

## ROUTT COUNTY PLANNING COMMISSION

### MINUTES

May 16, 2019

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

#### PUBLIC COMMENT

There was no public comment.

#### MINUTES – April 4, 2019

Commissioner Kelly moved to approve the minutes of the above cited Planning Commission meeting as written. Commissioner Norris seconded the motion. **The motion carried, 5 - 0.**

**ACTIVITY:** PL-16-66

**PETITIONER:** Young's Peak Preserve, LLC; Mike Roach

**PETITION:** 1) Rezone the subject property from High Density Residential (HDR) to Mountain Residential Estates (MRE);  
2) Preliminary Subdivision Plan review to create eight (8) single-family lots and an open space parcel

**LOCATION:** 23585 Young's Creek Way, Oak Creek; located between the south side of CR 16 and the north side of CR 212

Mr. Tom Braun of Braun Associates, Inc., representing the petitioner, reviewed the history of the subdivision request. He noted that the project had been stalled due to comments received from the Colorado Division of Water Resources (DWR) regarding the use of onsite water wells in over-appropriated basins. He stated that those issues have now been resolved. Mr. Braun reviewed the petition to re-zone the property and create eight lots and a large open space parcel. He presented an aerial photo of the site and reviewed the site plan. He also indicated the zoning on the adjacent subdivisions, the road accesses to the proposed lots and the open space parcel that will include Young's Peak. He noted that the Roaches purchased this property in part to protect the area from high density development and preserve Young's Peak. Mr. Braun indicated the areas within the subdivision with slopes over 30% and the areas that are subject to the County's Skyline Regulations. He said that these issues, as well as drainages, view corridors and access had all been considered in planning the location of the proposed lots. He stated that each lot has a sufficient buildable area outside the skylined areas, with plenty of space in between the building sites. He noted that the lots are served by two different access points because a single road through the development would have been too impactful. He stated that the proposed subdivision is in conformance with the Routt County Master Plan and the Stagecoach Community Plan.

Mr. Braun stated that the applicant has no issues with any of the suggested conditions of approval (COAs), including the new COAs suggested by the Oak Creek Fire Protection District (OCFPD) regarding defensible space and wildfire mitigation. He reviewed that the DWR will require the purchase of augmentation water prior to the issuance of well permits for the lots. He stated that the petitioner will obtain water through the Yampa River Augmentation Water Program administered by the Upper Yampa Water Conservancy District, and that this plan has been reviewed and approved by the Morrison Creek Water and Sanitation District.

Mr. Braun reviewed the proposal to provide an easement for a public trail along the northwest portion of the property that will connect with the larger Stagecoach Property Owners Association (SPOA) trail system. The petitioner will construct the trail. Mr. Braun said that the petitioner is working with SPOA on this project and intends to request consideration of this trail to fulfill at least a portion of the requirement of 5% dedication of land or cash-in-lieu of land for public sites. He noted that the decision regarding the payment or dedication of land for public sites will be made by the Board of County Commissioners.

Mr. Braun stated that the wildlife mitigation plan is almost complete. He said that the two outstanding issues are the seasonal closures of the trail and the management of trash. He stated that while some portions of the proposed access road have a 10% grade, the OCFPD has approved of the road design.

Ms. Winser stated that Mr. Braun had provided a good overview of the petition. She noted the letter he had submitted outlining the resolution of the water well permit issue. She stated that the Road and Bridge Department had not made any changes to its comments submitted in 2017, and that they had deferred to OCFPD regarding the road design. These issues are addressed in COAs #14 and #17. Ms. Winser reviewed the two new COAs being requested by OCFPD: one regarding the clearing of brush to reduce wildfire fuel and the other requiring a wildfire mitigation plan (defensible space) to be submitted with an application for a building permit and approved prior to the issuance of a Certificate of Occupancy.

Ms. Winser confirmed that the buildable areas on each lot are sufficient in size for development and are not skylined. She reviewed the applicant's proposal to use the trail easement to fulfill at least a portion of the land or fee in lieu of land for parks or public sites. The trail would be constructed by the applicant.

Ms. Winser reviewed that in the Stagecoach Community Plan the area is designated for large-lot residential development (5-acre minimum lot size without central water and sewer or 1-acre minimum with water and sewer). She said that the proposal is in conformance with policies 5.6.2, 5.4.1.A and 5.4.1.E of the Stagecoach Community Plan. Ms. Winser noted the topics for discussion listed in the staff report.

In response to a question from Commissioner Petis, Ms. Winser confirmed that all the concerns regarding water had been addressed. She said that with an augmentation plan well permits for both indoor and outdoor use will be allowed. Commissioner Petis asked whether any research had been done regarding the safety and effectiveness of the proposed public trail. Ms. Winser stated that the applicant had conducted a study of the trail alignment and its use is addressed in the draft wildlife mitigation plan.

Chairman Brookshire asked about the cuts and fills that would be required for the access road to Lots 4 – 6. Mr. Roach stated that the road had been roughed in and although it still needs road base and pit run, the construction is mostly complete and no additional cuts and fills should be needed. Regarding the plan for trails, Mr. Roach described the plan to construct a private, internal trail that would provide access between CR 16 and CR 212 for residents. He stated that the perimeter fence on the northwest portion of the property had been built 6 – 8 feet inside the property boundary to accommodate a public trail to the outside, along the property line. He said that he was working with SPOA on how best to link this trail with the larger network of trails in Stagecoach. He said that he would ask the Board of County Commissioners for consideration of land and cost of construction of this trail in determining the amount owed in lieu of land for parks and public sites. Mr. Roach stated that SPOA had recently approved an expenditure of \$10,000 toward study of how best to connect the trails within Stagecoach into a coherent system.

Chairman Brookshire asked about fencing around and within the subdivision. Mr. Roach stated that the covenants include a fencing plan that mandates wildlife-friendly fencing, but that there is no requirement for property owners to construct fencing around their lots. He said that although there is a perimeter fence around the entire property, cattle from the adjacent properties do get in. Mr. Braun said that no decision had been made regarding whether lot owners would be allowed to have horses. He said that this issue would be addressed prior to the Board of County Commissioners' hearing.

Chairman Brookshire asked if CPW had commented on the uses of the north side of Young's Peak and impact on elk. Ms. Winser stated that the wildlife mitigation is nearly complete and would be reviewed with the Final Plat. She said that the draft plan, which was included in the online version of the meeting materials, discusses mitigations for elk and grouse habitat. Mr. Roach described how the elk move across the area, but noted that the CPW is mostly concerned with the south facing slope of Young's Peak, which provides winter range for the elk. Mr. Braun said that CPW had not expressed any concern regarding uses on the north side of Young's Peak, but that they had requested complete closure of the south side during the winter.

In response to a question from Commissioner Brookshire regarding the availability of water, Mr. Roach reviewed the subdivisions in the vicinity that are served by central water and those that are served by individual wells. He stated that his well is very good and that he intends to drill a well on Lot 2 of Young's Creek Estates soon.

There was no public comment.

In response to a question from Commissioner Brookshire, Mr. Braun stated that an easement for Yampa Valley Electrical Association lines would be provided along the internal access road and along the perimeter of each lot.

Regarding the proposal to dedicate land for a public trail on the northwest property line, Commissioner Kelly stated that a 20 ft. wide easement along the proposed section of property line to allow for variations in the alignment of the trail would amount to approximately one acre of land. Mr. Braun said that additional research would be needed to determine how the trail should be routed to ensure that it is useable. Chairman Brookshire asked how owners of Lots 4 – 8 would

access the trail. Mr. Braun acknowledged that this had not been considered. He suggested that an adjustment could be made at the north end of the access road such that the trail would be accessible to all lot owners. He said that this issue would be addressed prior to the review by the Board of County Commissioners.

#### **MOTION – Zone Change**

Commissioner Norris moved to recommend approval of the zone change from HDR to MRE with the findings of fact that the proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and Stagecoach Community Plan and is in compliance with the applicable provisions of Sections 8 of the Routt County Zoning Regulations. This approval is subject to the following conditions:

1. The change of zone from High Density Residential (HDR) to Mountain Residential Estates (MRE) shall become effective upon signing of a resolution amending the Official Zoning Map by the Board of County Commissioners. Said resolution shall be recorded concurrently with the final plat.
2. This approval is contingent upon the recordation of the associated Final Plat.

Commissioner Kelly seconded the motion.

**The motion carried 5 – 0, with the Chair voting yes.**

#### **MOTION – Preliminary Subdivision Plan**

Commissioner Norris moved to recommend approval of the Preliminary Subdivision Plan with the following findings of fact:

1. The proposal with the following conditions meets the guidelines of the Routt County Master Plan and Sub Area Plan and is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations and Sections 3 and 4 of the Routt County Subdivision Regulations.
2. The application is substantially similar to the approved Sketch Plan.

This approval is subject to the following conditions:

#### **General Conditions:**

1. This Preliminary Subdivision Plan approval is contingent upon submittal of a complete application for a Final Subdivision Plan within twelve (12) months. Extensions of up to one (1) year may be approved administratively.
2. Prior to recordation, the applicant shall submit an electronic copy of the approved plat to the County Planning Department in a .DWG format or other format acceptable to the GIS Department.
3. The approval shall not be issued until all fees have been paid in full.
4. All property taxes must be paid prior to the recording of the plat.
5. The Final Plat shall include the following notes:
  - a. Routt County is not responsible for maintaining or improving subdivision roads. The roads shown hereon have not been dedicated nor accepted by the County.

- b. The suitability of these lots for an individual septic disposal system and the availability of permits for individual septic disposal systems have not been established and such shall be a condition of obtaining a building permit for these lots.
  - c. Existing and new accesses shall meet access standards set forth by the Routt County Road and Bridge Department and Fire Prevention Services.
  - d. The availability of water and permits for wells on the lots or parcels hereon shown has not been established.
  - e. 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 mixes.
  - f. Routt County (County) and the Oak Creek Fire District shall be held harmless from any injury, damage, or claim that may be made against the County or the District by reason of the County's or the District's failure to provide ambulance, fire, rescue or police protection to the property described on this plat, provided that the failure to provide such services is due to inaccessibility of the property by reason of internal roads being impassable. This conditions shall not relieve the County or the District of their responsibility to make a bona fide effort to provide emergency services should the need arise.
  - g. Address signage in conformance with Routt County Road Addressing, Naming, and Signing Policy shall be located at the entrance to the driveway.
  - h. All exterior lighting shall be downcast and opaquely shielded.
  - i. A current soils test showing the sufficient stable nature to support development will be required before obtaining a building permit as referenced in the Colorado Geological Survey letter dated May 23, 2017.
6. The Final Plat shall show and appropriately dedicate a minimum of 4 acres for necessary public purposes or developer shall pay a fee-in-lieu in accordance with Section 3.5.2 of the Routt County Subdivision Regulations prior to recordation of the Final Plat.
  7. A 'no build' zone shall be indicated on the plat to avoid construction of structures, septic fields and roads in areas including, but not limited to 30% or greater slopes. The "no build" zones shall be defined on the plat and approved by the Planning Director before the plat is recorded.
  8. The open space parcels and trail easements shall be deeded to the property owners association or the public and such deed(s) shall be concurrently recorded with the Final Plat.
  9. The Final Plat shall show utility easements along all lot lines and such shall be dedicated appropriately.

10. Proof of water to serve all lots must be provided with the Final Plat Application.

### **Specific Conditions**

11. A new parcel agreement shall be recorded along with the final plat with dedication of easements to the Morrison Creek Water and Sanitation District.
12. The Preliminary Plat could be approved contingent upon the submittal of an individual augmentation plan approved by the Division 6 Water Court, or upon the submittal of a contract with the Upper Yampa Conservancy District to join an approved umbrella augmentation plan.
13. Prior to road construction a grading and excavation permit will be required for any earth moving activity that exceeds more than one acre of disturbance or 300 cubic yards of cut or fill.
14. Local fire department approval is required for final road design.
15. Utility easements for the subdivision shall be shown on the Final Plat.
16. A wildlife mitigation plan will be finalized with the Colorado Department of Parks and Wildlife as part of the final plat review.
17. To reduce property loss or damage from wildfire, property owners should be made aware of the 2008 Stagecoach Community Wildfire Protection Plan, the building location guidelines and the vegetation management guidelines for "defensible space" published by the Colorado State Forest Service and included in the C&R's for the development.
18. To reduce property loss or damage from wildfire. Annual brush hogging an additional distance from the road shoulders along both access roads.
19. Each parcel is required to submit with their building permit request, a Wildfire Mitigation Plan developed in coordination with the Colorado State Forest Service, and that that plan is implemented and completed prior to sign off for a Certificate of Occupancy.
20. Any internal lot line fencing shall comply with the recommendations from CPW.

Commissioner Kelly seconded the motion.

### **Discussion and Friendly Amendments**

Commissioner Petis, referring to the language in Subdivision Regulation 3.5.3 regarding the dedication of land and/or a fee in lieu of land, stated that the dedication of the trails easement in conjunction with a payment should fulfill the requirement.

Commissioner Petis asked about COA #5.d. Ms. Winser stated that the wells have not yet been drilled. She said that the availability of water could be demonstrated through the existence of a

nearby producing well. Mr. Braun added that this condition (plat note) is to protect the County in the event that water is not found.

Ms. Winser stated that normally the Final Plat would not be reviewed by Planning Commission. Mr. Phillips offered that because the negotiations regarding the dedication of land and/fee in lieu may be ongoing, Planning Commission may see the Final Plat for a recommendation regarding this issue. He asked if Planning Commission wants to review the final wildlife mitigation plan, or whether approval by CPW would suffice. No response was provided.

Commissioner Brookshire stated that his concern regarding the wildlife mitigation plan could be addressed by adding a COA stating that any internal lot line fencing shall comply with the recommendations of CPW. This amendment was accepted, as indicated above. Mr. Winser said that she thinks this issue will also be covered in the wildlife mitigation plan.

**The motion carried 5 – 0, with the Chair voting yes.**

**ACTIVITY:** PL-19-121 & PL-19-125  
**PETITIONER:** Edward Wunsch  
**PETITION:** 1) Preliminary Subdivision Plan review to create 2 buildable lots  
2) Vacation of a maintenance easement for CR 36  
**LOCATION:** Lot 1 Spring Creek Exemption; located approximately 3,200 ft. south of the intersection of CR 36 and Amethyst Dr.

Commissioner Jaeger disclosed that in his work for the City he attended a Technical Advisory Committee discussion of this property. He said that he does not feel that this would influence his ability to make a fair and unbiased assessment of the petition. Commissioner Kelly disclosed that he occasionally co-works with Mr. Patten on projects, but that there are no such projects ongoing at this time. Planning Commission had no concerns with the participation of Commissioners Kelly and Jaeger.

Mr. Wunsch reviewed the history of the parcel, which was given to him by his father-in-law in exchange for assisting with the sale of other property. He reviewed the proposal to create two quarter-acre buildable lots and a 5-acre open space parcel. Mr. Wunsch stated that he had spoken with the affected neighbors and that they all support the proposal. He noted that because only two lots will be created, a homeowners' association (HOA) was no longer being proposed. He added that the HOA for the nearby lots is not active. He said that the concerns of the neighbors could be addressed through covenants. Mr. Wunsch stated that the use of the open space will be defined as passive, with no development, and a height restriction of 29 ft. will be imposed on any structures built on the two lots.

Commissioner Jaeger asked about maintenance of the open space. Mr. Wunsch said that since he will continue to own the property, it would be his responsibility. He noted that there have not been any issues with property and no need for fencing or weed control over the past 60 years. He said that the open space would be left in its natural state. He said that the plat notes would clearly state that the property should continue as passive open space in perpetuity, regardless of ownership.

Mr. Peter Patten of Patten Associates, representing the petitioner, reviewed a site plan and presented photos of the land. He stated that the subdivision process was initiated when the City of Steamboat Springs provided water and sewer service for two lots in exchange for an easement through the property for a new water main to create a looped water system with the Strawberry Park school campus. Mr. Patten offered that the two lots are really an extension of the existing Deerfoot Heights Subdivision. He reviewed the proposed access to the two lots off of Woods Drive and the location of the water and sewer lines. He noted the steep slopes to be designated as no-build zones on property. He stated that 99% of the property would remain as open space. Mr. Patten reviewed the geotechnical investigation conducted by NWCC, which states that there would be no negative impacts if the recommendations included in the report are followed.

Regarding the open space, Mr. Patten stated that the regulation states that the open space must be conveyed "to an HOA or other similar organization formed *for purposes of including the perpetual maintenance of such designated areas within the subdivision.*" Mr. Patten offered that an HOA consisting of two owners makes no sense and that the objective stated in the regulation could be accomplished through the covenants and the plat notes. He said that he had drafted a potential condition of approval to address the ownership structure. Mr. Patten added that these two small buildable lots would add infill inventory to the community as called for in the Routt County Community Housing Steering Committee report.

Mr. Patten reviewed the proposed relocation of the maintenance easement for CR 36. He said that an easement along the road of 10 ft. had been proposed, but that the Road & Bridge Department had asked for 20 ft. He said that the applicant has agreed to this request.

Mr. Patten presented a condition of approval stating that a perpetual deed restriction would be placed on the Final Plat prohibiting any development or other disturbance on the open space parcel, enforceable by Routt County. The owner shall be responsible for maintenance. Mr. Patten stated that the proposed subdivision would be called Strawberry Park Heights Subdivision.

Mr. Goldich reviewed the petition. He stated that at the Sketch Subdivision review the proposal had been determined to be in compliance with the Routt County Master Plan and the Steamboat Springs Area Community Plan, so these issues had not been discussed in the staff report. Compliance with the Zoning and Subdivision Regulations were the focus of the report. He noted that a geotechnical investigation had been completed and that a referral had been sent to the Colorado Geological Survey, who had agreed with the assessment made by NWCC. Mr. Goldich stated that Steamboat Springs Engineering had also reviewed the application and had determined that stormwater mitigation was needed due to capacity issues downstream of this project. No specific recommendations were provided. The letter from CDC states that conditions and capacity could not be determined due to snow cover. Public Works has asked that capacity be verified prior to the Final Plat. Steamboat Springs Utilities confirmed that out of district service would be provided to the two proposed buildable lots. Mr. Goldich added that the comments regarding Lots 5 & 6 of Deerfoot Heights had been revised. Those two lots will no longer be required to connect to the new sewer main. Colorado Parks & Wildlife (CPW) asked that certified bear-proof trash containers be used. The proposed covenants include such a provision. The Fire Department stated that no parking would be allowed on the access road, but that no new fire hydrant will be required. GIS stated that the access road (driveway) will need a name, and that this must be accomplished through the platting process. The boundary line calls of the open space parcel will also need to be

verified. Mr. Goldich reviewed the 20 ft. road maintenance easement previously described. He stated that letters were received from the Strawberry Park Group and from Sandy Horner expressing support for the proposal, provided that the open space is not developed.

Mr. Goldich stated that the applicant has agreed to pay the fee-in-lieu of land for public sites in the amount of \$4787 per lot, as determined during the review of the Fox Grove Subdivision. He stated that the applicant has complied with all of the COAs from the Sketch Plan approval with the exception of the conveyance of the open space. Mr. Goldich said that the applicant is not proposing to install gutters, sidewalks and streetlights, as none exist in Deerfoot Heights. He said that staff would like Planning Commission to weigh in on this issue, as well as on the proposed uses and conveyance of the open space parcel.

#### **Public Comment**

Mr. Craig McNab, an adjacent property owner, stated his support for the proposal and offered that maintaining the open space as undeveloped in perpetuity would be an asset to the community.

Seeing no further comment, Chairman Brookshire closed public comment.

Planning Commission agreed that no gutters, sidewalks or streetlights should be required and that passive open space was an acceptable use for the open space parcel.

Chairman Brookshire suggested that the petitioner's proposal to govern the uses of the open space through deed restrictions and plat notes was reasonable. Commissioner Petis asked how maintenance would be addressed when the parcel passes to a new owner. He suggested that forming an LLC to accept responsibility for the parcel would be simple and inexpensive. Commissioner Jaeger expressed concern about liability on the open space parcel in the absence of an HOA. In response to a question from Commissioner Kelly, Mr. Patten confirmed that there would be a roadway maintenance agreement for the access to the two lots. Citing his experience with HOAs for townhomes, Commissioner Kelly offered that two-lot HOAs are not effective and often fail. Mr. Phillips asked who would have the right to use or access the open space. Mr. Patten said that the lot owners, families and their guests would have access, per the covenants. In response to a question from Commissioner Norris, Mr. Goldich said that after Lots 1 & 2 are sold, Mr. Wunsch would continue to own the open space parcel. Commissioner Kelly offered that if there are going to be covenants, a road agreement and a height restriction, there might as well be an HOA. Mr. Wunsch stated that he had originally proposed dedicating the open space parcel to the County, which declined.

Ms. Chris AcAfee, an adjacent property owner, stated that the open space parcel primarily impacts the neighbors whose lots are across from it. She noted that Lot 2 does not even have access to the open space, and that a 2-owner HOA makes no sense. She suggested it might be more appropriate for the open space to be divided among the adjacent property owners. Mr. Patten stated that an access easement for the owners of Lot 2 would be added on the Final Plat.

In response to a question from Chairman Brookshire regarding an additional finding stating that the parcel is ineligible for annexation, Mr. Goldich offered that this issue had been resolved at the Sketch Plan stage of the review. He stated that the proposal was determined to be in conformance with the Steamboat Springs Area Community Plan.

Commissioner Norris stated that he was fine with not requiring an HOA. Commissioner Petis stated that while he agrees with the intent of the proposed additional COA, provided that the County enforces both the plat note and the covenants, the proposal is not in compliance with the regulations, which state that the property must be conveyed to an HOA or similar organization. Commissioner Kelly agreed that some entity is needed. Commissioner Jaeger agreed. Commissioner Petis suggested that this issue could be deferred to the Board of County Commissioners. Mr. Goldich suggested that Planning Commission should make a recommendation regarding how this issue should be handled. Commissioner Kelly offered that there are no concerns regarding the proposed subdivision, with the exception of how to address the maintenance of the open space.

#### **MOTION – Preliminary Subdivision Plan**

Commissioner Norris moved to recommend approval of the Preliminary Subdivision Plan with the following findings of fact:

1. Through the review of this application at the Sketch Subdivision phase, the County has determined that this project is in compliance with the Routt County Master Plan and the Steamboat Springs Area Community Plan.
2. The proposal with the following conditions is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations and Sections 3 and 4 of the Routt County Subdivision Regulations.
3. The proposal is within the boundaries of Urban Growth Boundary.
4. This proposal is substantially similar to the plan that was reviewed during the Sketch Subdivision process.

This approval is subject to the following conditions:

#### **General Conditions:**

1. This Preliminary Subdivision Plan approval is contingent upon the submittal of a complete application for a Final Subdivision Plan within twelve (12) months from the date of approval of the Preliminary application. Extensions of this timeframe may be approved administratively, without notice.
2. Prior to recordation, the applicant shall submit an electronic copy of the approved plat to the County Planning Department in a .DWG format or other format acceptable to the GIS Department.
3. The approval shall not be issued until all fees have been paid in full.
4. All property taxes must be paid prior to the recording of the final plat.
5. This approval is contingent upon any required federal, state and local permits being obtained and complied with; 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 operations.
6. The Final Plat notes shall include, but are not limited to:
  - a. Routt County is not responsible for maintaining or improving subdivision roads. The roads shown hereon have not been dedicated nor accepted by the County.

- b. Existing and new accesses shall meet access standards set forth by the Routt County Road and Bridge Department and Steamboat Springs Area Fire Protection District.
  - c. Routt County (County) and the Steamboat Springs Area Fire Protection District (District) shall be held harmless from any injury, damage, or claim that may be made against the County or the District by reason of the County's or the District's failure to provide ambulance, fire, rescue or police protection to the property described on this plat, provided that the failure to provide such services is due to inaccessibility of the property by reason of internal roads being impassable. This conditions shall not relieve the County or the District of their responsibility to make a bona fide effort to provide emergency services should the need arise.
  - d. Address signage in conformance with Routt County Road Addressing, Naming, and Signing Policy shall be located at the entrance to the driveway.
  - e. The open space shall remain as open space.
  - f. Building height on Lots 1 and 2 shall be limited to 29 feet.
7. A 'no build' zone shall be indicated on the final plat to avoid construction of structures, and roads in areas including, but not limited to 30% or greater slopes. The "no build" zones shall be defined on the plat and approved by the Planning Director before the plat is recorded.
  8. Covenants shall include the following:
    - a. All trash shall be stored either inside a garage or inside Interagency Grizzly Bear Committee (IGBC) certified receptacles.
    - b. All exterior lighting shall be downcast and opaquely shielded.
    - c. No parking is allowed on the access driveway.
  9. Prior to recording the Final Plat, the applicant shall pay a fee-in-lieu in accordance with Section 3.5.2 of the Routt County Subdivision Regulations in the amount of \$9,574.
  10. The open space parcel shall be deeded to the home owner association and such deed(s) shall be recorded concurrently with the Final Plat. (If required by Planning Commission)
  11. The Final Plat shall show utility easements along the southern and west property lines of Lot 1 and along the north and west property lines of Lot 2 and such shall be dedicated appropriately.
  12. The Final Plat shall show a 20' road maintenance easement along ROW for County Road 36.
  13. The applicant shall enter into a Subdivision Improvements Agreement, in compliance with Section 4.1 of the Subdivision Regulations, for the installation of the required infrastructure. Such agreement shall be recorded concurrently with the Final Plat. The agreement shall include provisions for the following:
    - a. Subdivision roads
    - b. Drainage systems
    - c. Utilities
      - i. Water

- ii. Sewer
    - iii. Electric
    - iv. Natural Gas
    - v. Cable television
    - vi. Telephone
  - d. Fire Hydrants (if required by the Fire Department)
  - e. Road Signs
  - f. Survey Monuments
  - g. Erosion and Sedimentation Control during construction of improvements
  - h. Water Quality Monitoring during construction of improvements
  - i. Engineer Supervision
14. All of the subdivision roads shall be paved.
15. All utilities shall be placed below ground.
16. Prior to acceptance of an application for Final Plat, sizes of ditches and culverts shall be verified and applicant shall submit information showing how these elements function under current and proposed conditions.
17. This approval is contingent upon compliance with the standards of Steamboat Springs Utilities. Final platting of this subdivision is contingent upon the approval of the sewer plan by the City Public Works Department. Evidence of such approval shall be submitted prior to the Final Plat being recorded.
18. The Final Plat, Subdivision Improvements Agreement, Easement Vacation Resolution, and restrictive covenants shall be recorded concurrently.
19. Applicant will create perpetual deed restriction on final plat prohibiting development or any other disturbance of the land on the open space parcel enforceable by Routt County. Open space shall be maintained by the owner of the Open Space parcel.

**This motion failed for lack of a second.**

#### **MOTION – Preliminary Subdivision Plan**

Commissioner Petis moved to recommend approval of the Preliminary Subdivision Plan with the following findings of fact:

1. Through the review of this application at the Sketch Subdivision phase, the County has determined that this project is in compliance with the Routt County Master Plan and the Steamboat Springs Area Community Plan. The subject parcel is not eligible for annexation by the City of Steamboat Springs.
2. The proposal with the following conditions is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations and Sections 3 and 4 of the Routt County Subdivision Regulations.
3. The proposal is within the boundaries of Urban Growth Boundary.
4. This proposal is substantially similar to the plan that was reviewed during the Sketch Subdivision process.

5. The intent of the application has been proven to satisfy the intent of the Zoning and Subdivision Regulations, but Section 3.5 needs clarification from the Board of County Commissioners regarding the dedication and maintenance of the open space parcel.

This approval is subject to the following conditions:

**General Conditions:**

1. This Preliminary Subdivision Plan approval is contingent upon the submittal of a complete application for a Final Subdivision Plan within twelve (12) months from the date of approval of the Preliminary application. Extensions of this timeframe may be approved administratively, without notice.
2. Prior to recordation, the applicant shall submit an electronic copy of the approved plat to the County Planning Department in a .DWG format or other format acceptable to the GIS Department.
3. The approval shall not be issued until all fees have been paid in full.
4. All property taxes must be paid prior to the recording of the final plat.
5. This approval is contingent upon any required federal, state and local permits being obtained and complied with; 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 operations.
6. The Final Plat notes shall include, but are not limited to:
  - g. Routt County is not responsible for maintaining or improving subdivision roads. The roads shown hereon have not been dedicated nor accepted by the County.
  - h. Existing and new accesses shall meet access standards set forth by the Routt County Road and Bridge Department and Steamboat Springs Area Fire Protection District.
  - i. Routt County (County) and the Steamboat Springs Area Fire Protection District (District) shall be held harmless from any injury, damage, or claim that may be made against the County or the District by reason of the County's or the District's failure to provide ambulance, fire, rescue or police protection to the property described on this plat, provided that the failure to provide such services is due to inaccessibility of the property by reason of internal roads being impassable. This conditions shall not relieve the County or the District of their responsibility to make a bona fide effort to provide emergency services should the need arise.
  - j. Address signage in conformance with Routt County Road Addressing, Naming, and Signing Policy shall be located at the entrance to the driveway.
  - k. The open space shall remain as open space.
  - l. Building height on Lots 1 and 2 shall be limited to 29 feet.
7. A 'no build' zone shall be indicated on the final plat to avoid construction of structures, and roads in areas including, but not limited to 30% or greater slopes. The "no build" zones shall be defined on the plat and approved by the Planning Director before the plat is recorded.

8. Covenants shall include the following:
  - a. All trash shall be stored either inside a garage or inside Interagency Grizzly Bear Committee (IGBC) certified receptacles.
  - b. All exterior lighting shall be downcast and opaquely shielded.
  - c. No parking is allowed on the access driveway.
9. Prior to recording the Final Plat, the applicant shall pay a fee-in-lieu in accordance with Section 3.5.2 of the Routt County Subdivision Regulations in the amount of \$9,574.
10. The open space parcel shall be deeded to the home owner association and such deed(s) shall be recorded concurrently with the Final Plat. (Subject to Board of County Commissioners)
11. The Final Plat shall show utility easements along the southern and west property lines of Lot 1 and along the north and west property lines of Lot 2 and such shall be dedicated appropriately.
12. The Final Plat shall show a 20' road maintenance easement along ROW for County Road 36.
13. The applicant shall enter into a Subdivision Improvements Agreement, in compliance with Section 4.1 of the Subdivision Regulations, for the installation of the required infrastructure. Such agreement shall be recorded concurrently with the Final Plat. The agreement shall include provisions for the following:
  - a. Subdivision roads
  - b. Drainage systems
  - c. Utilities
    - i. Water
    - ii. Sewer
    - iii. Electric
    - iv. Natural Gas
    - v. Cable television
    - vi. Telephone
  - d. Fire Hydrants (if required by the Fire Department)
  - e. Road Signs
  - f. Survey Monuments
  - g. Erosion and Sedimentation Control during construction of improvements
  - h. Water Quality Monitoring during construction of improvements
  - i. Engineer Supervision
14. All of the subdivision roads shall be paved.
15. All utilities shall be placed below ground.
16. Prior to acceptance of an application for Final Plat, sizes of ditches and culverts shall be verified and applicant shall submit information showing how these elements function under current and proposed conditions.
17. This approval is contingent upon compliance with the standards of Steamboat Springs Utilities. Final platting of this subdivision is contingent upon the approval of the sewer plan

by the City Public Works Department. Evidence of such approval shall be submitted prior to the Final Plat being recorded.

18. The Final Plat, Subdivision Improvement Agreement, Easement Vacation Resolution, and restrictive covenants shall be recorded concurrently.

Commissioner Norris seconded the motion.

#### **Discussion and Friendly Amendments**

Chairman Brookshire suggested the addition of a sentence to finding of fact #1 stating that the property is not eligible for annexation by the City. This amendment as accepted, as indicated above.

**The motion carried 5 – 0, with the Chair voting yes.**

#### **MOTION – Easement Vacation**

Commissioner Petis moved to recommend approval of the Easement Vacation with the following findings of fact:

1. The proposal with the following conditions complies with the applicable guidelines of the Routt County Master Plan is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations, Sections 2, 3 and 4 of the Routt County Subdivision Regulations.
2. The Public Works Department has determined that the existing easement is no longer necessary for the maintenance of CR 36 as long as a 20' maintenance easement is granted.

This approval is subject to the following conditions:

1. A resolution vacating the CR 36 maintenance easement shall be recorded concurrently with the Final Plat.
2. A 20' maintenance easement for CR 36 shall be dedicated along the south and east property line of Lot 2.

Commissioner Norris seconded the motion.

**The motion carried 5 – 0, with the Chair voting yes.**

#### **ADMINISTRATOR'S REPORT**

Mr. Phillips reviewed the upcoming agendas.

Mr. Phillips reported that no Planning Commission recommendations had been considered by the Board of County Commissioners since the last hearing.

**The meeting was adjourned at 8:15 p.m.**