

## ROUTT COUNTY PLANNING COMMISSION AGENDA

**August 20, 2020  
6:00 PM**

Due to the COVID-19 pandemic, this hearing will be conducted through the Zoom application. You may access this meeting by clicking [here](#).

Live audio is available by calling (669) 900-6833.

Meeting ID: 828 3534 3424

Password: 310181

### 1. CALL TO ORDER

### 2. PUBLIC COMMENT

Members of the public may address the Planning Commission on items not on the agenda. (Comments regarding items on the agenda will be taken during that agenda item.)

### 3. ITEMS FOR CONSIDERATION

#### A. PL-20-117 French Replat

Steamboat Lake, Filing 2, Replat Lot 60 & 61, Lot Line Adjustment, Vacation of Utility Easements

Activity #:	PL-20-117
Petition:	Lot Line Adjustment between Lots 60 & 61, and Vacation of Utility Easements
Applicant:	Nicholas and Alison French
Legal:	Lots 60 & 61 Steamboat Lake, Filing 2
Location:	Corner of Longfellow Way and Jupiter Place

#### B. PL-19-102 Public Sites Regulations Amendment (Tabled From Aug. 6, 2020)

Worksession/Adoption of proposed amendment to Section 3.5 (Open Space and Public Sites) of the Subdivision Regulations and Section 3.2.9 (Term of Approval) of the Zoning Regulations.

Activity #:	PL-19-102
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Documents:

[Open Space and Public Sites staff report 8.20.20.pdf](#)

### 4. ADMINISTRATOR'S REPORT

Administrator's Report may include the reading of future Planning Commission agendas and recent Board of County Commissioner decisions.

### 5. ADJOURNMENT

Agenda packets can be accessed at [www.co.routt.co.us/AgendaCenter](http://www.co.routt.co.us/AgendaCenter).

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.



## *Memorandum*

**To:** Planning Commission

**From:** Alan Goldich, Planning, [agoldich@co.routt.co.us](mailto:agoldich@co.routt.co.us)

**Date:** August 20, 2020 (tabled from August 6, 2020)

**Subject:** Worksession/Adoption of proposed amendments to Section 3.5 (Open Space and Public Sites) of the Subdivision Regulations and Section 3.2.9 (Term of Approval) of the Zoning Regulations; PL-19-102

**Attachments:**

- Proposed Changes (clean and track changes versions)

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There are two topics that will be discussed. The first is the Open Space and Public Sites section of the Subdivision Regulations and the other is the Term of Approval section of the Zoning Regulations.

### **Open Space and Public Sites**

#### **Background**

During review of the Fox Grove Subdivision it was brought to the County's attention that Section 3.5, specifically Section 3.5.2, of the Subdivision Regulations that addresses 'Public Sites' may not be consistent with State statute. The specific area that is not consistent is the statement, *"In addition to the requirement for Open Space in Section 3.5.1, the County shall require the dedication of land and/or payment in lieu thereof for public sites such as schools, fire stations, or other necessary public facilities, as determined by the Board,"* and the other statements related to this. State statute 30-28-133 enables counties and cities to require the dedication of land and/or the fee-in-lieu for school and park sites. It also requires counties and cities to have provisions for the dedication of land for schools and parks in their regulations. Other statutes exist which allow the County to collect fees for other development impacts, such as fire stations or other public facilities. However, in order for the County to do this, a nexus study would have to be performed for each impact that is to be offset (roads, wildfire mitigation, emergency services, affordable housing, etc.). The proposed changes are only meant to address land dedications for schools and parks. With this in mind, staff is proposing the attached changes to this section of the regulations.

One issue encountered in the Fox Grove application is that there is no clear way of calculating how much land should be dedicated or how much the fee-in-lieu of dedication should be. The amount of land to be dedicated and/or the fees-in-lieu of land dedication must be directly proportional to the impact that

the development has on schools and parks. In order to determine this, formulas need to be in place that use defensible numbers in the calculation. Other counties' regulations contain specific formulas for how much land is to be dedicated and concrete criteria for how the fee-in-lieu of land dedication is determined. Staff has created formulas for determining the amount of land for parks and schools that need to be dedicated. Both of these formulas mirror the formula that was used by the County when approving the Fox Grove Subdivision.

**Parks Formula:**

$.013 \text{ acres} \times 2.3 \times \# \text{ of additional dwellings} = \text{land area to be dedicated}$

According to a DOLA Small Community Parks and Recreation Standards publication, and consultation with the City of Steamboat Springs Parks and Recreation Director, 13 acres per 1,000 county residents is required.

**Schools Formula:**

$.017 \text{ acres} \times 2.3 \times \# \text{ of additional dwellings} = \text{land area to be dedicated}$

Staff consulted with the RE-1, RE-2, and RE-3 school districts to determine how much land is needed per student. This number is 17 acres per 1,000 county residents.

Both formulas use the estimated household size for Routt County, which is 2.3. This is based on the Department of Local Affairs' (DOLA) most recent projection and estimate for Routt County. Additional dwellings is used in the calculation because the parcel that is being subdivided already has the right for a dwelling unit(s) to be placed on it. Since that unit(s) is already allowed, the number of additional units that would be created through the subdivision represents the increase in impact to parks and schools.

Once the amount of land to be dedicated is determined, the applicant has two options. The first is to dedicate the appropriate amount of land to a public agency. If it is determined by the Board that dedication of land is not feasible because the land area is too small to be useful, or the location does not lend itself to a park or school, then the applicant shall pay a fee-in-lieu of dedication. Since the requirement is to dedicate land within the proposed subdivision, the fair market value of the land within the subdivision needs to be used in order to determine the amount of the fee. This is more clearly explained in the proposed amended regulations, which require a per acre value of the project to be determined. The per acre value is to be agreed upon by the applicant and the Planning Director. The criteria for determining this value is based on proposed platting without the infrastructure installed. If the value cannot be agreed upon, the applicant would be required to pay for an appraisal. The appraisal must be done by an individual approved in advance by the County that possesses specific qualifications, which are detailed in the proposed changes.

If the applicant does not agree with the amount of land to be dedicated, there is a provision that allows the applicant to prepare a study evaluating the impacts on schools and parks that would be generated by the proposed subdivision. The County will take this study into consideration when determining the amount of land to be dedicated and/or the resulting fee-in-lieu of dedication.

The last change requires the applicant to pay any fees to the school district that the subdivision is located in, or to the parks department that the subdivision is closest to, or as agreed upon by the applicant and County.

# Term of Approval

## Background

Sometimes Permittees are not aware of when their permit expires and it does not come to staff's attention until it is too late to have a new permit in place prior to the expiration date. In the past, the Board has extended the permit, and allowed the operation to continue, in order for the permittee to acquire a new permit without having to stop operating. The current regulations do not have an allowance for these types of requests. The proposed change is meant to provide this process. The underlined language below is proposed to be added to Section 3.2.9 of the Zoning Regulations.

### 3.2.9. Term of Approval

- A. Approvals shall be valid for the time period specified at the time of issuance of the Approval, or if no time period is specified, for the life of the use; provided, however, that the permittee has diligently pursued construction of or initiation of the use within the first year after issuance of the Approval, unless otherwise approved.
- B. Whenever an approved use has been discontinued for a period of one (1) year, the Approval shall be deemed to have automatically lapsed, except for Permitted uses that are customarily operated seasonally or periodically.
- C. The expiration date of a permit may be extended without notice by the Planning Director for a period not to exceed 90 days. Only one extension by the Planning Director shall be allowed. All conditions in the existing permit shall continue to apply to such extensions. Requests submitted to extend the permit must be accompanied by an application for renewal that has been deemed complete by the Planning Director.

### **3.5 Open Spaces & Land Dedications**

The Commission and the Board shall require, in addition to the requirements of Section 4.2 of these regulations, the dedication of sufficient open spaces park lands, and school sites of a character, extent, and location suitable for a use that is essential to the public. Such essential uses include open spaces, schools, and active park lands.

The requirements of this section do not alter and shall not be in addition to the twenty-five percent (25%) “useable open space” requirement as set forth in the Planned Unit Development Zone District of the Routt County Zoning Regulations. However, the dedication for park lands and school sites is still required for Planned Unit Developments and is included within the 25% total.

Lot Consolidations that do not increase the density beyond what is currently approved are not subject to the requirements of Section 3.5.

#### **3.5.1 On-Site Open Space**

- A. All subdividers in Routt County not applying for a PUD shall convey a minimum of ten percent (10%) of the gross area of the subdivision as open space. Such open space shall be dedicated for the purpose of passive and active recreation to serve the future residents of the project.
- B. The conveyance shall be to a property owners association or similar organization formed for purposes including the perpetual maintenance of such designated areas within the subdivision. Any such organization must provide for funding of said maintenance. The open space area must meet the following requirements:
  - 1) The use of the open space must be restricted for passive and active recreation purposes on the plat.
  - 2) Active park lands shall contain land suitable for the type of recreational amenity proposed. Development constraints such as, but not limited to, wetlands, Waterbodies and Waterbody Setbacks, slopes greater than 30%, critical wildlife habitat, etc. shall not be counted towards the minimum required dedication.
  - 3) Be designed to assist in enhancing the environment and in preserving community integrity in the most practical, attractive manner possible.
  - 4) Promote continuity of open space links, trails and an overall recreation system.
  - 5) Be consistent with the Master Plan and applicable sub-area plans.
  - 6) Protect natural and historical features, scenic vistas or watercourses.
- C. Proposed public trail dedications, must meet the following requirements:
  - 1) The minimum width for such trail easement shall be based on the particular reasonable needs of the trail, its location, the surrounding terrain and the projected usage. In all cases the easement shall be of adequate width to handle the proposed uses.
  - 2) There shall be adequate provision for public access to the trail easement within the subject property.

- 3) The trail easement may overlap and include other property previously included in other easements such as ditch, canal or utility, public open space or other easement provided no easement compromises the functional use of any other easement.

### **3.5.2 Park Lands**

The proposed subdivision shall contain lands dedicated for the purpose of active recreation to accommodate some of the recreational needs of the proposed project's residents. Such dedication shall be .013 acres multiplied by the estimated residential population of the proposed subdivision. The estimated residential population shall be calculated by multiplying the proposed number of dwellings by 2.3, or a current average household size for the project area as determined by the Colorado Department of Local Affairs.

### **3.5.3 School Sites**

The proposed subdivision shall contain lands dedicated for the purpose of school sites. Such dedication shall be .017 acres multiplied by the estimated residential population of the proposed subdivision. The estimated residential population shall be calculated by multiplying the proposed number of dwellings by 2.3, or a current average household size for the project area as determined by the Colorado Department of Local Affairs.

### **3.5.4 Conveyance of Open Space, Park Lands, School Sites and Alternatives**

- A. Prior to final plat recordation for all subdivisions, the developer shall satisfy the requirements for Open Space, Park Lands, and School Sites through one (1) or a combination of the following:
  - 1) **Conveyance** - Open Space, Park Lands, and/or public School Sites to be conveyed to a homeowners association and/or public agency may be dedicated on the Final Plat, conveyed by Warranty Deed, or other instrument acceptable to the Routt County Planning Department. Any property to be conveyed shall be free and clear of all liens and encumbrances at the time of conveyance.
  - 2) **Fee-in-Lieu for Park Lands and School Sites** - When, after recommendation of the Commission, dedication of all or portions of the land for Park Lands, and/or School Sites is not deemed feasible or in the public interest, the Board may require the subdivider, in lieu thereof, to pay the County a fee. Such payment shall be based on the per acre fair market value of the entire project. Such value shall be based on completion of proposed platting, of the entire property as it may exist without the required infrastructure.
  - 3) The amount of land required to be dedicated by Sections 3.5.1 and 3.5.2 shall be the maximum amount that could be required by the County. If a fee-in-lieu of dedication is required, the total fee shall not exceed the full fair market value of the acreage required by Sections 3.5.1 and 3.5.2. The Board has the discretion to require less than what is required by these regulations, taking into consideration the standards contained in Section 3.5.4.B below.
- B. The County and, in certain cases as outlined above, the subdivider, in formulating the appropriate combination of the options set forth in

Subsection 3.5.2 and 3.5.3, shall take into consideration the following standards:

- 1) The size of the proposed subdivision.
  - 2) The projected additional population associated with the proposed subdivision.
  - 3) The projected need generated by the subdivision for Park Lands and School Sites.
  - 4) The impact of the proposed subdivision on the implementation of the County's Master Plan and its component parts, including transportation, parks, and recreation.
- C. In determining the fair market value of the land for purposes of calculating a fee-in-lieu payment, the applicant and Planning Director shall determine a mutually agreed upon value. If such value cannot be agreed upon, the applicant shall obtain an appraisal of the land. The appraisal shall be undertaken at the subdivider's cost by an appraiser, approved in advance by the County. The appraiser shall be a Certified General Appraiser with at least three years of local experience in commercial or for-development land appraisals that demonstrates appropriate geographical competence. The per acre appraisal value shall be used in determining the amount of the fee-in-lieu.
- D. In the event that the subdivider disagrees with the County's determination of required dedication, the subdivider may prepare a study evaluating the impacts of the proposed subdivision on area Park Lands and School Sites. Such study shall be undertaken at the subdivider's cost by a professional approved in advance by the County. To the greatest extent possible, the study shall include an evaluation of the present supply or capacity and present demand for all Park Lands and School Sites required by the proposed subdivision. The study shall identify and quantify the additional demand placed upon such Park Lands and School Sites by the proposed subdivision. The study shall identify the necessary Park Lands and School Sites required to be dedicated by the developer in order to serve the demand generated by the proposed subdivision. The study shall be considered by the County in determining the required dedication of land.
- E. All land to be dedicated shall be designated on the approved final plat as parcels, and the restrictions or conditions of development for the parcels shall be shown on the plat. Such land shall be deeded to any entities as specified by the Board, at the time of recording of the final plat, or by dedication on the final plat. A title commitment and prepaid fees for a policy of title insurance acceptable to the County provided by a title insurance company authorized to do business in the State of Colorado shall be required for all such lands prior to recording of the final plat.
- F. All fees-in-lieu required to be paid to satisfy the School Sites requirement shall be paid to the school district that the subdivision is located in. All fees-in-lieu required to be paid to satisfy the Park Lands requirement shall be paid to the parks department that the subdivision is closest to, or as agreed upon by the applicant and Planning Director.

### 3.5 Open Spaces & ~~Public Sites~~ Land Dedications

The Commission and the Board shall require, in addition to ~~subdivision streets~~ the requirements of Section 4.2 of these regulations, the dedication of sufficient open spaces ~~(parks, greenbelts, trails, etc.) and other park lands, and school sites~~ of a character, extent, and location suitable for a use that is essential to the public. Such essential uses ~~may~~ include open spaces, schools, and active park lands ~~fire stations, and similar facilities. In determining an essential public use, the Commission and Board shall consider:~~

- ~~• the Master Plan;~~
- ~~• nearby recreational amenities;~~
- ~~• nearby public buildings and facilities; and~~
- ~~• the particular type of development proposed in the subdivision.~~

~~The total requirement for public sites and open space shall be 15% of the gross area of the proposed subdivision.~~

The requirements of this section do not alter and shall not be in addition to the twenty-five percent (25%) “useable open space” requirement as set forth in the Planned Unit Development Zone District of the Routt County Zoning Regulations. However, the ~~5%~~ dedication for ~~public sites~~ park lands and school sites is still required for Planned Unit Developments and is included within the 25% total.

Lot Consolidations that do not increase the density beyond what is currently approved are not subject to the requirements of Section 3.5.

#### 3.5.1 On-Site Open Space

A. All subdividers in Routt County not applying for a PUD shall convey a minimum of ten percent (10%) of the gross area of the subdivision as open space, ~~parks, or recreation area.~~ Such open space shall be dedicated for the purpose of passive and active recreation to serve the future residents of the project.

~~A.B.~~ The conveyance shall be to a property owners association or similar organization formed for purposes including the perpetual maintenance of such designated areas within the subdivision. Any such organization must provide for funding of said maintenance. The open space area must meet the following requirements:

- 1) The use of the open space must be restricted for ~~park, recreation, or passive open space~~ passive and active recreation purposes on the plat.
- 2) ~~A percentage of the open space shall be reasonably adapted for use for park and recreational purposes, taking into consideration such factors as the number of proposed lots, size, geology, presence and condition of ground cover and timber, condition of soil, drainage topography, access and availability of water.~~ Active park lands shall contain land suitable for the type of recreational amenity proposed. Development constraints such as, but not limited to, wetlands, Waterbodies and Waterbody Setbacks, slopes greater than 30%, critical wildlife habitat, etc. shall not be counted towards the minimum required dedication.



- 3) Be designed to assist in enhancing the environment and in preserving community integrity in the most practical, attractive manner possible.
- 4) Promote continuity of open space links, trails and an overall recreation system.
- 5) Be consistent with the Master Plan and applicable sub-area plans.
- 6) Protect natural and historical features, scenic vistas or watercourses.

~~B.C.~~ With respect to p Proposed public trail dedications, must meet the following requirements: ~~the Board shall consider:~~

- 1) The minimum width for such trail easement shall be based on the particular reasonable needs of the trail, its location, the surrounding terrain and the projected usage. In all cases the easement shall be of adequate width to handle the proposed uses.
- 2) There shall be adequate provision for public access to the trail easement within the subject property.
- 3) The trail easement may overlap and include other property previously included in other easements such as ditch, canal or utility, public open space or other easement provided no easement compromises the functional use of any other easement.

### ~~3.5.2~~ Public Sites Park Lands

The proposed subdivision shall contain lands dedicated for the purpose of active recreation to accommodate some of the recreational needs of the proposed project's residents. Such dedication shall be .013 acres multiplied by the estimated residential population of the proposed subdivision. The estimated residential population shall be calculated by multiplying the proposed number of dwellings by 2.3, or a current average household size for the project area as determined by the Colorado Department of Local Affairs.

### ~~3.5.3~~ School Sites

~~In addition to the requirement for Open Space in Section 3.5.1, the County shall require the dedication of land and/or payment in lieu thereof for public sites such as~~ The proposed subdivision shall contain lands dedicated for the purpose of schools sites, fire stations, or other necessary public facilities, as determined by the Board. Such dedication shall be .017 acres multiplied by the estimated residential population ~~five percent (5%) of the gross land area~~ of the proposed subdivision. The estimated residential population shall be calculated by multiplying the proposed number of dwellings by 2.3, or a current average household size for the project area as determined by the Colorado Department of Local Affairs. ~~The developer shall have the option, in its sole discretion, to accept the County's calculation of the required dedication, or to perform studies to demonstrate the actual impact of the subdivision upon public services and facilities and the resulting appropriate dedication or other contribution.~~

### ~~3.5.3~~ 3.5.4 Conveyance of Open Space, Park Lands, School Sites and Public Sites and Alternatives

- A. Prior to final plat recordation for all subdivisions, the developer shall satisfy the requirements for Open Space, Park Lands, and School Sites ~~and public sites~~ through one (1) or a combination of the following:
- 1) **Conveyance** - Open Space, Park Lands, and/or public School Sites to be conveyed to a homeowners association and/or public agency may be dedicated on the Final Plat, conveyed by Warranty Deed, or other instrument acceptable to the Routt County Planning Department. Any property to be conveyed shall be free and clear of all liens and encumbrances at the time of conveyance.
  - 2) **Cash Fee-in-Lieu for Public Sites** Park Lands and School Sites - When, after recommendation of the Commission, dedication of all or portions of the land for ~~public sites~~ Park Lands, and/or School Sites is not deemed feasible or in the public interest, the Board may require the subdivider, in lieu thereof, to pay the County a fee. Such payment shall be based on the per acre fair market value of the entire project. Such value shall be based on completion of proposed platting, of the entire property as it may exist ~~when all required infrastructure is completed and functioning~~ without the required infrastructure.
  - ~~2)~~3) The amount of land required to be dedicated by Sections 3.5.1 and 3.5.2 shall be the maximum amount that could be required by the County. If a fee-in-lieu of dedication is required, the total fee shall not exceed the full fair market value of the acreage required by Sections 3.5.1 and 3.5.2. The Board has the discretion to require less than what is required by these regulations, taking into consideration the standards contained in Section 3.5.4.B below. 5% of the entire subdivision or pertinent phase thereof, as applicable, as determined by the Board. In determining the fair market value of land for purposes of calculating a fee-in-lieu payment, the County may require that the developer obtain an appraisal. The value of the combination of both the land dedication and the cash-in-lieu of land shall not exceed the full fair market value of the total required dedication of sites and land areas.
- B. The County and, in certain cases as outlined above, the subdivider, in formulating the appropriate combination of the options set forth in Subsection 3.5.2 and 3.5.3.A ~~above~~, shall take into consideration the following standards:
- 1) The size of the proposed subdivision.
  - 2) The projected additional population associated with the proposed subdivision.
  - 3) The projected need generated by the subdivision for Park Lands and School Sites. ~~public services and facilities, particularly recreational, educational, and emergency services, the provision of which is not covered by other requirements herein.~~
  - 4) The impact of the proposed subdivision on the implementation of the County's Master Plan and its component parts, including transportation, parks, and recreation.

- C. In determining the fair market value of the land for purposes of calculating a fee-in-lieu payment, the applicant and Planning Director shall determine a mutually agreed upon value. If such value cannot be agreed upon, the applicant shall obtain an appraisal of the land. The appraisal shall be undertaken at the subdivider's cost by an appraiser, approved in advance by the County. The appraiser shall be a Certified General Appraiser with at least three years of local experience in commercial or for-development land appraisals that demonstrates appropriate geographical competence. The per acre appraisal value shall be used in determining the amount of the fee-in-lieu.
- ~~C.~~D. In the event that the subdivider disagrees with the County's determination of required dedication, the subdivider may prepare a study evaluating the ~~demand for public land and improvements made necessary~~ impacts of or generated by the proposed subdivision on area Park Lands and School Sites. Such study shall be undertaken at the subdivider's cost by a ~~licensed professional engineer or other~~ professional approved in advance by the County. To the greatest extent possible, the study shall include an evaluation of the County's present supply or capacity and present demand for all ~~public services~~ Park Lands and School Sites required by the proposed subdivision. The study shall identify and quantify the additional demand placed upon such ~~public services~~ Park Lands and School Sites by the proposed subdivision. The study shall identify the necessary ~~public land and improvements~~ Park Lands and School Sites required to be dedicated ~~or constructed~~ by the developer in order to serve the demand generated by the proposed subdivision. The study shall be considered by the County in determining the required dedication of land.
- ~~D.~~E. All land to be dedicated shall be designated on the approved final ~~approved~~ plat as parcels, and the restrictions or conditions of development for the parcels shall be shown on the plat. Such land shall be deeded to any entities as specified by the Board, at the time of recording of the final plat, or by dedication on the final plat. A title commitment and prepaid fees for a policy of title insurance acceptable to the County provided by a title insurance company authorized to do business in the State of Colorado shall be required for all such lands prior to recording of the final plat.
- ~~E.~~F. All fees-in-lieu required to be paid to satisfy the School Sites requirement shall be paid to the school district that the subdivision is located in. All fees-in-lieu required to be paid to satisfy the Park Lands requirement shall be paid to the parks department that the subdivision is closest to, or as agreed upon by the applicant and Planning Director. ~~monies collected by the County under Sub-section 3.5.3.A.2 above shall be deposited in an interest-bearing account which clearly identifies the category, amount or fund of capital expenditure for which the moneys were collected. Each such category, account or fund shall be accounted for separately. Any interest or other income earned on such monies shall be credited to the account.~~