

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

Timothy V. Corrigan
District I

Douglas B. Monger
District II

Cari Hermacinski
District III

REGULAR MEETING

August 7, 2018

LIVE AUDIO WILL BE AVAILABLE FOR TUESDAY MEETINGS BY CALLING (970) 870-5499
EXCLUDES WORK SESSIONS

1. **10:30 A.M. CALL TO ORDER**
 - A. PLEDGE OF ALLEGIANCE
 - B. APPROVAL OF ACCOUNTS PAYABLE, MANUAL WARRANTS, AND PAYROLL
 - C. ITEMS OF NOTE FROM THE PREVIOUS DAY'S WORK SESSION

2. **10:35 A.M. CONSENT AGENDA ITEMS**

Items of routine and non-controversial nature are placed on the consent agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner may request that an item be "PULLED" from the consent agenda and considered separately. Any member of the public may "REQUEST" any item to be "PULLED" from the consent agenda.

 - A. **APPROVAL OF COUNTY COMMISSIONERS MINUTES: REGULAR MEETING OF JUNE 26, 2018;**

Documents:

[6.26.18.PDF](#)

 - B. **APPROVAL OF COUNTY COMMISSIONERS MINUTES: SPECIAL MEETING OF JUNE 27, 2018;**

Documents:

[6.27.18.PDF](#)

3. **10:40 A.M. CONSIDERATION OF ITEMS PULLED FROM THE CONSENT AGENDA**

4. **10:45 A.M. PUBLIC COMMENT**

Public Comment will be heard on any item except quasi-judicial land use items. County Commissioners will take public comment under consideration but will not make any decision or take action at this time.

5. **11:00 A.M. ECONOMIC DEVELOPMENT UPDATE**

John Bristol, Economic Development Director of the Steamboat Springs Chamber Resort Association

 - A. **2ND QUARTER UPDATE**

Documents:

[BCC AGENDA COMMUNICATION FORM - JOHN BRISTOL - Q2 - 2018.PDF](#)

6. 11:30 A.M. EMERGENCY MANAGEMENT
David DeMorat, Emergency Operations Director

A. STAGE 2 FIRE RESTRICTIONS

Consideration to approve and authorization of the Chairman's signature on a Declaration enacting Stage 2 Fire Restrictions pursuant to Ordinance No. 2013-002.

Documents:

[2018 FIRE RESTRICTION DECLARATION - STAGE 2 - REV 08-02-2018.PDF](#)

7. 11:45 A.M. MEETING ADJOURNED

LIVE AUDIO WILL BE AVAILABLE FOR TUESDAY MEETINGS BY CALLING (970) 870-5499
EXCLUDES WORK SESSIONS

All regular meetings are open to the public unless otherwise noted.

All meetings will be held in the Routt County Historic Courthouse -
522 Lincoln Avenue, Hearing Room, Steamboat Springs - or otherwise noted.

All programs, services and activities of Routt County are operated in compliance with the Americans with Disabilities Act. If you need a special accommodation as a result of a disability, please call the Commissioners Office at (970) 879-0108 to assure that we can meet your needs. Please notify us of your request as soon as possible prior to the scheduled event. Routt County uses the Relay Colorado service. Dial 711 or TDD (970) 870-5444.

**STATE OF COLORADO
COUNTY OF ROUTT**

**OFFICE OF THE CLERK
June 26, 2018**

Commissioner Douglas B. Monger, Chair, called the regular meeting of the Routt County Board of County Commissioners to order. Commissioner Timothy V. Corrigan, Commissioner Cari Hermacinski, County Manager Tom Sullivan, and Deputy County Manager Dan Weinheimer were also present. Those present recited the Pledge of Allegiance. Tegan Anderson recorded the meeting and prepared the minutes.

EN RE: WARRANTS

Mr. Weinheimer noted that there were no warrants for the cycle date of 6/18-6/22.

**EN RE: ITEMS OF NOTE FROM THE PREVIOUS DAY'S WORK
SESSIONS**

Commissioner Monger stated the Board received updates from the Deputy County Manager, County Attorney, Purchasing Department, Weed Program Manager, and Yampa Valley Regional Airport.

EN RE: CONSENT AGENDA

The following items were presented for consideration, approval, and signing on the consent agenda:

- A. Approval of County Commissioners Minutes: Work Session Meeting of May 14, 2018.
- B. Approval of County Commissioners Minutes: Regular Meeting of May 15, 2018.
- C. Approval of and authorization for the Chair to sign a grant application to benefit the Fatherhood Program of Routt County.
- D. Approval for the Fatherhood Program of Routt County to receive funding related to successful grant application to Routt County United Way.
- E. Approval of and authorization for the Chair to sign the Weber / Knox Consolidation Plat.
- F. Approval of and authorization to ratify the Chair's signature on the annual Air Quality Monitoring Contract that serves to allow the contractor (Routt County) to perform air pollution activity acting as a delegated agent of the Air Pollution Control Division (APCD).

- G. Approval of and authorization for the Chair to sign the amendment to the Farwell Mountain Communications Use Lease drafted by the US Forest Service granting Routt County the permission to install a wind turbine generator at the Farwell Mountain tower site.
- H. Approval of and authorization to sign a resolution concerning wolf management in Colorado.

MOTION

Commissioner Hermacinski moved to approve items A, B, C, D, E, F, and G on the consent agenda and authorized the Chair to sign the related documents and moved to pull item H for further discussion. 2018-028

Commissioner Corrigan seconded; the motion carried 3-0.

ITEMS PULLED FROM THE CONSENT AGENDA – ITEM H

Commissioner Corrigan noted that he does not support Item H based upon his belief that it should not be the practice of this Board to pass resolutions that have such little meaning and impact.

Commissioner Monger commented that following the symposium regarding the wolf reintroduction he believes that it is entirely necessary that this Board weighs in and that they are totally unsupportive of the wolf reintroduction.

MOTION

Commissioner Monger moved to approve and authorize the Chair to sign resolution 2018-028, concerning wolf management in Colorado.

Commissioner Hermacinski seconded;

Under discussion, Commissioner Monger added that Colorado Parks and Wildlife does not want anything to do with the wolf reintroduction. Commissioner Hermacinski noted that she worked for the Survey Research Center in Wyoming when they were studying the wolf reintroduction there so she has some experience in the matter.

Commissioner Corrigan commented that he would not support a resolution supporting the reintroduction of wolves in Colorado either. He has relied on Colorado Parks and Wildlife for their opinion on issues like this and they have made it clear that they will not be pursuing reintroduction. He is fine with his fellow Commissioners supporting this resolution but he feels that it is unnecessary.

The motion carried 2-1 with Commissioner Corrigan opposing.

EN RE: PUBLIC COMMENT

Dr. Randy Hurley, South Routt Medical Center Dentist; Stephanie Anderson, Northwest Colorado Health; and Kelly Keith, Routt County Human Resources Director; were present.

Dr. Hurley stated that he has been practicing at the South Routt Medical Clinic since 2016 and he just wants to touch base with the County and fill them in on some things regarding dental services in Routt County. At the South Routt Medical Clinic he has seen upwards of 800 patients from late 2016 until now. There is a very significant issue with access to Medicaid dental providers for the approximately 4,000 Medicaid eligible patients needing dental care in Routt County. There are low Medicaid reimbursement rates for dental work and that prohibits practices from taking Medicaid patients.

Dr. Hurley noted that this area has an inadequate treatment model but a better dental service model has been in the works for Routt County over the past several months. This would include a permanent treatment site in Steamboat Springs. The location at the South Routt Medical Clinic is not a long term office because they need the space for other medical services. The intent is to partner with another dentist in Steamboat Springs to provide five days a week of dental care that serve Medicaid patients.

Dr. Hurley continued that there is the potential to bring the Advanced Clinical Training Program to this area from University of Colorado School of Dentistry. This program rotates completed dental students through our area for six weeks at a time to provide pro bono work.

Commissioner Corrigan questioned if there is a request for the County to be involved. Dr. Hurley replied no, this program is at no cost to the County. Commissioner Corrigan noted that there is no reason that the County would not support this because it has no cost to the County.

EN RE: ENVIRONMENTAL HEALTH / SCOTT COWMAN

ADOPTION OF REGULATION 43 FOR ONSITE WASTEWATER TREATMENT SYSTEMS

Mr. Cowman stated that this item is the consideration for approval and motion to adopt Regulation 43 (5 CCR 1002-43) for Onsite Wastewater Treatment Systems. CDPHE adopted revisions to Regulation 43 for onsite waste water on June 30, 2017, following the original adoption of the new regulations in 2014. Subsequently, each local agency must develop and adopt local regulations that are at least as stringent as Regulation 43 within one year of the effective date (June 30, 2018). Routt County Environmental Health recommends adoption as none of the revisions would result in significant changes to the current program, minimum requirements for "On-site Wastewater Treatment Systems" (OWTS) in the State of Colorado would continue to be met and provide sufficient protections to public health and the environment.

Mr. Cowman noted that currently Routt County does not have any licensing requirements. The County can implement a licensing program for installers and inspectors of wastewater treatment systems and that may be something that is explored in the future.

Commissioner Corrigan asked if this only applies to newly installed septic systems. Mr. Cowman replied that this would apply to existing septic systems as well but inspections are only required on existing systems if a problem were to be identified. Commissioner Corrigan noted that he struggles with the concept of licensing installers when a licensed engineer is inspecting the system. Mr. Cowman noted that he views this more as a push to educate the installers.

Commissioner Hermacinski commented that she would like to see inspections completed upon transfer of homes although she believes that many buyers are already doing that.

Commissioner Hermacinski noted that today they can adopt the regulations and later discuss some of these possible changes during a work session.

Commissioner Corrigan questioned if there is anything in these regulations that would impose any significant increase to our constituents. Mr. Cowman replied no, it won't.

MOTION

Commissioner Corrigan moved to approve and adopt Regulation 43 (5 CCR 1002-43) for Onsite Wastewater Treatment Systems replacing the regulation as adopted June 30, 2017.

Commissioner Hermacinski seconded; the motion carried 3-0.

EN RE: DEPUTY COUNTY MANAGER / DAN WEINHEIMER

PUBLIC WORKS DIRECTOR PAY SCALE

Mr. Weinheimer stated that he is requesting the consideration to approve starting Raymond B. DuBois at Step 5 of the Public Works Director Pay Scale. Mr. DuBois has a start date of July 30, 2018 and he was hired with the recommendation of a diverse community of stakeholders, some of the Public Works staff, and Commissioner Hermacinski.

Mr. Weinheimer continued that the reason for requesting a Step 5 is based upon Mr. Dubois' education and experience that exceed the minimum requirements of the Public Works Director position. Mr. DuBois is a registered Professional Engineer with a BS degree in Mining Engineering and a Master of Business Administration. He has 12 years of professional experience as a CEO in the mining industry at Trapper Mining Inc. and Cripple Creek & Victor Gold Mining Company. He has also been the City Administrator of Cripple Creek for 4.8 years.

Mr. Weinheimer added that the request is also to move Mr. DuBois to Step 6 of the Public Works Director pay scale after 6 months and successful completion of performance goals. Those goals include working on the gravel plan, focusing on road funding issues, working

on the facilities branch of Public Works, and working on the CIP. Commissioner Monger would like to see the full list of the goals.

MOTION

Commissioner Hermacinski moved to approve the starting salary for Raymond G. DuBois as Public Works Director at step 5 of the 2018 Pay Scale, \$114,661.66 annually, for the position, and authorize an increase to Step 6 with the completion of performance goals and a 6-months performance review noting that the 6-month increase will be at the pay scale approved for 2019.

Commissioner Corrigan seconded; the motion carried 3-0.

EN RE: PLANNING / CHAD PHILLIPS

Kristy Winser, Planning; Mike Mordi, Road and Bridge; Lyn Halliday, Applicant; Cheryl and Jeff Trank, Trankquility 2; Wayne Westphale, Remi Deraedt, Joern Howind, Jeff Sears, Kevin Lind, Lin Palmer, Nadine Arroyo, Scott Halliday, and Karen Leslee, neighbors; were also present.

APPEAL OF PL-18-112 FOR TRANKQUILITY 2 BED AND BREAKFAST CONDITIONAL USE PERMIT; PL-18-136

Commissioner Monger clarified that the Board will be proceeding with this hearing in the order of the staff report, the appellant, the appellee, public comment, then finish with roundtable.

Mr. Phillips stated that the Planning Commission reviewed the request for a Conditional Use Permit for a Bed and Breakfast on May 3, 2018 and the application was approved 5-4 with conditions. An application to appeal the Planning Commission decision was submitted on May 10, 2018 which met the required appeal period. The application for appeal listed 11 items as the reason for the appeal as listed on the agenda communication form.

Mr. Phillips noted that one additional piece of information was gathered following the staff report being published. The item is a letter from Mike Mordi, the interim Public Works Director for Routt County regarding the capacity and condition of County Road 43A.

APPEAL

Ms. Halliday stated that although the name on the appeal is hers it was submitted on behalf of the majority of their neighbors. She is a 26 year resident, small business owner, and involved in the community. Numerous letters were written from neighbors and there was over an hour of public comment. The comments that have been made in opposition to this operation were done so because of the passionate response to maintain the rural nature of this area. She feels that there were some key information gaps in the Planning Commission Hearing and that influenced their need to file an appeal. Further, she is particularly concerned about mission creep of this operation and the difficulty to call the permit back if that occurs.

Ms. Halliday discussed the new information that has been found since the Planning Commission hearing. Concerning the County Road 43A, at the May 3rd Planning Commission meeting planning staff presented that Road & Bridge had no concerns regarding the adequacy of the road to serve the proposed operation. Some of the Planning Commissioners mentioned the lack of concern regarding the road from Road & Bridge during their decision making process. Routt County Road & Bridge wrote a letter dated June 12, 2018 stating that “the road could present a danger to the untrained driver” and that the bed & breakfast (B&B) has the potential to create as many trips as three single family homes which could require additional maintenance to the road beyond what is currently performed. Additionally, the letter states that if guests at the B&B get stuck they may require a tow truck which will take time to respond to this area. The comments in the letter from Road & Bridge validates many of the concerns regarding the road.

Ms. Halliday continued that another road related concern has to do with traffic counts in the area. In 2005 Road & Bridge completed a traffic count in the area and it was determined that there were 113 average daily trips on a weekday on County Road 43A although this was prior to the approval of the Conditional Use Permit for CR Summit. Based upon the Planning staff packet the average single family home can result in 9.57 to 20 trips per day therefore the B&B has the potential to increase the traffic count by 53% of the 2004 total. Even if the more conservative number is used it would result in an increase to the traffic count by 24% of the 2004 total. Ms. Halliday referred to a letter written by Wayne Westphale dated August 3, 2009 that sites numerous accidents on County Road 43A. Other neighbors characterize the road as narrow, rough, winding, subject to repeated washouts, and containing blind corners. Her point in discussing these points is that the traffic volume and related public safety are relative and that the proposed B&B could have the potential to be very impactful. The potential cost to the County for infrastructure and improvements is also of concern. The cumulative impact of multiple wells in the area is difficult to know without conducting a costly study but one area resident has noted a 20 foot drop in their well since 1979.

Ms. Halliday discussed new information regarding wildlife in the area. Referring to the letter from the Division of Wildlife (currently Colorado Parks and Wildlife) dated August 18, 2018, Ms. Halliday noted that it they recommended keeping building envelopes small and close to the road as well as discouraging fencing. The Planning staff report originally only looked at the proposed B&B property and recommended to the Planning Commission accordingly noting that the subject property is not mapped for critical wildlife but there may be some wildlife corridors in the area. The June 26th Planning staff report now states that there is critical mapping for elk production 1.5 miles to the east and severe winter range for elk 1.25 miles to the west. Additionally, in the letter written on May 21, 2018 Colorado Parks and Wildlife states that the subject property is to the south of County Road 43A which leads Ms. Halliday to believe that they are referring to the incorrect property.

Commissioner Monger asked the interim Road & Bridge Director, Mr. Mordi, if he can confirm the width of County Road 43A and if it is up to current standard. Mr. Mordi replied that it is 18 feet edge to edge and it does not meet the road standard that was adopted in 2016 by Road & Bridge of 22 feet. There are narrow and windy portions of County Road 43A but it is a condition indicative of many county roads.

APPELLEE

Ms. Trank discussed the plan for Trankquility Bed and Breakfast and who typically uses these types of accommodations. This is a small, intimate lodge that allows the guests to meet each other and get to know the hosts that live onsite. The property is on 35+ wooded acres and has small, groomed hiking trails that can also be used for snowshoeing in the winter. There is currently a home on the site that will undergo renovations. They have been able to share their home with pastors and missionaries over the last few years and this was the beginning of their idea for the B&B. The amenities include breakfast, transportation if necessary, and hiking trails. Ms. Trank and her husband will live there as the onsite managers. She believes that this project is in line with the Routt County Master Plan as this is just a home for people to stay at not an intensive use.

Ms. Trank continued that by renovating the home and adding 1,300 square feet to the existing 2,100 square foot footprint but they are not adding any additional dwellings to the property. One complaint is that the house will be colossal compared to other homes in the area but the size is very much in line with the newer homes in the area. Neighbors have voiced their concerns regarding noise but the B&B will attract people who are seeking peace, quiet, and relaxation.

Regarding traffic hazards and concerns, the guests will be educated regarding the road conditions. Guests will be advised of road conditions, cattle, bikers, and the need for four wheel drive in the winter. This will create no more traffic than a single family home with 4-6 drivers living in it. Routt County Road & Bridge noted that there would be some increased traffic but it would be alright. Neighbors pose some of the road hazards themselves by driving very fast and some have ended up in ditches themselves. The B&B driveway is only the fourth driveway on County Road 43A which include the Trank's personal home, a vacant home, and a rental property before it therefore guests won't be going past many of the neighbor's houses. Ms. Trank discussed fire safety and the construction of an emergency turn around required by the fire district. Guests will also be informed of evacuation points in the case a wildfire were to happen and an onsite manager will be at the property whenever guests are in town to advise of any fire restrictions.

Ms. Trank commented on water and wastewater concerns. The property currently has a septic system that will be buried with the renovation. They have a well permit in hand from the Division of Water Resources. The home currently uses a spring as its water source that the Trank's hold the rights to.

Concerning wildlife, there is a lot of it in the area. Colorado Parks and Wildlife advised that they are not in a protected area currently. Proper disposal of trash will include a secure storage shed to prevent bear's getting into the garbage.

Commissioner Hermacinski confirmed that the 35 acre parcel only will have one home on it. Mr. Phillips replied that the parcel, once the renovation is complete, will have one house with an attached secondary dwelling unit for the onsite manager.

Commissioner Corrigan asked if they are required to get a second well for the secondary dwelling unit. Mr. Phillips replied that Planning noticed the Division of Water Resources regarding the secondary dwelling unit. Ms. Trank added that the house and the attached secondary dwelling unit share plumbing and water.

PUBLIC COMMENT

Ms. Arroyo stated that she has a ranching operation on County Road 43A. She would like to make the County Commissioners aware of some incidents that have taken place on County Road 43A. On June 11th the cattle were brought in for summer grazing and she reached out to Routt County Council on Aging to see if they would like to come and watch for an outing activity. The caravan consisted of several trucks, trailers, and buses with senior citizens. While they traveled down the road they encountered a large truck with a tank on it that almost hit the bus but the drivers were familiar with the county road and were able to get out of the way without getting stuck in the ditch. It could have been much worse if the drivers were not familiar with the roads.

Ms. Arroyo discussed another incident when a pickup came up on her cows on the road. The driver honked and it made the cows run into a gate and break the gate. Often times its people traveling to CR Summit riding school that aren't familiar with the roads and are unaware. She has been trying to be neighborly and work with CR Summit but she hasn't complained but now she sees that it made the County believe that no issues were happening. She has learned her lesson that she needs to tell the County when she has complaints or else they don't think there are any conflicts happening.

Mr. Arroyo discussed concerns regarding the lack of an easement for County Road 43A through her property. It makes her question if she would be liable if something happens on that road. This project has torn the neighborhood apart and pitted neighbor against neighbor and it could have been avoided if they had been all brought together and if opinions would have been solicited.

Ms. Deraedt stated that her home is directly across from the B&B. One thing that she wanted to touch on is the cumulative impacts of development in the area. CR Summit has really maxed out of the limitations of the road and has created impacts on the area. The road is a dead end so every car that goes in also comes out the same way. CR Summit has up to five programs a day. Although the B&B seems like a quiet and low impact use she is wary of the creep effect. She also feels that the majority of the neighbors are against this proposal and she would like that taken into consideration.

Mr. Howind stated that he is the owner of the adjacent property to the proposed B&B. This is a project of passion for the Trank family and he does not see the validation of the outrageous fears. This family wants to share the beauty of Routt County with visitors and he believes that this project is less impactful than many of the other activities in the neighborhood. He works in resort hospitality and he recognizes that this is only a four bed B&B and it will rarely be fully occupied. Because there is already a home on the property it will most likely be rented out if the B&B is not allowed. All of the guests will be informed of the road conditions and he holds the belief that drivers familiar with roads often times are more dangerous drivers. The Trank family are genuine, honest and welcoming therefore he has confidence that they will not try to operate outside the expressed activities included in their application. They approached him as the adjacent neighbors prior to submitting the application.

Mr. Halliday stated that he lives directly across from the proposed B&B. He was surprised to learn that a neighbor wanted to build a lodging operation in this area. He is particularly concerned that snowplows do not come through the area and they only plow once a

day when it snows. He questions if guests understand that the road could potentially go 72 hours without plowing. Many of the neighbors moved to a rural environment

Mr. Trank noted that less than half of the neighbors have written in opposition although it was implied that the majority are opposed. Further, if the B&B is not approved, they will fall back on their second plan to invite people as their friends and choose to not charge them. Either way this property will have people occupying it that have vehicles. Regarding road concerns, the neighbors in the area are typically the ones speeding down the road dangerously and the B&B driveway is before the majority of the neighbors' homes. The hiking and snowshoeing is not impacting the wildlife and he utilizes that trail daily when he is there. Overall, he hopes for healing in the neighborhood.

Mr. McGregor stated that he has lived in that area for 46 years. Regarding water, in 1979 a water engineer stated that they thought it was over appropriated but since then 10 new wells have been drilled in the area and he has seen significant drop in the water level in his well. He also noted an article that was just published discussing the impacts on the elk population due to human disturbance in Eagle County. He feels that this same impact can happen in this area even as the result of hiking.

Mr. Westphale stated that he is a neighbor of 38 years and he has been referred to a number of times so he wanted to speak for himself. Regarding the letter that he wrote in 2008, he opposed the idea of dividing this property into more, smaller parcels and creating more density in the area. Creating additional density, such as subdividing into 5 acre parcels, does create more of an impact on the water supply and impact on wildlife however this project is different than that. The property was already fenced when the Trank's purchased it therefore they are not creating new impediments to wildlife. This is a debate regarding private property rights and they are not trying to put up a mini hotel. He is not opposed to the B&B and he believes that this is a nice use of the property.

Ms. Halliday thanked the Board for allowing all of the time for public comment. She noted that the Tranks did not reach out to her regarding the B&B proposal and Mr. Howind does not live there although he owns the property. She is a former land use planner on the County level for 25 years. She outlined 15 sections in the Routt County Master Plan that indicate that this is not an appropriate use as outlined in the appeal that she submitted.

ROUNDTABLE

Commissioner Hermacinski questioned how Mr. Mordi calculated potential number of trips daily to be as many as that of three single family homes. Mr. Mordi stated that if a single family home is approximately 10 trips daily then there is a secondary dwelling unit that makes the daily trips approximately 20. The B&B has four rooms and he calculated that it could be as much as 30 trips daily.

Commissioner Monger questioned if there was no money being exchanged then can it be a use by right. Mr. Phillips replied that it would need to be listed on the use chart and the exchange of money does not necessarily change that. If the people at the home were personal guests then that is a use by right but if it were set up as a bed and breakfast just without the exchange of money then it would still need to go through the permitting process.

Commissioner Corrigan stated that he is sympathetic to the neighbors but these activities are on the land use chart therefore these activities can be permissible in the unincorporated county. Cumulative impact is a subjective judgement and everyone will have a different opinion regarding that matter. County Commissioners cannot legislate good driving and he tends to agree that locals are just as, if not more, dangerous than the visitors. Water is not something that the County can dictate, for that they rely on the Division of Water Resources. The County defers to Colorado Parks and Wildlife regarding wildlife impacts and he hasn't seen them claim that this is inappropriate or cannot be allowed.

Commissioner Monger stated that this was approved without any limitations on number or occupancy days or limits on vehicle trips but the Board may be interested in putting some parameters on those things. At a minimum he would like to see occupancy rates and vehicle counts being tracked and reported back to the County in an annual report. He added that he is fine with this being a life of use permit because the Commissioners can call up the permit if they have concerns and they will also have supporting data when regarding the operation.

Commissioner Hermacinski stated that she supports Commissioner Corrigan's comments. She believes that the only new information that was presented today is the letter from the interim Road & Bridge Director stating that this has the potential to create as much traffic as three single family homes. She supports this being a life of use permit but she also supports occupancy data being collected and turned over to the County.

Commissioner Corrigan noted that he understands the concerns regarding impacts on the county road. He thinks maybe a future conversation needs to occur regarding road impact fees for smaller operations but that is not a discussion for today.

Commissioner Monger commented that this subdivision is familiar to him because he sat through Planning hearings in both 2007 and 2008 regarding a proposed subdivision. Most of the things in this application he does not have an issue with. Regarding the wildlife plan, the wildlife were already damaged when five acre lots were allowed in that area. His concern is that this is a run around to allow nightly rentals in the unincorporated county. He doesn't want to see nightly rentals so far from town because of the likelihood of late arriving guests or adverse weather conditions. Particularly, the increased traffic count is of great concern to him.

Commissioner Monger continued that the County has almost nothing to gain and everything to lose on an operation like this. The County only collects 1% sales tax off of the accommodation cost and that is not nearly enough to provide upgrades to the road if they become necessary.

Mr. Phillips suggested occupancy rates and vehicle counts be recorded. Commissioner Hermacinski feels as though individual vehicle trips by guest would be difficult to track but she would like occupancy rates and number of vehicles guests bring with them. If the total occupancy is above 70% for the year then it can trigger a review of the permit. Ms. Winser noted that it can be brought up again if there are complaints based upon condition 3.

Mr. Phillips suggested also including a condition that mirrors the CPW's bear resistant trash can requirement.

MOTION

Commissioner Hermacinski moved to uphold the Planning Commission decision for approval with the following:

General Conditions:

1. The CUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 5, 6, and 8.13.
2. The CUP is limited to uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application.
3. Any complaints or concerns that may arise from this operation may be cause for review of the CUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
4. In the event that Routt County commences an action to enforce or interpret this CUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
5. No junk, trash, or inoperative vehicles shall be stored on the property.
6. This permit is contingent upon the acquisition of and compliance with any required federal, state and local permits. The operation shall comply with all federal, state and local laws. Copies of permits or letters of approval shall be submitted to the Routt County Planning Department prior to commencement of operations.
7. Fuel, flammable materials, or hazardous materials shall be kept in a safe area and shall be stored in accordance with state and local environmental requirements.
8. All exterior lighting shall be downcast and opaquely shielded.
9. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in the amount of no less than \$1,000,000 per occurrence. Permittee shall notify the Routt County Planning Department of any claims made against the policy. Routt County shall be named as an additional insured on the policy. Certificate of liability insurance shall include all permit numbers associated with the activity.
10. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
11. The permit shall not be issued until all fees have been paid in full. Failure to pay fees may result in revocation of this permit. Permits/Approvals that require an ongoing review will be assessed an Annual Fee. Additional fees for mitigation monitoring will be charged on an hourly basis for staff time required to review and/or implement conditions of approval.
12. Transfer of this CUP may occur only after a statement has been filed with the Planning Director by the transferee guaranteeing that they will comply with the terms and conditions of the permit. If transferee is not the landowner of the permitted area, transferee shall submit written consent for the transfer by the landowner. Failure to receive approval for the transfer shall constitute sufficient cause for revocation of the permit if the subject property is transferred. Bonds, insurance certificates or other

security required in the permit shall also be filed with the Planning Director by the transferee to assure the work will be completed as specified. Any proposal to change the terms and conditions of a permit shall require a new permit.

13. The Permittee shall prevent the spread of weeds to surrounding lands, and comply with the Colorado Noxious Weed Act as amended in 2013 and Routt County noxious weed management plan.

Specific Conditions:

14. The CUP is valid for the life of the use provided it is acted upon within one year of approval. The CUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
15. Prior to operation, permittee shall submit to Routt County proof of a Sales Tax Account /License.
16. Any required permits from the Routt County Road and Bridge Department, Environmental Health or Building Department shall be obtained and any inspections completed before operations commence.
17. Revegetation of disturbed areas shall occur within one growing season with a seed mix that avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass seed mixes.
18. Proper installation and continuing maintenance of landscaping, lighting, and/or buffering materials or structures is required.
19. The owner or manager shall be a full-time resident of the bed and breakfast establishment.
20. The owner-operator must provide satisfactory evidence that the water system serving the subject property is constructed in accordance with normal standards for water quality, quantity and pressure and that permits are in place if applicable.
21. No cooking facilities shall be allowed in the guest rooms.
22. Meals may only be served to occupants of the bed and breakfast.
23. Lodging is for no more than four (4) guest bedrooms; food service and walking trails.
24. The permittee shall install the use of interagency grizzly bear committee approved bear resistant trash containers and educate any future customers about proper trash storage and disposal.
25. The permit holder provide an annual report to the Planning Department with occupancy numbers for each of the four lodging rooms including data on how many vehicles guests are bringing with them and if annual occupancy exceed 70% that may be used as a trigger to call the permit up to Planning Commission.

Road and Bridge Conditions:

26. Routt County has the authority to close any county road at its sole discretion if damage to the road may occur by its use. To the extent that a road closure may affect

Permittee's operations, Routt County will cooperate with Permittee to allow operations to be continued in a safe and practicable stopping point.

27. Routt County roads shall not be completely blocked at any time. If traffic regulation is deemed necessary, the Permittee shall notify the Routt County Road and Bridge Director, or designee thereof, in advance (if possible), who may then require:
 - a. A method of handling traffic in accordance with the Manual on Uniform Traffic Control Devices and approved by the Road and Bridge Director.
28. Routt County roads affected by this CUP will be inspected by the Routt County Road and Bridge Department at intervals determined by same. Any road damage repair or maintenance needs above and beyond typical maintenance, attributable to this use, shall be made by the County, or a third-party contractor as selected by the Routt County Road and Bridge Department and on a schedule determined by same. Road and Bridge shall inform permittee of such maintenance or repair activities prior to work being performed. Permittee shall solely bear the costs of repairs.
29. Permittee shall use and maintain the existing accesses to the properties to minimize impacts to the County road system during the life of the Operations. No additional accesses will be granted. If another access is desired, an amendment to the permit shall be required.
30. There shall be no parking on County Road 43A or the corresponding right-of-way at any time. Parking shall be limited to designated areas onsite only.

Under discussion, Ms. Halliday questioned if a requirement can be added to the conditions requiring dogs to be leashed at all times on the property and quiet time hours. Commissioner Monger replied that they will not be including those suggested conditions.

Regarding cumulative impact Commissioner Corrigan noted that he does not believe that this operation will tip the scale to be too much but if another application were to be submitted it may increase the impacts to be too great for this area. Further he believes that this operation is the poster child for why some of these properties be considered as commercial instead of residential by the state.

Commissioner Hermacinski added that she would like this Board to take up nightly rental regulation discussions but not until the state legislature changes its regulations on lodging tax use. She is not opposed to some type of road mitigation measures for these types of operations in the future.

Commissioner Monger noted that he feels like the distance from town and the intensity of use are too great therefore he will vote against it.

Commissioner Corrigan seconded; the motion carried 2-1 with Commissioner Monger opposing.

No further business coming before the Board, same adjourned sine die.

Kim Bonner, Clerk and Recorder

Douglas B. Monger, Chair

Date

**STATE OF COLORADO
COUNTY OF ROUTT**

**OFFICE OF THE CLERK
June 27, 2018**

County Commissioner Douglas B. Monger, Chair called the special meeting of the Routt County Board of County Commissioners to order. Commissioner Timothy V. Corrigan, Commissioner Cari Hermacinski, and Deputy County Manager Dan Weinheimer were present. Tegan Anderson recorded the meeting and prepared the minutes.

EN RE: EMERGENCY MANAGEMENT / DAVID 'MO' DEMORAT

Doug Scherar, Undersheriff; Mel Stewart, Steamboat Springs Fire Chief; Matt Stensland, Steamboat Pilot; and Paul Hoffman, citizen; were also present.

STAGE 1 FIRE RESTRICTIONS

Commissioner Monger stated that this special meeting has been called for the consideration to approve and authorization of the Chairman's signature on a Declaration enacting Stage 1 Fire Restrictions pursuant to Ordinance No. 2013-002. Mr. DeMorat stated that this request is the result of a weekly monitoring call with the surrounding counties and federal partners regarding the status of the wildfire condition. Each county looks at seven criteria to determine their wildfire danger and once four of those criteria are met it is recommended to enter Stage 1 restrictions. All of the counties on the call will be entering Stage 1 restrictions beginning on Friday, June 29th. Following the call, each of the fire districts in Routt County voted unanimously to recommend entering Stage 1 Fire restrictions as well. The City of Steamboat Springs will enter restrictions Friday, June 29th as well while Yampa and Hayden are considering restrictions.

Mr. DeMorat noted that the fireworks planned for Steamboat Lake will be at the discretion of North Routt Fire Protection District Chief Swinsick. The fireworks are shot off of an island in the middle of the lake.

Commissioner Monger noted that he has some concerns regarding a fire chief approving fireworks when the County would be on the hook if it resulted in a wildfire. Chief Stewart replied that this is something that he has heard discussed philosophically at a recent meeting but no concrete direction was decided upon. Commissioner Monger replied that this is something that needs to be further discussed at some point. Commissioner Hermacinski noted that the entity that is on the hook for the costs should be making the final decision.

Mr. DeMorat discussed the coordination between the entities around the County regarding fire concerns. There has been a lot of cooperation between districts but he can follow up with the County Attorney regarding the Boards concerns.

Mr. DeMorat noted that the four of the seven criteria have been met are as listed:

- 1,000 fuel moistures content is 9% or less below 8,000 feet or 12% or less above 8,000 feet.
- Three day mean energy release component (ERC) is at 90% or above.
- Drought Indicators (Palmer or Drought Outlook).
- Adverse fire weather is predicted to continue Zone 201.

Commissioner Corrigan asked what the procedure is for rescinding the fire restrictions. Mr. DeMorat replied that it is similar to the process of entering the restrictions but in reverse order. Once it is believed that the conditions have changed to be less for a wildfire then the same group would come together and the County Commissioners consider rescinding the restrictions.

MOTION

Commissioner Hermacinski moved to approve and authorize the Chair’s signature on a declaration enacting Stage 1 Fire Restrictions pursuant to Ordinance No. 2013-002.

Commissioner Corrigan seconded; the motion carried 3-0.

No further business coming before the Board, same adjourned sine die.

Kim Bonner, Clerk and Recorder

Douglas B. Monger, Chair

Date

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: 8/7/18	ITEM TIME: 11:00 am
--------------------------	----------------------------

FROM:	John Bristol, Economic Development Director, Steamboat Chamber
TODAY'S DATE:	7/9/18
AGENDA TITLE:	Economic Development Update
CHECK ONE THAT APPLIES TO YOUR ITEM:	
<input type="checkbox"/> ACTION ITEM	
<input type="checkbox"/> DIRECTION	
<input type="checkbox"/> INFORMATION	
I. DESCRIBE THE REQUEST OR ISSUE:	
Update on economic development activities and programs for Q2	
II. RECOMMENDED ACTION:	
None	
III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):	
PROPOSED REVENUE: N/A	
PROPOSED EXPENDITURE: N/A	
FUNDING SOURCE: N/A	
IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):	
None	
V. BACKGROUND INFORMATION:	
Routt County's economic development function, which is based in the Steamboat Springs Chamber, focuses on <i>activities, programs</i> and <i>policies</i> that improve the <i>quality of life</i> and <i>economic well-being</i> across Routt County by enabling primary business/job retention, expansion and attraction that supports a diverse economy and stable tax base to fund our common goods and services.	
VI. LEGAL ISSUES:	
None	

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA COMMUNICATION FORM

VII. CONFLICTS OR ENVIRONMENTAL ISSUES:

None

VIII. SUMMARY AND OTHER OPTIONS:

None



THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ROUTT, COLORADO

DECLARATION

Pursuant to Ordinance No. 2013-002, an ordinance to restrict fires in unincorporated portions of Routt County during periods of high fire danger, the Board of County Commissioners hereby declares a county-wide Stage Two Fire Restriction. This declaration shall be effective at 12:01 a.m. on Wednesday, August 8, 2018, and will remain in force until rescinded.

The fire restriction applies to all private, state and federally owned lands outside of municipal boundaries.

Stage Two Restrictions:

1. All open fires and campfires are prohibited except petroleum-fueled stoves, lanterns, and heating devices that are underwriter approved.
2. Smoking is restricted to enclosed vehicles and buildings.
3. All chainsaws and other internal combustion engines, including motorcycles and ATVs, must have spark arresting devices that are properly installed and in working order.
4. Use of explosives is prohibited.
5. Use of welding and cutting torch devices are prohibited.
6. Individual agencies (such as fire protection districts, or State or Federal organizations) may further restrict commercial activities not included in this Declaration such as construction, logging, or oil and gas operations.

Exemptions:

1. Persons with a valid written permit that specifically authorizes the otherwise prohibited act or omission.

NOTE: Any permit issued by a fire protection district within unincorporated Routt County prior to this Declaration is rescinded until the restrictions are lifted by the Board of County Commissioners of Routt County.

2. Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.

Fine Schedule and Penalty Assessment Procedure:

Any person who violates this order commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than six hundred dollars (\$600) for each separate offense. However, the following fine schedule shall apply:

First Offense	Not more than \$100
Second Offense	Not more than \$200
Third or Subsequent Offense	The maximum fine permitted by law – \$1,000 as of March 31, 2013

The penalty assessment procedure provided for in Section 16-2-201, C.R.S. may be followed by any law enforcement officer issuing a citation or making an arrest for a violation of this Declaration.

ORDERED this 7th day of August 2018.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ROUTT, COLORADO

By: _____
Douglas B. Monger, Chairman

ATTEST:

By: _____
Kim Bonner, Clerk & Recorder