

GRAND COUNTY PLANNING COMMISSION

August 9, 2023

MEMBERS PRESENT: Bob Gnuse (Webex) Kim Shepton
Ryan McNerty Brad White
Lynn Adams
Shaun Mullahey

MEMBERS ABSENT: All present

STAFF PRESENT: Kris Manguso Maxine LaBarre-Krostue
Hannah Zagone Shira Cohen (Webex)
Danielle Patterson

The August 9, 2023 Grand County Planning Commission. The meeting was called to order by Shaun Mullahey at 5:30 p.m. Minutes from July 12, 2023. Shaun entertained a motion for approval Kim motioned for approval, Ryan second the motion, all commissioners agreed on approval.

Zoning Regulation Amendments

The purpose of the public hearing is to consider amendments to the Grand County Zoning Regulations to revise the language regarding the signage requirement for Special Use Permit renewal hearings; explain Private Camping; add that accessory structures may be located in the rear yard setback only if 120 Square feet or less; add a timeframe and amend language within the Short Term Rental administrative violations area; add language to sections 14 and 15 of the Short Term Rental Regulations; clarify the definition of Mobile Home; and add a definition for Marina.

- 1). Section 11.6 (2) and (3) Special Use Permit Amendments and Renewals to remove the signage requirement.
- 2). Section 11.8 (2) Private Camping to simplify the language.
- 3). Section 14.2 (5) Supplementary Yard Regulations to add language regarding the size of the structure.
- 4). Section 14.7 (13) (b) Short Term Rentals to clarify language and provide a timeframe to appeal an administrative violation and make clear enforcement provisions to Section 14.7 (15).
- 5). Section 20, Definitions to fix the Mobile Home definition and add a definition of Marina.

DISCUSSION:

Staff is requesting the Planning Commission to consider the following amendments to the Grand County Zoning Regulations:

Proposed new language is shown in bold, italicized, underlined print. Language to be removed is shown as stricken. The proposed amendments are as follows

Amend Section 11.6 (2) and (3) Amendments and Renewals to remove the signage requirement. T

This would remove the requirement to place signage for Special Use Permit renewals. Renewals are processed through the Board of County Commissioners only, and do not require Planning Commission recommendations. They do require public notice and both certified and first-class mail be sent to all property owners within 500 feet and 1000 feet respectively. Staff believes the public notice requirements should remain, however, the signage requirement is expensive and redundant, and is requesting this be removed.

1. An Administrative Amendment will be considered when there are changes to the original permit, such as but not limited to a change in the name of the Permittee or other minor changes that do not otherwise affect the operation or intensity of the permit. An Administrative Amendment shall only require an approval by Resolution by the Board of County Commissioners and shall not require a public hearing or notice, as described in Section 11.3.
2. A Permit Amendment will be considered when there are changes to the original permit, and shall be reviewed by the Board of County Commissioners during a public hearing following public notice, as described in Section 11.3 ***(1) and (2) only.***
3. A Permit Renewal shall be reviewed by the Board of County Commissioners during a public hearing following public notice, as described in Section 11.3 ***(1) and (2) only.***

DISCUSSIONS

Patty wanted to make sure that the signage remained in place so that neighbors are aware of what changes or renewals are being made.

Stan emphasized how important transparency is for notifications and signage for those not within the 1000-foot buffer. Requesting that the signage requirement remain in place.

Bob stated that it doesn't seem to be too much of a burden to place signage every 10 years due to conditions and possible changes within the Special Use Permit.

Commissioner also suggested instead of signage that there could be postings 30 days in advance on the County website of upcoming renewals.

Lynn stated that we need to make sure that the surrounding owners are not under notified

The consensus from all commissioners is that there needs to be public notification and mailings.

Ryan also suggested that the signage be required for the first renewal of a Special Use Permit and any renewals after 1 year should be reconsidered.

Lynn motioned to recommend approval to 1). Amend Grand County zoning regulations to maintain signage requirements for new Special Use Permits and first renewal or amendment with relaxed verbiage, typos, clerical errors requirement. 2). Single sign on roadway, continue with other notifications currently in place and staff to develop online depository of pending renewals of SUP's. Kim second the recommendation. All commissioners in favor and motion carries.

Amend Section 11.8 (2) Private Camping to replace the language.

Staff regularly receives requests to allow private camping on individual subdivided lots. This has never been an allowed use in Grand County, although the amendments from 2019 have created confusion regarding the requirement that private camping is only permitted on property consisting of 35 acres or more. This request is to clarify the language within the regulations.

Section 11.8(2) currently reads as follows:

Private camping is subject to the following additional provisions:

~~Private camping is permissible for the non-commercial use of a recreational camping vehicle or other camping shelter (such as a tent) on property consisting of 35 acres or more.~~

- ~~a. Private camping is not permitted in a Residential or Estate Zoned District;~~
- ~~b. Private camping is a use by right in the Forestry and Open District and is therefore not subject to the provisions in this section;~~
- ~~e. Private camping in the Business District, Tourist District, Mobile Home District, and Accommodations Districts is a use permitted by special review and must obtain a camping permit. A camping permit is a no-fee Temporary Use Permit issued by the Community Development Department. Section 11.8 (2)(b) does not apply to the Forestry and Open District. In addition to requirements of the Temporary Use Permit, the following requirements apply:
 - ~~(i) Applications must be submitted at least fourteen (14) days prior to commencement of camping;~~
 - ~~(ii) The permit shall be posted on the required address post, visible at~~~~

all times;

(iii) ~~By applying for a camping permit the applicant(s)/owner(s) authorizes the County to access the parcel(s) to verify compliance.~~

- d. ~~Exemptions: Any seasonal work crews and/or outfitting type business;~~
- e. ~~Compensation: There shall be no compensation to the owner of the parcel involved;~~
- f. ~~Time Limit: The recreational camping vehicle, tent or other camping shelter may only be used for camping for a period that does not exceed a total of fourteen (14) days during any consecutive three months on the same parcel;~~
- g. ~~Utilities: Utilities are not permitted to be extended to the camping unit.~~

Private Camping is permitted on property consisting of 35 acres or more only, and subject to the following additional requirements.

- a. **Private camping is not allowed in Residential or Estate Zoned Districts, regardless of the size of the property.**
- b. **Permissible only for non-commercial use of a recreational camping vehicle or tent.**
- c. **An Administrative Special Use Permit is required for private camping in the Business, Tourist and Accommodations Districts, and is subject to the following criteria:**
 - i. **May only be used for camping for a period that does not exceed fourteen (14) days during any consecutive three (3) month period on the same parcel of property.**
 - ii. **All campers must be self contained.**
 - iii. **Utilities shall not be extended to the camping unit.**
 - iv. **There shall be no compensation to the owner of the parcel involved.**

Exemptions: Any seasonal work crews (such as hay crews) and/or outfitting type uses only on Forestry and Open Zone District property. The intent of this exemption is to support Grand County's "Right to Farm and Ranch" policy.

DISCUSSION:

Stan suggested that the definition of private camping be added to the amendment and Kris stated that she would have it added for clarification.

Kim recommended a motion for approval of section 11.8 to clarify the language of camping and to amend the definition of private camping. The motion was second by Ryan. All commissioners were in favor and the motion carries.

Amend Section 14.2 (5) Supplementary Yard Regulations to add language regarding the size of the structure.

This is being proposed as there is confusion regarding whether or not garages and other large buildings are permitted within the rear yard setback. For example, If Grand County allowed unlimited size garages/barns and other structures within the rear yard setback, there would be no purpose for that setback. The intent of the language was to allow non-permitted structures such as small tool sheds to be within the rear yard setback.

4. Accessory buildings may be located in rear yards required for principal buildings shall be amended to read as follows:

“Accessory buildings ***and structures under 120 square feet*** may be located in rear yards required for principal buildings.”

DISCUSSION:

Stan asked about shipping containers; however, Kris said that this is not about shipping containers and that is something that the county will need to discuss in the future, possibly in a workshop.

Kim requested that the wording in number 4 have setback added to the definition.

Ryan recommended a motion for approval 14.2 (5) Supplementary Yard Regulations amended and the motion was second. All commissioners were in favor and motion carries

Amend Section 14.7 (13) (b) Short Term Rentals to remove “upon approval of the County Manager” Section 14.7 (13) (c) to replace County Manager with Community Development Department and provide a timeframe to appeal an administrative violation and clarify enforcement provisions to Section 14.7 (15).

14.7 (13) (b) The Director of Community Development, ~~upon approval of the County Manager,~~ may levy an administrative penalty at any time for failure to comply with the provisions of this Short Term Rental Regulation.

- (1) 1st Violation – Warning
- (2) 2nd Violation – \$500
- (3) 3rd Violation – \$1000
- 4th Violation – Upon the fourth violation, the Short Term Rental Permit may be revoked or suspended for a period of one (1) year.

14.7 (13) (c) A Property Owner OR Property Manager may appeal the decision of the Director of Community Development to levy an administrative penalty by filing with the ~~County Manager~~ **Community Development Department** a notice of appeal **within 10 calendar days from the date shown on the top of the notice of violation**. If a notice of appeal is filed, the matter shall be referred to the Board of County Commissioners for hearing not later than the second regular meeting of the Board of County Commissioners following the filing of the appeal. The Notice of Appeal shall contain the following information:

- (1) Name of Property Owner
- (2) Name of Registration Holder
- (3) Property Address and Legal Description
- (4) Date of Violation
- (5) Copy of notice of violation
- (6) Brief statement of grounds of appeal
- (7) Any documentation Property Owner or Registration Holder wants considered.
- (8) Name, address, email address and telephone number for contacting appellant.

14.7 (15) These regulations or any amendment thereto shall be **administered by the Board of County Commissioners or its authorized representatives** and may be enforced as provided in the Grand County Zoning Regulations, Section XVIII and Section XIX, which are hereby incorporated herein. The penalties for violations enforced under the Zoning Regulations are as set forth in Section 19.2.

DISCUSSIONS:

There were no questions from the public or commissioners.

Ryan motioned to recommend approval of section 14.7 (13) (b) & (c) Short Term Rental clarification as presented. Kim second the motion. All commissioners in favor and motions carries.

Amend Section 20, Definitions to clarify Mobile Home Dwelling definition and add a definition of Marina.

20 (42) ***Marina: Private, public, or commercial facilities for boats or other water vessels to be berthed and/or launched, which may include the sale***

of fuel and incidental supplies, rental, restroom facilities, and parking areas.

- 20 (45) **MOBILE HOME:** A dwelling structure that is built on a chassis and designed for long-term residential occupancy, that is capable of being installed in a permanent or semi-permanent location, with or without a permanent location, with or without a permanent foundation, and with major appliances and plumbing, gas, and electrical systems installed but needing the appropriate connections to make them operable, and that may be occasionally drawn over the public highways, by special Permit, as a unit or in sections to its permanent or semi-permanent location. This definition shall not include factory built homes which comply with the requirements of the Uniform Building Code as prepared by the International Conference of Building Officials as adopted from time to time by the Board of County Commissioners of Grand County or Manufactured Homes as defined by C.R.S. 30-28-115 as now enacted or hereinafter amended.

STAFF RECOMMENDATION

Staff recommends the Planning Commission send forth a recommendation of approval for the proposed zoning amendments as presented.

DISCUSSIONS:

There were no questions from the public or commissioners

Lynn recommended approval to section 20 definitions as presented. Ryan second the motion. All commissioners in favor and motion carries.

The Chairperson motioned to adjourn at 6:35pm, motion was second by Lynn.