

ROUTT COUNTY PLANNING COMMISSION

MINUTES

APRIL 7, 2022

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 Linda Miller, Bill Norris, Ren Martyn, Andrew Benjamin. Commissioners Brian Kelly, Jim DeFrancia, Greg Jaeger, and Paul Weese and were absent. Planning Director Kristy Winser, and staff planners Alan Goldich, Tegan Ebbert and Chris Brookshire also attended. Sarah Katherman prepared the minutes.

PUBLIC COMMENT

There was no public comment.

MINUTES - February 17, 2022

Commissioner Benjamin moved to approve the above cited minutes, as written. Commissioner Martyn seconded the motion. **The motion carried unanimously.**

MINUTES - March 3, 2022

Commissioner Benjamin moved to approve the above cited minutes, as written. Commissioner Martyn seconded the motion. **The motion carried unanimously.**

ACTIVITY: PL20220007
PETITIONER: Steamboat Adaptive Recreational Sports (STARS)
PETITION: Conditional Use Permit for recreation/community riding arena
LOCATION: 30100 CR 14E

Mr. Gardner Flanigan, representing the petitioner, reviewed the STARS mission and activities. He said that STARS has been operating an equine therapy program in various locations since 2012, but had been unaware that a permit from the County was required for this location. He said that once informed of this, STARS has been working with the Routt County Planning Department to comply with the requirement. Mr. Flanigan discussed the equine therapy program and reviewed the physical and emotional benefits that such therapy can have for those with disabilities. He stated that the staff that conducts the therapy sessions are well-trained. He reviewed the different elements of the program, which includes both group and private sessions. The sessions have staff to participant ratios of 1:1, 2:1 or 3:1, depending on the needs of the client.

Mr. Flanigan said that the owner of the property had purchased it with the intent of providing STARS with a location for its equine therapy program. He presented a site plan, an aerial photo of the site, and photos of the indoor and outdoor arenas where the therapy session would be held. He reviewed the elements

contained within the indoor facility and said that the majority of the sessions would be held indoors. Occasionally sessions will be held in the outdoor, fully-fenced arena. Mr. Flanigan said that it is anticipated that 2 - 7 employees/volunteers would be on site during the proposed hours of 7:00 a.m. to 5:00 p.m. Monday through Friday from May through September. The program serves 40 - 60 participants annually. The group sessions include no more than 10 participants. Mr. Flanigan said that approximately 10 vehicles per day would visit the site. Group session participants would be shuttled to the site in a STARS van. Mr. Flanigan presented a vicinity map and indicated the access route to the facility.

Mr. Flanigan said one of the adjacent landowners is asking for legal indemnification to cover them in the event that an incident related to the STARS program would occur on their land. He said that STARS does not feel that this coverage is needed, as most of the activity will be conducted indoors and the outdoor programming will occur within the fenced outdoor arena. All participants will be supervised. No trail riding or riding in the pasture by clients will be allowed. Mr. Flanigan reviewed an aerial of the site and noted that the property is entirely fenced and that there is a dirt bike track adjacent to the property boundary. He added that the County does not generally require such indemnification of neighbors.

Commissioner Miller asked if the horses would be boarded on the property year-round. Mr. Flanigan stated that 5 of the horses belong to the property owner. One horse and one pony are owned by STARS. He said that it was likely that all of the horses would be boarded on site year-round. Mr. Flanigan stated that the caretaker living on the property is an employee of STARS and has the responsibility of caring for the horses.

Commissioner Martyn said that he is an adjacent landowner on 14E and is currently building on the property. He said that he does not have any biases regarding the petition.

Ms. Ebbert presented a vicinity map and indicated the location of the property. She presented a site plan and indicated the large structure (indoor arena) and the outdoor arena. She said that the indoor arena contains a dwelling unit, the riding arena, stalls for 7 horses, an arena viewing area, a bathroom and kitchen for use by viewers and participants, and an area for equipment and hay storage. Parking is located adjacent to the structure. Ms. Ebbert said that although the proposed hours are 7:00 a.m. to 5:00 p.m., therapy programming would be from 8:00 a.m. to 4:00 p.m. She said that the programming includes riding, groundwork, horse care and grooming, and access and exposure to the animals. She said that no private horses would be brought to the site, and no new facilities or infrastructure are planned. She reviewed photos of the facilities. Ms. Ebbert confirmed that the County would not get involved with legal indemnification unless there were unusual circumstances, such as an easement, that merited it. She said that an

agreement between the two parties could be reached without County involvement.

Commissioner Norris asked what prompted the attention of the Planning Department. Ms. Ebbert said that the facility was used by STARS last year, but they were unaware of the need for a permit. She said that prior to using this location, STARS equine therapy programming was held at Humble Ranch, which has its own permit. She said that when staff saw an article in the paper about the equine therapy program at the new location, it prompted them to contact STARS.

Commissioner Norris asked about hay for the horses. Ms. Ebbert said that a portion of the 35-acre parcel is in hay production. Mr. Flanigan said that additional hay would be purchased, if necessary, and that there is sufficient storage area on site for the hay. Commissioner Martyn said that he is familiar with the site, and offered that the amenities and spaces are more than adequate for a commercial equine facility.

There was a discussion of the neighbors' request and whether it would be appropriate to add a condition limiting the areas of the property that could be used by clients. Commissioner Benjamin asked about other, private uses on the property. Mr. Goldich said that all of the uses-by-right allowed on the property would continue to apply, and that the question concerns intensity of use. He offered that the project plan limits the programming to the indoor and outdoor arenas, and that suggested Condition of Approval (COA) #14 covers it. He said that an additional COA could be added, if Planning Commission thinks it is necessary. Ms. Ebbert noted that the horses would be turned out to pasture and that work may need to be done to the fencing, etc. by staff. Commissioner Martyn expressed concern with limiting the activities on the property by STARS staff and volunteers.

In response to a question from Commissioner Benjamin, Mr. Flanigan confirmed that no equine activities occur at the STARS facility on US 40, although the original approval would allow it.

Public Comment

Mr. John Holloway, President of the Catamount Metropolitan District Board, stated that the District is an adjacent property owner. He said that the District has reviewed the proposal and has no objections or concerns.

Seeing no further public comment, Chairman Warnke closed public comment.

In response to a question from Chairman Warnke, Ms. Ebbert confirmed that the comments submitted by the Road & Bridge Department been included in the recommended COAs.

MOTION

Commissioner Norris moved to approve the Conditional Use Permit for a community riding arena (PL20220007) with the findings of the 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, and 6 of the Routt County Zoning Regulations. This approval is subject to the following conditions:

General Conditions:

1. The CUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 5 and 6.
2. Any complaints or concerns that may arise from this operation may be cause for review of the CUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
3. In the event that Routt County commences an action to enforce or interpret this CUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
4. Permits will be assessed an Annual Fee in accordance with the Fee Schedule in Appendix B of the Routt County Zoning Regulations.
5. No junk, trash, or inoperative vehicles shall be stored on the property.
6. The operation shall comply with all federal, state and local laws. Copies of permits or letters of approval shall be submitted to the Routt County Planning Department prior to commencement of operations.
7. Fuel, flammable materials, or hazardous materials shall be kept in a safe area and shall be stored in accordance with state and local environmental requirements.
8. All exterior lighting shall be downcast and opaquely shielded.
9. 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 compliance with the County's Insurance and Surety **Requirements policy then in effect. The certificate of insurance shall include all permit numbers associated with the activity and Routt County shall be named as an additional insured. Permittee shall notify the Routt County Planning Department of any claims made against the policy.**
11. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
12. Permit shall not be transferable.
13. The Permittee shall prevent the spread of weeds to surrounding lands, and comply with the Colorado Noxious Weed Act as amended in 2013 and Routt County noxious weed management plan.

Specific Conditions:

14. The CUP is 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.
15. The CUP is valid for the life of the use provided it is acted upon within one year of approval. The CUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
16. Hours of operations shall be 7:00 a.m. to 5:00 p.m., 5 days per week, May - September.
17. All employees shall be first aid certified and be trained on emergency procedures. Radios or cell phones shall be provided to guides in case of emergency.
18. Any accidents shall be reported to the Planning Department.
19. All parking associated with the permitted activities must be onsite. No parking or staging on the county road.
20. Routt County roads affected by this CUP will be inspected by the Routt County Road and Bridge Department at intervals determined by same. Any road damage repair or maintenance needs above and beyond typical maintenance, attributable to this use, shall be made by the County, or a third-party contractor as selected by the Routt County Road and Bridge Department and on a schedule determined by same. Road and Bridge shall inform permittee of such maintenance or repair activities prior to work being performed. Permittee shall solely bear the costs of repairs.
21. Routt County roads shall not be completely blocked at any time. If traffic regulation is deemed necessary, the Permittee shall notify the Routt County Road and Bridge Director, or designee thereof, in advance (if possible), who may then require:
 - a. A method of handing traffic in accordance with the Manual on Uniform Traffic Control Devices and approved by the Road and Bridge Director.
22. Permittee shall use and maintain the existing accesses to the properties to minimize impacts to the County road system during the life of the Operations. No additional accesses will be granted. If another access is desired, an amendment to the permit shall be required.

Commissioner Miller seconded the motion.

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

ACTIVITY: PL20220013
PETITIONER: Douglas and Cathleen Starkey

PETITION: Sketch/Preliminary Subdivision to divide Lot 9 of Alpine Acres into two lots

LOCATION: Lot 9 Alpine Acres; 1900 CR 32 at intersection of CR 32 and Alpine Drive.

Mr. Douglas Starkey reviewed the proposal to divide Lot 9 of Alpine Acres into two parcels. He stated that their home is on the west portion of the lot. The new lot would be located on the east side of the parcel. He presented a site plan. He said that the parcel is adjacent to the Fox Grove Subdivision and is served by City water and sewer.

In response to a question from Commissioner Martyn, Ms. Brookshire reviewed the County policy regarding notification of adjacent property owners and posting of the property. She suggested that so few neighbors responded because the area is surrounded by similar subdivisions. She said that she had been contacted by one neighboring property owner, who had no concerns with the proposal. She added before he left the meeting, Mr. Gardner Flanigan, who lives across the street, had said that he does not have any concerns either. Mr. Starkey noted that many of the nearby lots had previously been subdivided and that the proposed lot sizes are consistent with the surrounding area.

In response to a question from Commissioner Miller, Mr. Goldich stated that the Fox Grove lots are between 0.5 acres and 0.8 acres. Ms. Brookshire presented a vicinity map and indicated the proposed new lot and the location of the access onto Alpine Drive. She said that Road & Bridge Director Mike Mordi had reviewed and approved the access point.

Ms. Brookshire noted that the southeast corner of the lot, at the intersection of CR 32 and Alpine Drive, has been cut off by the road. She suggested that this occurred over time when the road was gravel. The road is now paved. Ms. Brookshire said that the County Attorney's Office has reviewed the situation and has suggested that the best way to handle it is through an easement for a right of way that will be worked out and executed prior to the recording of the Final Plat. A Condition of Approval (COA) has been suggested to address this matter.

Ms. Brookshire stated that parcel is zoned Low Density Residential (LDR) and the proposal meets the standards for this zone district. Secondary dwelling units would be allowed on both parcels. She said that Planning Commission must decide if the proposal is appropriate for the area and, if so, what the appropriate fee-in-lieu (FIL) of land dedication to support school and parks would be.

Planning Commission expressed support for the subdivision. At the request of Chairman Warnke, Ms. Brookshire presented the chart from the letter submitted by Four Points Surveying and Engineering showing the lot sizes, sales prices, price per acre and FIL paid for the lots in the adjacent Fox Grove Subdivision. Chairman Warnke described two different ways that he had calculated a

comparable FIL for the proposed lot, based on the figures paid for Fox Grove. He said, and Planning Commission agreed, that the \$77,000 fee that results from employing the formula cited in the Subdivision Regulations was inappropriate. Commissioner Benjamin offered that the formula was intended for larger subdivisions and does not scale down appropriately for smaller subdivisions like the one being proposed. Planning Commission agreed that the \$7,000 FIL proposed by the petitioner was appropriate and should be accepted. The FIL will be paid prior to the recording of the Final Plat.

There was no public comment.

MOTION

Commissioner Norris moved to approve the Sketch/Preliminary Subdivision (PL20220013) of Lot 9 of Alpine Acres with the following findings of fact:

1. The proposal has been determined to be in compliance with the guidelines of the Routt County Master Plan and Sub Area 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.

CONDITIONS that may be appropriate may include the following:

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. All property taxes must be paid prior to the recording of the plat. A certificate of taxes due shall be submitted showing a \$0 balance prior to recording the plat.
4. The right of way for County Road 32 shall be appropriately dedicated on the final plat.
5. The following notes shall be shown on the plat:
 - a. Existing and new accesses shall meet access standards set forth by the Routt County Road and Bridge Department and Fire Prevention Services.
 - b. 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.

- c. Routt County (County) and the Steamboat Springs 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 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 condition 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.
6. Address signage shall be in conformance with Routt County Road Addressing, Naming, and Signing Policy shall be located at the entrance to the driveway.
7. A current soils test showing that the soils are sufficiently stable to support development will be required before obtaining a building permit.
8. All exterior lighting shall be downcast and opaquely shielded.
9. The applicant shall pay a fee-in-lieu in the amount of \$7,000 in accordance with Section 3.5.4 of the Routt County Subdivision Regulations prior to recordation of the Final Plat.
10. The Final Plat shall show public road and utility easements along all lot lines and such shall be dedicated appropriately.
11. The Final Plat shall show the easement for the right of way of Alpine Drive located at the southeast corner of proposed Lot 2. A legal description of the right of way shall be submitted and documents recorded with the Final Plat.
12. New lot owners planning on building a home on the lot will be required to obtain a grading and excavation permit from the Road and Bridge Department for any earth moving activities that require more than 300 cubic yards of dirt.
13. Driveway grades are not shown on the plans. The driveways to the homes shall adhere to the Road and Bridge Department standards. These standards are available on the Road and Bridge website.
14. Construction activities shall be confined to the lot limits.
15. No snow storage is shown on the plan. All snow storage shall be contained on the lots. Home owners will not be allowed to plow snow across the road.

ADMINISTRATOR'S REPORT

Ms. Winser announced that this would be Ms. Ebbert's last meeting, as she has accepted the position of Community Development Director for the Town of Hayden. She also announced that Commissioner Marshall had resigned her

position on Planning Commission because she is moving. Her position, as well as the position for the Town of Yampa will need to be filled.

Ms. Winser reviewed the upcoming agendas and discussed the status of the Master Plan update, which will be discussed in detail on April 21st. She said that target date for approval of the plan had been pushed back to August. The DOLA grant that is supporting the update has been extended until the end of the year.

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