

- I. CALL TO ORDER
  
- II. ROLL CALL
  
- III. REVIEW AGENDA
  
- IV. CONSENT OF MAY 9, 2017 MINUTES
  
- V. PUBLIC HEARING AND RELATED ACTIONS
  - a. Approve/Disapprove Final Plat of Rio Grande Subdivision
  
- VI. OLD BUSINESS
  - a. Tiny Home Recommendations/Discussion
  
- VII. NEW BUSINESS
  - a. Egolf/Jackson Property Boundary Line Agreement
  
- VIII. ADJOURN

POSTED 6/13/17

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OPEN TO THE PUBLIC

**PLANNING & ZONING COMMISSION  
CITY OF CREEDE, COLORADO - A TOWN  
May 9, 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 5:30 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: Clyde Dooley, Town Manager  
Randi Snead, Town Clerk

AGENDA

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Commissioner Vita moved and Commissioner Freer seconded to approve the agenda as presented. The vote was unanimous. Commission Chair Jordan declared the motion carried.

CONSENT OF MARCH 14, 2017 MINUTES

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A correction was made to the March 14, 2017 minutes. Commissioner Krueger moved and Commissioner Vita seconded to approve the March 14, 2017 minutes as amended. The vote was unanimous. Commission Chair Jordan declared the motion carried.

OLD BUSINESS

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RIO GRANDE SUBDIVISION UPDATE

Dooley updated the PZC on the progress being made on the Rio Grande Avenue Subdivision and clarified which roads and alleys were identified in the original recommendation for access.

COURTHOUSE UPDATE

Dooley updated the PZC on the replat being considered by the Board of Trustees to facilitate courthouse improvements.

SURVEY QUOTE FOR 149

Dooley informed the PZC that this item was not yet available.

NEW BUSINESS

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TINY HOMES

Tiny homes regulation was discussed at length. No specific recommendations were made, but direction was established for continuing the conversation at the June 13, 2017 meeting.

ADJOURN

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There being no further business to come before the Planning and Zoning Commission at this time, Commissioner Krueger moved and Commissioner Freer seconded that the meeting be adjourned at 7:03 p.m. The vote was unanimous. Commission Chair Jordan declared the motion carried.

Respectfully submitted:

/Randi Snead/

Randi Snead, City Clerk/Treasurer

# MEMO

DATE: June 9

TO: PZC

FROM: Randi

All – Last month we aimed to get a few things down on paper so we can start finalizing a sort of “light” recommendation to the Trustees that we present to them to gauge whether they are open to the direction we are heading before we waste time on technical legislative recommendations that they won't consider. What follows is a very rough draft of the conversations we've had this year and I hope it gives us a starting point for moving forward.

FYI, I also had a note to investigate what the IBC is doing for Tiny Homes. They did approve an appendix on the subject for the 2018 IBC that I've attached to your packet. Would we want to say that tiny homes either have a foundation or be considered an RV, but in order to live in them, they must be compliant with it? Or is that a level of detail we don't want to involve ourselves in? We could require them to obtain a CO, but that would involve developing a new process to get one, as a pre-built tiny home wouldn't necessarily need a building permit. ?

## RECOMMENDATION

To: Board of Trustees

From: Planning Commission

Date:

Re: Tiny Homes

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During the past several months, the Planning & Zoning Commission has delved deeply into the discussion of Tiny Homes and have developed the following general “direction” for a recommendation. However, we wanted to make sure that we were on the right page and that the board of trustees felt comfortable with this direction before we proceeded with recommendations on actual legislative changes.

These recommendations are being made with the understanding that tiny homes will probably have statewide or IBC regulations in the coming years, and we will probably have to adjust those recommendations accordingly.

Here's the main points of our current direction:

-Legislate that “tiny homes” either have a foundation or be considered an RV. By taking this approach, we use existing regulations to help us control the possible advent of tiny homes without an overcomplicated or redundant set of regulations. Regardless of size, it basically makes sense that homes with foundations are subject to the IBC and building inspection.

-We are considering an official recommendation that the minimum square footage for a residential structure in all zones to 400 square feet (for reference, approximately the size of the Afanador's cabin on Wall Street). We are not, however, recommending changes in minimum lot requirements for a residential structure. Smaller, foundationed tiny homes could be allowed as a conditional use that goes through PZC and BOT approval before being allowed.

-This approach probably requires us to change our RV regulations and to identify and separate what is allowed as a residence and what is allowed as an RV that isn't lived in. Our current regs are:

(1) The owner or operator of any vehicle weighing in excess of ten thousand (10,000) pounds, other than emergency vehicles, shall not park said vehicle on any public right-of-way or roadway, except when making local deliveries, nor shall excess weight vehicles, boats, boat trailers, tractors, trailers, semi-trailers, motor homes, buses or detached/dismounted campers be parked or kept on private property for longer than seventy-two (72) hours, except as herein provided.

(2) No boat, boat trailer, tractor, trailer, semi-trailer, motor home, bus or detached/ dismantled camper shall be kept or parked upon any public right-of-way or roadway, except for visitation purposes not exceeding twenty-four (24) hours.

(3) All excess weight vehicles, boats, boat trailers, motor homes, buses or detached/dismounted campers kept or stored on private residential property for longer than seventy-two (72) hours shall be kept or stored in the rear yard screened from view, or within an enclosed building. No such vehicle shall be used for storage or as a business or residential premises.

(1) All excess weight vehicles, boats, boat trailers, tractors, trailers, semi-trailers, motor homes, buses or detached/dismounted campers kept or stored on private property for longer than seventy-two (72) hours shall be kept or stored in a yard screened from view or within an enclosed building. The property where storage occurs must be properly zoned for the use. No such vehicle shall be used for storage or as a business or residential premises.

(2) No mobile home may be located permanently in any residential area unless it is zoned for the same.

-We don't recommend changing the 24-hour rule but we would like to discuss the 72-hour on private property rule. Many Creede residents have anything from tiny campers to large RVs that they don't use as a residence but do have on their property, and aren't apparently meeting the storage requirements (and in many properties, these requirements aren't particularly practical).

-We would recommend allowing residentially used RVs (which would now include tiny homes on wheels) in zoned MH districts.

-If we remove these restrictions we could then add residential RV requirements. It's our feeling that any structure that is being used as a home **must** pay their fair share of water and sewer. It is our thought then, that a RV that is used for a home must be on a vacant lot with its own water and sewer tap. Such residences would not generate property tax, but they would pay the higher rate vacant lot tax in addition to the motor vehicle tax generated by their RV. If it is in a mobile home park, it needs to have its own tap just like a mobile home.

-That just leaves the question of whether we would ever want to have a mechanism for people to use an RV (tiny home) for a residence on a property with a house on it. It is our thought that while there is a significant housing shortage in Creede, allowing such use will contribute to a little more of a boomtown look than is desirable. If such use is desired, we recommend that it be conditional use only with a capped number allowed per a certain number of acres in order to prevent having a rental camper in every yard in Creede. We also recommend that either we require the homeowner to acquire a second tap as the use of that space as a rental could be permanent or some kind of agreement be put in place for them to use their existing tap but only at a higher temporary rate that helps the city recoup the use of the water and sewer without paying the tap costs or system development costs.

## Boundary Line Agreement

**This Boundary Line Agreement** (“Agreement”) is made by and between Brian Egolf and Carl G. (Greg) and/or William E. (Eric) Jackson (“**Applicant’s**”) and the City of Creede, a Colorado municipality (“**City**”) (individually referred to as “**Party**” and collectively as “**Parties**”).

### RECITALS:

- A.** The Applicant’s desire to adjust their property boundaries and replat the parcels of property they’ve occupied over the years in order to resolve certain encroachments and establish property boundaries which are reasonable and practical for the use of the properties.
- B.** Brian F. Egolf is the owner of record for the “South Half of lot 15, and all of Lots Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-One (21) and Twenty-Two (22) in Block Forty-Six (46) in that part of the City of Creede platted and known as South Creede”. The property he and his family have occupied over the years includes a portion of property platted as Capitol Avenue. This portion of Capitol Avenue has never been established as a traveled right-of-way, but does contain an active wastewater collection line that serves the town.
- C.** Greg & Eric Jackson are the owners of “Lots 13, 14, and the North One-Half of Lot 15, all in Block 46, South Creede”. The property they and their family have occupied over the years includes a portion of property platted as Capitol Avenue. This portion of Capitol Avenue has never been established as a traveled right-of-way, but does contain an active wastewater collection line that served the town.
- D.** The intent of this Agreement is to facilitate the “Parties” abilities to evaluate and execute the steps necessary to adjust property boundaries according to provisions provided in Colorado State Statute (§ 38-44-112).

The Parties agree to the following steps.

- 1.** The Applicant’s paid all expenses associated with having their properties surveyed including some survey control points for the southeast and northeast corners of Block 46 and Block 47 respectively to help identify other properties with boundary line concerns.
- 2.** The City of Creede accepts these expenses as consideration for quit claiming the properties in this agreement to Brian F. Egolf and Greg and Eric Jackson with utility easement provisions.

3. The Planning Commission reviewed, discussed, and agreed to this Boundary Line Agreement at their June 15, 2017 meeting. The Board of Trustees did the same at their June 20, 2017 work session.
4. The City will prepare an ordinance and Quit-Claim Deeds authorizing the Board of Trustees to:
  - a. Vacate and convey by quit-claim deed that portion of Capitol Avenue as described in “Exhibit A” with an utility easement to Brian F. Egolf and;
  - b. Vacate and convey by quit-claim deed that portion of Capitol Avenue as described in “Exhibit B” with an utility easement to Greg & Eric Jackson.
5. The City will send first-class letters to property owners within three hundred (300) feet and put a notice in the local paper announcing a public hearing for the ordinance authorizing the street vacation and property transfers for the Board of Trustees August 8, 2017 meeting.
6. The City will prepare two separate resolution’s for re-plating the property for the Board of Trustees August 8, 2017 meeting.
7. Once the ordinance and resolutions are approved, the ordinance and deeds will be signed and recorded and then the resolutions and maps (one Mylar and three 24” x 36” paper maps plus one 11” x 17” paper map) will be signed and recorded by the Mineral County Recorder.
8. All the steps of this Agreement are contingent on prior steps being approved by the Board of Trustees and the City will not be responsible for reimbursing any of the Applicants’ expenses associated with this application.
9. This Agreement supersedes all prior negotiations between the Parties concerning matters addressed herein and shall not be modified except in writing executed by each of the Parties.
10. The mutual approval of this plan does not entitle or vest the Applicant’s with any construction or building rights without prior City approval.

**THIS AGREEMENT** is executed and effective July 18, 2017.

**APPLICANT: Brian F. Egolf**

**By:** \_\_\_\_\_  
Brian F. Egolf Date

**APPLICANT: Carl G. Jackson and William E. Jackson as Joint Tenants**

**By:** \_\_\_\_\_  
Carl G. Jackson Date

**By:** \_\_\_\_\_  
William E. Jackson Date

**CITY OF CREEDE:**

**By:** \_\_\_\_\_  
Jeffery Larson, Mayor Date

**ATTEST:**

\_\_\_\_\_  
Randi Snead, Town Clerk Date

## **EXHIBIT A** (City to Egolf)

~~A tract of land located in the South Half of Section 25, Township 42 North, Range 1 West, New Mexico Principal Meridian, being part of the platted street right-of-way for Second Street and the abandoned railroad right-of-way in Creedmoor, more particularly described as follows:~~

## **EXHIBIT B** (City to Jacksons)

~~A tract of land located in the South Half of Section 25, Township 42 North, Range 1 West, New Mexico Principal Meridian, being part of the abandoned railroad right-of-way in Creedmoor, more particularly described as follows:~~