Courthouse, to clarify the property boundary in relation to Lime Creek Road, clarify the conflicting Deed Legal Description, and formally dedicate the County Road easement of at least 60 feet.

Visual Impact: The proposed structures are located in the existing vegetation. The County has regulations regarding visibility of structures, as viewed from County Roads and public trails. Screening is proposed for this project, including adding to the existing vegetation on site, by planting evergreen and native vegetation, to reduce the view of any visible structures, as viewed from Lime Creek Road. Location of screening is TBD by County staff after snowmelt, based on actual visibility of the proposed structures from Lime Creek Road observed during construction.

Building Envelope: The proposed “tiny home” RV spots are shown on the Site Plan. The County regulations require that each RV spot requires a minimum of 2500 square feet, with a minimum of 20 feet between RVs, and this project appears to comply with that. Structures are required to meet the minimum County setbacks from the exterior property boundaries, which would be 30 feet adjacent to private lands, and 20 feet adjacent to public lands. This site is bordered by both public and private lands. The County “Setback” definition describes that within the 20 to 30 feet wide setback areas, the land should be “unobstructed and unoccupied.” There shall be no “tiny homes” on wheels (RVs) nor permanent structures within 30 feet of the property lines where the neighboring parcel is privately owned.

Road Closures/Plowing: The County has a contractor plow Lime Creek Road, and this site is at the end of the plowed section of Lime Creek Road. Wintertime access by vehicle would therefore be from Highway 550 at Cascade Curve. Summer access would be in both directions on Lime Creek Road, which connects to Highway 550 in two places.

Zoning: The site is zoned Rural Residential, which permits for all uses including residential and commercial as Uses Subject to Review. The “Intent” of the Rural Residential zone is Residential. The County Land Use Regulations state that commercial uses may be permitted in the Rural Residential zone, as a Use Subject to Review. The acreage required to develop in Rural Residential is 5 acres, with a density of 1 unit per parcel. The site is bordered by Know Your Neighbor, which is zoned Urban Residential. The KYN Tracts are smaller in acreage than the project site. The land south of the project site is unzoned public land administered by the Forest Service

RV Parks: The RV Park regulations appear to be met by the proposed development, with two exceptions. A bathhouse is required (“public toilets, sinks, and showers”); the Applicant is not proposing a bathhouse/communal bathrooms (but has agreed to build that if required). The RV Park regulations note that an RV must not be parked on site longer than 6 months; the Applicant would prefer the “tiny homes” to remain in place year-round. The Applicant has offered that he can comply with the 6 month limit, if required by the County. The County Commissioners in March suggested that these two requirements (the communal bathroom facility, and the 6 month limit) should be discussed at the April Planning Commission meeting. In order to reduce or avoid RV traffic issues on Lime Creek Road, which was an adjacent land owner concern, the County Commissioners specified that the project should not accept guest-owned RVs. They discussed the rental of applicant-owned “tiny homes” which would remain in place. They requested further discussion of these two requirements by the Planning Commission.

Economic Development Corridor: The site is within the County’s Economic Development Corridor, as shown on the two pages of the Master Plan which were previously provided to you. The Development Corridors are areas selected by the County along our best maintained roads, where development is to be encouraged, when compared to development on difficult to access, remote, backcountry mining claims.

Master Plan: The Master Plan states “Economic corridors are suitable for residential, light industrial, and flexible commercial uses.” This project appears to comply with the Master Plan.

Emergency Services: The project site is alongside one of our more accessible and plowed County Roads. The standard County caveat “emergency services may not be available in a timely manner and may not be available at all” could apply to this site at times. The Durango area emergency services would be likely to reach this site first, before San Juan County emergency services. The Applicant has been working with Fire Chief Karola Hanks in Durango, regarding this project. Final written approval would be needed for this project from the Durango area emergency services, as a condition of County approval.

Defensible Space and Fire Hazard: The County Regulations require “Colorado Fire Wise” fire mitigation, including the creation of “defensible space.” The Applicant shall continue to work with a local fire mitigation specialist to evaluate the presence of any beetle kill, to advise the Applicant during design, on clearing of any beetle kill, clearing of excess vegetation for fire safety, overall reduction of fire hazards, and for fire suppression and site layout.

Season of Use: The Applicant is proposing the option of a year round use of the proposed RV Park.

Adjacent Land Owners: Adjacent landowners were notified of this project upon receipt of the Sketch Plan Application. Adjacent land owners wrote emails and letters, mostly opposed to this project. The adjacent land owner notification letter and the written comments received from neighbors were previously provided to you. Three adjacent land owners, who own lots in the nearby Know Your Neighbor

STAFF REPORT FOR PLANNING COMMISSION, LIME CREEK ROAD TINY HOME RV PARK, 4/16/20.

Subdivision are keeping track of this project (with me through email), and they plan to “call in” for the April Planning Commission meeting. Three **attached** emails were received today, stating opposition.

Trails: There are no known trails on the project site. Any on-site trails would require a continuation of public access.

County Road & Bridge Department Comments: I haven’t received any comments from the County Road and Bridge Department on the form and application binder provided to them. As a condition of approval, the forthcoming County Road and Bridge requirements shall be followed. That may possibly include currently unknown driveway specifications near Lime Creek Road, culvert repair, etc. The Road and Bridge requirements, in my experience, have never been unreasonable or cost prohibitive.

Actions: The Planning Commission is reviewing the Sketch Plan Application, for an Improvement Permit, for a proposed “Tiny Home” RV Park on Lime Creek Road. There are three options:

- (1) Recommend Preliminary-Final Plan **approval** with “conditions of approval.”
- (2) Recommend Preliminary-Final Plan **denial**, noting a County regulation with which the project does not comply, as the proposed reason to recommend denial.
- (3) “**Table**” the project, because the Planning Commission needs certain additional information, studies, or documents, before a decision can be made.

Recommendations: The Staff recommendation is that the Preliminary-Final Plan project can be recommended for approval with conditions. A reason for recommending approval is that **the project complies with the Master Plan and the County’s stated intent of the Economic Development Corridors**. If the Planning Commission determines that the Preliminary-Final Plan is acceptable, there are proposed Conditions of Approval listed below for your consideration.

The Planning Commission may decide to recommend that the Preliminary-Final Plan should be denied. If denial is recommended, then the possible reasons for denial may be the following:

The “Intent” of the Rural Residential District is Residential. The County Land Use Regulations states “*The intent of the Rural Residential Zoning District is to allow single-family residential use on larger tracts of rural land...*”

The neighbors are opposed, and the proposed RV Park can be considered incompatible with the surrounding land use, which is mostly single-family residential; therefore the County may determine that the **anticipated “adverse impacts”** to the surrounding lands are too significant to be able to approve this project.

The Density (specified in the County regulations) for the Rural Residential Zoning District is 1 unit/parcel, with the Minimum parcel or lot area of five acres.

The Planning Commission may table this project, or recommend that the County Commissioners approve or deny this Preliminary-Final Plan.

Possible reasons that the Planning Commission may recommend approval with conditions of the Preliminary-Final Plan with Conditions are the following:

The site is within the County's Development Corridor. That is the corridor set aside where "flexible commercial" uses can be permitted. The Lime Creek Road area, this site, and the Know Your Neighbor Subdivision, are specifically noted as being within the Development Corridor.

In all three of the County's Zoning Districts (Mountain Zone, Rural Residential Zone, and Urban Residential Zone), the stated "Intent" is Residential. At the previous Planning Commission meeting, it was noted that there is nowhere in the County where the "Intent" is specified as Commercial. That indicates that the suitability of a specific project site for a proposed Commercial use anywhere in San Juan County can only be approved as a Use Subject to Review, on a case-by-case basis.

The Applicant has recently reduced the proposed RV/tiny home units by about half, revised the layout to move units further from neighbors, offered to relocate or loop the driveway, and added more screening using proposed planting of trees/vegetation.

Commercial uses "*may be permitted*" within the Rural Residential Zoning District, as Uses Subject to Review.

There is existing RV and tent camping adjacent to this site, on public lands, which appears to be unregulated, and to not have any septic system facilities; therefore this RV Park could possibly create an overall positive local water quality and/or environmental impact.

If the Planning Commission decides to recommend approval of this Preliminary-Final Plan, here are updated **Conditions of Approval** for you to consider. Conditions **10, 13, 23, and 24** have options that should be discussed and resolved by the Planning Commission and County Commissioners.

1. If the site is found to contain less than **5.0 acres**, the acreage shall cause the project to return to the Board of County Commissioners for re-consideration.
2. An **Amended Survey Plat**, showing the property boundaries, County Road 1, and County Road easement, and a Deed with Corrected Legal Description, prepared by a Licensed Surveyor, shall be prepared and filed, before the commencement of any grading.
3. Any portion of the **County Road right-of-way** easement existing on the project site shall be depicted on the Survey Plat, with the correct easement width, as determined through research by a Licensed Surveyor, using CDOT files, and to the approval of the County Surveyor and County Road & Bridge Department. A minimum right-of-way width of sixty feet is to be depicted, along any portion of Lime Creek Road which exists on the property, with a minimum of thirty feet on either side of the existing driving surface centerline.
4. **Screening** shall be required for this project, to lessen anticipated impacts to the public as viewed from County Road 1, Lime Creek Road. The screening shall be in accordance with the County regulations, and determined by County staff during a site visit. Screening shall consist mainly of evergreens to provide year round coverage as viewed from Lime Creek Road. Additional screening shall be required, TBD by County staff during a site visit, to lessen the anticipated visual impact from Know Your Neighbor Tracts. If the Applicant does not agree with proposed screening, TBD by County staff during site visit, then the Applicant can have the proposed screening reconsidered at a regular meeting of the Board of County Commissioners. Screening can include a combination of dark brown/green

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wooden fencing, evergreens, and native deciduous vegetation. The locations of structures shall be selected to create the least visual impact as viewed from Lime Creek Road and from adjacent cabin(s)/building envelopes.

5. All **State and Federal** permits and regulations are required as a condition of this County permit, including but not limited to: NPDES/CDPHE stormwater permits, Army Corps of Engineers wetlands permitting, OSHA, Utility Notification Center of Colorado. All required State and Federal permits shall be obtained prior to commencement of the work. If regulations differ then the most stringent shall apply. Failure to comply with State and Federal regulations shall void this County permit.
6. The Applicant is required to obtain written approval of the project from **Durango Fire** and Rescue prior to any grading.
7. Proposed **utilities** shall be as shown on the Preliminary-Final Plans. Any changes to the proposed utility layout shall be shown on a revised Utility Plan and resubmitted to the County prior to grading. Any changes to the proposed improvements shown on the Site Plan or Utility Plan deemed significant, as determined by the County Administrator, shall require further review by the Board of County Commissioners.
8. Written approval of the **septic** system design from the San Juan Basin Health Department is required as a condition of the County Improvement Permit. No grading, utility, or construction work shall commence prior to obtaining the written approval of the proposed septic system.
9. **Water rights** shall be completed with the Water Court. Any changes to the proposed water system layout shall be submitted to the County, and if deemed significant shall require further review by the Board of County Commissioners.
10. Approval of this Improvement Permit allows for: up to 6 RV spots (occupied by “tiny homes” on wheels), up to **2 or 3** proposed mini-cabins, and renovation of the existing cabin. Any additional proposed outbuildings, sheds, enclosures, free standing solar panels, greenhouses, carports, garages, utility buildings, pump houses, above grade **structures**, requires amending and resubmittal of the Site Plan, and shall require further review by the Board of County Commissioners.
11. San Juan County requires **reseeding** of any disturbed soil ground surface with certified weed free native seed. The reseeding shall comply with the applicable San Juan County Zoning and Land Use Regulations.
12. San Juan County has “dark sky” **lighting** requirements. Any lighting associated with this proposed RV Park shall comply with the applicable San Juan County Zoning and Land Use Regulations.
13. Parking and **driveway** improvements shall be in accordance with recommendations of the County Road & Bridge Department. The main entrance **shall/shall not** be located at the existing driveway.
14. The project shall comply with all applicable San Juan County Zoning and Land Use **Regulations**. The violation of San Juan County Zoning and Land Use Regulations, any State or Federal regulations, shall cause this permit to be void. If requirements differ, the most stringent shall apply.

15. A wildfire mitigation consultant from the Durango area shall be used to create a defensible space and **fire mitigation** written and field-verbal recommendations, to reduce the overall hazards of a forest fire. The wildfire mitigation consultant shall work with the Applicant and the local fire authorities, to develop recommendations, which shall be installed/followed by the Applicant, on items including but not limited to: defensible space, dead standing/brush/tree thinning, placement/sizing of cistern(s), any fire sprinklers/alarms/suppression system, availability of water, placement of propane and combustibles, selection of heat, woodstoves, communal/guest campfire ring(s) if any, and fire resistant building materials.
16. On site **burning** of cut tree limbs and brush requires notification of the San Juan County Sheriff and Fire Departments prior to the controlled burn. Water and tools shall be readily available directly adjacent to the fire during any controlled burn and there shall be no unsupervised campfires or burn piles. The Sheriff and Fire Departments shall have the right to prevent the owner and contractor from burning, if weather conditions are expected to be dry or windy. Any proposed RV Park **campfire** area(s) shall be limited to permanent installations approved by the County Sheriff and Durango Fire and Rescue.
17. Immediately prior to tree clearing, grading, and foundation excavation occurring within 30 feet of any of the project site property lines, the property lines shall be roped off using **survey flagging** or caution tape, by a Licensed Surveyor. The flagging marking the closest property line shall be clearly understandable in the field, for measuring and to prevent the tree clearing/heavy equipment from trespassing onto any adjacent lands.
18. **Building materials** shall meet the requirements of the San Juan County Land Use regulations, including but not limited to natural colors, non-reflective natural materials, and limited glazing. The building material colors shall match the surrounding vegetation.
19. The Applicant hereby acknowledges that **emergency services** may not be available in a timely manner, and may not be available at all.
20. If the Final Plan for this Improvement Permit Application is approved by the Board of County Commissioners, the Applicant shall cause this List of Conditions of Approval to be signed by the Property Owner(s) in the presence of a **Notary** Public, and shall file this document at the San Juan County Colorado County Courthouse.
21. A bear proof trash solid waste storage system is required.
22. Any on-site existing trails shall remain open to public access.
23. A requested exemption to the guest toilets, showers, and sinks required in the County RV Park regulations is **approved/denied**.
24. A requested exemption to the six-month RV time limit, as described in the County RV Park regulations, is **approved/denied**.
25. The County **Historic** Impact Review Committee shall be provided by the Applicant with photos and general written information on historic structures and relics at and adjacent to the site. Historic

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Impact Review Committee shall visit the site, prior to any grading, to make written recommendations to which the Applicant shall comply.

26. Since the site appears to be located within the County's **Scenic Preservation** Overlay District, the standards for that District, described in County Zoning and Land Use Section 1-114, shall be used for the project design.

27. *Any additional conditions of approval the Planning Commissioners would like to add to this list.*

Lisa Adair PE
Town & County Planning Director
ladair@silverton.co.us

Proposed Lime Creek Road Tiny Home RV Park, 3 Adjacent Land Owner Emails Received on April 16, 2020

Dear Lisa

Please note that we are owners at 152 Mac Fire Tree Lane off Lime Creek Road and we are totally against this project as this is zoned for Residential – This would drastically change the reason all the homeowners bought in this area, for the peace and tranquility. There are Strict Regulations regarding the RVs
Most importantly is the Danger of a Fire allowing fire pits on the plans along with the increased pollutants to the Air Quality.

Lime Creek is very narrow and huge concerns when two cars are moving in the opposite direction, and this will increase the amount of cars on this small road.
The owners originally bought and built in a residential Zone, along with the RV site and that is how it should remain to protect the environment and homeowners.
I urge you to listen to the pleas of all the homeowners in the Lime Creek neighborhood and thank you for understanding our position

Please forward this onto all the Board Members

Thank you very much, Lisa and Nicolas Leighton, 152 Mac Fire Tree Lane

Dear Planning Commissioners and Ms. Adair:

Below is our response to the revised "Combined" Preliminary-Final Plan for the Lime Creek Tiny Home RV Park submitted by Blake Campbell. We have the following concerns about this proposed project:

IMPACT. The residents of KYN subdivision moved there for the tranquil, peaceful, pure air environment. There are several of us that live in the KYN Subdivision full time from May-November and regularly visit during the other months. The KYN subdivision sits in a bowl shaped topography and dust from the road and smoke hovers in place. **SMOKE POLLUTION** from campfires from proposed site will not dissipate but hover in this valley and be a constant pollution problem in our homes which sit DIRECTLY ABOVE this site. Also, campfires here are an incredible forest fire safety hazard. Please, drive past the proposed property towards Spud Lake for ¼ mile or so and you will see the standing deadwood and massive amount of deadwood on the ground. This is a disaster waiting to happen. Mr. Campbell will not be able to have multiple cameras on site to monitor. Internet service is poor in our area. We personally have 1 Nest webcam which has very spotty, low bandwidth quality performance.

NOISE IS MAGNIFIED. We can hear voices on Lime Creek Road from a distance of 1,000 feet or more from our home above. Nine structures full of people and 9+ motorized toys coming in and out of the proposed project are a **huge noise and dust impact**. We have a current problem in summer with toys and vehicles driving fast through the project site area of the Lime Creek Road hairpin curve.

HOME SECURITY is going to be an increased issue. Pedestrians will trespass through and motorized vehicles will be driving up in our private neighborhood from proposed project. The Sheriff Department does not patrol our neighborhood currently.

Our home overlooks proposed entrance of resort. **LIGHT POLLUTION** from headlights coming into and out of proposed property will shine directly into every window of our home. In Summer of 2018, Blake Campbell had 1 Tiny Home rental up Spud Cr. On Mill Creek Dr. property He listed check-in as late as 2 AM and renters frequently came up the road very late. Several were lost and sat down on Lime Creek road with their headlights shining into our home waiting for assistance. That same summer, large amounts of garbage accumulated at rental site. We had a noticeable bear problem as a result. THAT WAS JUST 1 TINY HOME RENTAL. All KYN residents currently haul out trash because of bear problems. Accumulation of trash will cause dangerous bear incidents.

We have spent thousands of dollars improving our property and doing fire mitigation. Our property value and marketability could take a huge hit. Resell might be difficult, if not impossible. No one wants to live in a smoke polluted neighborhood above a busy, noisy campground.

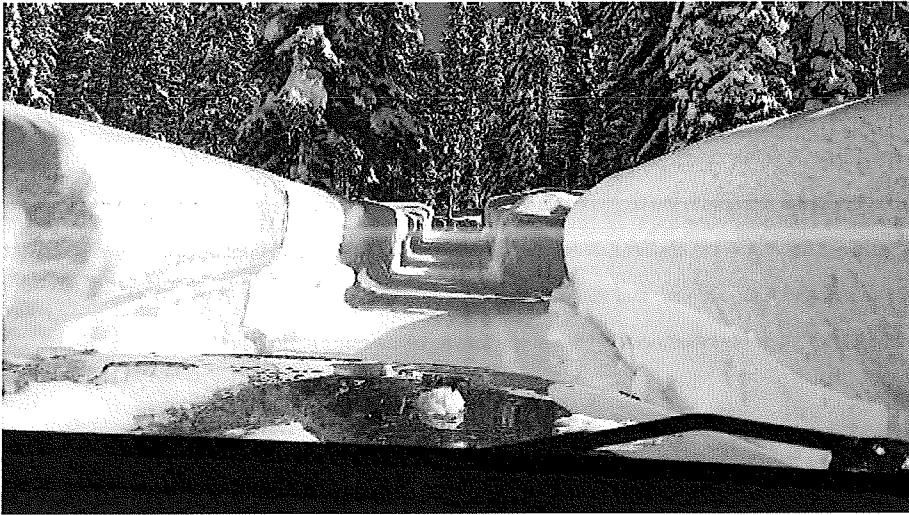
There is huge amount of standing dead trees on the project property. Any insurance company is going to require all brush/trees be cut within 30 to 100 ft of all structures. For example, State Farm requires CLEAR CUT within 100 feet of all structures. Post fire mitigation, there will be little or **NO VISUAL BUFFER** from road or neighbors. So take a look at all of those pretty Plan photos again and imagine them with very few trees after fire mitigation.

WATER. As far as using water from Mill Creek for projected property, during Summer 2018, water in Mill Creek was barely flowing and not enough water to maintain ONE cabin.

The attached Deed Easement document states Campbell's Mill Creek property can use KYN road only for the purposes of "to ingress and egress OVER said road to parcel". He cannot run a water line through the right of way without permission and we will not grant it.

WINTER ROAD MAINTENANCE. We get a large amount of snow in KYN subdivision in winter. Lime Creek is currently plowed after 6 inches or more of snow has fallen. Is the county going to pay at least double road maintenance costs for this project? There are constantly stuck vehicles on Lime Creek Road that require assistance during the winter months. We have noticed that on any given week in winter, there will be at least 2 separate incidents of stuck vehicles on Lime creek road (and that's just down near our home).

(continued on the following page)



Example of snowfall in KYN. Photo is Spud Cr at Lime Cr Rd.

MASTER PLAN. The Economic Development Corridor Clause for KYN subdivision as well as the project property zoning has come as a surprise to residents. KYN residents were not notified of the Economic Development Corridor blanket clause which apparently now covers our residential property zoning to allow this multi-unit commercial nightmare.

With the drop in KYN property values, the cost of winter road maintenance increasing substantially, and added cost for a Sheriff patrol, is there that much of an added value for San Juan County from this project?

We recommend denial of the proposed project.

Best Regards, Mindy and Martin Emery, 52 Spud Cr.

In regards to the proposed RV park on Ol' Lime Creek Road, we are totally against it.

The proposed site is zoned residential, not commercial, as is the subdivision Know Your Neighbor. Zoned single family dwelling.

The proposal calls for 2 large units to be built on site and 6 other rigs to be trailered in. Plus the original cabin. That 9 units on a lot zoned for 1. How would they be appraised for property tax purposes??

County regulations also state that a RV cannot be on site for more than 6 months in a year.

NO assumptions mentioned.

Several open firepits are also on the plans, which would create more air pollution in the valley.

Lime Creek Road is a one lane very narrow road. Locals accustomed to winter conditions have enough trouble on the road but renters with city tires will be a serious problem, getting stuck, blocking to road, and the steep edge that leads into the creek.

In the 40+ years living there I have pulled too many stuck vehicles out.

There is no septic tank shown on the plan. Sewage cannot go directly into the field.

Also stated that plans for water could come from their property ½ plus miles north of the proposed site. Line to be placed on KYN utility easement. They are not a utility company.

And to bury a line below frost line would be very expensive and a environmental issue.

I have been unable to get info on the Economic Development Corridor. If KYN is part of it we were never advised of it or what and where it.

The owners of KYN bought and built in a residential single family zone and that zoning should be honored. The proposed RV site is also Registered residential and should remain so.

Sincerely, Robert & Chrystal McCormack, 156 Macfiretree Ln, Lot 1 KYN