

**RESOLUTION NO. PZ 05-22**  
**Series of 2022**

**A RESOLUTION, PURSUANT TO SECTION 31-23-301 OF THE COLORADO REVISED STATUTES, AMENDING RESOLUTION NO. PZ 11-21, SERIES OF 2021, TO ENABLE AN INCREASE IN THE NUMBER OF DWELLING UNITS ON THE COUNTY-OWNED PROPERTY LOCATED AT 780 LITTLE BEAVER TRAIL**

**WHEREAS**, Summit County (the “County”) is the owner of real property located at 780 Little Beaver Trail, Dillon, Colorado (the “Property”), and the building located thereon (the “Building”); and

**WHEREAS**, on July 7, 2021, pursuant to § 31-23-301, C.R.S., the Planning and Zoning Commission of the Town of Dillon (“Planning Commission”) adopted Resolution No. PZ 11-21, Series of 2021 (the “Resolution”), to exempt the Property from certain provisions of the Dillon Land Development Code (“Zoning Code”), which enabled the County to use the Building in its current configuration to provide three (3) units of housing for employees of the Summit Stage, a free public transit service providing access to public lands, lodging, town centers, retail areas, and medical centers within Summit County; and

**WHEREAS**, the County has been using the Building in its current three-unit configuration as housing for employees of Summit Stage since sometime after the adoption of the Resolution; and

**WHEREAS**, after recognizing a need for additional housing units for Summit Stage employees, the County appropriated funds to renovate the Building to increase in the total number of dwelling units without altering the Building footprint; and

**WHEREAS**, to enable the increase in dwelling units, the County has applied to the Planning Commission, pursuant to § 31-23-301, C.R.S., for an amendment to the exemption granted in the Resolution (the “Application”); and

**WHEREAS**, as grounds for the expanded exemption requested in the Application, the County cites the ongoing housing crisis facing the community, which crisis has been thoroughly studied and concluded by both the County and the Town; and

**WHEREAS**, the County has indicated to the Town that the renovation is still in the initial phases of design and feasibility, and thus the County has yet to identify the exact number of units it will propose for the Building; and

**WHEREAS**, the County has further indicated that it intends to carry out the multi-family residential use for the full term of the County’s occupancy of the Property, and acknowledges that renovations to the Building and units will require Town of Dillon approval under applicable provisions of the Zoning Code; and

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

**WHEREAS**, following the required notice, the Planning Commission held a public hearing on the Application on September 12, 2022; 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. Following the duly-noticed public hearing on September 12, 2022, the Planning Commission hereby 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. 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.
- D. 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.
- E. 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.
- F. In addition, the Summit Stage operates the only ADA paratransit service in the County.
- G. Similar to many public entities and service industries in Summit County, the Summit Stage is struggling to retain employees.
- H. The lack of affordable housing is a major contributor to the workforce shortage and in particular the Summit Stage's difficulty in hiring employees.

I. 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.

J. Increasing the number of dwelling units within the existing Building footprint will not have a negative impact on the adjacent properties.

K. Considering the critical need for workforce housing, the essential nature of the Summit Stage transit services, and the absence of a perceived 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.

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

M. Based on County Building Department records, the structure was constructed, inspected and given a certificate of occupancy despite being located within seventeen (17) feet from the front lot line.

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

Section 2. Pursuant to § 31-23-301, C.R.S., the Planning Commission hereby approves the Application to amend the exemption granted in Resolution No. PZ 11-21, Series of 2021, to enable an increase in the total number of dwelling units permitted in the Building (the "Exemption"), 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 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 ("Zoning Code").

C. Prior to undertaking any renovation to the Building to increase the number of dwelling units without altering the Building footprint, the County shall first obtain a Development Permit from the Town as required under the Zoning Code. Following Development Permit issuance, but before commencing the renovation, the County shall obtain a building permit from the Summit County Building Department.

D. Except as provided in *Condition C* above, during the term of the Exemption, the County shall make no changes, alterations, additions, or renovations that increase the degree of nonconformity with applicable provisions of the Zoning Code, unless approved by the Town of Dillon pursuant to the Planned Unit Development (PUD) procedures of the Zoning Code.

Section 3. Except as amended herein, Resolution No. PZ 11-21, Series of 2021, shall remain in full force and effect.

**APPROVED AND ADOPTED THIS 12th DAY OF SEPTEMBER, 2022,  
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