

# MEMO

January 9, 2025

**To:** Peter Brixius and Craig City Council  
**From:** Marlin Eckhoff, Building Official *M.E.*  
**Subject:** Conditional Use Permit consideration from Mike & Judy Ward for an ADU at 630 Ashley Rd.

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## **BACKGROUND / DISCUSSION**

Mike & Judy Ward are requesting a Conditional Use Permit to construct a new ADU (Accessory Dwelling Unit) within an existing accessory structure. The ADU will be at 630 Ashley Rd, which is a three-acre parcel where their primary residence is located.

### **Scope of work:**

They are proposing an upper story 850 sq. ft. ADU. The existing building they are proposing to put the ADU in is 2,100 sq. ft. (30'x 70') with 16' tall sidewalls. The building was permitted and constructed in 2006 and had a frost depth engineered foundation and soils test. This type of foundation would be typical of one designed for a building with living quarters in it.

### **Size:**

Our code allows ADU's to be a maximum of 850 sq. ft. or 50% of the size of the primary residence (not the garage). The existing residence is over 2,000 sq. ft. so the proposed ADU easily falls within the 50% requirement.

### **Utilities:**

Our adopted ADU criteria states that a detached ADU must have its own water & sewer taps. There will be a new 4" sewer service line installed which will run to the ADU from the city sewer main that runs along the west side of their property. This will require a new capital investment (Tap) fee for the sewer connection.

They are proposing to tie the ADU's water service into the existing water service that runs to the home. The main reason they are requesting this is because the nearest water main is on the north side of E 7<sup>TH</sup> Street and is over 180ft from where the ADU will be located.

There is already a separate electric service to the building they are proposing to put the ADU in.

### **Parking:**

Our code requires one additional dedicated off-street parking space for each ADU bedroom. They obviously have plenty of room for an additional two parking spaces. They have outlined in blue on the site plan where they intend to have the ADU parking area.

I have attached the following for your review:

1. The application, and the request letter from Mr. and Mrs. Ward.
2. A site plan showing the proposed ADU area in yellow and the parking in blue.
3. The ADU criteria from our Land Use Code.
4. The Conditional Use approval criteria from our Land Use Code.
5. Minutes from the December 16, 2024, Planning and Zoning meeting.

**Note: A legal notice was posted in the paper on December 4<sup>th</sup>, and notification letters were sent out on November 27<sup>th</sup> to all property owners within 150' of the subject property, and the property was posted per our Land Use Code posting requirements. As of January 9, 2025, no comments or concerns have been received.**

### **RECOMMENDATION**

The Planning Commission met on December 16, 2024, to review this request. In general, they had no issues with the request due to the location, with the proposed ADA sitting pretty much in the center of a 3-acre parcel. The main discussion was whether to allow the water service to be tied into the existing service line to the home and not have a separate tap.

They felt like this would not necessarily be an issue as long as all water usage was metered. However, there was quite a bit of discussion on whether it would set a precedent.

They ended up passing a motion to **"Recommend to City Council to approve the conditional use application for an ADU at 630 Ashley Rd, with the condition that city staff confirm that the existing water service is adequate to supply water for both the house and proposed ADU, if not, a separate water tap must be installed, and a capital investment fee shall be paid."** Ayes: 5, Nays: 0. Motion Carried.

Since the P&Z meeting, I verified the existing water service size, water pressure and the amount of water demand based on the total number of fixtures with the addition of the ADU. Note, the existing home is a 2-bedroom 2 bath house.

The existing service line is 1 ¼" HDPE, and the existing pressure at the house was 90psi in the mechanical room. Based on these conditions, the existing water service shouldn't have an issue supplying more than enough water for the fixture demand of both the house and the ADU.



**Staff Use Only**

Application Number: \_\_\_\_\_

Received By: \_\_\_\_\_

Date: \_\_\_\_\_

# LAND USE APPLICATION

**1. This is the master land use form for the City of Craig. Please use to apply for:***(please circle one of the following as appropriate)*

Administrative Subdivision

Major Subdivision 1 2 3

Planned Development Overlay

Sign Permit

Temporary Use

Annexation

Variance or Appeal

Minor Subdivision

Rezoning

Other: \_\_\_\_\_

Conditional Use

Waiver

RV Park

Site Plan

**2. Project Name:**Mike Ward Variance

please print or type legibly

**3. Contact information:** *(a list of additional contacts may be attached)*

Owner Name:

Mike Ward

Applicant Name:

Mike Ward

Address:

630 Ashley Rd Craig

Address:

630 Ashley Rd Craig

Telephone:

918 697.5495

Fax:

Telephone:

918 697.5495

Fax:

E-mail:

judyward06@gmail.com

E-mail:

judyward06@gmail.com**4. Property Description:**

Address or Location:

630 Ashley Rd Craig Co

Existing Zoning:

RLD

Existing Use:

Residential

Proposed Zoning:

~~RLD~~

Proposed Use:

Addition of an ADU**5. Purpose:** *(describe intent of this application in 1-2 sentences)*Our intent is to build out an ADU in an existing structure at 630 Ashley Rd in an RLD.**6. Certification:** *(must be signed in blue ink)*

I certify that I am the lawful owner of the parcel(s) of land affected by this application and hereby consent to this action.

Owner:

[Signature]

Date:

11-19-24

AND

I certify that the information and attachments I have submitted are true and correct to the best of my knowledge.

In filing this application, I am acting with the knowledge and consent of the property owner(s). I understand that all materials and fees required by the City of Craig must be submitted prior to processing of this application.

Applicant:

[Signature]

Date:

11-19-24

November 20, 2024

Mike and Judy Ward

630 Ashley Rd

Craig, CO 81625

Dear City of Craig Planning Department;

We recently purchased the property located at 630 Ashley Rd in Craig, CO. There are two large shops on the property, one measuring 30'x60' and one measuring 30'x70' both with 16' ceilings.

We would like to take a portion of the larger shop and build out an ADU for our daughter and her daughter to live.

The shops sit on a 2 acre property that includes our primary residence as well as a detached garage. We also own the adjoining 7 acres. We have plenty of off street parking area as well as an entrance from 7<sup>th</sup> Street.

The property is located in a Residential Low Density zone which does not allow for ADU's unless approved by a Conditional Use. We would like to ask for a Conditional Use Permit to be able to build this ADU.

We will not be adding any additional building as we will be using a portion of an existing building. Marlin has done an onsite visit. A dedicated sewer line will be installed as the primary home is on septic. There is already a separate electrical box specifically for the shops. As the ADU will be built within an existing building at ground level there will be little impact to our surrounding neighbors. Landscaping is already in place so there should be no privacy issues with adjoining properties.

Thank you for your consideration in this variance.

Sincerely,

*Mike Ward* and *Judy Ward*

Mike and Judy Ward



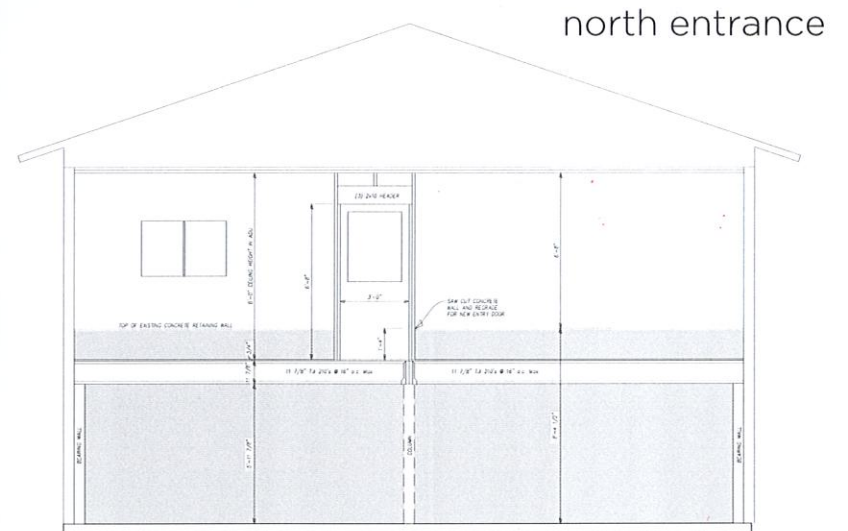
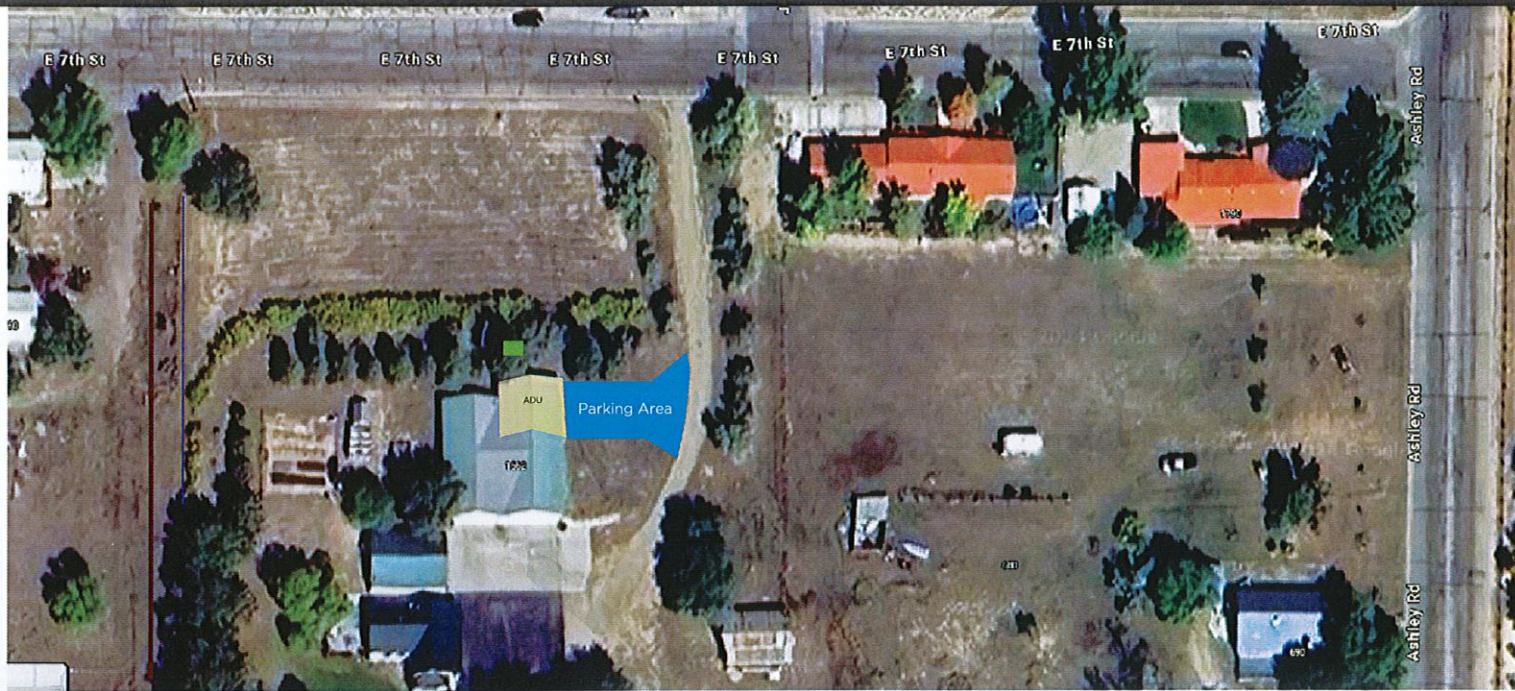
# Ward ADU

630 Ashley Rd

## Objective

Build out a portion of existing structure as a 2 bedroom, 1 bath ADU.

- adu
- city sewer
- water line
- electric transformer
- parking area





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### 16.03.120 Accessory dwelling unit (ADU).

A. An accessory dwelling unit, when allowed, shall conform to the following requirements:

1. ADU's may be any of the following:
  - a. An integrated unit within an existing single-family home.
  - b. An attached (addition) unit to the existing single-family home.
  - c. A detached unit, either within an accessory structure such as a garage, or its own free-standing unit.
2. New ADU's will only be allowed as a permitted use in the following zone districts: Agricultural (A), Rural Residential (RR), Residential Medium Density (RMD), Residential High Density (RHD), and Mixed Use (MU) where the low allows for the requirements of setbacks, height, and parking with a minimum lot size of six thousand (6,000) square feet. New ADU's will only be allowed in Residential Low Density (RLD) zones when approved by city council as a conditional use.
3. No zone district will allow an ADU to act as a short-term rental.
4. ADU's shall be no less than three hundred (300) square feet and no more than eight hundred fifty (850) square feet or equal to fifty percent (50%) of the total living area (excluding garage) of the principal dwelling, whichever is less.
5. ADU's shall be limited to no more than two (2) bedrooms.
6. Only one (1) ADU shall be allowed per residential lot.
7. ADU's may be a maximum of twenty-five (25) feet in height, or the height of the principal dwelling, whichever is less.
8. ADU's must meet all setbacks associated with the zone district they are located in.
9. Materials and design of the ADU shall be substantially the same as the principal dwelling architecture in material, color, and style.
10. An ADU may not be a manufactured home or a recreational vehicle. A detached ADU or ADU addition to an existing home must be a stick-built structure on an engineered frost protected foundation designed per the current adopted version of the International Residential Code (IRC). The existing structure may be a manufactured home, as long as the existing manufactured home is a legal conforming use for the zone district it is located in.
11. Generally, second floor windows, balconies, second story decks and exterior stairs of detached units shall face streets or alleys and not side lot lines in order to protect the privacy of the adjacent lots rear yard.
12. Each accessory dwelling unit shall provide one (1) dedicated off-street parking space for each bedroom. The garage, if present may not be considered a parking space for the ADU, unless specifically used for the ADU. The parking space(s) must match the adjacent roadway or alley in type of surface material.
13. Detached ADU's shall have separate water and sewer taps and service lines independent of the principal dwelling. (Exception: Integrated/attached ADU's can share water and sewer services with the principal dwelling.)
14. Accessory dwelling units shall not be allowed where protective covenants affecting the lot prohibit them.

(Ord. 1140 §1, 2023)

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### 16.03.050 Conditional uses.

- A. Purpose. In order to provide flexibility and help diversify uses within a zoning district, specified uses are permitted subject to the granting of a conditional use permit. Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this section is intended to assure compatibility and harmonious development between conditional uses, surrounding properties and the city at large. Conditional uses may be permitted subject to such conditions and limitations as the city may prescribe to ensure that the location and operation of the conditional use will be in accordance with the conditional use criteria and the intent of this code and each zoning district. The scope and elements of any conditional use may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for conditional use permits shall be denied.
- B. Conditional use review process.
1. Step 1: Conditional use application. The applicant shall submit one (1) copy of the complete conditional use application package to the city and shall request that the application be reviewed by the planning commission and city council. Conditional use requests shall include:
    - a. An application fee per the city fee schedule (as adopted).
    - b. A conditional use application form.
    - c. A title commitment or proof of ownership.
    - d. A written statement and any graphics necessary to describe the precise nature of the proposed use and its operating characteristics and to illustrate how all conditional use review criteria have been satisfied.
    - e. A map showing the proposed development of the site, including topography, building locations, parking, traffic circulation, usable open space, landscaped area and utilities and drainage features.
    - f. Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance and scale of all buildings.
    - g. Such additional material as the city may prescribe or the applicant may submit pertinent to the application.
    - h. A list of the names and addresses of property owners within one hundred fifty (150) feet and mineral interest owners and lessees.
  2. Step 2: Conditional use application certification of completion and report to planning commission. Within a reasonable period of time, staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the city. The original application and all documents requiring a signature shall be signed in blue ink. After a complete application is received, staff shall prepare a report to the planning commission explaining how the application is or is not consistent with the conditional use application review criteria.
  3. Step 3: Planning commission review of the conditional use application. The planning commission shall hold a meeting to review the application and determine if the application complies with the conditional use review criteria. The planning commission will then recommend to the city council approval, approval with conditions or denial.



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4. Step 4: Set conditional use public hearing date and notify public of hearing before the city council. The city shall send notice of the public hearing to the applicant and the parties for whom the applicant has provided contact information and to the referral agencies deemed appropriate by city staff. Such notice shall be sent within a reasonable length of time before the hearing. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name. A public hearing notification sign shall be posted on the property by the applicant. Such posting shall be in a location and in a manner that makes it clearly visible from the adjoining street. The city shall publish notice in a newspaper of general circulation. The hearing may be held a reasonable length of time after the date of property posting and newspaper publication. If the conditional use request is accompanying another application which is scheduled for public hearing before the city council, one (1) public hearing may be held on both applications.
  5. Step 5: City council public hearing and action on the conditional use. The city council shall hold a public hearing on the conditional use application. Following the public hearing, the city council may approve, conditionally approve or deny the conditional use application based on the conditional use review criteria and the intent of this code. A conditional use permit may be revocable, may be granted for a limited time period or may be granted subject to conditions as the city council may prescribe. Conditions may include, but shall not be limited to: requiring special setbacks, open spaces, fences or walls, landscaping or screening, street dedication and improvement, regulation of vehicular access and parking, signs, illumination, hours and methods of operation, control of potential nuisances, prescription of standards for maintenance of buildings and grounds and prescription of development schedules.
- C. Conditional use review criteria. The city shall use the following criteria to evaluate the applicant's request:
1. The conditional use will satisfy all applicable provisions of this code unless a variance to a provision of this code is being requested.
  2. The conditional use will conform with or further the goals, policies and strategies set forth in the master plan.
  3. The conditional use will be adequately served with public utilities, services and facilities (i.e., water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.
  4. The conditional use will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.
  5. The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
  6. Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall, at a minimum, satisfactorily address the following impacts:
    - a. Traffic;
    - b. Activity levels;
    - c. Light;
    - d. Noise;
    - e. Odor;



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f. Building type, style and scale;

g. Hours of operation;

h. Dust; and

i. Erosion control.

7. The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.

(Ord. 962 §§1, 2, 2007)

# CRAIG PLANNING & ZONING COMMISSION MINUTES

**December 16, 2024**

The Craig Planning and Zoning Commission of the City of Craig, County of Moffat, State of Colorado, met in the City Council Chambers, 300 West 4<sup>th</sup> Street, Craig Colorado, 81625, at the hour of 6:00 p.m. There being present the following Commissioners: Mike Tucci, Tom Gilchrist, Justin Jenison, Mason Updike, and Savana Crow. City Staff present were Building Official Marlin Eckhoff and Assistant Sierra Arellano.

Commissioner Tucci called the meeting to order at 6:00 PM and began with Commission roll call. Those present were Commission members Mike Tucci, Tom Gilchrist, Justin Jenison, Mason Updike, and Savana Crow. Randy Kloos and Councilman Derek Duran were absent.

Commissioner Gilchrist made a motion, seconded by Commissioner Jenison, to approve the minutes from November 18, 2024. Ayes: 5. Nays: 0. Motion carried.

Official Eckhoff presented the Commission with a conditional use application from Mike and Judy Ward, both present for meeting, for an ADU at 630 Ashley Rd. Eckhoff noted to the Commission that this scenario is the ideal situation for an ADU due to the size and seclusion of the lot, the Commission agreed. The largest talking point was regarding the water service to the ADU as the current code dictates that a detached ADU "shall have separate water and sewer taps and service lines independent of the principal dwelling." The Commission discussed heavily Whether allowing a precedent would be set if they allowed one water service for the principal dwelling and detached ADU. The existing water service is a 1 ¼" HDPE line which could be large enough to supply both but would need to be determined by the Water Department. Commissioner Gilchrist made a motion, seconded by Commissioner Updike, to recommend City Council to approve the conditional use application for an ADU at 630 Ashley Rd with the condition that city staff confirm that the existing water service is adequate to supply water for both the house and proposed ADU, if not, a separate water tap must be installed, and a capital investment fee shall be paid. Ayes: 5. Nays: 0. Motion carried.

No Commission Reports.

For Staff Reports, Eckhoff noted that there will be a joint workshop between City Council and the Commission regarding short term rentals on January 28<sup>th</sup>, the time is to be determined. The Commission had minimal conflicts. An annual vote for chair and vice chair will need to happen at the next meeting in January. Eckhoff let the Commission know that a new Building Inspector was recently hired, Pat King.

Commissioner Jenison inquired about the status of the Meadow Wood project. Eckhoff noted that City Council recently approved a resolution allow some fee waivers for the project since it is affordable housing.



There being no further business, Commissioner Gilchrist made a motion, seconded by Commissioner Updike to adjourn the meeting. Ayes: 5. Nays: 0. Motion carried.