

**PLANNING AND ZONING COMMISSION ACTION ITEM  
STAFF SUMMARY  
JULY 7, 2021 PLANNING AND ZONING COMMISSION MEETING**

**DATE:** July 2, 2021

**AGENDA ITEM NUMBER:** 5

**ACTION TO BE CONSIDERED:**

Consideration of Resolution No. PZ 11-21, Series of 2021. (PUBLIC HEARING)

**A RESOLUTION EXEMPTING 780 LITTLE BEAVER TRAIL FROM  
CERTAIN PROVISIONS OF THE DILLON LAND DEVELOPMENT  
CODE PURSUANT TO § 31-23-301, C.R.S.**

**BACKGROUND / TIME FRAME:**

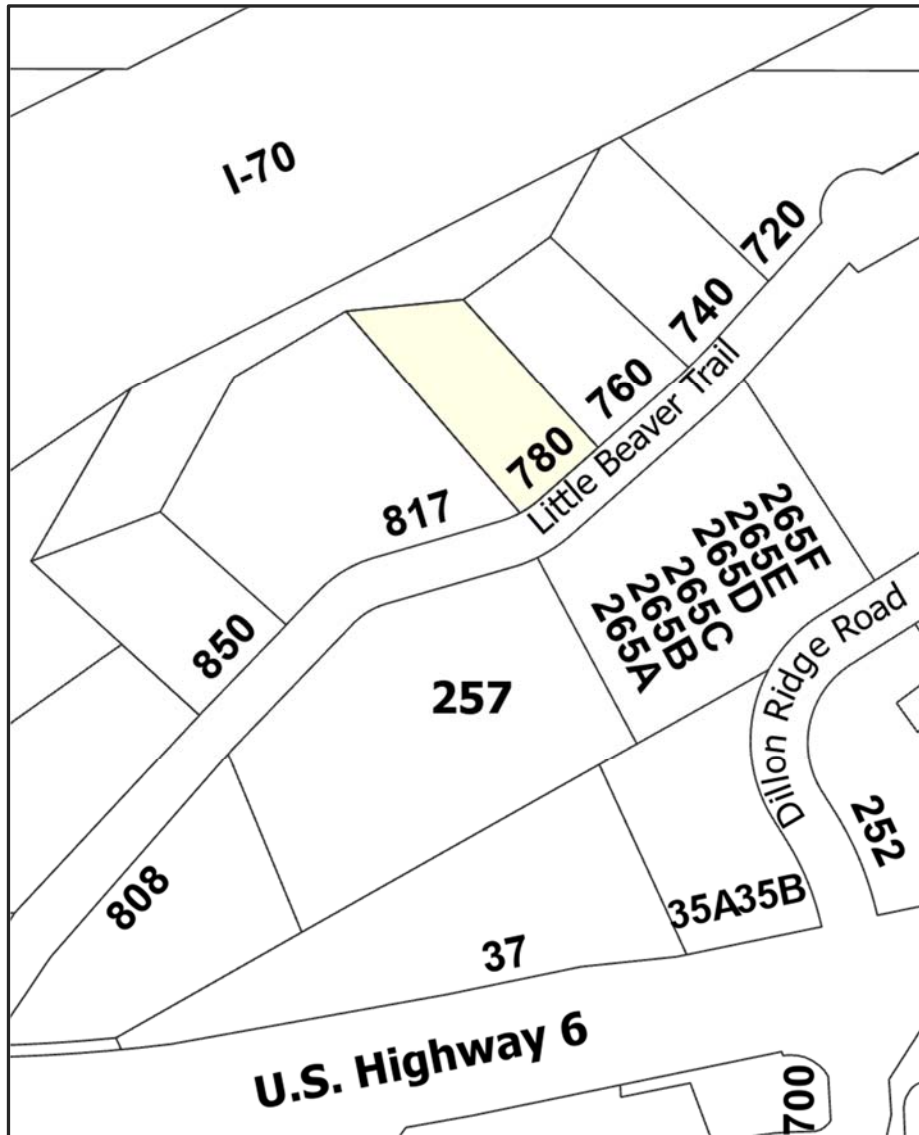
- May 27, 2021: Summit County Government and Town of Dillon staff held a preapplication conference to discuss zoning matters related to the County’s interest in purchasing 780 Little Beaver Trail for employee housing
- June 4, 2021: Summit County Government applied for the Statutory Exemption. See *Exhibit ‘A’* for the Application.
- July 7, 2021: Planning and Zoning Commission Public Hearing

**SUMMARY:**

Summit County Government (the “County”) is under contract to purchase real property located at 780 Little Beaver Trail, more specifically know as Lot 3, Ptarmigan Trail Estates Subdivision #1, (the “Property”) and the three-unit building located thereon (the “Building”). See *Figure 1* for the *Property Vicinity Map*. The County desires to use the Building in its current three-unit configuration as housing for employees of Summit Stage, the County, and, when appropriate, the Town of Dillon. Multi-family residential use is permitted in the Mixed Use (MU) zone district if developed in conjunction with a commercial use and does not exceed 80% of a building on a lot at any one time. Noteworthy is that at one point in time, a portion of the Building was occupied by a commercial, service-oriented business.

The current MU zoning of the Property does not permit the County’s proposed one hundred percent (100%) residential use. In accordance with (Colorado Revised Statutes) § 31-23-301, C.R.S. (the “Statute”), requires that municipalities exempt from the operation of zoning ordinances “any building or structure as to which satisfactory proof is presented to the board of adjustment that the present or proposed situation of such building or structure is reasonably necessary for the convenience or welfare of the public”. Pursuant to Chapter 16, Article X of the Dillon Municipal Code, the Planning and Zoning Commission for the Town of Dillon (the

“Planning Commission”) serves as the Board of Adjustment for the Town.



*Figure 1 Property Vicinity Map*

This exemption pursuant to Colorado Revised Statute § 31-23-301 requires the Planning and Zoning Commission to exempt a structure from applicable zoning provisions when an applicant has presented satisfactory proof that the proposed use of the structure is reasonably necessary for the convenience and welfare of the public.

Pursuant to the Statute, the County has applied to the Planning Commission to exempt the Property from the provision of the Dillon Land Development Code (“Application”) prohibiting the Building from being used as one hundred percent (100%) residential (the “Exemption”); provided that, the Exemption shall be personal to the County and shall not attach to the land. The County and Town find the following in support of this application:

- A. Housing for the local workforce has become increasingly out of reach.
- B. Housing inventory in Summit County is constrained by land shortages, labor shortages, high construction costs, the second homeowner market, and short-term rentals.
- C. Summit County was experiencing unprecedented business and employment growth before the onset of the COVID-19 pandemic.
- D. According to the Summit County Housing Needs Update, a 2020 study funded by the Summit Combined Housing Authority, Summit County will have a housing gap of approximately 2,000 units.
- E. In the aftermath of the COVID-19 pandemic, Summit County has experienced industry shifts brought on from remote working options that have exacerbated the housing shortage.
- F. The Summit Stage is an essential service in Summit County, and the Town is a partner in the governance, funding and operation of the Summit Stage.
- G. The Summit Stage is a free public transit service within the Town and Summit County generally, providing access to residential areas, town centers, retail areas, ski resorts, and medical centers, among other things.
- H. The Summit Stage operates the only ADA paratransit service in the County.
- I. Similar to many public entities and service industries in Summit County, the Summit Stage is struggling to retain employees.
- J. The lack of affordable housing is a major contributor to the workforce shortage and in particular the Summit Stage's difficulty in hiring employees.
- K. The County and Town face similar difficulties in hiring employees.
- L. The Property's current use is 100% multi-family residential; the neighboring property to the east is used as a group home; the neighboring property to the west is used as a retail marijuana store; and, the north side of the Property abuts Interstate 70.
- M. The three units of multi-family residential on the Property would not have a negative impact on the adjacent properties.
- N. Considering the critical need for workforce housing, the essential nature of the Summit Stage transit services, and the absence of any negative impact resulting from the requested exemption, the continued use of the entire Property for multi-family residential workforce housing is the highest and best use of the Property at the present time and reasonably necessary for the welfare of the community.
- O. Pursuant to D.M.C. § 16-3-170(6), the MU zone requires a front setback of twenty-five (25) feet.
- P. Based on County Building Department records, the structure was constructed, inspected and given a certificate of occupancy despite being located within seventeen feet from the front lot line.
- Q. Pursuant to D.M.C. § 16-4-80, "a nonconforming building may continue to be occupied"; the County has requested that the Planning Commission permit continued occupation of the existing nonconforming structure.
- R. A portion of the paved surface of Little Beaver Trail runs through the Property, and the County has agreed to grant the Town a roadway easement for such portion as a condition of approval of the Application.

These findings indicate that the proposed use of the Building as employee housing is reasonably necessary for the convenience or welfare of the public.

**BUDGET IMPACT:** None

**STAFF RECOMMENDATION:** Town staff recommends approval of Resolution PZ 11-21, Series of 2021 with conditions as presented in the resolution.

**MOTION FOR APPROVAL:**

I move we approve Resolution PZ No. 11-21, Series of 2021.

**ACTION REQUESTED:** Motion, Second, Roll Call Vote.

Resolutions require the affirmative vote of a majority of the members present.

**DEPARTMENT HEAD RESPONSIBLE:** Scott O'Brien, Public Works Director

**Exhibit 'A'**  
**Summit County Government**  
**Application for Statutory Exemption**  
**June 4, 2021**



## TRANSIT DEPARTMENT

970.668.0999 ph | 970.668.4165 f  
www.SummitStage.com

0222 County Shops Rd. | PO Box 2179  
Frisco, CO 80443

June 4, 2021

Planning and Zoning Commission  
Town Hall  
275 Lake Dillon Dr.  
PO Box 8  
Dillon, CO 80435

Re: Application for exemption pursuant to C.R.S. § 31-23-301.

Dear Planning and Zoning Commissioners and Town of Dillon Planning Department:

Summit County Government (the "County") is currently under contract to purchase the property located at 780 Little Beaver Trail, legally described as Lot 3, Ptarmigan Trail Estates - Unit 1 (the "Property") as depicted on the Improvement Location Certificate attached as Exhibit A. The County hopes to continue using the Property in its current configuration for three units of housing but with the units to be occupied by Summit Stage employees, or other County or Town employees when appropriate, thereby continuing the entire occupancy of the Property for multi-family residential use.

There are two issues regarding the Property's zoning that the County desires to resolve before investing public funds in the Property: (1) the County's desired use of the Property does not conform with all of the Dillon Municipal Code (the "Code") zoning regulations in the zoning district in which it is situated; and (2) the structure on the Property encroaches slightly on the front setback.

Thankfully, C.R.S § 31-23-301 creates a statutory exemption process from the application of municipal zoning regulations. Pursuant to this statute, a "County, or any other party, may obtain an exemption from a zoning ordinance if 'satisfactory proof is presented to the board of adjustment that the present or proposed situation of such building or structure is reasonably necessary for the convenience or welfare of the public.'" Bd. of Cty. Comm'rs of La Plata v. Bd. of Adjustment of City of Durango, 768 P.2d 1250, 1251 (Colo. App. 1988) (quoting C.R.S. § 31-23-301). An exemption regarding the permitted uses of the property is reasonable and necessary in light of the circumstances regarding the Property and ongoing housing crisis facing our community.

### 1. Workforce Housing Use For Transit Employees

The Property is currently located in a Mixed Use ("MU") zone. Multi-family residential use is

permitted in the MU zone if developed in conjunction with a commercial use and does not exceed 80% of a building on a lot at any one time. Dillon Municipal Code (“D.M.C.”) § 16-3-170(5)(c)(2). County’s proposed use would not conform to this requirement.

As you are certainly aware, over the last few years, housing for our local workforce has become increasingly out of reach. Mountain and resort communities such as ours face unique challenges regarding housing inventory such as supply constrained by land shortages, labor shortages, high construction costs, the second homeowner market, and short-term rentals. Summit County was experiencing unprecedented business and employment growth before the onset of the COVID-19 pandemic. According to the Summit County Housing Needs Update (the “Study”), a 2020 study funded by the Summit Combined Housing Authority, Summit County will have a housing gap<sup>1</sup> of approximately 2,000 units.<sup>2</sup> Now, in the aftermath of the COVID-19 pandemic, we are seeing industry shifts brought on from remote working options that have only exacerbated the housing shortage.

The Summit Stage is an essential service in our community and the Town is a partner in the governance, funding and operation of the Summit Stage. The Stage is a free public transit service within the Town and Summit County generally, providing access to our residential areas, town centers, retail areas, ski resorts, and medical centers, among other things. In addition, the Summit Stage operates the only ADA paratransit service in the County.

Similar to many public entities and service industries in Summit County, the Summit Stage is struggling to retain employees. The lack of affordable housing is a major contributor to the workforce shortage and in particular the Summit Stage’s difficulty in hiring employees.

Based upon information from the seller, the Property’s use is currently 100% multi-family residential. According to available tax data, the neighboring property to the east is used as a group home, and the neighboring property to the west is used as a retail marijuana store. The north side of the Property abuts Interstate 70. In short, it seems rather evident that the three units of multi-family residential would not have a negative impact on the adjacent properties.

Considering the critical need for workforce housing, the essential nature of the Summit Stage transit services, and the absence of any negative impact resulting from the requested exemption, the County believes that the continued use of the entire Property for multi-family residential workforce housing is the highest and best use of the Property at the present time and reasonably necessary for the welfare of the community.

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<sup>1</sup> The Study defines a “gap” as follows: “This means that the supply of housing in an area is not meeting the demands of the local workforce and non-working permanent residents. It means that the area relies on other areas (within or outside the region) to meet those demands.” Study at 13.

<sup>2</sup> Study, at 4.

## 2. Setbacks

The MU zone requires a front setback of twenty-five feet. D.M.C. § 16-3-170(6). Based on County Building Department records, the structure was constructed, inspected and given a certificate of occupancy despite being located within seventeen feet from the front lot line. See Exhibit B. Pursuant to the code, "a nonconforming building may continue to be occupied." D.M.C. § 16-4-80. County requests that the Town of Dillon permit continued occupation of the existing nonconforming structure.

In light of the lack of formal land use process for an exemption under C.R.S. § 31-23-301, please accept the foregoing narrative and attachments as County's application for statutory exemption. The County will be happy to provide any additional materials requested by the Commission or Department. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bentley Henderson", with a long horizontal flourish extending to the right.

Bentley Henderson  
Assistant County Manager



# **Exhibit A**

Improvement Location Certificate



# **Exhibit B**

Relevant Permit Documents B

# SUMMIT COUNTY

Permit 97-0675

## COMMUNITY DEVELOPMENT DIVISION BUILDING INSPECTION DEPARTMENT

Date: 07/21/98  
Time: 11:28

### FINAL CERTIFICATE OF OCCUPANCY

SFRD : Dillon Single Family

Lot: 3 Block: Sub: PTARMIGAN TRAIL ESTATES  
Address: 780 LITTLE BEAVER TRL 50 DI Filing: 1  
Location: DILLON, BY 1ST BANK

Parcel No:  
Legal:

Applicant: BUSH MICHAEL T  
Owner: BUSH MICHAEL T 468-7440  
Address: PO BOX 104  
City: DILLON CO 804350104

Contractor: HOMEOWNER BUILDER  
Address:  
City:  
License: 0000

Description: ADD'N TO SFR (WAS BP #930015)  
Const. Code: 11 Addition  
Type Const.: V N Type V Non-Rated  
Occupancy: R3/U1 Residence W/Garage  
Class NO: 434 Residential Addition/Alteratio  
Dwelling Units: 001

Item: 00001 Fire		Dept:	Division:
07/20/1998 KATHYS	Action: APPR DEO - OK FOR CO	Dept:	Division:
Item: 00002 Sewer/Septic		Dept:	Division:
10/07/1997 MATTM	Action: APPR J BOYD		
07/21/1998 KATHYS	Action: APPR JBOYD - OK FOR CO	Dept:	Division:
Item: 00003 Water		Dept:	Division:
10/07/1997 MATTM	Action: APPR J BOYD		
07/21/1998 KATHYS	Action: APPR JBOYD - OK FOR CO	Dept:	Division:
Item: 00004 Public Works		Dept:	Division:
07/21/1998 KATHYS	Action: APPR JBOYD - OK FOR CO	Dept:	Division:
Item: 00005 Planning		Dept:	Division:
10/07/1997 MATTM	Action: APPR J BOYD		
07/21/1998 KATHYS	Action: APPR JBOYD - OK FOR CO	Dept:	Division:
Item: 00006 Home Owners Association		Dept:	Division:
Item: 00012 Building Department		Dept: BLDB@@@	Division: @@
10/07/1997 MATTM	Action: APPR MJM		
07/20/1998 KATHYS	Action: APPR TBOUCHER OK FOR CO	Dept:	Division:
Item: 00013 Certificate of Occupancy		Dept:	Division:
07/21/1998 KATHYS	Action: APPR JWOLDRIDGE - OK FOR CO		

Approved for Occupancy, Summit County Department of Codes Administration and Building Safety, By:

Title: Building Official Date: 7-21-98

'418D

# SUMMIT COUNTY

Permit 97-0675

## COMMUNITY DEVELOPMENT DIVISION BUILDING INSPECTION DEPARTMENT

Date: 10/15/97  
Time: 14:16

### BUILDING PERMIT

SFRD : Dillon Single Family

Status: ISSUED  
Applied: 10/07/1997  
Issued: 10/07/1997  
To Expire: 04/08/1999

Lot: 3 Block: Sub: PTARMIGAN TRAIL ESTATES  
Address: 780 LITTLE BEAVER TRL 50 DI Filing: 1  
Location: DILLON, BY 1ST BANK

Parcel No:  
Legal:

Applicant: BUSH, MICHAEL T  
Owner: BUSH, MICHAEL T 468-7440  
Address: PO BOX 104  
City: DILLON, CO 804350104

Contractor: HOMEOWNER BUILDER  
Address:  
City:  
License: 0000

Description: ADD'N TO SFR (WAS BP #930015)  
Const. Code: 11 Addition  
Type Const.: V N Type V Non-Rated  
Occupancy: R3/U1 Residence W/Garage  
Class No: 434 Residential Addition/Alteratio  
Dwelling Units: 001

#### Conditions:

#### Valuations:

Occupancy	Type	Factor	Sq. Feet	Valuation
Dwellings	Type V Wood Frame	85.60	1,752	149,971.20
Private Garages	Wood Frame	22.60	960	21,696.00
Subtotal:			2,712	171,667.20
Total Valuation:				171,667.20

Table Date: 05/09/1996

Total Calculated Fees:	30.00
Additional Fees :	.00
Total Permit Fee :	30.00
Payments :	30.00
Balance Due:	.00

Separate permits are required for all electrical, mechanical (HVAC) plumbing work on this project. The contractor for each applicable trade is required to draw such permits from this department.

This Building Permit is valid for eighteen (18) months from date of issue. This permit shall also become Null and Void if construction is not commenced within 180 days or if work is suspended or abandoned for a period of 180 days at any time after the work is commenced.

I agree to save, indemnify and keep harmless this jurisdiction and/or its employees against all liabilities, judgements, costs and expenses which may in any way accrue against said jurisdiction in consequence of the granting of this permit.

The issuance or granting of this permit based upon plans, specifications and other data shall not prevent the subsequent requiring of the correction of errors in said plans, specifications and other data and shall not be construed to be a permit for or approval of, any violation of any of the provisions of this code or any other law of the jurisdiction. All work will be performed in accordance with the codes of the jurisdiction and all other laws applicable thereto and no permit presuming to give authority to violate or cancel these provisions shall be valid.

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until a Certificate of Occupancy has been issued therefor.

By signing this permit I acknowledge and will comply with any special condition noted on this permit. I further acknowledge that I have read this application and state that the same is true and correct.

*Michael T. Bush* 10-15-97

OWNER (IF OWNER/BUILDER)

DATE

x

GENERAL CONTRACTOR

DATE

**SUMMIT COUNTY**  
**COMMUNITY DEVELOPMENT DIVISION**  
**BUILDING INSPECTION DEPARTMENT**

Permit 93-0015

Date: 08/17/94  
 Time: 09:14

**BUILDING PERMIT**

SFRD : Dillon Single Family

Status: ISSUED  
 Applied: 02/05/1993  
 Issued: 02/05/1993  
 To Expire: 02/20/1996

Lot: 3 Block: Sub: PTARMIGAN TRAILS ESTATES  
 Address: 780 LITTLE BEAVER TRL 50 DI Filing:  
 Location: DILLON

Parcel No: 09-01398  
 Legal: L 3 PTARMIGAN TRAILS 1

Applicant: BUSH MICHAEL T SR  
 Owner: BUSH MICHAEL T SR  
 Address: P O BOX 104  
 City: DILLON CO 80435

Contractor: UNREGISTERED CONTRACTOR  
 Address:  
 City:  
 License: 9999

Description: SFRD  
 Const. Code: 10  
 Type Const.: V N  
 Occupancy: R3  
 Class No: 102  
 Dwelling Units: 001

New Construction  
 Type V Non-Rated  
 Single Family Residence  
 Single Family House, Attached

Conditions:

Valuations:

Occupancy	Type	Factor	Sq. Feet	Valuation
Dwellings	Type V Wood Frame	52.30	1,752	91,629.60
Private Garages	Wood Frame	18.60	960	17,856.00
Decks/Porches	Decks/Porches	13.10	288	3,772.80
			Subtotal:	113,258.40
			Total Valuation:	113,258.40

Table Date: 01/01/1992

Total Calculated Fees: 906.07  
 Additional Fees : .00  
 Total Permit Fee : 906.07  
 Payments : 906.07  
 Balance Due: .00

Separate permits are required for all electrical, mechanical (HVAC) plumbing work on this project. The contractor for each applicable trade is required to draw such permits from this department.

This Building Permit is valid for eighteen (18) months from date of issue. This permit shall also become Null and Void if construction is not commenced within 180 days or if work is suspended or abandoned for a period of 180 days at any time after the work is commenced.

I agree to save, indemnify and keep harmless this jurisdiction and/or its employees against all liabilities, judgements, costs and expenses which may in any way accrue against said jurisdiction in consequence of the granting of this permit.

The issuance or granting of this permit based upon plans, specifications and other data shall not prevent the subsequent requiring of the correction of errors in said plans, specifications and other data and shall not be construed to be a permit for or approval of any violation of any of the provisions of this code or any other law of the jurisdiction. All work will be performed in accordance with the codes of the jurisdiction, and all other laws applicable thereto and no permit presuming to give authority to violate or cancel these provisions shall be valid.

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until a Certificate of Occupancy has been issued therefor.

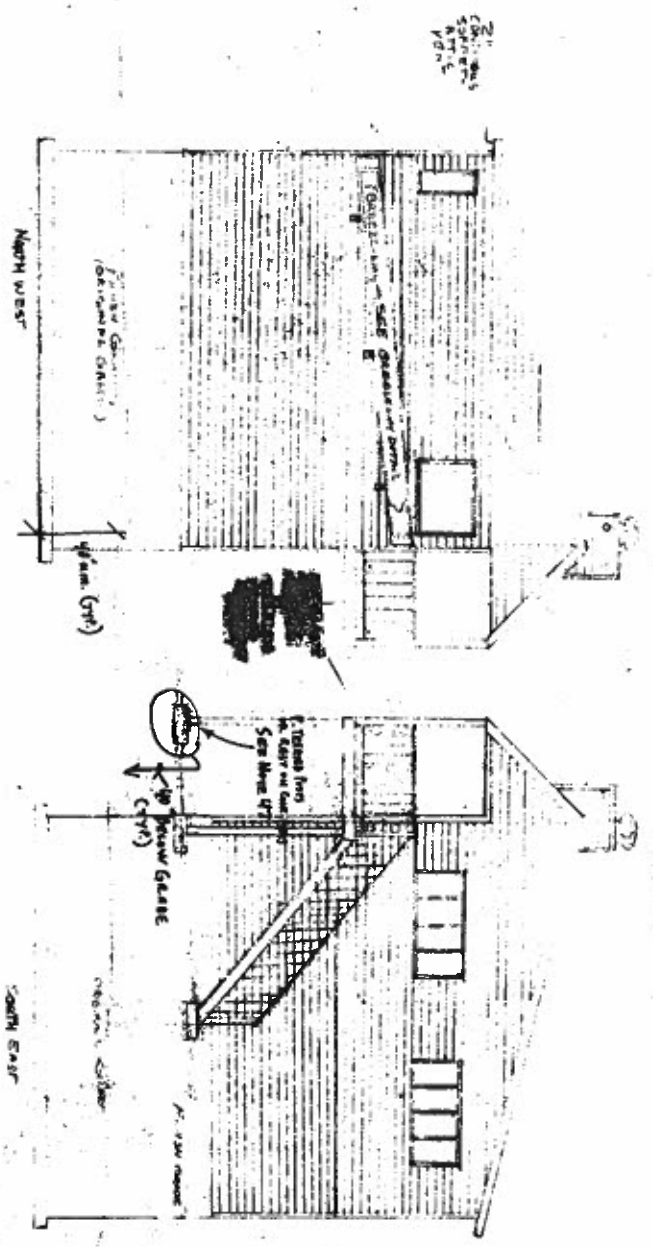
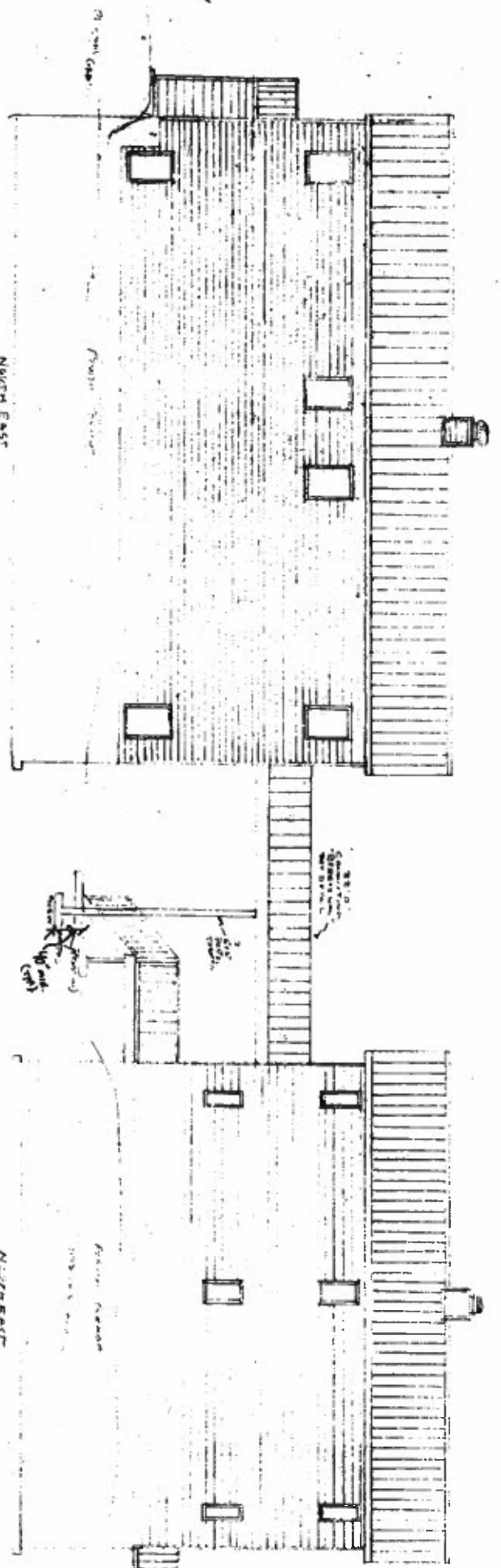
By signing this permit I acknowledge and will comply with any special condition noted on this permit. I further acknowledge that I have read this application and state that the same is true and correct.

x Michael T. Bush 8-17-94 x \_\_\_\_\_  
 OWNER (IF OWNER/BUILDER) DATE GENERAL CONTRACTOR DATE





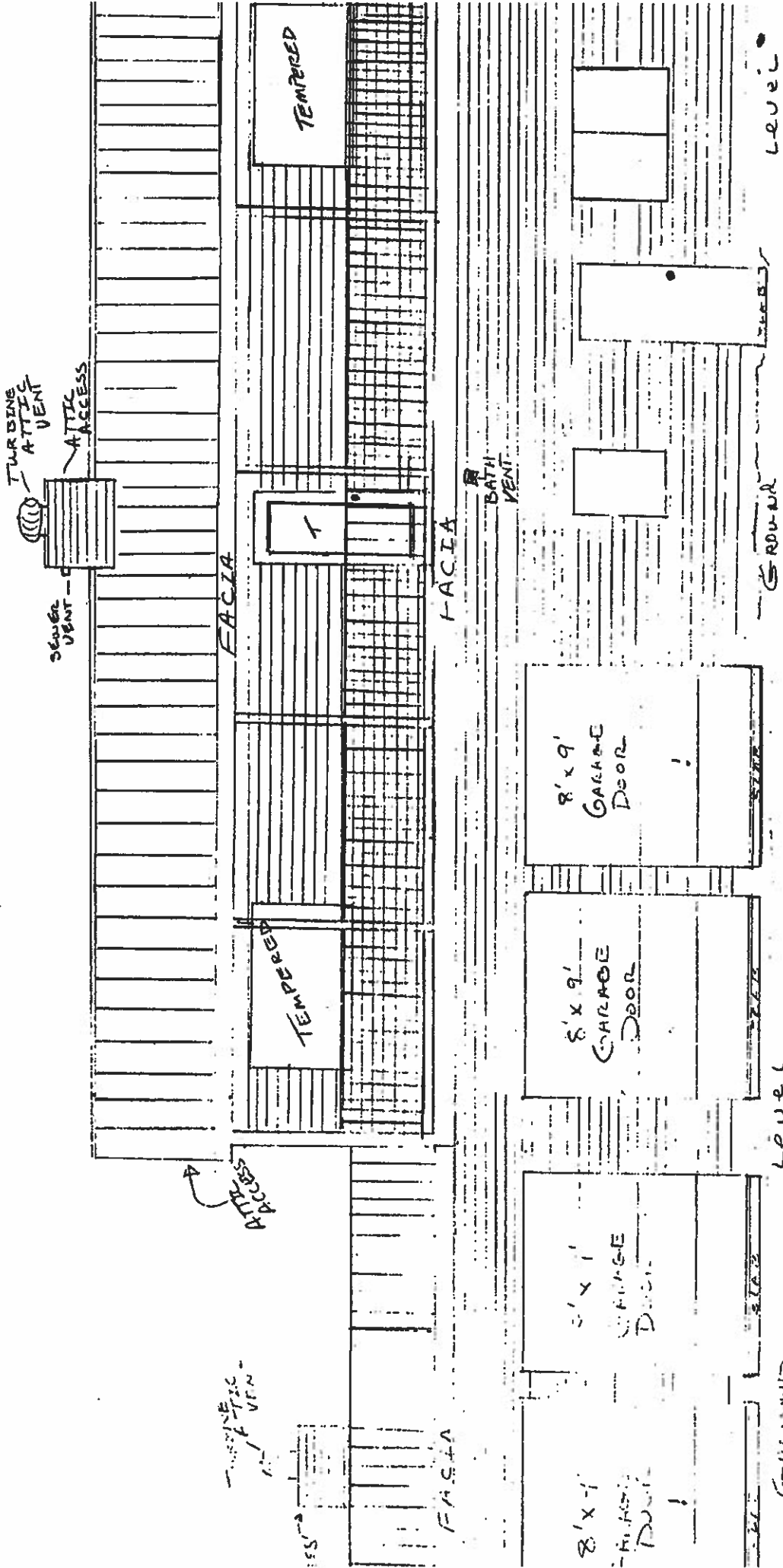




Rooms: 2000, 2000, 2000, 2000, 2000  
 Siding: 1" x 6" Cedar To Ceiling  
 Insulation: Walls: R-24  
 Ceiling: R-30  
 Floor: 2" x 6" Joists  
 Roof: Asphalt Shingles  
 Heat: Radiant Gas, Hi-Efficiency  
 Boilers and Radiators  
 Hot Water: Radiant Gas, Hi-Efficiency  
 Hot Water: Radiant Gas, Hi-Efficiency  
 Sept: Main Floor 11' x 2'  
 Garage Level 11' x 2'



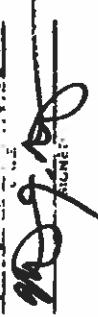

CAP E. ARCHITECTURE  
 780 CANTON SQUARE, SUITE 100  
 BOSTON, MASSACHUSETTS 02118  
 TEL: 617-552-1111  
 FAX: 617-552-1112  
 WWW: WWW.CAPARCHITECTURE.COM



DAMP PROOF CONTINUOUS FOUNDATION 48"

WEST 970675

LOT 3 PTMAN  
780 LITTLE BEA  
1/4" = 1'  
06-17-97  
PL. MIT # 93-015  
468

6/23/97 - MISCELLANEOUS REVISIONS  
  


NA

ORIGINAL  
CONST.  
N.

H2O  
12' Deep

Sewer  
9' Deep

LOT  
3

NEW  
CONST.  
S.

LOT  
LINE  
↙

PT ARMIGAN TR.  
ESTATES I  
780 LITTLE BEAVER  
TRAIL - DILLON  
MICHAEL T. BUSH  
7-20-98

2'  
-10'-

Sewer Line  
Deep  
Sump pump 20'  
Deep

H2O  
12'  
Deep

H2O Line  
12' Deep

H2O  
CONCRETE

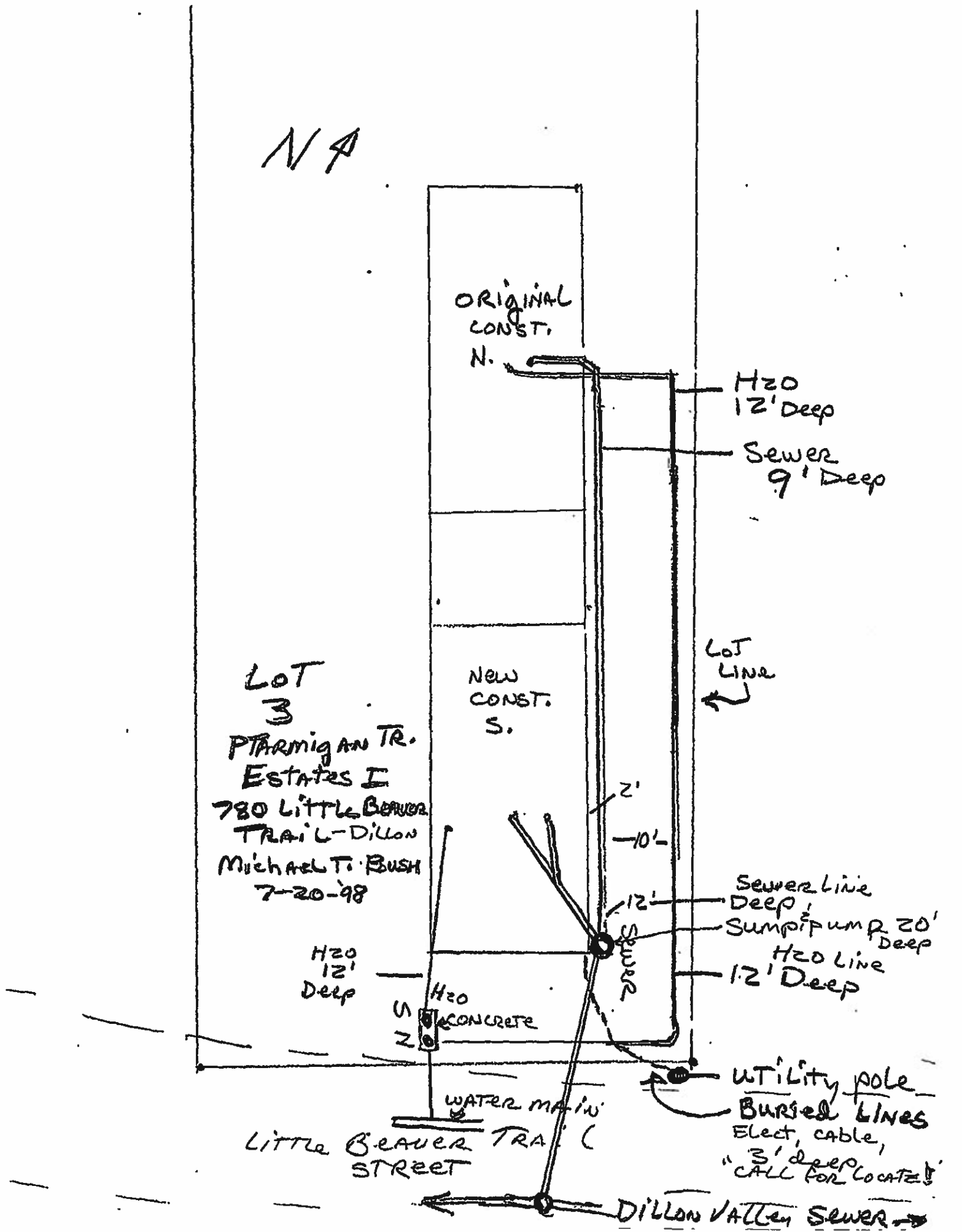
Sewer

UTILITY pole  
BURIED LINES  
Elect, cable,  
"3' deep  
CALL FOR LOCATE"

WATER MAIN

LITTLE BEAVER TRAIL  
STREET

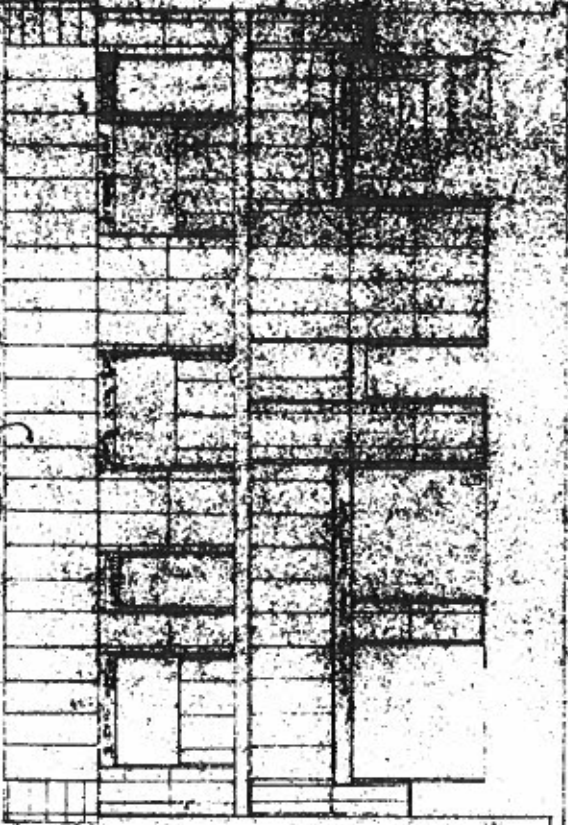
DILLON VALLEY SEWER →





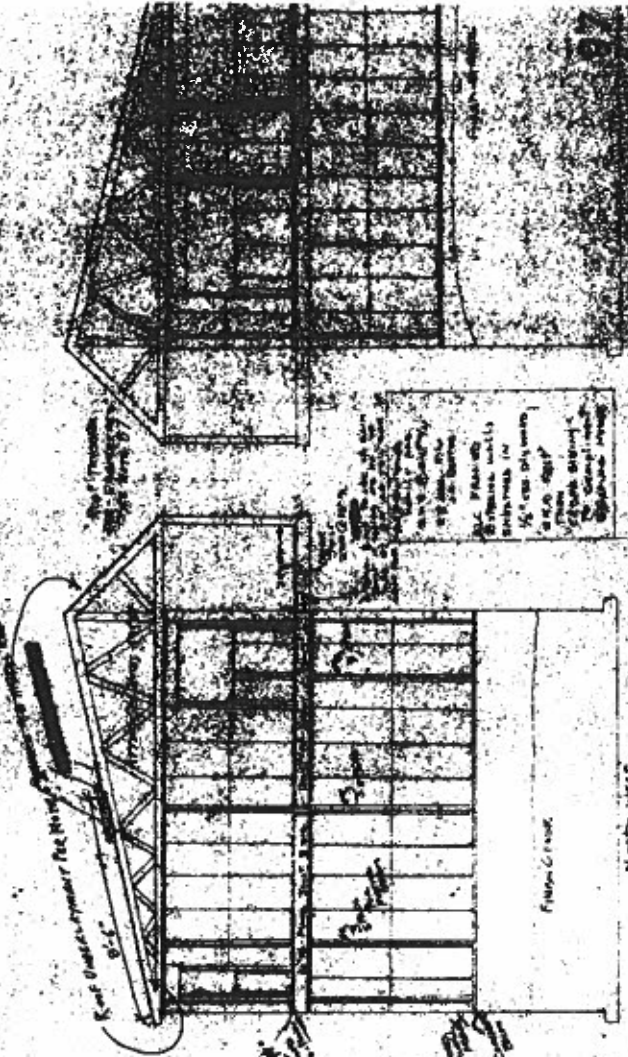
NORTH EAST

ORIG. INT. FINISHES

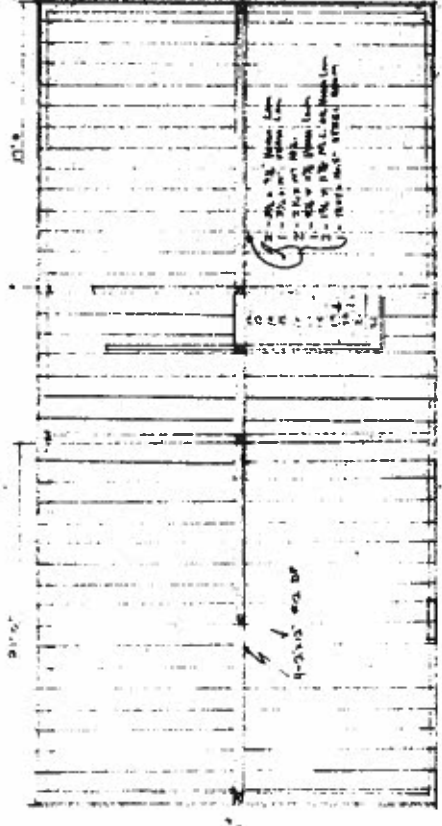


ORIG. INT. FINISHES

- 1/2\"/>



NORTH WEST



FLOOR JOIST & CEILING  
 Double Top-Down Layer  
 20' x 20' x 12'

ORIG. INT. FINISHES

- 1. 2\"/>

**RESOLUTION NO. PZ 11-21**  
**Series of 2021**

**A RESOLUTION EXEMPTING 780 LITTLE BEAVER TRAIL  
FROM CERTAIN PROVISIONS OF THE DILLON LAND  
DEVELOPMENT CODE PURSUANT TO § 31-23-301, C.R.S.**

**WHEREAS**, Summit County (the “County”) is under contract to purchase real property located at 780 Little Beaver Trail (the “Property”) and the three-unit building located thereon (the “Building”); and

**WHEREAS**, the County desires to use the Building in its current three-unit configuration as housing for employees of Summit Stage, the County, and, when appropriate, the Town of Dillon; and

**WHEREAS**, multi-family residential use is permitted in the Mixed Use (MU) zone district if developed in conjunction with a commercial use and does not exceed 80% of a building on a lot at any one time; and

**WHEREAS**, the current MU zoning of the Property does not permit the County’s proposed one hundred percent (100%) residential use; and

**WHEREAS**, § 31-23-301, C.R.S. (the “Statute”), requires that municipalities exempt from the operation of zoning ordinances “any building or structure as to which satisfactory proof is presented to the board of adjustment that the present or proposed situation of such building or structure is reasonably necessary for the convenience or welfare of the public”; and

**WHEREAS**, pursuant to Chapter 16, Article X of the Dillon Municipal Code, the Planning and Zoning Commission for the Town of Dillon (the “Planning Commission”) serves as the Board of Adjustment for the Town; and

**WHEREAS**, pursuant to the Statute, the County has applied to the Planning Commission to exempt the Property from the provision of the Dillon Land Development Code (“Application”) prohibiting the Building from being used as one hundred percent (100%) residential (the “Exemption”); provided that, the Exemption shall be personal to the County and shall not attach to the land; and

**WHEREAS**, the County has obtained the consent of the current owner of the Property to submit the Application; and

**WHEREAS**, following the required notice, the Planning Commission held a public hearing on the Application on July 7, 2021; and

**WHEREAS**, following the public hearing, the Planning Commission has made certain findings of fact regarding the Application and has determined that certain conditions which are reasonable and necessary to and relate to impacts created by the use should attach to the approval of the Application.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:**

Section 1. The Planning Commission held a public hearing on July 7, 2021 on the Application, and following said public hearing finds that the Applicant has presented satisfactory proof that the proposed use of the Property and Building is reasonably necessary for the convenience and welfare of the public, for the following reasons:

- A. Housing for the local workforce has become increasingly out of reach.
- B. Housing inventory in Summit County is constrained by land shortages, labor shortages, high construction costs, the second homeowner market, and short-term rentals.
- C. Summit County was experiencing unprecedented business and employment growth before the onset of the COVID-19 pandemic.
- D. According to the Summit County Housing Needs Update, a 2020 study funded by the Summit Combined Housing Authority, Summit County will have a housing gap of approximately 2,000 units.
- E. In the aftermath of the COVID-19 pandemic, Summit County has experienced industry shifts brought on from remote working options that have exacerbated the housing shortage.
- F. The Summit Stage is an essential service in Summit County, and the Town is a partner in the governance, funding and operation of the Summit Stage.
- G. The Summit Stage is a free public transit service within the Town and Summit County generally, providing access to residential areas, town centers, retail areas, ski resorts, and medical centers, among other things.
- H. In addition, the Summit Stage operates the only ADA paratransit service in the County.
- I. Similar to many public entities and service industries in Summit County, the Summit Stage is struggling to retain employees.
- J. The lack of affordable housing is a major contributor to the workforce shortage and in particular the Summit Stage's difficulty in hiring employees.
- K. The County and Town face similar difficulties in hiring employees.
- L. The Property's current use is 100% multi-family residential; the neighboring property to the east is used as a group home; the neighboring property

to the west is used as a retail marijuana store; and, the north side of the Property abuts Interstate 70.

M. The three units of multi-family residential on the Property would not have a negative impact on the adjacent properties.

N. Considering the critical need for workforce housing, the essential nature of the Summit Stage transit services, and the absence of any negative impact resulting from the requested exemption, the continued use of the entire Property for multi-family residential workforce housing is the highest and best use of the Property at the present time and reasonably necessary for the welfare of the community.

O. Pursuant to D.M.C. § 16-3-170(6), the MU zone requires a front setback of twenty-five (25) feet.

P. Based on County Building Department records, the structure was constructed, inspected and given a certificate of occupancy despite being located within seventeen feet from the front lot line.

Q. Pursuant to D.M.C. § 16-4-80, “a nonconforming building may continue to be occupied”; the County has requested that the Planning Commission permit continued occupation of the existing nonconforming structure.

R. A portion of the paved surface of Little Beaver Trail runs through the Property, and the County has agreed to grant the Town a roadway easement for such portion as a condition of approval of the Application.

Section 2. Pursuant to § 31-23-301, C.R.S., the Planning Commission hereby approves the Application to exempt the Property from Section 16-3-170(5)(c)(2) of the Dillon Municipal Code, with the following conditions:

A. The Exemption granted herein by the Planning Commission is personal to the County and shall terminate upon transfer of ownership of the Property to any other person or entity.

B. During the term of the Exemption, the Building may only be used as three (3) units of housing for employees and officers of the Summit Stage, County of Summit, and Town of Dillon (as appropriate), and for uses accessory thereto in accordance with applicable provisions of the Dillon Land Development Code.

C. The County shall grant the Town a roadway easement for that portion of the paved surface that runs through the Property within sixty (60) days of the date of this Resolution.

D. The County may continue to occupy the lawfully nonconforming Building; provided that, the County shall make no changes, alterations, additions, or renovations that increase the degree of nonconformity with applicable provisions of the Dillon Land Development Code.

**APPROVED AND ADOPTED THIS 7th DAY OF JULY, 2021, BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO.**

**PLANNING AND ZONING COMMISSION,  
TOWN OF DILLON**

By: \_\_\_\_\_  
Alison Johnston, Chairperson

ATTEST:

By: \_\_\_\_\_  
Michelle Haynes, Secretary to the Commission