

ROUTT COUNTY PLANNING COMMISSION

MINUTES

December 20 , 2018

The regular meeting of the Routt County Planning Commission was called to order at 6:00 p.m. with the following members present: Chairman Steve Warnke and Commissioners Troy Brookshire, John Merrill, Karl Koehler, Geoff Petis, and Roberta Marshall. Commissioners Brian Arel, Peter Flint, Bill Norris and Andrew Benjamin, were absent. Planning Director Chad Phillips and staff planner Chris Brookshire also attended. Sarah Katherman recorded the meeting and prepared the minutes.

PUBLIC COMMENT

There was no public comment.

ACTIVITY: PL-18-200

PETITIONER: Kasey O'Halloran

PETITION: Special Use Permit for Day Care Center

LOCATION: Lots 35 - 40 Block 8, Town of Phippsburg; located at 21762 4th Avenue

Ms. Kasey O'Halloran said that she has lived in South Routt for the past 5 years. She reviewed the data on the number of kids with working parents in Routt County, and the lack of sufficient day care opportunities to serve them. She noted that there is a particular shortage of day care opportunities for infants up to 2 years old across the County and for all ages of kids in South Routt.

Ms. O'Halloran reviewed the petition for what is categorized as a "Large Child Care Facility" by the State of Colorado. The facility would offer care at three different levels: infants (2 months to 12 months), toddlers (12 months to 2.5 years) and pre-schoolers (2.5 years to 8 years). She explained that any day care facility that offers care for kids under 2 must meet every regulation that the state has, regardless of the size of the facility. Each age level would have to have its own separate space, with a separate entrance. Ms. O'Halloran said that the proposed facility would employ seven people, including a full-time Director. Ms. O'Halloran would serve as the Operations Manager. She said that the salaries would be competitive: at or above what is being paid in Steamboat for comparable positions. Ms. O'Halloran stated that the facility will charge very competitive rates, and is structured to break-even. She said that her goal is not to make money from the operation, but rather to provide a much needed service to the community.

Ms. O'Halloran said that the teacher to student ratios would exceed those mandated by the state. At the infant level, there will be one teacher for every 4 kids; at the toddler level one teacher for every 5 kids and at the pre-school level

one teacher for every 7 kids. Ms. O'Halloran said that she has received a great deal of support from the community, and that there are 13 families already on a wait list. She added that she has three qualified employees ready to start work.

Chairman Warnke asked about why pre-school includes kids up to 8 years old. Ms. O'Halloran said that there are occasionally kids that are not ready to start school until somewhat older, and that she is ensuring that all possibilities are covered by having the facility licensed for kids up to 8 years old.

Commissioner Brookshire asked about the evolution of the site plan. Ms. O'Halloran reviewed that the original site plan had been changed to include a circular drive to allow cars to drop off kids off the street and turn around without backing into the County Road. She said that they had worked with Mike Mordi of Routt County Public Works on the plan.

Commissioner Koehler asked about the letter submitted by Rim Watson, Superintendent of the South Routt School District. Ms. O'Halloran stated that the South Routt District offers pre-school for a limited number of kids from 3 - 5 years old, but that there is a very large waiting list for admission. The proposed facility would not be in competition with the school district, but would rather support it and also provide care for the younger siblings and kids that are on the wait list. Commissioner Koehler asked if she had spoken with any of the neighbors of the proposed site in Phippsburg. Ms. O'Halloran said that she had spoken to the neighbor across the street, whose only concern was that no cars would be parked in front of his driveway.

Ms. Brookshire reviewed the names and affiliations of the people who had written letters regarding the petition. She noted the packet of letters and stated that they were all in support of the proposal. She said that the revised site plan had been tentatively approved by Mike Mordi.

Ms. Brookshire highlighted the topics for discussion listed on page 2 of the staff report. She said that Phippsburg is not a designated Growth Center. She stated that since the area is not covered by a sub-area plan, the County should only consider new use permits in Phippsburg if there is a demonstrated community need, and the infrastructure, services and conformance with the Master Plan and Zoning Regulations are shown to exist. Ms. Brookshire stated that the other issue to be discussed is whether a performance bond to cover potential site restoration is needed in this case.

Ms. Brookshire stated that the petitioner had also expressed concern with several of the suggested conditions of approval (COAs). Ms. O'Halloran had a concern regarding suggested COA #16 because she doesn't have a sales tax account and does not need one, as the day care fees are for services and are not subject to sales taxes. Suggested COA #17 is the bonding requirement, mentioned above. Ms. Brookshire said that Ms. O'Halloran also had concerns regarding suggested COA #18 regarding amendments to the state license. She said that

amendments occur quite frequently and that it might become a burden for staff to keep up with them. Ms. Brookshire suggested that an alternative would be to require that a current state license be kept on file with the Planning Department. She said that Ms. O'Halloran had also requested a change to the last bullet point under suggested COA #23. She said that although no food would be prepared on site, parents would be bringing in food to be served to the kids. She suggested changing "served" to "prepared."

Chairman Warnke asked staff to address the issue of Phippsburg not being a Growth Center. Ms. Brookshire said that Phippsburg is a potential Growth Center and is served by central water and sewer. She said that the proposed use is a new use, and could be approved if it is determined that there is a need in the community and that the appropriate infrastructure and services are in place to allow for it. The public roads in Phippsburg are maintained by Routt County. Mr. Phillips stated that Section 3.3.E of the Master Plan provides the exception to Section 3.3.A, specifically for Milner and Phippsburg for uses that address a public need of the community.

Chairman Warnke asked about Routt County's definition of Day Care Center. Ms. Brookshire said that a Day Care Home allows for the care of up to 12 children as a use-by-right. A Day Care Center, which provides care for more than 12 children, requires a Special Use Permit.

Commissioner Merrill asked about the hours of operation. Ms. Brookshire said staff had provided an additional half hour of time on either end of the hours stated in the applicant's business plan in order to provide some leeway for early drop-off and late pick-up that may be needed to accommodate parents' schedules.

Commissioner Petis asked if the revised site plan address the concerns of the Public Works staff. Ms. Brookshire said that it does, and has been tentatively approved by Mike Mordi. She added that the plan currently is lacking a couple of parking spaces, but that the parking spaces for employees could be stacked. She said that the site and parking plan would have to meet all the requirements prior to issuance of the permit.

In response to a question from Commissioner Marshall, Ms. O'Halloran said that a sales tax license is not needed, as nothing will be sold. Regarding the bonding required in COA #17, Ms. O'Halloran said that there is nothing being done to the site that would need to be remediated. The only site improvements will be the construction of a circular drive, parking areas and fencing. She offered that it would make no sense to remove these improvements and return the site to its current condition. Ms. Brookshire explained that bonding can be required to cover the cost of removing equipment or restoring a site if an operator abandons a site. Mr. Phillips provided an example of an abandoned cell tower that the County would have to remove. He agreed with the applicant that there would be nothing to remove from the proposed site.

Commissioner Koehler asked about traffic. Ms. Brookshire stated that all the conditions provided by Mike Mordi had been included in the suggested COAs. She added that the traffic to be generated by the proposed use did not reach the threshold for any road improvements. She added that the main concern had been addressed by the turnaround driveway.

In response to a question about the separate entrances needed, Ms. O'Halloran reviewed the site plan and the internal entrances to the separate classroom spaces. She added that the infant area must also have an emergency access equipped with a ramp.

Public Comment

Mr. Larry Bond, a neighbor whose property is at the end of 4th Avenue, expressed concerns with people using his driveway to turn around. He said that the new revised site plan may address this concern. He also expressed concern that people would be parking at the end of the road and in front of his driveway. Mr. Bond described the route of the snow plows and the need for snow storage on the property. He said that no snow from the property can be stacked in the street, as the street narrows as snow builds up. He added that the driveway will need a proper culvert. He described the culvert that angles across the area and the drainage problems that frequently cause flooding.

Mr. Bond stated that the school bus often sits for a long period of time at the corner of 4th and Forest. He expressed concern with additional pedestrian traffic on 4th Avenue. Ms. O'Halloran said that no kids would be taking the school bus to or from her facility. Mr. Bond also expressed concern with the ability of emergency vehicles to access the site, particularly in the winter.

Mr. Bond stated that he is worried that he might be liable if a kid from the day care center were to get onto his property and get injured, noting that the equipment he has, as well as the pond and the culvert could be dangerous. He added that he understands the need for the facility. In response to a question from Commissioner Brookshire, Mr. Bond discussed the drainage problems in and around the site.

Ms. Barbara Bond reiterated many of the concerns expressed by her husband. She stated that she thought Ms. O'Halloran's plan was thorough and well thought out. She also acknowledged the need for a day care facility in the community. She cited concerns with traffic, parking and emergency vehicle access. She suggested that the day care operator could address these issues with the clients. She said that she is also concerned with liability if a child goes onto their property, but that they are not opposed to the proposal.

Mr. Kieran O'Halloran, Kasey's husband, stated that he has been working with the architect for whom he works, and with an engineer on the plan. He discussed the revised site plan and options to increase the parking and the snow storage areas. He also offered that if the property were ever to be converted back into a

single-family home, there is room for a garage to be built on the parking area, and the improvements to the driveway and fenced yard would be nice additions.

Regarding the letter submitted by Rim Watson, Mr. O'Halloran noted the significant need for day care options for kids from 1 - 3 years old. He said that Mr. Watson understands that young families cannot move to South Routt if day care is not available for their young kids. Mr. O'Halloran stated that they chose the property for the proposed facility because it was centrally located in South Routt and because there were no other available properties of the appropriate size with sufficient outdoor areas. He stated that no parking would be allowed on the street, and that they would post signs if they were allowed to do so.

Seeing no further comment, Chairman Warnke closed public comment.

Commissioner Brookshire asked about the unconstructed portion of roadway to the north of the site. Ms. Brookshire stated that the area is fenced in, but that she thought it was platted. Mr. Phillips said that if it is platted, it belongs to the County. More research is needed. Mr. Brookshire suggested that the unconstructed roadway might be used for additional snow storage. Ms. Brookshire said she would discuss the issue with Mike Mordi.

In response to a question from Chairman Warnke, Commissioner Koehler said that he struggles with conformance with the Master Plan and the approval of new uses in the unincorporated County. He said he would feel more comfortable if there had been wider noticing of the proposal around Phippsburg. Ms. Brookshire said that the applicant had met the requirements.

Regarding the concerns with parking on the street, Commissioner Marshall suggested that clients and staff could be notified in writing of the prohibition. She offered that it could be added to the contract to be signed by the parents.

There was consensus on Planning Commission that a performance bond was not needed. Mr. Phillips addressed Commissioner Koehler's concern regarding conformance with the Master Plan by reviewing Section 3.3.E. Commissioner Petis added that the proposed use would allow families to stay in South Routt rather than travel for child care. He said that the Oak Creek Comprehensive Plan encourages regional cooperation among the communities in the area. There was a discussion of the chicken/egg problem with potential growth centers and the need for services.

MOTION

Commissioner Petis moved to recommend approval of a Special Use Permit for a Day Care Center in Phippsburg with the findings of fact that the proposal, with the following conditions, meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, 6, of the Routt County Zoning Regulations. This approval is subject to the following conditions:

General Conditions:

1. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 5 and 6.
2. The SUP 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 SUP, 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 SUP, 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 approval 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 the 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. All trash shall be stored either inside a garage or inside Interagency Grizzly Bear Committee (IGBC) certified receptacles
10. 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. Routt County shall be named as an additional insured on the policy. Permittee shall notify Routt County Planning Department of any claims made against the policy. Certificate of liability insurance shall include all permit numbers associated with the activity.
11. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
12. 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.
13. Transfer of this SUP 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.

14. 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:

15. The Special Use Permit (SUP) is valid for the life of the use provided it is acted upon within one year of approval. The SUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
16. A current state license shall be maintained on file in the Routt County Planning Department.
17. Any required permits from the Routt County Road and Bridge Department or Building Department shall be obtained and any inspections completed before operations commence.
18. Permittee shall obtain a Grading and Excavation permit for any excavations or fill operations over 300 Cubic Yard or disturbances over an acre.
19. Routt County road affected by the SUP 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.
20. 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.
21. The Approved Project Plan for that Day Care Center include:

- Hours of operations shall be 7:00 a.m. to 6:00 p.m., Monday - Friday.
 - Day Care Center for children 2 months - 8 years in age (infant, toddler and preschool children).
 - Maximum of 30 children; seven employees/staff.
 - Office to be located within structure
 - Use of building is for Day Care Center only.
 - No meals will be prepared unless a permit is received from the Routt County Environmental Health Department.
22. All employees shall be first aid certified and be trained on emergency procedures.
23. Any accidents requiring emergency services shall be reported to the Planning Department.
24. A parking/site plan shall be reviewed and approved by the Routt County Road and Bridge Department and Routt County Planning Department prior to issuance of the permit, taking into consideration compliance with applicable County regulations pertaining to snow storage, emergency access and drainage.
25. All employees and customers shall be notified in their employment contract and child care contracts, respectively, that their vehicles shall not block any driveways on 4th Avenue, and evidence of these typical conditions will be provided to Routt County.

Commissioner Brookshire seconded the motion.

Discussion and Friendly Amendments

Commissioner Marshall proposed an addition to the suggested COA regarding parking citing the concerns of snow storage, emergency access and drainage. She also proposed an additional COA stating that all employees and customers shall be notified in their employment contract and child care contracts, respectively, that their vehicles shall not block any driveways on 4th Avenue, and evidence of these typical conditions will be provided to Routt County.

There was a discussion of whether the addition to the parking condition was necessary. Commissioner Marshall offered that the parking plan has not yet been finalized and these are simply considerations that should be taken into account. Commissioner Petis suggested modified language. These amendments were accepted, as indicated above.

The motion carried 6 - 0, with the Chair voting yes.

ADMINISTRATOR'S REPORT

Mr. Phillips reviewed the upcoming calendar, noting that there will be a meeting on January 3rd, but that the joint meeting scheduled for January 17th has been

postponed. He stated that the Board had approved the Stoker Coal Haul permit. A few clarifications were made to the existing permit, but no major changes were allowed to the renewal. He said that a new Planning Commissioner to fill Paul Hebert's position will be appointed in January.

The meeting was adjourned at 7:30 p.m.