

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF
TELLER COUNTY, COLORADO**

RESOLUTION NO. 12-13-18 (45)

**A RESOLUTION TO APPROVE A TEXT AMENDMENT TO SECTION 2.4 OF THE
TELLER COUNTY LAND USE REGULATIONS REGULATING CAMPING AND
TEMPORARY HOUSING.**

File No. LUR- Z18-0002

WHEREAS, by Resolution No. 12-06-07(47) adopted December 6, 2007 (Reception No. 613556), the Board of County Commissioners of Teller County (the Board) approved the *Teller County Land Use Regulations* (the LUR) effective January 1, 2008; and

WHEREAS, pursuant to C.R.S. §30-28-116, as amended, the Board is authorized to amend the LUR; and

WHEREAS, the Teller County Planning Department, has requested an amendment to the text of the LUR, specifically Section 2.4 Camping and Temporary Housing, as set forth in that Staff Report dated November 1, 2018; and

WHEREAS, amending Section 2.4 Camping and Temporary Housing, will establish a Camping permit and fee which requires the amendment of Exhibit A of the Teller County Land Use Regulations – Teller County Planning Fees established by Resolution No. 12-06-07 (49) and as amended by Resolution 10-08-09 (42); and

WHEREAS, on November 13, 2018, the Teller County Planning Commission held a duly-noticed public hearing, considered the application for the proposed text amendment, testimony and materials presented at that hearing, and recommended to the Board that it approve and adopt the proposed text amendment; and

WHEREAS, after notice as provided by law, a public hearing was held by this Board on December 13, 2018, and the Board considered the application, the Planning Commission recommendation, and all testimony and materials presented at that hearing; and

WHEREAS, the Board adopts the findings of Teller County Planning staff contained in that Staff Report dated November 1, 2018 and finds that the revised LUR text as set forth in Exhibit A attached hereto and incorporated into this Resolution meets the standards and requirements for a text amendment to the LUR as set forth in *Section 2.11.E.1* and *Section 2.1.C.6.a*, and is consistent with the purposes, goals, objectives and policies of the *Teller County Growth Management Plan*; and

WHEREAS, the Board hereby finds, determines and declares that adoption of this Resolution is necessary for the preservation and protection of the public health, safety and welfare of the inhabitants of Teller County, Colorado;

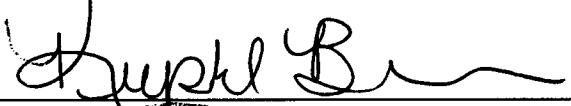
NOW, THEREFORE, BE IT RESOLVED by the Board that the revised text, as set forth in Exhibit A and the Camping Fee as set forth in Exhibit A to the Teller County Land Use Regulations, attached hereto and incorporated herein is hereby approved for incorporation into the LUR and shall be effective immediately.

THE FOREGOING RESOLUTION IS ADOPTED AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF TELLER COUNTY, COLORADO, HELD THE 13TH DAY OF DECEMBER, 2018 AT CRIPPLE CREEK, COLORADO.

THE BOARD OF COUNTY COMMISSIONERS
OF TELLER COUNTY, COLORADO

BY 
MARC DETTENRIEDER, CHAIRMAN

ATTEST:


COUNTY CLERK

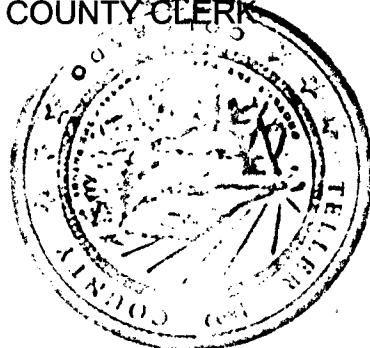


EXHIBIT A: NEW TEXT

Amend Section 2.4 Camping and
Temporary Housing so that it reads as
follows:

Section 2.4

CAMPING AND TEMPORARY HOUSING IN ALL RESIDENTIAL ZONE DISTRICTS AND THE AGRICULTURAL ZONE.

A. **Camping on Vacant Property.** Camping on any vacant property, including but not limited to a vacant lot, parcel, tract or mining claim, is permitted only when the following requirements are met:

1. Property Owners may camp on their property for up to 60 days in any continuous 12-month period. Camping in excess of 60 days in any continuous 12-month period is not permitted, will be considered a permanent residence and is a violation of these Regulations.
2. A camping permit is required for camping on vacant property in excess of 14 days. See Section 2.4.B.
3. A camping unit is defined as a recreational vehicle (R/V), camp trailer, 5th wheel or tent.
4. No more than two camping units per lot, parcel, tract, or mining claim are allowed.
5. The recreational vehicle (RV), camp trailer, or 5th wheel must have current licensing and registration and be in an operable road worthy condition.
6. Trash must be managed on-site, and removed from the site regularly during camping and upon completion of camping.
7. The lot, parcel, tract, or mining claim on which camping occurs must be maintained in a safe, clean and sanitary manner, and must not be a nuisance or create adverse impacts to surrounding property, land or land uses.
8. The property address must be visible from the road.
9. Compliance with all minimum setbacks for the zone district must be met.
10. Sewage must be disposed of at an off-site facility and approved by the Teller County Environmental Health Department where a dump receipt must be provided or by means of a permitted and installed on site wastewater disposal system. Campers shall retain copies of dump receipts and must be provided to the Teller County Environmental Health Department.
11. All camping on vacant land by persons other than the property owner must have the written permission of the property owner and is permitted as long as no commercial activity is associated with the camping.

B. Camping Permit

1. A camping permit is not required for camping on vacant property for up to fourteen (14) days.
2. A camping permit is required for the following:
 - a) Camping more than fourteen (14) days on vacant property.
 - b) A property owner that is subject to Teller County Code Enforcement Action
 - c) Prior to electrical service being supplied to the property.
3. A camping permit must be obtained from the Teller County Community Development Services Department. A camping permit must include a narrative detailing the duration of the camping, written permission from the property owner if the camper is not the property owner, the property address, the method for obtaining potable water supply, wastewater treatment, and trash removal.
4. Compliance with all minimum setbacks for the zone district must be met.

C. Camping on Improved Properties. Camping on an improved lot, parcel, tract or mining claim is permitted only when the following requirements are met:

1. Property owners who have improved their property to include a permanent residence with a permanent water supply and wastewater treatment system will be permitted to allow non-paying guests and family members to camp on their property as long as there is no commercial activity associated with the camping.
2. Camping on improved property will be limited to up to fourteen (14) consecutive days, and no more than thirty (30) days during any six (6) month period.
3. Events on improved property involving more than twenty (25) non-paying guests or family members and more than two camping units such as a family re-union or other social gathering, require a Special Events Permit from the Teller County Administration office.
4. All camping by persons other than the property owner must have written permission of the property owner.

D. Temporary Housing. The property owner may live on his or her property during the construction of a permanent dwelling on the same property, with a valid Temporary Housing Permit.

1. **Standards and Duration**. Upon payment of the required inspection fee and review of the proposed temporary housing permit application, the Planning Director may approve a permit for temporary housing so long as the property owner has demonstrated that the following conditions are, and continue to be, met:

- a. An approved water supply, sewage disposal system and electrical service are installed on the property and connected to the temporary housing.
- b. The permanent dwelling Building Permit has been issued by the Building Department and remains active, and no more than 180 days has elapsed between inspections required by the Building Department in accordance with the Teller County Building Code.
- c. The temporary housing is a currently Colorado-licensed trailer, motor home, RV, or similar unit. On-site constructed units as defined by the Teller County Building Code for a Dwelling or Efficiency Dwelling Unit (as defined by the Teller County Building Code), are not considered temporary housing. Mobile Homes that meet the standards for a Manufactured Home or Factory Built Housing as defined in *Chapter 12 Definitions: Dwelling* will not be considered temporary housing. These Regulations do not permit the use of campers, trailers, lean-tos, tents, motor homes, recreational vehicles, or any other such property as a permanent residence or allowable dwelling unit.
- d. All minimum setbacks for the zone district are met.

2. **Vacation of Temporary Housing.** The temporary housing unit must be vacated within 30 days of the issuance of the Certificate of Occupancy for the permanent dwelling unit

E. **Violations.** Violations of this Section will be subject to enforcement pursuant to Section 1.15 of these Land Use Regulations, the penalty provisions in C.R.S Section 30-28-125 and 30-28-124.5, and the violation provision of any applicable Teller County Ordinance.

(Established 12-06-07 (49) and Amended by Resolution 10-08-09 (42)

**EXHIBIT A: TO THE TELLER COUNTY LAND
USE REGULATIONS -
TELLER COUNTY PLANNING FEES**

LAND USE APPLICATION TYPE	FEE
Amendment of the Teller County Land Use Regulations	\$ 630.00
Appeal to the Board Of Adjustment or Board of County Commissioners	\$ 630.00
Continuance or Postponement of a public hearing	\$ 630.00
Development Agreement or Improvements Agreement (or equivalent document) - Stand-alone. Does not apply to SIA or PUD Guide, the fee for which is included in the Subdivision or PUD application fee.	\$ 630.00 + \$12.50/res. unit or \$60.00/acre comml.
Camping Permit	\$ 25.00
Floodplain Development Permit	\$ 252.00
Legal Lot Determination	SEE RESEARCH & REPORTING
CRS Location and Extent	\$ 630.00
Major Bldg. Review - RESIDENTIAL	\$ 630.00 + \$60/unit
Major Bldg. Review - NON-RESIDENTIAL	\$ 630.00 + \$0.13/sq ft
Modification of Infrastructure Request (waiver of infrastructure standards)	\$ 630.00 + \$100 each waiver requested
New Community (1041) Permit	[minimum fee \$555]
% of total cost inc. land <\$500K	1%
% of total cost inc. land >\$500K but <\$1mm	0.75%
% of total cost inc. land >\$1mm	0.50%

PUD Sketch Plan	<i>Same as for a Major Subdivision Sketch or Preliminary Plan; however, only one fee is charged for both a same level Subdivision and PUD application</i>
PUD Preliminary Plan	
PUD Amendment (PUD Preliminary Plan Amendment)	\$ 1,260.00 + postage to notify all property owners within PUD (statutory requirement)
Research/Reporting (per hour - one hour minimum)	\$ 63.00 + attorney rate as necessary
Road Naming and Re-naming	\$ 260.00
Rezoning	\$ 1,260.00
Sign: Review (Sign Exemption, TODS sign, etc. but not permitted on-premise signs for which no special review is necessary)	\$ 255.00

LAND USE APPLICATION TYPE	FEE
Sign: Construction Directional & Access Sign Permit	\$20 original permit \$15 for extension
Similar Use Designation	SEE RESEARCH & REPORTING
Special District Review: Application Processing Fee – all applications Special districts include but are not limited to the following: CRS Title 32 Article 1 Districts; CRS Title 32 Districts that are not part of Article 1; non-CRS Title 32 districts including but not limited to county recreation districts, cemetery districts, local and public improvement districts (initiated by either public or private interests), and other special public project districts; and CRS Title 7 Corporations and Associations including but not limited to Water Users' Associations.	\$ 500.00
<p>1. Special Review Fee. If special review of the proposed special district is required, an additional Special Review Fee may be imposed in addition to the Application Processing Fee, in order to reimburse the County for its reasonable direct costs related to such special review including without limitation the time, materials, and other resources required by regular County staff, contract service staff (including the County Attorney and County Engineer), or consultants, to perform the special review. If the cost of conducting public hearings and performing plan review is included in the costs used to determine this Special Review Fee, the \$500 minimum Application Processing Fee shall be credited. The Special Review Fees shall be the following:</p> <ul style="list-style-type: none"> a. Title 32 Article 1 Special Districts: The Board of County Commissioners may impose the Special Review Fee at its discretion. Said fee shall be not more than one-hundredth of one percent (0.0001) of the total amount of debt to be issued by the District as described in the Service Plan, or ten-thousand dollars, whichever is less, but in no event shall the fee be less than \$500.00. b. Non-Title 32 Article 1 Special Districts: Cost recovery. c. Modifications to an existing Special District: Cost recovery. d. Periodic Special District review: Cost Recovery, or as set in the approved Service Plan. e. Other Special review fee(s): Applicant is responsible for any review fee charged by any other reviewing agencies, without limitation. Applicant is responsible for determining the current review fee of any other reviewing agency. (e.g. Colorado Geological Survey, per its publication "Solving Land Use Problems"; Fire protection district; etc.) <p>2. Board May Waive Fees. Both Application Processing and Special Review fees (if any) may be waived by the Board of County Commissioners if it determines that formation of a Special District will benefit a majority of the citizens of Teller County or is of defined regional importance.</p> <p>Note: Cost Recovery. Applicant shall pay the actual cost associated with the review of a specific application or other proposal. The actual cost may include without limitation the time, materials, and other resources required by regular County staff, contract service staff (including the County Attorney and County Engineer), or consultants, to perform the review.</p> <p>Actual cost will be calculated on an hourly basis, accounting for the salary and benefits of the individuals performing the work, plus overhead and other expenses. The rates and charges for regular staff shall be calculated by the County. Rates and charges for contract staff and consultants shall be provided by them.</p> <p>An estimate of the cost to perform the review will be provided to the Applicant prior to application (based on preliminary discussions) or after preliminary review, depending on the specific process. A fee in this amount will be paid by the Applicant at the time of application or prior to proceeding with further review, depending on the process.</p> <p>Any difference (i.e., shortfall) between the actual cost and the estimated cost will be paid by the Applicant prior to issuing a final approval for the specific application or review procedure. If the estimated cost exceeds the actual cost, the overage will be refunded to the Applicant by Teller County.</p>	
SPECIAL REVIEW USE PERMITS:	
Administrative Review Use	\$ 300.00
Conditional Use Permit - Single Family [Planning Commission]	\$ 440.00
Conditional Use Permit - Other [Planning Commission]	\$ 1,260.00

LAND USE APPLICATION TYPE	FEE
Special Use Permit - Mining (per base permit area) [BOCC]	
0 - 2 ac	\$ 1,260.00
>2 - 10 ac	\$ 3,141.00
>10 - 50 ac	\$ 4,400.00
> 50 ac	\$ 6,284.00
Special Use Permit – Other [BOCC]	\$ 1,500.00
Special Review Use Permit Amendment (Admin, CUP, SUP)	Same as if an original application
SUBDIVISION:	
Minor Infill Subdivision	\$ 1,260.00
Subdivision Major Plat - Preliminary Plan	\$ 1,885.00 + \$26.00/res. lot or \$125/acre comml.
Subdivision Major Plat - Final Plat	\$ 1,885.00 + \$26.00/res. lot or \$125/acre comml.
Subdivision Major Plat - Sketch Plan	\$ 690.00 + \$26.00/res. lot or \$125/acre comml.
Subdivision or PUD - Combined Sketch/Preliminary Plans	Preliminary Plan fee rate
Subdivision - CCIOA	\$ 500.00
Subdivision – Rural Land Protection Subdivision Exemption	\$ 500.00
Subdivision - Amended Final Plat	\$ 500.00
Subdivision - Special Exemption Plat (public construction lot, conservation easement, combine platted/unplatted, adjust unplatted boundaries, etc.)	\$ 500.00
Subdivision - Technical Corrections Plat	\$ 250.00
SUBDIVISION - VACATIONS	
Easements	\$ 500.00
Plats / Blocks	\$ 100.00
Interior Lot Lines	\$ 40.00
Public Roads/Rights-of-way	\$ 500.00 (with plat) \$ 250.00 (with deed)
Temporary Housing Permit Fee	\$ 65.00 + \$65 each extension
Variance from Zoning Requirements	\$ 500.00
General Fee Schedule Notes:	
1.	All fees prescribed in this section may be adjusted at the request of the Planning Official with the concurrence of the Board of County Commissioners, not more than once per year, based on the maximum local district annual percentage change in spending provided for under Article X, Section 20 of the State Constitution. Fees may also be adjusted Legislatively by the Board of County Commissioners at other times as deemed necessary.
2.	Additional engineering review and inspection fees may apply. Refer to Teller County Roadway Design and Construction Standards and Teller County Land Use Regulations Section 3.2.C.3 <u>Fees</u> . Applicant is also responsible for any recording fees, County Contract Employee Review Fee and Third Party Review Fee.