



Grand Lake Planning Commission

Wednesday, November 02, 2022 at 6:30 PM

Town Hall - 1026 Park Ave. * Participation In-Person Only*

*The Town of Grand Lake upholds the Six Pillars of Character:
Citizenship, Trustworthiness, Respect, Responsibility, Fairness and Caring*

AGENDA

1. Call to Order
2. Roll Call
3. Consideration to approve Meeting Minutes: [10-05-2022](#) Minutes
4. Unscheduled Citizen Participation
5. Conflicts of Interest
6. Items of Business
 - A. Discussion of ADU, Hotel/Motel Definitions in Municipal Code 12-2-6
7. Future Agenda Items
8. Adjourn Meeting

For live streaming (listening only) scan the QR code.
You will not be able to actively participate via the web streaming.



<https://us06web.zoom.us/j/96360206519?pwd=VHcwODFTNnQ2SWNOTDA1M2d5NFYwUT09>

You can also dial in using your phone. 1 (346) 248-7799

Meeting ID: 963 6020 6519

Access Code:



Grand Lake Planning Commission

Wednesday, October 05, 2022 at 6:30 PM

Town Hall - 1026 Park Ave. * Participation In-Person Only*

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AGENDA

1. Call to Order: 6:46pm due to technical difficulties

2. Roll Call

PRESENT

Chairman James Shockey

Vice Chairman Heather MacSllarrow via zoom

Commissioner John Murray

Commissioner Judy Burke

Commissioner Heather Bishop arrived during the 1st item of business

Commissioner Christina Bergquist via zoom

ABSENT

Commissioner Greg Finch

3. Consideration to approve Meeting Minutes: 09-21-2022 Minutes **Motion passed 5:0:1**

Motion made by Commissioner Burke, Seconded by Vice Chairman MacSllarrow.

Voting Yea: Chairman Shockey, Vice Chairman MacSllarrow, Commissioner Murray, Commissioner Burke,
Commissioner Bergquist

Voting Abstaining: Commissioner Bishop

4. Unscheduled Citizen Participation: none

5. Conflicts of Interest: none

Voting Nay: Chairman Shockey, Vice Chairman MacSllarrow, Commissioner Murray, Commissioner Burke,
Commissioner Bishop, Commissioner Bergquist

6. Items of Business

A. Review of Advisory Report for Amendment to Town Zoning Map - Lot 3-5, Block 1 Sunnyside Addition
to Grand Lake

Director White gave a history of the advisory report meetings and process thus far, then introduced Attorney Scott Krob to discuss the revised report. Mr. Krob reviewed the original advisory report and received a redline version, phone call, and email from Ms. O'Flaherty. All of the items were taken into consideration and recommendations were made to staff for the revision of the report. Commissioner Bishop arrived to the meeting. Mr. Krob went over the revisions. He stated that some items were not included due to not being relevant to the zoning

question and to ensure that the item is defensible if challenged- some items include tax rate set by the County and business license. Staff received a letter from the applicant, Mr. Martell, who stated that he was in agreement with the revisions of the advisory report. Commissioner Burke stated that she didn't feel it was improperly zoned in 2006. Attorney Krob stated that the commission already voted that they had made a decision and the advisory report reflects that decision. Commissioner Burke is concerned that there might be issues with other subdivisions in Town and should the PC go over these properties for rezoning as well. Attorney Krob stated that the PC should only discuss what is brought to them and not go out and look for items. Ms. O'Flaherty, stated that she was a representative of Martell [current owner of 240/300 Hancock] and Mr. Ludwig [previous owner of 240/300 Hancock] commented via phone that she disagrees with the manifest error determination, in that, the Town should have changed the zoning when the development didn't occur, and that the Town benefited from the sales tax and the business license, but the most important thing is to correct the zoning change and recommended that the advisory report be submitted to the Town.

Motion made by Commissioner Murray, Seconded by Commissioner Burke.

Motion passed: 5:0:1

Voting Yea: Vice Chairman MacSllarrow, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Bergquist

Voting Abstaining: Chairman Shockey

- B. Consideration to recommend vacating a portion of the Ellsworth Street right of way located adjacent to Lots 1-5 Cairns Addition to Grand Lake; more commonly referred to as 846 Lake Avenue.

Commissioner Shockey opened the public hearing. Director White gave a background on the vacation request as written in the packet. The Applicant spoke about the history of the property and stated that they attempted to purchase the property in 2016, but due to it being the public ROW, it cannot be sold. Chairman Shockey asked why the land outside the fence to the east would be vacated, and if the land to the north of the cabin had to be vacated. The applicant stated that the entirety of the fence and the structure on the property needed to be vacated in order for the applicant to insure the entire property, but agreed that the rock wall should be the eastern most property line. There was discussion about the road remaining open to allow for emergency access, the sign at the bottom of the hill should be updated to indicate that the road is not private, but no motorized vehicles should use the road due to dangerous blind corner. There was no public comment. Chairman Shockey closed the public hearing. Commissioner Bergquist stated that the Heckendorf item has been discussed at the Board level for many years. Chairman Shockey stated that it is appropriate for the planning commission to hear this item.

Planning Commission **voted in favor of the vacation 3:1 with 2 abstentions** (due to remote voting) to recommend the vacation of this 0.074Ac ROW. Commissioner Shockey voted against the vacation because he would like only the minimal amount of land required by the applicants for the cabin. He would like to see the Town retain the northern portion of the property past the cabin for possible future use by the Town and found it unnecessary to vacate the strip of land to the east of the rock wall.

Motion made by Commissioner Murray, Seconded by Commissioner Burke.

Voting Yea: Commissioner Murray, Commissioner Burke, Commissioner Bishop

Voting Nay: Chairman Shockey

Voting Abstaining: Vice Chairman MacSllarrow, Commissioner Bergquist

7. Items for Discussion

Attorney Krob stated that he would be offering a planning commission training/orientation in the future. The commissioners agreed that it would be a good refresher.

8. Future Agenda Items: none

9. Adjourn Meeting: 7:48pm

Motion made by Commissioner Murray, Seconded by Commissioner Burke.

Voting Yea: Chairman Shockey, Vice Chairman MacSllarrow, Commissioner Murray, Commissioner Burke,
Commissioner Bishop, Commissioner Bergquist

James Shockey, Chairman

ATTEST:

Alayna Carrell, Town Clerk



Grand Lake Planning Commission

Discussion of ADU, Hotel/Motel Definitions in Municipal Code 12-2-6

TO: Chairman Shockey and Commissioners
FROM: Kimberly White, Planning Department
DATE: 11/2/2022
RE: Discussion of ADU, Hotel/Motel Definitions in Municipal Code 12-2-6

Purpose:

Town staff has been directed to draft a new definition for accessory dwelling units (ADU’s) to include detached units. Update to the Hotel/motel definition for clarification. The Town attorney has provided a few alternatives to be discussed.

Background:

At the 5/18/2022 planning commission meeting, the commissioners asked that a discussion be scheduled for ADU’s and the rules surrounding them. The municipal code is listed below. At the

At the 06/01/2022 Planning Commission meeting, altering the definition of ADU to remove the statement that “dwelling unit within, and not legally subdivided from, the principal structure”.

The main discussion points at the 6/1/22 planning commission meeting were (minutes are available online):

- Utilities
- Parking requirements
- Design code
- Density of the lots

There are many ADU’s that currently exist in the Town prior to the zoning code.

At the 9/21/22 Planning Commission meeting, the Commissioners asked that the Town attorney draft an ordinance to update the code to change the definition of ADU to allow it to be detached. The main discussion points were utilities and how they are split, loud parties and other noise, parking, setbacks, driveways and code enforcement.

ToGL Municipal Code:

- The code does not discuss any setbacks between structures on a single property.
- The code makes exceptions for 2 contiguous water using units (10-1-6-B)
- The code identifies parking requirements for additional units (12-2-28).
- The code states that nightly rentals are not permitted in ADU’s in most districts.
- The code states minimum and maximum square footage of ADU’s in residential districts.
- The Town code currently allows attached ADU’s and has set regulations for density, and sizing for each zone.

- The code defines driveway as location to gain access to property, serving no more than 1 SFR. It would stand to reason that an additional access to an ADU would branch from the single driveway access point, once on the property.
- **Definition in MC 12-2-6: Hotel and Motel.** Any unit intended for rental on a less than monthly basis. Each unit shall have a minimum two hundred seventy-five (275) square feet and shall contain a bathroom within the unit.

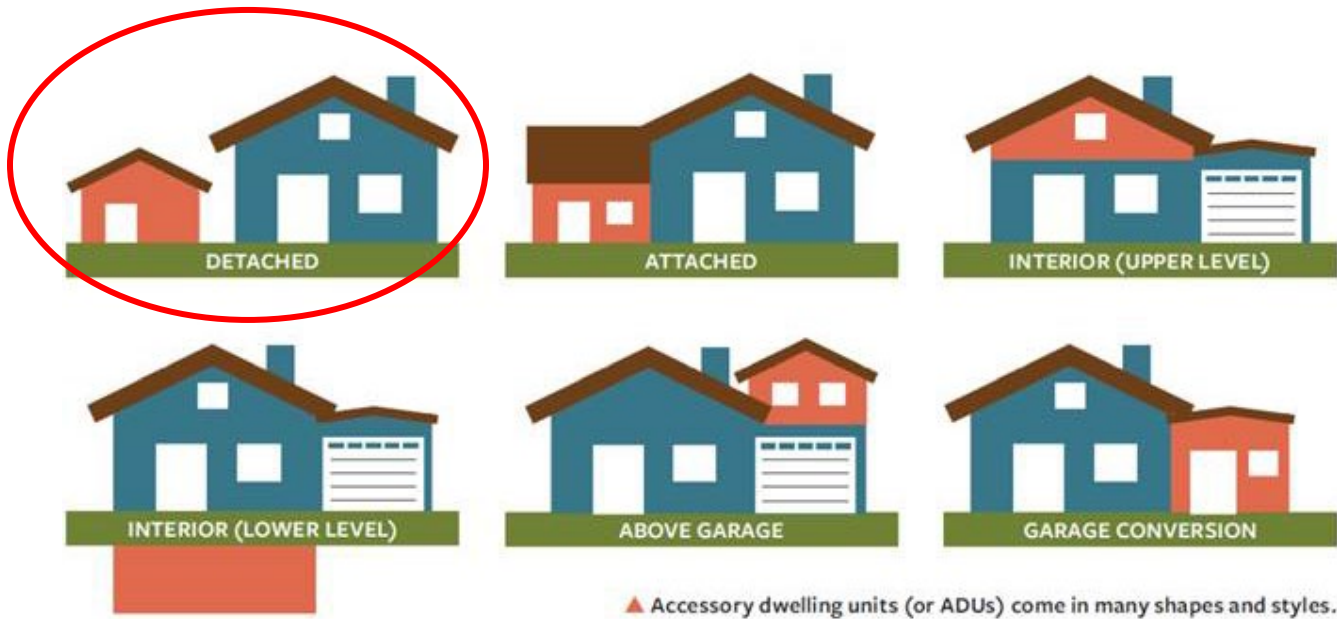
Information from other municipalities (Do we want to incorporate any of this language):

In general, in other towns, ADUs are defined by their location and can be located in the same structure as a primary single-family dwelling (attached) or in a separate detached structure from the primary dwelling (detached)

Detached Accessory Dwelling Unit (DADU) is a dwelling unit that meets the following criteria:

- It is located on the same lot, under the same ownership as, and subordinate to a single-family dwelling unit;
 - It is physically separated from and located in a different structure than the primary dwelling unit;
 - It is intended for use as a complete, independent living facility; and
 - It includes facilities for living, sleeping, eating, cooking, and sanitation for not more than one family.
 - Detached Accessory Dwelling Units are also called Detached Accessory Apartments.
-
- One (1) additional dwelling unit [or Auxiliary Living Space] within, and not legally subdividable from, the principal structure. This additional dwelling unit [or auxiliary living space] shall be no greater than 50% of the square footage of the primary dwelling unit, or 1500 square feet, whichever is the lesser size [and shall be at least four hundred (400) square feet of floor area]
 - An approved building permit with adequate proof of water and sanitation to service this accessory use will be required.
 - (2) When water for the primary dwelling unit is supplied by a water district or public water system, written documentation from the water provider allowing for the Auxiliary Living Space and/or proof of taps paid is required to be submitted with the building permit. a) If allowed by the water provider, Auxiliary Living Spaces may be separated from the main living are and have independent entries.
 - (3) When sanitation for the primary dwelling is provided by an On-Site Wastewater Treatment System (septic), written documentation of adequate design for the proposed total wastewater flow must be provided, consistent with Grand County On-site Wastewater Treatment System Regulations, as adopted.
 - (4) When sanitation for the primary dwelling is provided by a sanitation district or public sanitation system, written documentation from the sanitation provider allowing for the Auxiliary Living Space and/or proof of taps paid is required to be submitted with the building permit.
 - The property owner on record must occupy the principal dwelling or accessory unit, one parking space must be provided for the unit, and no more than three persons shall occupy an accessory dwelling unit.
 - “one or more Rooms constituting a unit for permanent occupancy, having but one kitchen together with facilities for sleeping, bathing, and which unit occupies a structure or a portion of a structure.

The Town currently allows all of the types of ADU's below except for detached:



Source: The ABCs of ADUs, a guide to accessory dwelling units and how to expand housing options for people of all ages, AARP

Questions:

- Could the Town Allow the DADU as an Administrative Conditional Use (CUP)?
- Allow as a CUP subject to Town review (this is how nightly rentals are currently handled)?
- Should the Town restrict ADU's on substandard lots (non-conforming lots after a code change)?
- Can there be an attached and detached ADU on the same property?
- Do they have to have foundations? Or can they be tiny homes with a skirt hiding the wheels?
- What are the setback requirements from the main home?

Motion:

Move to revise the draft ordinance to incorporate the following language, and bring back to the Planning Commission for a final review.

or

Move to recommend the attached draft Ordinance as is to the Board of Trustees.



Grand Lake Planning Commission

Discussion of ADU code

Definition:
MC 12-2-26

Accessory Dwelling Unit (ADU) – One additional dwelling unit within, and not legally subdivided from, the principal structure. The dwelling unit must be in a continuous enclosure. The entire dwelling unit must function as a unit without any permanent physical separation such as wall or floor with no means of connection.

Accessory Uses and Structures - A use naturally and normally incidental to a use by a right, and complying with all of the following conditions:

- (a) Clearly incidental and customary to and commonly associated with the operation on the use by right;
- (b) Is operated and maintained under the same ownership as the use by right;
- (c) Includes only those structures or structural features consistent with the use by right;
- (d) The gross land area utilized by all accessory uses of all uses by right on the same property shall not exceed ten percent (10%) of the Building Area of the property and the gross land area utilized by all accessory uses of all uses by right shall not exceed the gross land area utilized by all uses by right;
- (e) May include home occupations, as defined by this Article or;
- (f) Overnight camping on private residential property, by the owner or guest, for a period not exceeding seven (7) consecutive days.

Dwelling Unit - Any room or group of rooms in a multi-family building designed for or used as a dwelling by one family as an independent housekeeping unit including toilet and kitchen facilities, but not including hotels, motels, clubs, boarding houses, or any institution such as an asylum, hospital, or jail where human beings are housed by reason of illness or under legal restraint. The term dwelling unit shall also include a modular or manufactured home which has been attached to a permanent foundation; and which has been added to the ad valorem tax rolls to be considered as a taxable property. The arrangement of rooms in each dwelling unit shall be such as to prohibit the division of one dwelling unit into two or more dwelling units.

Nightly Rental – A structure, dwelling or dwelling unit that is rented for periods of time of less than thirty (30) consecutive days. The term “Nightly rental” shall not include hotel, motel, or bed and breakfast establishments.

One example of a zone:

12-2-12 Regulations for Single Family Residential – High Density – RSH

The regulations set forth in this Section, or set forth elsewhere in this Article, when referred to in this Section, are the District Regulations in the RSH - Single Family Residential District - High Density.

(A) Uses Permitted by Right

1. Single Family and Accessory Dwelling Units (ADUs).
2. Home occupations
3. Domestic animals, provided such animals are household pets and that kennels are not maintained.
4. Fences, hedges, and walls, provided such uses are located where they will not obstruct motorists' vision at street intersections.
5. Accessory buildings and uses customarily incident to the uses permitted in this district.
6. Nightly Rentals in the Single Family Residence only. Nightly Rentals will not be permitted in Accessory Dwelling Units (ADUs).
7. Historic structures.

(B) Conditional Uses

1. Public Utilities.
2. Fire stations, police stations and telephone exchanges.
3. Water reservoirs, water storage tanks, water pumping stations, sewer lift stations and wireless towers.
4. The Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary by the Planning Commission.
5. Nightly Rentals will be treated as a conditional use when an objection has been raised as to the use by right. See 12-2-31(B)4 Nightly Rental Conditional Use Permits.
6. Bed and Breakfasts

(C) Zoning Standards: Except as provided in Section 12-2-27, the area regulations are as follows:

Standard Type	Measurement		
Minimum Lot Area	<i>5,000 sq. ft. per single family home</i>	<i>5,000 sq. ft. for all conditional uses</i>	
Minimum Lot Frontage	<i>50'</i>		
Minimum Floor Area	<i>800 sq. ft per single family home</i>	<i>500 sq. ft. per accessory dwelling unit</i>	
Maximum Floor Area	Governed by zoning standards	<i>800 sq. ft. per accessory dwelling unit</i>	
Minimum Setback	<i>Front 25'</i>	<i>Side 10'</i>	<i>Rear 10'</i>
Maximum Height	<i>32'</i>		
Density	<i>One single family home and one accessory dwelling unit per parcel</i>		

10-1-6 Service Line:

(B) Separate Service Lines Required

Each water using unit shall have a separate 3/4 inch (minimum) service line to the water system, a meter and a curb stop. No connection with the water system shall be made by extending the service line from one water using unit to another. When two or more water using units are contiguous and owned by the same person, the Town may authorize an exception.

10-1-7 Meters

(A) Meters Required

Each and every water using unit connected to the water system shall be required to have a meter of a type, size and configuration designated by the Town. All meters will be furnished to the customer by the Town. Each water meter shall be installed with service valves both upstream and downstream from the meter. The purchase and installation costs for meters will be borne by the customer, but in all cases, the meter shall be owned by the Town. Meters shall be installed either by Town personnel or by a plumber licensed by the State of Colorado. All meters shall be installed in accordance with applicable governmental and plumbing codes and such additional specifications as may be approved by the Town Board of Trustees.



Adding an ADU to Your Lot

What is an ADU?

An ADU is a separate living unit that is built on the same lot as a principal structure. ADU's have their own kitchen, bathroom, and living areas separate from the main house.

Image 1

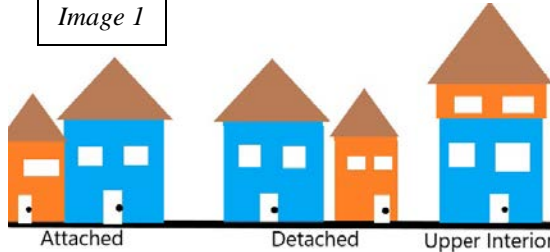
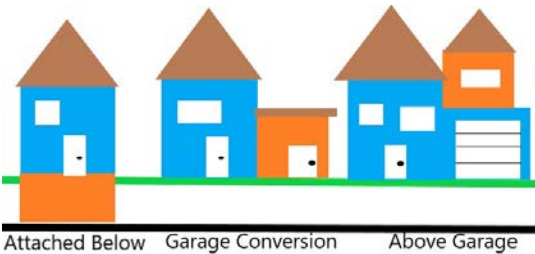


Image 2



Who are they for?

- Families with special needs, such as caring for a senior parent
- Homeowners who want to offset the cost of their mortgage
- Homeowners who wish to have space for guests
- Single individuals or couples that want to live in a single-family neighborhood more affordably
- Help older homeowners remain in their community and “age in place”

What Does an ADU Look Like?

An ADU can come in many different forms, as seen in *Image 1* and *Image 2*.

All **single household lots** are eligible, including RE, R1, R1A, R2, R3, and PUD – as long as the **legal homeowner lives on the lot**.

Refer to **Chapter 18.28.240** of the Municipal Code for all of the requirements for building an ADU on your lot including *size limitation, parking, and occupancy limits.

ADU's located within the primary structure may exceed size limitations

Zoning Information

- RE, R1, R2, R3, and PUD minimum lot size is 7,000 sqft
- Refer to the residential setback regulations for other minimums, setbacks, and height limits

Use our Parcel Information Map to find out your zoning

Allocation Process

All additional units require a residential allocation application.

An application must be submitted, and an allocation granted before building plans will be accepted

NEED MORE INFO?

Contact the Planning & Development Department at:

303-384-8097

1445 10th St. Golden, CO 80401
planning@cityofgolden.net

**TOWN OF GRAND LAKE
PLANNING COMMISSION
RESOLUTION NO. xx-2022**

**A RESOLUTION RECOMMENDING TO THE GRAND LAKE BOARD OF TRUSTEES TO
AMEND TOWN CODE 12-2-6 REGARDING THE DEFINITION OF ACCESSORY
DWELLING UNIT AND HOTEL AND MOTEL**

WHEREAS, the Planning Commission of the Town of Grand Lake, Colorado, pursuant to Colorado statute and the provisions of the Grand Lake Municipal Code, is vested with the authority of reviewing and making certain recommendations to the Board of Trustees (“Board”) of the Town of Grand Lake, Colorado (“Town”); and

WHEREAS, the Town of Grand Lake Municipal Code Title 12, Article 2 was adopted to establish regulations and restrictions in accordance with a land use plan to, among other things, provide comprehensive regulations restricting the erection, construction, reconstruction, alteration, repair and use of building, structures, and land within the Town of Grand Lake; and

WHEREAS, the Town Code Municipal Code Title 12, Article 2, Section 6 provides definitions of certain terms in order to facilitate understanding of subsequent sections of the Town Code; and

WHEREAS, the Planning Commission of the Town of Grand Lake has determined the definition of “Accessory Dwelling Unit (ADU)” should be amended to permit both attached and detached Accessory Dwelling Units within the Town of Grand Lake; and

WHEREAS, the Planning Commission of the Town of Grand Lake has determined that certain terms defined in the Town Code lack clarity and, therefore, are difficult to apply when making land-use decisions; and

WHEREAS, the Planning Commission recommends the Board amend the Town code Section 12-2-6 for the definition of “Hotel and Motel” to include a requirement for each to have a Central Reservation Facility as defined by Section 12-2-6 of the Code.

**NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE
TOWN OF GRAND LAKE, COLORADO, THAT:**

- 1. The Planning Commission recommends the Board of Trustees amend Section 12-2-6 of the Municipal Code of the Town of Grand Lake by amending the definition of “Accessory Dwelling Unit (ADU)” with the removal of the ~~striketrough language~~ and the addition of the **bold underlined language** to read in its entirety as follows:

Accessory Dwelling Unit (ADU). One (1) additional dwelling unit within **or in addition to**, and not legally subdivided from, the principal structure. ~~The dwelling unit must be in a continuous enclosure.~~ The ~~entire dwelling unit~~ **Accessory Dwelling Unit** must function as a **Dwelling Unit** ~~unit~~

~~without any permanent physical separation such as wall or floor with no means of connection~~ **and may be attached to or detached from the principal structure.**

2. The Planning Commission recommends the Board of Trustees amend Section 12-2-6 of the Municipal Code of the Town of Grand Lake by amending the definition of “Hotel and Motel” with the removal of the ~~striketrough language~~ and the addition of the **bold underlined language** to read in its entirety as follows:

Hotel and Motel. Any unit intended for rental on a less than monthly basis. Each unit shall have a minimum two hundred seventy-five (275) square feet and shall contain a bathroom within the unit. **Each Hotel or Motel or collection of the same shall have a Central Reservation Facility as defined by this Article.**

INTRODUCED, APPROVED AND ADOPTED AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE THIS 2nd DAY OF JUNE 2021.

Votes Approving: _____
Votes Opposed: _____
Absent: _____
Abstained: _____

ATTEST:

PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO

Alayna Carrell
Town Clerk

By: _____
James Shockey
Chair