

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
January 2, 2018 AT 3:00 P.M.**

MEMBERS PRESENT

Byron Alsup (Chairman)
Gardner Fey
Dennis Weid
Michael Pullen
Mark Masar
Larry Brown

STAFF PRESENT

Matt Koch, Planning Director
Brenda Jackson, County Attorney
Tanya Fleming, Planning Assistant

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES

September 5, 2017 Planning Commission Meeting

5. ELECTION OF OFFICERS

6. UNFINISHED BUSINESS

7. NEW BUSINESS

A.) REVISIONS AND AMMENDMENTS TO THE FREMONT COUNTY ZONING RESOLUTION:

- 1.) Adding dwelling, multi-family to the Business Zone District.
- 2.) Adding solar panel field to the Business Zone District.
- 3.) Changing watchman's quarters to allow for detached residences, this will be throughout the zoning resolution in all instances.
- 4.) Allowing for storage containers to be used for storage of items other than agricultural items.
- 5.) Adding Slaughterhouse and Solar Panel Field to Special Review Uses in the Industrial Park Zone District.

B.) DISCUSSION ON TINY HOMES

C.) DISCUSSION ON ALLOWING TEMPORARY, EXTENDED USE OF RECREATION VEHICLES FOR HOUSING

8. ADJOURNMENT

1. **CALL TO ORDER**

Chairman Byron Alsup called the meeting to order at 3:00 p.m.

2. **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited.

3. **APPROVAL OF AGENDA**

Chairman Alsup asked if there were any changes, additions or corrections to the January 2, 2018 Fremont County Planning Commission Meeting Agenda.

MOTION

Mr. Gardner Fey moved to accept the January 2, 2018 Fremont County Planning Commission Meeting agenda.

SECOND

Mr. Larry Brown seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (6 of 6)

4. **APPROVAL OF THE SEPTEMBER 5, 2017 PLANNING COMMISSION MEETING MINUTES**

Chairman Alsup asked if there were any changes, additions or corrections to the September 5, 2017 Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Mark Masar moved to approve the September 5, 2017 Fremont County Planning Commission Meeting Minutes.

SECOND

Mr. Michael Pullen seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed. (6 of 6)

5. **ELECTION OF OFFICERS**

Mr. Brown nominated Chairman Alsup for the Chairman for 2018.

Mr. Fey seconded the motion

Chairman Alsup called for a roll call vote and the motion passed (5 of 6) Commissioner Alsup abstained.

Mr. Pullen nominated himself to be Vice Chairman for 2018.

Chairman Alsup seconded the motion.

Chairman Alsup called for a roll call vote and the motion passed (5 of 6) Mr. Pullen abstained

Chairman Alsup nominated Mr. Larry Brown for Secretary for 2018.

Mr. Weid seconded the motion.

Chairman Alsup called for a roll call vote and the motion passed (5 of 6) Mr. Brown abstained.

6. UNFINISHED BUSINESS

7. NEW BUSINESS

A.) REVISIONS AND AMMENDMENTS TO THE FREMONT COUNTY ZONING RESOLUTION:

Adding dwelling, multi-family to the Business Zone District.

Adding solar panel field to the Business Zone District.

Changing watchman's quarters to allow for detached residences, this will be throughout the zoning resolution in all instances.

Allowing for storage containers to be used for storage of items other than agricultural items.

Adding Slaughterhouse and Solar Panel Field to Special Review Uses in the Industrial Park Zone District.

Mr. Matt Koch stated that over the last several years the department has come across several items that need to be incorporated or revised in the zoning resolution.

The first item Mr. Koch addressed was adding multifamily dwellings to the Business Zone District. It would be the primary structure and primary use on the property and no other uses will be allowed and will subject to approval of a commercial development plan. Mr. Koch stated they will also be adding solar panel field to the Business Zone District. This will also be subject to a commercial development plan.

Mr. Koch addressed revising the definition of watchman's quarters. Currently the definition states "A single-family dwelling, or efficiency unit, constructed within the principal use building". This change would be the removal of the wording "provided as such is constructed within the principal use building."

Mr. Koch stated that they would also like to add the wording "attached or detached" as there have been a lot of concerns with people wanting to use their business property and comments about having the watchman's quarters attached.

Mr. Fey inquired if that allows the Watchman's quarters to be either attached or detached.

Mr. Koch responded yes this would allow it to be either attached or detached.

Mr. Koch then moved on to address storage structures. Mr. Koch stated that we are specifically addressing section 3.8.1.1 in the Fremont County Zoning Resolution which reads “3.8.1.1 A tractor trailer, railroad car, caboose or shipping or storage container may be used as a storage structure in the Agricultural Forestry, Agricultural Farming & Ranching, Agricultural Living or Agricultural Rural Zone Districts if it is used to house items for an agricultural use on the subject property and in the Industrial Zone District as an accessory use to the principal use”. Mr. Koch stated that we are adding Agricultural Estates and Agricultural Suburban to the allowed zone districts and removing “if it is used to house items for an agricultural use on the subject property”.

Mr. Koch also addressed section 3.8.1.2 which states “3.8.1.2 A shipping or storage container may be used for temporary storage when associated with construction of a permanent structure(s) in the Medium Density Residence, High Density Residence, Neighborhood Business, Rural Highway Business, Business, Airport, and Industrial Park Zone Districts; however, when construction is completed the shipping or storage container shall be removed.” Mr. Koch stated that they will be removing “for temporary storage when associated with construction of a permanent structure(s)” as well as the wording that states “when construction is completed the shipping or storage container shall be removed.”

Mr. Fey inquired if this has been a problem.

Mr. Koch stated that it has. There are a lot of businesses that would like to use them and we also have a lot of families on larger lots that would like to use them as storage facilities for other things other than agricultural.

Mr. Fey inquired if there were any requirements that they had to meet to be left in place.

Mr. Koch stated none that we know of. They are utilized for storage and we may want to reference it to Mr. Mike Cox that unless they are going to be used as a residence a building permit is not needed.

Mr. Weid inquired if we are proposing any standards as far as appearance.

Mr. Koch replied no.

Mr. Weid inquired if you could have a new one or a rusted out old one pretty much anything.

Mr. Koch stated yes.

Mr. Weid stated that we may want to think about that some.

Mr. Pullen inquired that by the wording it says “a” shipping container, does that mean singular, one?

Mr. Koch stated that it is inferred to be one but they can have multiple units on each lot.

Mr. Brown inquired if there would be no restrictions as to the number of allowed containers.

Mr. Koch responded that it would still come down to the lot coverage and things of that nature.

Chairman Alsup inquired if we see the necessity to limit the number at all.

Mr. Koch replied we don’t but we will leave that up to the planning commission if they see fit to we will leave it to their discretion.

Mr. Weid replied that he thinks if we stick to the lot coverage that would work and suggested that the wording be changed to “shipping and storage container may be used” removing the “a” at the beginning.

Mr. Koch proceeded to the proposed changes in the Industrial Park Zone District allowing Slaughterhouse and Solar Panel Field to Special Review Uses in this zone district.

Mr. Brown inquired in regards to solar panels in residential properties, if there are restrictions on residential properties.

Mr. Koch responded that they would have to go through a development plan and would have to adhere to lot coverages and setbacks, so there would be some restrictions on that.

Mr. Weid inquired what the previous regulations were on Solar Panels.

Mr. Koch replied that we don’t have any and this would begin that.

Chairman Alsup stated that they were all good recommendations with reiterating the concern about the appearance of the shipping containers used for storage. He explained his concern of the unsightly appearance along the scenic corridor. He addressed Attorney Brenda Jackson for further direction.

Attorney Brenda Jackson replied that we generally don’t enforce any kind of aesthetic code other than junk. Attorney Jackson continued that it is open, the Master Plan does provide for the scenic corridor, and that the requirements could be structured in any way they would like. Attorney Jackson explained that we know that there are a lot of these being used even though they are not allowed right now and that the enforcement is

ridiculous because there are just too many of them for us to possibly enforce. It is open and if the board would like to add aesthetic qualifications to the Master Plan that would need to be discussed.

Mr. Fey responded that it would be difficult to define and quantify those.

Attorney Jackson responded that trying to define unsightly is problematic.

Mr. Weid pointed out that the City of Canon City is dealing with the same issue and their guidelines list that it has to be compatible with the surrounding structures.

Mr. Masar pointed out that enforcing aesthetics would be difficult by stating how do you gauge what is unsightly.

Attorney Jackson stated that you could deal with visibility from Public Rights of Way or neighboring properties, sometimes that can be the solution for some of these problems. She continued on to state that if they can be seen from other properties in certain areas or if they can be seen from Public Rights of Way in certain areas than that could be not allowed. Also possibly requiring them to be behind the main structure on the property they would be out of view.

Mr. Weid stated his main concern was mostly in the residential applications of this.

Chairman Alsup stated that he is most concerned about the scenic corridor.

Mr. Pullen stated he is equally concerned about numbers.

Mr. Brown questioned how high could they be stacked.

Mr. Brown also stated that this was something that the Board may need to take a look at more in depth.

Mr. Fey stated that he would like to see a framework, some language that would allow a way to handle any situations that arise down the road.

Mr. Koch suggested removing the section about the storage boxes.

Mr. Fey agreed to remove the section on storage boxes

Chairman Alsup agreed with Mr. Fey.

Chairman Alsup stated that he agrees with making the watchman's quarters separate since there are many of those around that are separate already and so are non-conforming and this would bring those into conformance.

Attorney Jackson stated that with the addition of the Accessory Dwelling Unit to the resolutions previously this will be consistent with that.

Chairman Alsup opened to a motion to approve all of the items excepting to table the storage boxes at this time.

Mr. Weid suggested approving all of the items as is at this time and then consider modifying it at a later date so that the problems can be resolved.

Mr. Koch stated that revisions could be presented at the next Planning Commission meeting.

Chairman Alsup stated that he was Ok with that as long as it something that is addressed again soon.

Chairman Alsup opened the floor to a motion.

MOTION

Mr. Weid moved to approve the revisions and amendments to the Fremont County Zoning resolutions with the exception of removing “a” from the storage boxes descriptions.

SECOND

Mr. Fey seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (6 of 6)

Attorney Jackson stated that this will go to a public hearing before the Board of County Commissioners.

B.) DISCUSSION ON TINY HOMES

Mr. Koch stated that our office has received numerous calls, questions and concerns regarding Tiny Homes, including where are they allowed, where are they not allowed, are we going to allow them. Our office felt that this was a good opportunity to start discussion about regulations for those. In the packets that were given to the Commission we did include copies of the El Paso county regulations that just recently were adopted along with some of their notes for review in regards to this.

Mr. Koch stated at this time we are just opening this opportunity up for the Planning Commission to discuss with us what regulations, if any, you would like to see written around Tiny Homes and allowing them in Fremont County.

Mr. Weid stated that there was someone present at the meeting who would like to address the Commission.

Chairman Alsup stated that they would now open it up to public input.

Chairman Alsup called Ms. Autumn Dever to the podium.

Ms. Autumn Dever stated that she is the Housing Director for the Upper Arkansas Area Council of Governments (UAACoG). She stated that she would like the Commissioners to keep in mind that a true Tiny Home is considered an RV. She also stated that RV's are vehicles they are not meant to be permanent housing. Ms. Dever stated that a small house should be on a permanent foundation and hooked up to utilities.

Attorney Jackson inquired of Ms. Dever if that was a HUD requirement.

Ms. Dever replied yes that is a HUD statement.

Chairman Alsup called Rod Stambaugh to the podium.

Mr. Rod Stambaugh stated that he is the president of Sprout Tiny Homes, a commercial Tiny Home Builder. Mr. Stambaugh stated that they have been actively involved with cities and counties and planning for Tiny Homes and have a lot of experience in this area, including being involved with the El Paso county regulations that were recently adopted. Mr. Stambaugh stated that in terms of definition of a Tiny Home it should be 400 square feet or less. Mr. Stambaugh suggested removing the 200 square feet minimum as there are some homes that are 150 square feet. Mr. Stambaugh stated that a Tiny Home can be on a foundation or it can be on wheels. He also stated that one of the things that he sees missing in the requirements is that the Tiny Homes must meet either an RVIA or an ANSI 119.5 to avoid a liability. He went on to state that you don't want to have someone building one in their backyard, wiring it however they want to wire it and plumb it however they want to plumb it without any certification of that build because down the road if there is a problem the liability could come back on the county. Mr. Stambaugh stated that every county and city that his company has worked with has required that the home meet either the RVIA or the ANSI 119.5 standard.

Mr. Fey inquired if that would then require a building permit and inspection process.

Mr. Stambaugh responded that no it does not. It requires that a third party inspection company inspects and certifies it as built to that standard and those are very well defined safety standards. Mr. Stambaugh then referenced Ms. Devers earlier comments in regards to RV's not being designed to be lived in full time adding that this information is typically stated in their bylaws. Mr. Stambaugh then addressed that El Paso County just passed an ordinance that states they will allow RV's to be used as permanent living structures in the county. He stated that they formed the Tiny Home Industry Association and that it's two mission are to help cities and counties with their zoning and to hold builders to a standard.

Mr. Stambaugh then addressed that the proposed ordinances were limiting the location of Tiny Homes to agricultural zoned properties. He stated that a lot of cities and counties are using Tiny Home communities as a way to address affordable housing crisis. He suggested

not limiting the locations to agricultural only to help foster economic growth in the community. He went on to say that many businesses when looking to locate in an area look at what the current housing and housing availability look like and if they can't get good answers on that they will not locate to that area. Mr. Stambaugh agreed to the setbacks. He stated that in terms of sewer and septic, in a Tiny Home community that the entire community be allowed to be on one septic, provided that the septic is set up to handle the load of up to possibly 15 homes. He also stated that most land planners have stated that 15 tiny homes per acre is the maximum density for a tiny home community. This formula allows for enough density and enough open and green space for that area. Mr. Stambaugh then inquired if the Planning Commission had any questions for him.

Chairman Alsup inquired if Mr. Stambaugh was familiar with the issue of water storage inside of Tiny Homes. Stating that it was an addressed issue in the Tiny Homes regulations that El Paso County just adopted.

Mr. Stambaugh asked for clarification if this was in regards to using a cistern.

Mr. Koch clarified that in the regulations for El Paso County it states that the water source must be exterior, that the water tank could not be interior of the home.

Mr. Stambaugh replied that all of the homes that they build are hooked up to a water source and have no water storage. They have only built homes that are hooked up to "the grid", this includes water, sewer and electricity.

Mr. Koch explained that many times we are dealing with building outside of any districts that could provide water. This means things like wells and cisterns or something similar.

Mr. Stambaugh stated that they have worked with communities that have used a cistern to provide water to the community of homes which has worked great. Mr. Stambaugh asked for clarification if the question was to allow them to store the cistern inside the unit.

Mr. Koch clarified that the question is why El Paso County would not want the source to be within the structure. Why would it need to be exterior to the structure?

Mr. Stambaugh stated that this would probably be done for safety reasons. Mr. Stambaugh stated again how important he believes getting the RVIA or the ANSI 119.5 certifications is.

Mr. Brown asked Mr. Koch if this is something that planning and zoning and the building department should think about some kind of standard that they have to adhere to whether that be the RVIA or the ANSI 119.5, or something else and if it is placed on a permanent foundation should that fall under the building department.

Mr. Koch stated yes.

Chairman Alsup stated the need to discuss the definitions too as the way it is currently stated being on a foundation is not allowed and he is not in favor of not allowing them on foundations

Mr. Brown stated that eventually we will come to that.

Mr. Koch responded that is the purpose of these discussions is to see which way we want to go.

Chairman Alsup called Bill Randall to the podium.

Mr. Bill Randall stated that he is a resident of Canon City, and recently worked for several months for Tumbleweed Tiny Homes in Colorado Springs. Mr. Randall stated that he was in agreement with most of Mr. Stambaugh's statements in regards to Tiny Homes. However his concerns with Tiny Homes is that they are safe. He stated that in his experience there is some difficulty in getting the RVIA certification. He did suggest that any Tiny Home be "fully certified". Mr. Randall explained that this would mean that the plumbing, electrical, sewage and HVAC systems would all be factory installed. He stated that Tumbleweed can certify a unit with just plumbing or just electrical and that is not adequate. Mr. Randall went on to explain the reason for this is as well built as the homes are they are not designed for most people to come in after the fact and install plumbing or electrical. He explained this is because the homes are so compact and the type of insulation done makes it too difficult to get in there and to do changes or additional work that you could normally do in a stick built home. He suggested that we require them to be a finished unit coming out of the factories and that we not allow "shells" to be placed. Mr. Randall stated that with the requirements for water and sewer that Tiny Homes could be a great addition to the community. He did point out that he would not call them inexpensive homes considering they cost on average \$75,000 to \$80,000 for 300 sq. feet or less. Mr. Randall then asked the Commissioners if they had any questions for him.

Mr. Fey pointed out that there are companies that do just sell the "shells" and that that will be a problem when the charm of these is that people want to buy the shell and take it and do the finishing work themselves. That would then put the burden back on the County to have to certify that it is safely livable after everything is covered up.

Mr. Randall replied that is what the concern is with not requiring them to be factory complete.

Mr. Fey stated that could mean a permit process and requirement as well as ongoing inspections.

Mr. Stambaugh stated that there are 3rd party companies that can do that.

Mr. Randall agreed that those companies do exist but that it is an expensive process that most people would like to avoid.

Chairman Alsup stated that this is not something that will be held to a vote today that this is just to begin the conversation around Tiny Homes.

Chairman Alsup called Tina Heffner to the podium.

Ms. Tina Heffner stated that going through the Tiny Home language it did not address electricity. She asked if the County was planning on allowing Tiny Homes to plug into 20 amp service which is part of a residential facility already located on a property.

Mr. Koch responded that this is the reason for the discussion is to address those things. Mr. Koch also stated that this would be considered a residence so it would need to have a meter.

Ms. Heffner than inquired if they would have to get a separate water tap because based on the wording in the handouts it states valid water source, but in Penrose which is agricultural they only allow and have only planned for one residential structure per lot and therefore that would almost preclude Penrose from having any Tiny Homes.

Mr. Brown addressed that it states separate water service and that that water service could be a cistern or anything else not just a water tap.

Mr. Fey stated that the assumption is that you could have an outside water tank like many places in Penrose currently do.

Ms. Heffner stated that this means we are not encouraging them to run a hose from a residence that they will have to have their own water.

Mr. Koch replied yes.

Mr. Masar stated that it's important that we have some kind of standards. If that is matching the RVIA or the ANSI 119.5. He also stated that he would not be in support of allowing shells either. He stated it should be a fully functional Tiny Home when it is placed. He stated that owner built or owner remodeled is not a good idea.

Mr. Weid stated that he disagreed and believes that there are people who are qualified and able to build quality structures and able to add plumbing, electrical and sewer. He would like to leave some room for those who are truly qualified to be able to complete their tiny home.

Mr. Larry Brown stated that he agrees with Mr. Weid that since there are 3rd party inspections available we should leave that option open. However he stated there would need to be some guidelines in place, we can't allow anyone to just do whatever it is that they want to do and possibly cause a fire or other damage where there is possible liability.

Mr. Weid stated that he thinks we should have some kind of standards, such as the RVIA or ANSI 119.5 but that it should not be our job to enforce those. Mr. Weid also questioned why we would want to limit these to just agricultural zone districts. He stated that at least initially it should be open to any zone district and then weed out the zones that are not appropriate. Mr. Weid then addressed the 200 sq. foot minimum guideline that we should consider removing that and allowing smaller sizes as long as they meet the standards and has what is needed to be a habitable structure. He also stated that the guideline to only have one tiny home per each legally created lot is counterproductive to creating Tiny Home communities even if that means somehow subdividing your lot into 3000 sq. ft. parcels.

Mr. Stambaugh commented that the suggested division of Tiny Home communities is 1200 sq. feet per home and 900 sq. ft. of open or green space per home.

Chairman Alsup added that in the guidelines it is not addressed having Tiny Home developments. He added that we are not really discussing that right now but that he feels that we should be addressing it.

Mr. Koch stated that there are ways to do those things such as PUD's, cluster development, different things like that and there are options to get to that point. Mr. Koch stated we can work those into the regulations as we go through this. He stated that we need to limit things, like if we have an 8500 sq. foot lot we don't want to have 4 or 5 Tiny Homes on there, we want to avoid some of those types of scenarios. However if we can regulate it, make sure it's compatible with the neighborhood and the area then we can get there.

Mr. Weid commented that the example Mr. Koch gave was a good one, that an 8500 sq. foot lot you don't want 4 Tiny Homes placed on there. However the example that Mr. Stambaugh gave would allow for exactly 4 Tiny Homes on a lot that size.

Attorney Jackson asked the Planning Commission for their thoughts on neighborhood compatibility and how we go about citing these in the various zone districts. She stated we are going to get a lot of push back on diminishing neighboring property values.

Mr. Weid stated that his example or thought is that he considers a Tiny Home community to be like an apartment complex where all of the apartments have a space in between them, so it's not really any different than building an apartment building.

Mr. Koch stated that then you can look at a higher density residential zone and not just a low density residential zone and we can consider that.

Mr. Weid added that different zone districts allow for different densities and he wouldn't want to make someone who wants to develop a Tiny Home community go through a PUD process or really complicated process when essentially what they want to do is building, per his analogy, an apartment building. If you can build an apartment building on a piece of property than maybe that would be an appropriate high density residential development, regardless of whether they are all in one building or in separate Tiny Homes.

Mr. Masar commented that he sees it as more of an RV park. We have regulations around RV parks and these Tiny Homes are considered RV's.

Chairman Alsup commented that there is a lot of discussion around these. He would like to get to the definition. The way that the County is defining it is not the way that he would like to see it defined and a lot of places don't define them that way. The IRC, that he stated he handed out to the Board, developed their own definition of Tiny House. This was voted on just a month ago. The IRC definition is "A dwelling that is 400 sq. feet or less in floor area excluding lofts". He stated he doesn't see why we cannot allow Tiny Homes to be built on a foundation and why we have the requirement that they be on wheels since in a lot of places

they are doing foundations too. He doesn't like putting that kind of restriction on the Tiny Home that it cannot be built on a foundation. He knows that will get into different areas with the building department and that there will be grey area between 400 and 750 sq. feet. He then asked Mr. Koch if that was the correct minimum now.

Mr. Koch replied that our regulations right now for residences in most zone districts are 750 sq. feet or more for a residence. He then stated that from his understanding as well once you take the wheels off of it you then need a building permit. Then at that point you would need to work with the building department and meet all of their standards, which then means you can't build it to RV standards you have to build it to their standards. Then in that case a lot of the Tiny Home concepts would not apply. You would not be able to do things like lofts, and stairs could not meet building codes in that space so there are issues with all of that. When the Tiny Home movement started the big deal was to be able to hook it up and drive it down the road, to be able to go from California to Oregon and haul your home with you. The whole concept was a moveable structure.

Chairman Alsup commented that to him that is the definition of an RV and there should be an allowance for a difference.

Mr. Koch responded that with a Tiny Home when it was started with the RV concept you could drag it behind your car going down the highway and take it wherever you want to go. So now when you are saying we build a structure that is permanent on the property, that's a house, that needs a building permit and it needs to go through that whole process. That takes you away from the concept of a Tiny Home.

Chairman Alsup stated he would be amenable to that himself and he thinks that these should be built as well as possible and if you want to build it on a foundation then you should have to go to the building department and get them to inspect it and make sure that it's done properly.

Mr. Brown stated that within code, just using stairs as an example, it's impossible to meet codes. You would not be able to meet the riser height, or any of those codes.

Mr. Stambaugh commented that the 2018 IRC just approved an amendment to the code for Tiny Homes on Foundations and the only requirement was that one area of the home had to be 70 sq. feet or greater. It does now specify ladders and lofts in the code. If the county adopts or they can amend to the 2018 IRC they would be fine, there would be no need to reinvent the wheel. Mr. Stambaugh asked what version of the IRC the county is on here.

Attorney Jackson replied that we are on 2006.

Mr. Fey inquired if we are going to have to adopt a separate set of standards under the definition of Tiny Home or keep everything rolled together.

Mr. Koch replied that at some point we are going to want a definition of a Tiny Home so that we can point to it and say this is a Tiny Home or this isn't a Tiny Home. We can put some variances on it.

Mr. Weid commented that we could possibly eliminate the square footage minimum for a structure to do away with the gap between 400 and 750 sq. feet. However if the County adopted just the part of the 2018 IRC code with reference to the Tiny Homes you would clearly have to have a definition of what a Tiny Home is. Mr. Weid asked Mr. Stambuagh if the IRC code included a size.

Mr. Stambaugh replied that it does but there is no minimum square footage in the 2018 IRC code.

Mr. Weid stated that he would be inclined to remove the 750 sq. foot minimum for a residential structure but anything over 400 still has to meet the standard building code.

Chairman Alsup stated that at some time we will have to deal with that area between 400 and 750 sq. feet.

Mr. Fey inquired if they are considered a recreational vehicle by the State of Colorado or if that is a national standard?

Mr. Randall answered they are considered an RV by the State of Colorado.

Mr. Fey inquired if the trailer they are sitting on has to have a license from the State of Colorado.

Mr. Randall stated that yes they do.

Mr. Fey inquired if that is all the State of Colorado is concerned with is the trailer that it sits on.

Mr. Randall replied with yes.

Mr. Brown asked Mr. Koch if eventually we will have to adopt something similar to what El Paso County has done and will it have to be that comprehensive and that involved.

Mr. Koch stated that is more than likely. What El Paso County had put into theirs was that they required an application to the planning department for a site build or something similar to that and that's where it was verified that the water source was there and all of those things were taken care of. Through that we would have to develop all of our regulations and requirements and such. So it is very likely we will need to get that detailed.

Mr. Brown asked Mr. Koch how we would be moving forward, will this be placed on every agenda going forward every single month and then Mr. Koch would get a chance to go through the comments and see where we can make modifications.

Mr. Koch replied that is the plan. That he will take the comments that are made here and start developing the regulations that we see fit that the Commission wants to start pursuing and then bring those back to the next meeting, review those, take public comment on those and

see where we can modify those and just continue until we get to a final plan that we can set before the County Commissioner for their review.

Mr. Fey inquired of Mr. Stambaugh and Mr. Randall. Where do you see Tiny Homes in 15 years?

Mr. Stambaugh replied that he doesn't believe we have even begun to scratch the surface in where this industry is going. He has spoken with major homebuilders across the state who have stated that they don't see the stick built homes continuing to be the main home solution in the future.

Mr. Pullen inquired if someone has an RV park can you park a Tiny Home in it.

Mr. Fey answered yes.

Mr. Pullen stated that one other thing that comes to mind is the County resources from a building department standpoint, not knowing what kind of quantities of these will actually come into the County. It may be one a year it may be 100, so it may not end up being an issue. He stated that the certification process is really important.

Mr. Richard Hildebrand stood up and stated that in Penrose any building that is certified for occupancy requires its own water meter at \$12,000.

Chairman Alsup closed public comment and conversation on Tiny Homes in Fremont County.

C.) DISCUSSION ON ALLOWING TEMPORARY, EXTENDED USE OF RECREATION VEHICLES FOR HOUSING

Chairman Alsup called on Mr. Koch to explain this item.

Mr. Koch called on Mr. Sean Garrett and Mr. Fred Gifford, Fremont County Code Enforcement Officers, to come forward and present and explain this item.

Mr. Fred Gifford referred to a PowerPoint presentation that the Code Enforcement officers had created to give some basic information on why this is necessary and some of the things needing addressed through this.

Mr. Gifford noted in 2015 Code Enforcement had 20 reported cases of people living in RV's, in 2016 they had 27 cases, and in 2017 they had 40 active cases of people living full time in RV's. That composed 40% of their total land use cases. He noted these are just the ones that are reported to us and there could be a lot more than this. The trend is showing an increase consistently. Mr. Gifford went on to explain that for many of the people who are living in their RV's this is all that they have. The next step for them is homelessness. Mr. Gifford stated that current regulations do allow a short time frame of 2 weeks to 90 days depending on the property zoning to be able to stay on a property in your RV. Many people living in

RV's are misinformed on what they are allowed to do, and refer to it as homesteading. Mr. Gifford noted that in the Florida Colorado Acres area is the highest number of cases, partially due to location and cost of property in that area.

Chairman Alsup inquired what the name of the area was.

Mr. Gifford replied with Florida Colorado Acres.

Mr. Fey inquired where that is at in the County.

Mr. Gifford responded with Southwest area.

Attorney Jackson stated in the Copper Gulch area.

Mr. Sean Garrett said that one of the main concerns that we get with these complaints is how sanitation is being handled. Are they properly disposing of it? Are they using a bucket and just dumping it? Are they dumping it in a gulley?

Mr. Gifford continued that the enforcement piece of it gets to be pretty extensive. This includes an increased workload for Code Enforcement Officers. Monitoring this begins to be an ongoing never ending problem. How do you go out and monitor if someone is continuing to live there. If you go out during the daytime there may be no one there but at night someone is living there and we have no way to take care of that. Mr. Gifford stated there is a cost for the County for court costs, if it goes to a point that it has to be taken to court action that adds additional cost. Also added is continuous monitoring after the court order. Additionally the likelihood of recuperating the additional costs of court and enforcement is minimal. Mr. Gifford pointed out that a big issue is that there is nothing in the regulations that states you can't store an RV on a piece of property and also forcibly removing people from their property is going to be tough.

Mr. Fey inquired if these are people that own the property and are just living there in a trailer on the property or if we are talking about people pulling into the woods on property that they don't own and camping out long term.

Mr. Gifford responded that these are people living on private property that they own for the most part.

Mr. Garrett clarified the vast majority either own the property or are in the process of purchasing the property they are camping on.

Mr. Fey stated that they just don't have the proper building facilities and are just residing in their trailer.

Mr. Garret replied yes.

Mr. Gifford stated that we are looking to come up with some additional alternatives. This is not a permanent fix, this is just a Temporary Use Permit that would put criteria in place that would require people to meet some basic levels. One would be for sanitation, they would have to have an approved septic system in place, absolutely have to. Also the parcel has to be maintained in a reasonable manner. You couldn't have the property "junked out" with lots of dead cars and trash piled up, it would have to be maintained just as other properties have to be maintained. We would have a signed affidavit agreement that would give us a real segway for possible enforcement later on if necessary. It would be a limited time frame, initially valid for one year with the ability to renew it, but we haven't identified how many times you can renew it. We have discussed 2 years, maybe 3 years on the very outside. Primarily a lot of people who are doing this have a dream to build a house later on and this would give them the ability to "live cheap" while they gather the resources necessary to move forward with building. The placement has to meet the setbacks for the zone district and the Code Enforcement officers would do regular inspections to make sure that they are keeping things clean and not violating the land use code in other ways. The cons of this are the potential to effect property values, the potential to affect marketability, blight and a possible increase in occurrence. The pros of doing this are it gives code enforcement another tool for enforcement, it gives an opportunity for citizens with limited resources, and it addresses the current concern of sanitation and a better use of County resources.

Mr. Masar inquired if primarily you are dealing with land owners putting an RV on their own land.

Mr. Gifford responded for the most part yes.

Mr. Masar then inquired if even if you can make them quit living in it you can't make them move it.

Mr. Garrett responded that we cannot make them remove the RV from the property. Current regulations allow it to stay there.

Mr. Masar commented so as far as marketability and property values in the area you can't make them move it anyway.

Mr. Garrett stated that is correct.

Mr. Wied inquired just for clarification is there a difference between a motor home, an RV and a trailer that we are going to be making a distinction about here.

Mr. Garrett replied no, not at this time.

Mr. Gifford explained it would cover Class A, Class B, Class C, 5th wheels, camper trailers, pop ups.

Mr. Garrett explained it would be anything that meets the current County definition of a trailer.

Mr. Weid clarified that his point being some of these really truly are built to be permanent residences that just move. You can go out and spend \$500,000 on a motor home and that's a home.

Mr. Fey stated that you still have to dump the waste tanks and you still have to put water in it.

Mr. Garrett stated that sanitation would be the first thing that would be addressed. They would have to have an approved system on site.

Mr. Pullen inquired for a percentage of how many squatters or people who do not own the property Code Enforcement comes across.

Mr. Garrett responded that is very few and far between. He stated it was approximately 2 in the last couple of years.

Mr. Pullen stated so that's not an epidemic that you are dealing with.

Mr. Garrett stated we have had a few in the Penrose and Florida Colorado Acres area where it is a friend that owns the property and someone is staying on it. Those tend to be temporary and are resolved fairly quickly. Examples are new to the area just looking for a place, just passing through and stopped for a while, and then they move on. In general we are just dealing with land owners.

Mr. Fey inquired if this is an information problem for those people and do we feel they would comply with these regulations if they were in place.

Mr. Garrett replied that he believes a good majority will, obviously not everyone will. There are some that are very anti-government so they wouldn't comply one way or the other and those will always be an issue.

Mr. Brown stated that you have a situation though that even if someone owns the property consider what it costs to put a septic system in and if you consider what it costs to put a water tap in you are talking about \$30,000. It's a definite problem.

Mr. Fey stated that sometimes when people buy property they just think that everything is taken care of and they can just go live on it.

Mr. Pullen inquired when someone comes in for a building permit and they ask to do a temporary trailer it's usually because they have the utilities and they are getting ready to build do we address that whatsoever.

Mr. Garrett responded that we address that through an Agreement to Abate Temporary Use Permit. We tie that to the building department so that permit is good as long as the building permit is good which is generally a year and then they can renew. We state in that agreement that once the structure is completed they agree to move out of the travel trailer or RV and into the house.

Mr. Pullen stated once they have the Certificate of Occupancy then they move out of the RV.

Mr. Garrett replied yes once they have the CO or within 30 days of getting it.

Mr. Brown inquired right now how long they have to keep that RV in place if they are building.

Mr. Garrett responded that we tie it to the building permit and the building permit is valid for a year.

Mr. Brown inquired but if they don't have a building permit and they still went through the septic approval and they have electricity, water department put a tap in, how do we know how long they have been there?

Mr. Garrett responded we generally get that information as the case develops.

Mr. Fey inquired to clarify if they put in a septic system and if they put in a water well and bring in power they still can't live in their RV on their property.

Mr. Garret responded correct, not for more than 2 weeks to 90 days depending on the zoning.

Chairman Alsup called Ms. Heffner back to the podium.

Ms. Heffner stated that this issue has become a real problem for those in Penrose and while everyone seems to think that 40 cases might be a lot having believed she filed a good portion of those complaints she assures the board that none of those were for property owners that had campers on their property. They are for residential properties that have allowed campers and RV's to live on their property by running extension cords to their house and hoses to their house. She stated she filed one this morning on a property that has 4 campers, 2 of which people are living in and the amount of cars at this location is unbelievable. She stated she does not believe we should extend it beyond the 90 days and possibly one year if they own the property. She stated the problem they are having is that there are properties out there where multiple campers are on the property and they have been allowed to stay there and so therefore we have given them cart blanche to continue this. She asked that we consider the

following 6 issues when you are looking at the verbiage for this. Those issues are fire danger and availability of fire hydrants. In unincorporated Fremont County we have very few fire hydrants and therefore if you have campers on properties with other structures you have fire danger. Next she stated water usage and all of the campers that she has filed complaints on have hoses run to the house and they have extension cords run to the house. There is no addressing the electric service. She stated that obviously if they have their own property they have a year to come up with the building permit and to start construction. She doesn't think that is what the issue is here she believes we are talking about campers on residential properties. Next she stated visual nuisance, if you drive anywhere in Penrose or unincorporated Fremont County, Penrose specifically, you will see campers everywhere and they are not squatters they actually have permission from the homeowner to be there because she states she believes they are paying rent. Traffic increase, she stated obviously if you have campers and that sort of thing you are increasing the traffic. Trash and property devaluation. Ms. Heffner states that she personally had an issue with a camper dumping human feces in the property next to hers 2 years ago. She stated that it is a fact that they are trashing up the properties. Ms. Heffner quoted RV Daily Record and Camper World "About one half of all RV fires occur while vehicles are stationary. 35% of all RV fires are caused by electrical shorts and faulty wiring. Extension cords are a major issue, perhaps even more dangerous than overloading of an outlet. While a circuit breaker may well protect an outlet from being overloaded it will not protect the extension cord." Ms. Heffner went on to state that most campers are 30 and 50 amp service and that the County is not requiring them to put in an electrical amperage sufficient for them to do that and homes do not have that. Ms. Heffner stated that she would personally ask that we not extend beyond the 90 days. Ms. Heffner continued on to state that she doesn't personally believe that 40 cases for this, that even in addition to the rest of their case load, probably requires more time. But that they do now have 3 Code Enforcement Officers to handle this and she ask that the Board not consider the issue.

Chairman Alsup called Ms. Dever back to the podium.

Ms. Dever stated that she currently works in 6 counties, including Fremont, Chaffee, Custer, Lake, Park and Teller counties. She stated that Park County is currently having a serious problem with people owning the property and putting camp trailers or RV's on the property. They believe that since they own the property they can do what they want to do with it. The issue that Park County is having is that they have regulations however the majority of those are not hooked up to water, septic or electricity. Park County does have codes, however in enforcing those codes they are evicting people off of their own. Ms. Dever states that according to the HUD definition of an RV "A recreational vehicle is a vehicle regardless of its size. It is not designed to be used as a permanent dwelling in which the plumbing, heating and electrical systems contained therein may be operated without connection to outside utilities and which are self-propelled or towed by a light duty vehicle." Ms. Dever states that these RV's are not meant to be lived in permanently and they are not designed to be in Colorado permanently with some of our weather conditions. She states they are designed as vehicles, they are not designed and built as homes. She stated that she understands working in affordable housing that we do have an affordable housing issue and that people are using

this as finding a way of housing so that they are not homeless. However, according to HUD living in an RV you are considered homeless. Ms. Dever then presented some pictures of some RV living issues in Park County that she had visited previously.

Chairman Alsup asked Ms. Dever to clarify who she is the housing director for.

Ms. Dever clarified that she is the housing director for the Upper Arkansas Area Council of Governments.

Mr. Fey inquired of Ms. Dever what the solution is for housing.

Ms. Dever responded that she did not know.

Chairman Alsup stated that he finds it an irony that the housing director is arguing against all of the optional and alternative housing.

Ms. Dever responded that she wants people to be safe and that living in an RV is not a safe option and it may be warmer than being homeless but it's not safe.

Mr. Fey asked Ms. Dever if this is a recent phenomenon. We hear a lot about the homeless and that they are all over the place.

Ms. Dever stated it is becoming worse.

Mr. Fey inquired if this has been a slow increase.

Ms. Dever stated the past 3 years it has been a very steady, fast increase.

Mr. Fey inquired if it was tied to marijuana in Colorado.

Ms. Dever responded a little of it is but that is not the total cause of it. Colorado was mentioned as one of the best places to live and that attracts people to come here. We are also known for having good jobs in the Metro areas.

Chairman Alsup called Mr. Richard Hildebrand to the podium.

Mr. Hildebrand stated that his concern is with the utilities and stated with all due respect to the Code Enforcement Officers he is not sure that they understand the full magnitude of this problem. He stated he has seen Penrose and has been up through Copper Gulch area and there are a lot of trailers that have been parked there for years and he agrees that many of them don't have the utilities that they need. He stated his concern or question is what happens to the waste from their black water tanks and he doesn't see them move as if they are taking them to an appropriate disposal site. He stated there are a lot of people that have wells and if that material is going in the groundwater then it is definitely not like a septic

system. Mr. Hildebrand stated that his biggest concern is being able to enforce and address sanitation rules including trash around the property. He stated you can see all of these things if you drive around Penrose. He stated that he would hope it would not be extended to allow the time that is being discussed unless there are truly rules that are being established and enforced. What he stated he sees is many cases where there is not enforcement. He stated the concern for his neighborhood, where he has resided for 15 years, and frankly doesn't want to move and about appearance as well. Mr. Hildebrand then asked the Commissioners if they had any questions for him.

Mr. Pullen inquired if Mr. Hildebrand was from Penrose.

Mr. Hildebrand responded yes he is.

Chairman Alsup inquired if this has affected Mr. Hildebrand personally.

Mr. Hildebrand responded yes it has. There is one house that he knows that varies from 2, 3, to 4 trailers that the home owner indicates he is working on and restoring these trailers. Mr. Hildebrand stated that he believes that the owner is making mobile grow houses out of these trailers, and in addition there is a berm out in the back that they have dug and shoot their firearms there and pile trash in the middle of it and happen to be shooting towards the Southern Baptist church in Penrose. He also stated there are 3 pit bulls that walk around free on occasion. He stated it impacts him and his property values and he is hoping to get some rules into the county guidelines for the septic and trash.

Ms. Susan Hildebrand stood up and stated that Mr. Hildebrand had left out that the particular house that he spoke of threatened her physically and that it was reported to the Sheriff. Ms. Hildebrand stated that the Board needed to know that information and that it happens on a regular basis.

Chairman Alsup stated that there was one other person who had signed a form to speak but it was unrelated to the topics on the agenda and so would not be addressed today.

Chairman Alsup then opened up to discussion from the Planning Commission.

Mr. Masar stated that this appears to be two separate issues being discussed. He stated that the comments made were about people having more than one RV at a residence on one piece of property but what we are looking at here is a Temporary Use Permit for someone who is planning on eventually building a home and that's a step in the right direction. However if we are talking about 3 or 4 travel trailers on one piece of property we already have regulations against that. Mr. Masar then asked Mr. Koch if we have regulations against that.

Mr. Koch responded that they can store them on the property they just cannot live in them and that's the issue. A lot of these people are living in them illegally already and trying to enforce that is already an issue. We are trying to find an avenue to take a step and work with

people to try and get them to take the next step whether that's move to another place or build a house, whatever that next step is to help them move on from RV.

Chairman Alsup stated he was glad that Mr. Masar had brought up the distinction and that we need to be aware that we are addressing two different topics and not confusing issues.

Mr. Masar stated the issue that we are looking at and addressing is one where we are talking about someone who is building.

Mr. Koch stated not necessarily building, right now we have the abatement in place for people that are actively building. The issue we are addressing is people who are living there to try and get a job or save up some money. That's not potentially building. This TUP would be allowing them to live there while they did that for that certain amount of time to try to get them to make it better by either building a house or moving on.

Mr. Masar inquired if it's still one trailer per lot.

Mr. Koch stated yes it is.

Mr. Fey inquired with a septic system and water.

Mr. Koch stated yes, exactly.

Mr. Masar then stated that they couldn't be tied into an existing house.

Mr. Koch replied yes. Correct.

Mr. Masar stated so that would be a separate issue. They wouldn't be running extension cords or hoses from somebodies house. That would be a separate issue.

Mr. Koch responded that is a separate issue.

Mr. Fey inquired if we have 3 Code Enforcement offices.

Mr. Koch replied with correct we currently do.

Mr. Fey inquired if they have the laws behind them to get things done or does it just take forever in our legal system.

Mr. Garrett responded that it can take a long time. The policies at this time are for voluntary compliance. If people do not voluntarily comply we have to add the additional court time and additional court costs.

Mr. Fey inquired how that was working.

Mr. Garrett replied that it really depends on each case and that each case is different.

Mr. Brown addressed Mr. Koch and asked as far as the commission is concerned they really need to get involved in this RV situation and come up with some rules and regulations.

Mr. Koch replied that basically this discussion is to find out what direction the planning commission would like the county to proceed so that they can start developing those regulations around a temporary use permit to allow something like this or if we should go in a different direction.

Mr. Pullen stated that he was concerned about the enforcement side. That they don't have all of the tools that they need to adequately go out and either serve them with a 30 day notice or 90 day notice or to have the zoning law specific to being able to cite them. From what he saw from the presentation the code enforcement officers don't have all the tools they need to go out and enforce those. And the first step would be to clarify what those uses on those properties are.

Mr. Fey commented that would be the first step would be to set specific rules and regulation so that the Code Officers can go out and use those to get their job done and those are too loose now. He then asked Mr. Koch if that's how he feels about it.

Mr. Koch responded that he doesn't believe that they are too loose but they are somewhat vague. However if we have the TUP that gives an avenue to enforce it. If we get more direction from the Planning Commission on tighter regulations then that is the direction that they will go.

Mr. Fey stated that they want to try and help the people that are trying to get ahead and get their property taken care of but to also be able to take care of the ones that are abusing the system.

Mr. Weid stated if you have the TUP the people who are complying will get the TUP and how does that deal with the people who aren't complying.

Mr. Koch replied that it gives us the ability to go out and say here is this avenue that you can take and then we can proceed through the courts if they don't want to comply with that.

Chairman Alsup commented that is what we are talking about here with the extended use of RV's if it is being done properly. If it is hooked up to a septic and adequate water supply. That is a completely separate issue from some of these violations that others were talking about. Chairman Alsup stated he doesn't have an issue with the extended use and living in an RV if it's being done properly as its being talked about in the documents.

Chairman Alsup called for final comments from the planning commission.

ADJOURNMENT

Chairman Alsup adjourned the meeting at 4:35 p.m.

Brian Alsup 2-6-18
CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION DATE