

- I. CALL TO ORDER

- II. ROLL CALL

- III. REVIEW AGENDA

- IV. CONSENT OF SEPTEMBER 12, 2017 MINUTES

- V. NEW BUSINESS
 - a. Manager Updates

- VI. ONGOING DISCUSSION
 - a. Tiny Home Recommendations/Discussion

- VII. ADJOURN

POSTED 10/5/17

**PLANNING & ZONING COMMISSION
CITY OF CREEDE, COLORADO - A TOWN
September 12, 2017**

REGULAR MEETING

The Planning and Zoning Commission of the City of Creede – a Town, County of Mineral, State of Colorado, met in the Creede Town Hall at the hour of 5:29 p.m. There being present at the call of the roll the following persons:

COMMISSIONERS PRESENT: Lauri Jordan, Ed Vita, Frank Freer, Amy Krueger, Jeffrey Larson
Commission Chair Jordan, presiding, declared a quorum present:
Those members of staff also present were as follows: Randi Snead, Town Clerk

AGENDA

Clerk Snead added “Public Hearing Procedures” to precede the public hearing. Commissioner Freer moved and Commissioner Larson seconded to approve the agenda as amended. The vote was unanimous. Commission Chair Jordan declared the motion carried.

CONSENT OF AUGUST 8, 2017 MINUTES

Commissioner Krueger moved and Commissioner Freer seconded to approve the August 8, 2017 minutes as presented. The vote was unanimous. Commission Chair Jordan declared the motion carried.

PUBLIC HEARING AND RELATED ACTIONS

PUBLIC HEARING PROCEDURES

Clerk Snead distributed material from DOLA and briefly described best practices for public hearings.

RECOMMENDATION VARIANCE FOR THE NORTH 35’ OF LOTS 6, 7, AND 8 IN BLOCK 6, SOUTH CREEDE

Commission Chair Jordan opened the public hearing. The applicant was requesting variance from the R-1 zone restrictions of minimum lot size, front yard setback, and rear yard setback in order to replace a single family residence on a non-conforming lot at 112 La Garita Avenue.

Property owners Sharon Vick and project manager Avery Augur were available, presented the variance application to the Commission, and answered questions from the Commission and the audience.

The following persons expressed their opposition for the application:

Scott Rickard
Jane McPherson
Beverly Larson
Steve Reed

The following persons expressed their support for the application:

Anne Pizel
Dale Pizel
Libby Lamb

The following persons made general comments regarding the property, the neighborhood, and procedure:

Stan Lentz
Scott Leggitt

Nick Lenzini

Written correspondence for and against the variance application was received and included in the packet for permanent record.

Commission Chair Jordan closed the public hearing. Commissioner Freer moved and Commissioner Krueger seconded to recommend the 112 La Garita Avenue variance as presented. There was two yes votes, one abstention (Larson), and one no vote (Vita). Commission Chair Jordan cast a "yes" tie breaker vote. Commission Chair Jordan declared the motion carried.

OLD BUSINESS

TINY HOMES

Tiny homes regulation was discussed at length. No specific recommendations were made, but direction was established for continuing the conversation at the October 10, 2017 meeting.

ADJOURN

There being no further business to come before the Planning and Zoning Commission at this time, Commissioner Krueger moved and Commissioner Vita seconded that the meeting be adjourned at 7:32 p.m. The vote was unanimous. Commission Chair Jordan declared the motion carried.

Respectfully submitted:

/Randi Snead/
Randi Snead, City Clerk/Treasurer

In last month's conversation, we identified the following issues moving forward:

1. The RV/Tent/pickup coach thing was still murky. See a possible strategy below. **Y/N**
 2. I noticed that part of the confusion from the maximum square footage issue was that the CDC regulates accessory *structures* just a little bit differently from accessory *dwelling units*. *To clarify, ADUs are considered a type of accessory structure, but not visa-versa. I removed, and replaced with "Accessory building size shall be compatible with setback and lot size restrictions" and so that also applies to ADUs, so I removed that maximum as well. **Y/N**
 3. **TWO BIG QUESTIONS AROSE FROM ADUs**, both on page 71. We talked about this one: "Recreational vehicles, travel trailers, and any other wheeled or transportable structure shall not be used as accessory dwelling units." Here's a way to allow this **IF WE WANT TO** (we do not have clear **BOT** direction on this): Replace with "Recreational vehicles may be used as accessory dwelling units if they are compliant with all accessory dwelling unit standards as a special review use" **OR** "Recreational vehicles may be used as accessory dwelling units if they are compliant with all accessory dwelling unit standards." Do we want to **NOT ALLOW RVs as ADU, ALLOW AS A SPECIAL REVIEW USE, OR ALLOW?**
 4. **The other, same page: Limit on Number.** There shall be no more than one (1) accessory dwelling unit on a lot in addition to the principal single-family dwelling.
 5. To be very clear about our insistence that WS is hooked up, I thought it would be a good idea add to accessory dwelling regs (vi) Accessory dwelling units must be connected to city water and sewer either on a separate tap or connected and accounted for via the primary residence's water and sewer connection. **Y/N**
 6. We still need to discuss the small issue on p. 80-81...if we remove the 72-hour rule, should we tighten up this mobile home thing on (4)? Define permanent, more than 24 hours, not at all? **Y/N?**
 7. I wanted to tentatively propose something else that occurred to me brainstorming as actual tiny home living could become a reality in Creede...should we require a certificate of occupancy from our building inspector? In processing this possibility, I thought I would check out Electric and Plumbing inspection possibilities for CO, since those are state. I found the attached. It sounds disheartening to what we are trying to do, but then I contacted a tiny home manufacturer and they obtain "RVIA" inspections on their homes just like any RV manufacturer. That is a pretty extensive plumbing, electrical, and road-worthiness inspection, and each of their models has a metal plaque from RVIA (see <http://www.rvia.org/?ESID=standards>). We could require RVs used as a residence to get a building permit (maybe we could just add an option), our inspector could go down, check that it has this plaque, make sure its habitable otherwise, and issue a CO. I've added a small "possible" section below the rv info below that would accommodate this if we are interested. **Y/N?**
 8. That's really it that I can think of. FYI once we've got it fine-tuned, we have to recommend the actual ordinance, which I can prepare for December, thereby giving us time to volley a final recommendation back to the board? We did need to clear up a few things with them: mobile homes, didn't get too much clarity on RVs as ADUs, and the minimum v. maximum ADU square footage. So, I've updated our prior recommendation and attached it. What do you think?
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Here's a strategy that might help us clear up the tent/pickup coach/rv issue. What if we restrict our CDC definition of Recreational Vehicles to only those which we would entertain allowing residential use in (basically RVs, travel trailers, and tiny homes which can hook up to WS) and add a category for those other camping categories which should be allowed in RV Parks? That way, the definition works for both the purposes of Article 6, RV Parks, as well as throughout the rest of the code, where its used more for allowing residential use?

So that in both places the following is used:

Recreational vehicle means a vehicular type unit primarily designed as temporary living quarters for residential, recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The following shall be considered a recreational vehicle (RV):

- (a) ~~Camping trailer. A canvas (or other type of material), folding vehicle of rigid construction, mounted on wheels and designed for travel and recreation.~~
- (b) *Motorized home, motor home and/or recreational bus or van.* A recreational vehicle consisting of a portable, temporary dwelling to be used for residential, travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which may be connected to water storage and sewage holding tanks located within the vehicle but also have the ability to connect to water and sewer systems outside the vehicle.
- (c) ~~Pickup coach. A vehicle designed to be mounted on or loaded into a truck chassis for use as a temporary dwelling for travel and recreation.~~
- (d) ~~Tent. Protective fabric erected to provide protection from the elements.~~
- (e) *Travel trailer.* A towable vehicle designed as a temporary dwelling for travel and recreation. dwelling to be used for residential, travel, recreation and vacation uses. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which may be connected to water storage and sewage holding tanks located within the trailer but also have the ability to connect to water and sewer systems outside the vehicle.
- (f) ~~Travel trailer, self-contained. A trailer which can operate independently of connections to sewer, water and electric systems. It contains a water flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.~~
- (g) *Tiny homes.* A dwelling to be used for residential, travel, recreation and vacation uses which is licensed as a recreational vehicle by the Colorado Department of Motor Vehicles. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which may be connected to water storage and sewage holding tanks located within the trailer but also have the ability to connect to water and sewer systems outside the vehicle.

And in Article 6 RV Parks we add:

Non-residential camping structure means a camping unit primarily designed as temporary living quarters for recreational, camping, or travel use. The following shall be considered a non-residential camping structure:

- (a) *Camping trailer.* A canvas (or other type of material), folding vehicle of rigid construction, mounted on wheels and designed for travel and recreation.
- (b) *Pickup coach.* A vehicle designed to be mounted on or loaded into a truck chassis for use as a temporary dwelling for travel and recreation.

- (c) *Tent.* Protective fabric erected to provide protection from the elements.
- (d) *Travel trailer.* A towable vehicle designed as a temporary dwelling for travel and recreation.
- (e) *Travel trailer, self-contained.* A trailer which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

Then we'll just need to adjust the definition of RV Parks as follows:

Recreational vehicle park means a parcel of land specifically developed for locating ~~only~~ recreational vehicles **and non-residential camping structures** on lots ~~on a short-term basis~~.

ADD CO REQUIREMENT TO RECREATIONAL VEHICLE DEFINITION???:

- (d) Residential use of recreational vehicles *in excess of 4 months?* requires a Certificate of Occupancy from the Creede Building Department. A Certificate of Occupancy will only be issued to safely inhabitable vehicles with a Recreational Vehicle Inspection Association plaque.

RECOMMENDATION

To: Board of Trustees
From: Planning Commission

Date: 10/10/17
Re: Tiny Homes

The Planning & Zoning Commission has developed the following recommendations (PZC2) to present to the Board of Trustees in response to the BOT's 8/15 response (BOT1) to PZC recommendation 1 (PZC1), approved by the PZC 10/10/17. PZC will fine-tune its technical legislative recommendations and formally recommend the ordinance authorizing them in November based on your input:

PZC1-That RV regulations be thoroughly overhauled in consideration of the State of Colorado classification of tiny homes as RVs.

BOT1-The Board of Trustees wanted statutory proof or other documentation of exactly how Colorado has "classified" tiny homes as RVs. Regardless, the Trustees were highly interested in changing the current RV restrictions to remove the 72-hour rule (but were not interested in extending the 24-hour on public roadway rule). In fact, they hoped to remove it at their September 5 meeting, but PH hearing restrictions prevented it. After discussing further, they opted for all changes to go through at once considering that the process is rather lengthy.

PZC2-We've tweaked the definition of RVs in the development code to restrict it to only those vehicles which could feasibly be used as a residence (trailer, motorhome, tiny home licensed as "recreational vehicle by the Colorado Department of Motor Vehicles," all of which must have bathroom facilities, shower facilities, and water and sewer capability. In order to maintain use of lesser permitted camping structures such as tents in RV Parks, we added a "non-residential camping structure" definition to that section. This accomplishes clarification of the use of RVs as a residence.

Additionally, we removed the 72-hour rule and made some clarifications in that section.

PZC1-That RV-type tiny homes are allowed in R1, R2, and MH as a permitted use and B1 and B2 as a special review use*.

BOT1-Instructed to proceed.

PZC2-We've identified the necessary legislative changes to accomplish this. To be more clear, recreational vehicles (see above) are allowed on vacant lots only, of course with MH "vacant lots" being a vacant trailer lot. We've also added that they can be used as an Accessory Dwelling Unit *if* they comply with ADU regs (setbacks, water and sewer, etc) and get a special review use.

PZC1-That minimum square footage of all permanent-foundation homes and all accessory dwelling units in all zones be reduced to 400 square feet (for reference, approx. 20' x 20' home). Smaller square footage homes may be considered by special review use.

BOT1-Did not support for primary residence. Directed us to keep the existing minimum square footage for each zone. Fully supported accessory dwelling unit use and recommended reducing the minimum square footage down to 250sf.

PZC2 – Fine-tuned ADU requirements and added them as a special review use in B-2 (previously not permitted). Two specific questions came up: One, there actually isn't an existing minimum allowable square footage for ADUs. There was a maximum, and we

discussed making it consistent (it wasn't), but for both considerations, that size is highly dependent on individual lots and setbacks. To that end, we thought it best to not specify, and instead used: "Accessory building size shall be compatible with setback and lot size restrictions."

PZC1-That RV-type Tiny Homes used for a residence are be hooked up to city water and sewer.

BOT1-Supported. Actually fairly easy to just regulate per our normal utility requirements, but we may want to find an appropriate place to state "Any RV used as a permanent residence must be connected to city water and sewer utilities and paying for such service accordingly."

PZC2 – Added some language throughout to ensure water & sewer hookup, but for the most part, this requirement is already built into code.

PZC1-That RV-type Tiny Homes used for a residence are permitted on vacant lots in R-1, R-2 MH and RV Parks and that use of an RV-Type tiny home as a residence may be permitted elsewhere by special review use.

BOT1-Supported, proceed.

PZC2 - We've identified the necessary legislative changes to accomplish this.

PZC2 – Add Cert Occ/RVIA recommendation?

I was also asked to find out if a person hypothetically could apply to pay a residential rate rather than a vacant lot rate if they were living in an RV-type tiny home for many years. Libby said that she could not allow that according to statute, unless they got a building permit to build a permanent foundation on the residence, at which point it would violate our minimum square footage requirements, and therefore, our tax burden is not threatened by this recommendation.

CDC CHANGES TO ACCOMMODATE TINY HOMES

- 50 Under R-1 permitted use, add “(7) Residential Use of RV on a vacant lot”
- 52 Under R-2 permitted use, add “ (5) Residential Use of RV on a vacant lot”
- 54 Under B-1 special review use, correct numbering, then add “(ii) Residential Use of RV on a vacant lot”
FYI, single-family residence and ADUs are Special Review Uses in B-1.
- 56 Under B-2 special review use, add “(iii) accessory dwelling when associated with a permitted use and
(iv) Residential use of RV on vacant lot”
- 57 Under MH permitted use, add “(6) Residential Use of RV on a vacant mobile home lot”
- 58 MH minimum per dwelling is 4,000 lot sf and 850sf. While we are at it, reduce to R-2 standard 1,500
lot sf and 350sf dwelling.
- Under C permitted use, add “(5) Residential use of RV on vacant lot.”
- 60 Under I permitted use, add “(19) Residential use of RV on a vacant lot.”
- 65 In table, under residential uses, add “Residential RV use on a vacant lot....P, P, P, S, S, P, P, *, * and
under ADU, change B-2 to “S”, special review use”
- 70 ADU size limit stricken.
- 71 Correct numbering to (5) and add “B-2” to (e)(1)(i).
Strike size limit and rename section so it makes sense with the rest of the language.
- 80-81 Strike 72-hour private property restriction. Discuss item (4) in light of removing 72-hour
restriction...maybe limit time for Mobile Homes in areas not zoned for such?
- 91 RV Parks Recreational vehicle definition: Overhaul so only those vehicles which are acceptable for
residential use. Add a “*Non-residential camping structure*” definition to RV Parks to allow in that
zone only tents, pickup coaches, etc. See new definition.
- 103 Strikeout RV permanent residency restrictions
- 152 Do exactly the same as above to the definition of Recreational Vehicle in “Definitions.”

OTHER

57, 59, 60, 66, 67, 72,146

Outdoor storage direction never removed as recommended 10-11-16, add to ordinance to “strike all
outdoor storage references in CDC.”

Retrieved from:

https://www.colorado.gov/pacific/dora/Electrical_News#TinyHomes

Permits and Inspections for "Tiny Homes"

The growing popularity of the "Tiny Home" carries with it several non-resolvable issues for individuals purchasing one with the intent of residing in the state of Colorado. The homes contain electrical wiring, plumbing, and fuel gas piping which are all required to be inspected by one of three means listed in the summary below. Tiny Homes built in other states cannot be inspected as required by Colorado statute as the installations are already covered, therefore tiny homes are not eligible for connection to utility services such as electric, water, sewer, or fuel gas.

Summary

Tiny homes:

- are units that are typically 400 square feet of space or less and mounted on a wheeled platform for mobility.
- are constructed at an offsite manufacturing location (mostly out of state).
- contain living areas for cooking and sleeping.
- have electrical wiring and plumbing already installed.

The Colorado Revised Statutes for Electrical (12-23-116 C.R.S.) and for Plumbing (12-58-114.5 C.R.S.) require inspections for all all electrical, plumbing, and gas piping installations. These inspections must be conducted by:

1. State Electrical or Plumbing Board inspectors; or
2. Local Jurisdictional Authority Inspectors; or
3. Certification by the Division of Housing pursuant to 24-32-3311 Colorado Revised Statutes regulating manufacture/mobile home construction (these units bear a HUD or FHA certification data plate).

Any structure that is built without inspections #1 or #2 above during construction and is not certified by #3 above is not eligible for electrical, plumbing or gas permits, or inspections by state or local jurisdictional permitting agencies by current state law.

Conclusion

All plumbing, fuel gas piping and electrical installations are to be inspected and passed prior to connection of any utility services. As these units are already finished on the inside, making inspection impossible, "Tiny Homes" are not eligible for connection to utility services.