

ROUTT COUNTY PLANNING COMMISSION

MINUTES

May 3, 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, Geoff Petis, Brian Arel, Andrew Benjamin, Bill Norris, Roberta Marshall, Karl Koehler and John Merrill. Commissioners Paul Hebert and Peter Flint were absent. Planning Director Chad Phillips and staff planners Chris Brookshire and Alan Goldich also attended. Sarah Katherman recorded the meeting and prepared the minutes.

PUBLIC COMMENT

There was no public comment.

Chairman Warnke announced that the third item on the agenda (Micro Living LLC) had been withdrawn.

ACTIVITY: PL-18-112
PETITIONER: Trank Family Living Trust
PETITION: Conditional Use Permit for a Bed & Breakfast
LOCATION: Approximately 15 – 17 miles south of Steamboat Springs on the north side of CR 43A

Ms. Cheryl Trank stated that she and her husband had purchased the subject property, which is adjacent to their property on CR 43A. She reviewed the proposal to build an addition onto the existing home, as well as a manager's unit, with the intention of operating a Bed & Breakfast on the site. She said that until a full-time on-site manager can be hired, she would be overseeing the operation. She described the property and said that the facility would also serve as a retreat for pastors or missionaries visiting the area, free of charge. Ms. Trank stated that the operation would be very low-key, and would have nominal impact on the neighbors. She noted that the driveway to the B & B would be before any of the neighbors' driveways on CR 43A, so no traffic to the B & B would pass by their homes. Ms. Trank stated that all guests would be informed of the condition of the road, the presence of wildlife and livestock in the area, and the fire danger. She stated that no trash burning would occur, and no outdoor fires will be permitted.

Commissioner Petis stated that several letters in opposition to the proposal cited water as a concern. He asked if any testing of the water had been done. Ms. Trank stated that a spring currently serves the property and a permit had been issued for a new well, which has not yet been drilled.

Ms. Brookshire stated that because the request is for a Conditional Use Permit (CUP), Planning Commission would be the final deciding body. She stated that the staff report includes all pertinent sections of the Master Plan and the Zoning Regulations, including Section 8.13, which includes the standards of Bed & Breakfasts. Ms. Brookshire stated that the proposal does meet the stated standards for the use, and that a caretaker unit is a use by right on a 35-acre parcel in the A/F

zone district. Ms. Brookshire stated that the only proposed amenities are walking and snowshoe trails. She noted the referral letters included in the packet, and the three items of discussion listed on page 2 of the staff report.

Commissioner Brookshire asked if Ms. Trank intended to manage the B & B from her current residence until a full-time manager was hired. Ms. Trank stated that she would be living on site at the B & B until a full-time manager has been hired. In response to a question from Commissioner Merrill, Ms. Brookshire stated that no comments were received from the fire district in response to the referral.

Public Comment

Ms. Nadine Arroyo, a nearby property owner, indicated the location of her property on a site plan. She reviewed the history of her family on the land and stated that she owns a total of 240 acres. She stated that in addition to her home, she has a rental property. Ms. Arroyo stated that the primary use of her land is grazing, and that she leases the land to Jocko Camilletti, who runs cattle on it. She stated that she has many concerns regarding the proposed B & B operation. She stated that she is in complete agreement with the letter submitted by Scott and Lyn Halliday. She stated that CR 43A bisects her pasture. The road has a cattle guard at each end of her property and the pasture is free range. There are often cattle on the road. She expressed concern with conflicts between the guests of the B & B and the cattle. She stated that CR 43A is a narrow, low-volume road and has two blind curves on it, and that people tend to drive too fast on the road. She also expressed concern regarding the ability of the cattle guards to support heavy loads. Ms. Arroyo stated that the petition is inconsistent with the Routt County Master Plan and with the Zoning Regulations. She cited the size and magnitude of the proposed operation and noted that there was no need for 8 parking spaces. Ms. Arroyo stated that she is worried about uncontrolled dogs and is concerned with the potential for the proposed operation to impact the water. She stated that water cannot be reliably found and that dry holes are common. Ms. Arroyo also expressed concern regarding wildfire and the reduction of wildlife in the area. She cited the high fences being built as a concern. She urged Planning Commission to deny the application because it does not conform to Routt County planning documents. She added that growth should occur in Steamboat Springs, and noted that this location is outside the Urban Growth Boundary. She offered that approving this petition would have ramifications throughout the County. She stated that CR 43A, a low-volume road, is a crucial part of her agricultural operation. Ms. Arroyo said that if the County approves the permit, she wants assurances that the cattle guards are adequate to support the additional traffic and the construction traffic. She also would like to see conditions of approval requiring all dogs to be contained and controlled, and requiring all trails and property boundaries to be adequately marked. She stated that conditions should also address wildfire mitigation and impacts on wildlife. Ms. Arroyo added that if this petition is approved, she would also submit a similar application with many more amenities for guests, but that she would never give up on her agricultural operation.

Mr. Don MacGregor, a resident of the area, stated his opposition to the petition, citing the dangerous road. He said that traffic on CR 43A is already a challenge. He indicated on an aerial photo the location of his property, which is at the end of CR 43A.

Mr. Matt Scharf, a resident of the area, stated his opposition to the proposal. He stated his agreement with Ms. Arroyo. He concurred with the loss of wildlife in the area. He said that his main concern is with the traffic on the narrow, dead-end road with blind corners. He also expressed

concern regarding the water supply, noting that all the wells in the vicinity tap into the same aquifer. Mr. Scharf noted the high wildfire danger and stated that there is only one way out – via CR 43A. He stated that the County does not allow vacation rentals in the County, and offered that there is no difference between them and B & B's, except for the on-site manager. He said that a B & B is a commercial operation and should be located in a designated growth center. Mr. Scharf expressed concern with the proliferation of similar operations and the cumulative impacts. He cited the recently approved wedding venue in the vicinity and the CR Summit riding facility. He said that in addition to one rental unit, there are 16 residences accessed by CR 43A. He stated that although there are two ways to access CR 43A, all the traffic to the proposed operation would have to travel on CR 43A. He also questioned the timing of the application, given that the construction would take some time. Mr. Scharf requested that, if the B & B is approved, road signage be improved and that a large cul-de-sac or turnaround be required at the end of CR 43A. Mr. Scharf expressed concern with noise from the proposed operation, and asked that a quiet time be mandated. He also stated that a limit should be set on the number of cars allowed on the property and that RVs, ATVs, parties, events, firearms, fires and fireworks be prohibited. He stated that commercial businesses are not wanted in the neighborhood.

Commissioner Koehler asked about the reason for the loss of wildlife. Mr. Scharf speculated that it was due to the development along the road and in the area, and cited the CR Summit facility in particular.

Mr. Jeff Sears, the owner of 40 acres on the opposite side of CR 43A, offered that if a family with several teenagers were to move into the subject property, they would generate more traffic and be more dangerous on the road than visitors to a B & B. He stated his support for the project and suggested that many of the comments in opposition were selfish over-reactions to what seems to be a quiet proposal. He stated that the issues with the road could be addressed.

Ms. Lyn Halliday, a resident of the area, stated that many of those in opposition to the proposal had lived in the area for many years and care about it deeply. She cited the letter she had submitted, which was included in the packet of meeting materials. She stated that the proposal is not in conformance with the Master Plan and cited sections that discuss the importance of protecting wildlife, protecting agricultural operations and preserving the rural character of Routt County. She said that the plan directs new growth to designated growth centers and offered that there is no compelling reason that this project should not have to comply with the Master Plan, and noted that a B & B is not a use-by-right. She said that the proposal is not in conformance with the Zoning Regulations. She stated that there would be no way for this proposal to come into compliance with the policies of the Master Plan. Ms. Halliday stated that the signage that would assist guests in finding the site would only add to the problems on CR 43A. She stated that snow removal on the road only occurs Monday through Friday and only when there is 6" or more. She expressed concern regarding noise pollution and noted that sound travels very well in this area. She asked who would respond to problems at the site, given that it is about an hour response time for emergency services. Ms. Halliday expressed concern with fire danger and the lack of adequate water for fire suppression. She also expressed concern with the loss of wildlife in the area and with uncontrolled dogs. She cited the Master Plan regarding the potential for problems when people in rural areas expect urban-level services. She stated that everyone in the area shares the same limited aquifer, and noted that ground water is notoriously hard to predict. She stated that because the site is not located in designated growth center, it cannot be consistent with the Master Plan.

She also noted that other commercial uses proposed on CR 43A had been denied. She urged Planning Commission to deny the proposal, citing the negative cumulative impacts on water supply, wildlife habitat, public safety, emergency response, the environment and fire danger.

Commissioner Brookshire asked about a letter from Colorado Parks and Wildlife cited in the letter submitted by Ms. Halliday. Ms. Halliday stated that she could not locate the letter, which was written in the 1990s, but recalled that it had identified the area to the east of the subject property as a prime elk calving area. Regarding the aquifer, Ms. Halliday stated that groundwater studies are very expensive and difficult, and haven't been conducted for this area.

Seeing no further comment, Chairman Warnke closed public comment.

Commissioner Arel asked about the CR Summit facility. Ms. Brookshire responded that the CR Summit is a horse riding arena and stable, and does not provide lodging. Mr. Phillips noted that the Circle K permit for a wedding venue on CR 43 had not been acted upon, and so had been withdrawn.

Commissioner Merrill expressed disappointment that the report from the Road & Bridge Department was so generic. He also noted that there was no mention of construction traffic. Ms. Brookshire responded that Mike Mordi of the Road & Bridge Department had no concerns regarding the adequacy of the road to serve the proposed operation. She referred to pages 6 – 7 of the staff report regarding access issues, and noted that 43A is categorized as a rural road, which is lower in priority for maintenance than main and connector roads. She noted, however, that the road is generally maintained at the same time as CR 43.

Commissioner Norris noted that garbage trucks, snowplows and horse trailers use the road frequently, indicating that the road and the cattle guards are adequate to serve heavy vehicles. He asked about the water infiltration gallery that currently serves the existing house. Mr. MacGregor described the infiltration gallery at the former Hertzog residence. He said that he did not know the yield. He said that his own house is served by a 320' well.

Ms. Brookshire clarified that short-term vacation rentals are different than B & B's because they do not have on-site managers. Vacation Rentals are not allowed in unincorporated Routt County. Motels and hotels are only allowed in the Commercial zone district, and B & B's are allowed in the A/F zone district with a Conditional Use Permit (CUP). She cited the standards for B & B's listed on pages 4-5 of the staff report. Regarding wildlife, she stated that the County relies on CPW mapping, and stated that the subject property is not mapped for critical wildlife, although there may be wildlife corridors in the area. Mr. Phillips added that there also could be mapped critical wildlife habitat to the east of the subject property, but not within the proposed permit boundary.

Ms. Brookshire stated that the County does consider cumulative impacts of development and would consider each application in the context of what has already been approved. She stated that if there are concerns with signage on the road, or with the need for mirrors or a turnaround at the end of the road, the property owners should make these issues known to the Road & Bridge Department, the Board of County Commissioners or the fire district. She said that those issues are not pertinent to this application. Ms. Brookshire stated that the conditions suggested by the Road &

Bridge Department are included in the suggested conditions of approval (COAs) listed in the staff report.

Regarding the issue of water, Ms. Brookshire stated that Routt County must rely on the state regarding water wells. She said that if the area were over-appropriated, the state would have informed the County in its referral comments. She said that if the petitioner is unable to supply adequate water, the proposed permit would not be issued, citing suggested COA #20.

Ms. Brookshire said that the appropriateness of the proposed use for the location and the growth center issue, are topics of discussion for Planning Commission. She said that the proposed use is listed in the Land Use Chart as an allowed use in the A/F zone district, but requires a CUP. She said that each application is evaluated on a case-by-case basis, which would also be true of any future applications. The evaluation is to be based on the Routt County Zoning Regulations and the Routt County Master Plan.

Ms. Brookshire read into the record a letter submitted this evening by Mr. Larry Meyer, a resident of CR 43A, in opposition to the application.

Mr. Phillips stated the underlying question for Planning Commission is: "is this land use appropriate for the proposed site?" He said that what is to be evaluated against the Zoning Regulations and Master Plan is the use, as it is stated in the application. In this instance the request is for three items: 1) four-bedrooms of lodging, 2) meals for guests and 3) a walking trail on the property. He stated that no other uses would be allowed. Regarding the parking, Mr. Phillips stated that the regulations require one space per bedroom, plus one for the on-site manager. The site plan shows five spaces, plus two in the garage. The proposal meets the required parking standards. Mr. Phillips stated that the concerns regarding dogs could be addressed through a COA requiring that dogs be contained or leashed. Regarding construction traffic, Mr. Phillips stated that the proposed construction is for a house, which is a use-by-right. No constraints could be placed on the construction traffic. He stated that the structure is not the same thing as the use. Mr. Phillips reiterated that vacation rentals are not allowed, and are differentiated from B & B's by the presence of an on-site manager. Regarding quiet time, Mr. Phillips stated that no special events at the site are being proposed. He stated that noise is regulated by the state, and in this instance the residential standard of 55 decibels would apply.

Commissioner Benjamin asked about other permitted B & B's in the County. Mr. Phillips stated that there are only 2 - 4, but added that most lodging facilities include other amenities, such as snowmobiling or horseback riding, which put those operations into the category of Recreational Facility with Overnight Lodging.

In response to a question from Chairman Warnke, Ms. Brookshire stated that the access to the Whitewood Subdivision is different. Whitewood cannot be accessed via CR 43A.

Commissioner Brookshire asked about the standards for water. Ms. Brookshire stated that the property is currently served by water (the spring/infiltration gallery) and that the applicant has a permit to drill a well. Unlike a subdivision, the applicant is not obligated to prove the sufficiency of water.

Regarding the road, Ms. Brookshire confirmed that the Road & Bridge Department has the authority to close the road at their discretion, but added that it would be difficult to attribute any particular road condition to one specific use of the public road.

Commissioner Brookshire asked about the absence of the common suggested COA regarding the presence of a CPR and/or first aid-certified person on site. Ms. Brookshire stated that the operations that are subject to this condition are generally those that involve recreational activities such as snowmobiling or ATVs that occur in remote or inaccessible areas. The proposed use is located on a County Road on a 35-acre parcel.

Regarding noise, Commissioner Norris referred back to COA #3.

In response to the comments about the high fencing, Ms. Trank stated that the fencing on her property was installed to allow them to move their horses from pasture to pasture. She added that the other reason for this particular fencing was to exclude the Arroyo cattle from entering their property, where there is no water. Regarding the dogs, Ms. Trank stated that the people currently renting the former Hertzog house have dogs, which do come to visit her dogs. She added that many other residents of the area have dogs, and that she has no concerns with them.

Ms. Trank stated that the Camillettis' horse trailers are at times parked along the side of the road in front of her property and she is still able to pass by in her truck, except when the trailers are parked at the corners. Regarding construction traffic, Ms. Trank said that others will be building homes on the road and that construction traffic will occur. She added that even if the B & B is denied, she still plans on re-modeling the home.

Ms. Trank said that those opposed to the proposal had cited many "what ifs" that have nothing to do with the proposal. She said that there will be no ATVs and no snowmobiling on the property. She stated that the application describes exactly what the operation is going to be. She added that there are many causes of noise pollution, including loud motorcycles on the road.

Regarding fire danger, she acknowledged that if there is a wildfire, there will be little chance that the fire department could respond in time.

Roundtable Discussion

Chairman Warnke asked Planning Commission to address each of the three discussion items listed in the staff report: 1) intensity of use, 2) access and 3) life of use or shorter term?

Commissioner Marshall:

- 1) Citing Master Plan policy 4.3.B, she stated that the use could be too intense.
- 2) Commissioner Marshall deferred to the Road & Bridge Department, but recommended additional signage.
- 3) If approved should be life-of-use. If there is a problem, the operations can be reviewed.

Commissioner Arel:

- 1) Intensity might be too much.
- 2) Master Plan 6.3.E – recreational and commercial activities should not be on roads other than primary and rural. He cited concern regarding the project on a dead-end road, local road.

- 3) Life-of-use would be appropriate.

Commissioner Brookshire:

- 1) Would hope proposal would complement rather than change the neighborhood. Intensity and change for traditional use is a concern.
- 2) Road is a concern.
- 3) Life-of-use okay.

Commissioner Benjamin:

- 1) Uncertain re: intensity of use – could go either way. Okay with B&B's being located in the country, rather than in town.
- 2) Road is no different than others, not a big concern.
- 3) Would prefer shorter term, with approval for life-of-use upon renewal.

Commissioner Norris:

- 1) Intensity of use no different than a family; not asking for many uses or amenities.
- 2) Many other heavy uses of the road, cited Road & Bridge; access seems okay.
- 3) Life-of-use.

Commissioner Merrill:

- 1) Intensity is appropriate; walking only activity.
- 2) Concern with lack of report from fire district; insufficient information regarding road.
- 3) Life-of-use.

Commissioner Koehler:

- 1) Change of character/traditional use because it's commercial; owner not living in the house.
- 2) Defer to Road & Bridge Department.
- 3) Would prefer shorter term, perhaps two years after on-site manager is in place.

Commissioner Petis:

- 1) Intensity is appropriate, and probably less than a family with teenagers. House is a use by right, charging a fee doesn't change intensity of use. Re: Master Plan 6.3.E - this is not a recreational use. Re: Master Plan 4.3.B – compatible with families and rental properties. Cumulative impacts not a concern at this point.
- 2) Defer to Road & Bridge Department.
- 3) Life-of-use.

Chairman Warnke:

- 1) Agreed with Commissioner Petis: intensity appropriate; 4-bedroom house on 35 acres; only walking and snowshoeing.
- 2) Defer to Road & Bridge Department.
- 3) Life-of-use.

Commissioner Marshall asked about the appropriateness of a condition to mandate a quiet time. Chairman Warnke offered that it was probably not necessary. Commissioner Petis agreed, noting that any concerns regarding noise could be addressed by the Planning Department or the Sheriff's Office.

Regarding the cumulative impacts of potential future similar operations in the same area, Chairman Warnke stated that each petition would be evaluated on a case-by-case basis. In terms of a B & B in a residential area, Commissioner Petis stated the use is listed as a conditional use in the A/F zone district. He offered that even if every family-sized house on the road were to become a B & B, the cumulative intensity of use of the properties would probably not increase significantly. He stated that this is not a Holiday Inn.

Commissioner Brookshire asked about conformance with Master Plan policies 4.3.A & B. Commissioner Petis offered that these refer to development and growth. The proposal does not add any new structures, nor does it add to the number of people compared to a single family home. He cited Master Plan policy 1.2.I regarding growth centers, but added that policy 1.2.U supports the accommodation of tourism in the County. Citing policy 6.3.A, Commissioner Petis offered that the intensity of use is comparable to the traditional intensity of use, because no new development is proposed and a family with teenagers would probably generate more traffic. Commissioner Brookshire noted that the number of people should be based on the total number of different people coming to the site over time, and offered that B & B guests would go back and forth to Steamboat, generating traffic. He said nightly rentals is not the historical use, and is not within the character of the neighborhood. Commissioner Petis offered that what changed the historical use of the area was the subdivision of the land into residential properties rather from large agricultural tracts.

MOTION

Commissioner Norris moved to approve the Conditional Use Permit for the Bed & Breakfast 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 and 8.13 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, 6, and 8.13.
2. The CUP is limited to uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application.
3. Any complaints or concerns that may arise from this operation may be cause for review of the CUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
4. In the event that Routt County commences an action to enforce or interpret this CUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
5. No junk, trash, or inoperative vehicles shall be stored on the property.
6. This permit is contingent upon the acquisition of and compliance with any required federal, state and local permits. The operation shall comply with all federal, state and local laws. Copies of permits or letters of approval shall be submitted to the Routt County Planning Department prior to commencement of operations.
7. Fuel, flammable materials, or hazardous materials shall be kept in a safe area and shall be stored in accordance with state and local environmental requirements.
8. All exterior lighting shall be downcast and opaquely shielded.
9. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in the amount of no less than \$1,000,000 per occurrence. Permittee shall notify the Routt County Planning Department of any claims made against the policy.

Routt County shall be named as an additional insured on the policy. Certificate of liability insurance shall include all permit numbers associated with the activity.

10. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
11. The permit shall not be issued until all fees have been paid in full. Failure to pay fees may result in revocation of this permit. Permits/Approvals that require an ongoing review will be assessed an Annual Fee. Additional fees for mitigation monitoring will be charged on an hourly basis for staff time required to review and/or implement conditions of approval.
12. Transfer of this CUP may occur only after a statement has been filed with the Planning Director by the transferee guaranteeing that they will comply with the terms and conditions of the permit. If transferee is not the landowner of the permitted area, transferee shall submit written consent for the transfer by the landowner. Failure to receive approval for the transfer shall constitute sufficient cause for revocation of the permit if the subject property is transferred. Bonds, insurance certificates or other security required in the permit shall also be filed with the Planning Director by the transferee to assure the work will be completed as specified. Any proposal to change the terms and conditions of a permit shall require a new permit.
13. The Permittee shall prevent the spread of weeds to surrounding lands, and comply with the Colorado Noxious Weed Act as amended in 2013 and Routt County noxious weed management plan.

Specific Conditions:

14. The CUP is valid for the life of the use provided it is acted upon within one year of approval. The CUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
15. Prior to operation, permittee shall submit to Routt County proof of a Sales Tax Account /License.
16. Any required permits from the Routt County Road and Bridge Department, Environmental Health or Building Department shall be obtained and any inspections completed before operations commence.
17. Revegetation of disturbed areas shall occur within one growing season with a seed mix that avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass seed mixes.
18. Proper installation and continuing maintenance of landscaping, lighting, and/or buffering materials or structures is required.
19. The owner or manager shall be a full-time resident of the bed and breakfast establishment.

20. The owner-operator must provide satisfactory evidence that the water system serving the subject property is constructed in accordance with normal standards for water quality, quantity and pressure and that permits are in place if applicable.
21. No cooking facilities shall be allowed in the guest rooms.
22. Meals may only be served to occupants of the bed and breakfast.
23. Lodging is for no more than four (4) guest bedrooms; food service and walking trails.

Road and Bridge Conditions:

24. 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.
25. Routt County roads shall not be completely blocked at any time. If traffic regulation is deemed necessary, the Permittee shall notify the Routt County Road and Bridge Director, or designee thereof, in advance (if possible), who may then require:
 - a. A method of handling traffic in accordance with the Manual on Uniform Traffic Control Devices and approved by the Road and Bridge Director.
26. 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.
27. 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.
28. There shall be no parking on County Road 43A or the corresponding right-of-way at any time. Parking shall be limited to designated areas onsite only.

Commissioner Petis seconded the motion.

The motion carried 5 – 4, with the Chair voting yes.

ACTIVITY: 1. PL-18-110
2. PL-18-111
PETITIONER: Edward Wunsch

- PETITION:** 1. Sketch Subdivision to create 2 buildable lots
2. Zone Change from Agricultural/Forestry (A/F) to Low Density Residential (LDR)
- LOCATION:** At the end of Woods Dr., approximately 3,200 ft. south of the intersection of CR 36 and Amethyst Dr.

Commissioner Brookshire disclosed that he had visited the site and had run into some of the neighbors. He said that there had been no discussion of the petition, and that he had simply recommended that if they were interested in the proposal, they should attend tonight's meeting.

Mr. Edward Wunsch reviewed the history of the property, which had once been part of a much larger parcel and had probably been split off when CR 36 was constructed. He said that his father-in-law, who had owned the property, had given it to him, along with Lot 7 of the Deerfoot Heights Subdivision, as compensation for assisting with the sale of the other land. He said that the City of Steamboat Springs had approached him about an easement across the property for a water line. Mr. Wunsch said that they had worked out an agreement that included a provision for water and sewer taps for the property. The water line has been installed. He stated that he had discussed his proposal to subdivide the property with Ms. McAfee, an adjacent property owner, who had expressed concern with the height of any homes built on the lots. He said that he had agreed to limit the height of any structures to 29 ft. and added that this restriction should be accomplished through a plat note or whatever other means seems appropriate. Mr. Wunsch stated that he had also spoken with Mr. Ihde, the owner of Lot 6, Deerfoot Heights, whose only concern regarded the possibility that duplex units could be constructed. He said that his intention is to create two single family home sites, with no possibility of duplexes.

Mr. Peter Patten of Patten Associates, representing the petitioner, presented photos, aerial photos, and a site plan of the area. He noted that the site is sparsely vegetated and contains steep slopes. He indicated the surrounding development and said that the proposed lots are really an extension of the existing neighborhood. He said that Lot 7, which also belongs to the petitioner, is the only vacant lot in the neighborhood. Mr. Patten reviewed the proposal to create two buildable lots and an open space parcel. He indicated the location of the water line easement and the easement for maintenance of CR 36. Mr. Patten described the access proposed for the lots, which has been designed to accommodate emergency vehicles. He said that the proposed 1/4-acre lots are similar to the adjacent lots, and would be zoned Low Density Residential (LDR). He offered that this proposal is more like an infill project than like a new subdivision. The open space parcel would retain its current Agricultural/Forestry (A/F) zoning.

Mr. Jeff Lake of CDC, representing the petitioner, indicated the location of the water and sewer lines on a site plan. He described the proposal to replace and extend a portion of the sewer main, to reconnect service to Lots 5 & 6 and to connect Lot 7 (Deerfoot Heights) and the new Lots 1 & 2.

Regarding comments made by Mike Mordi of the Road & Bridge Department concerning the potential for erosion and impacts on the road from the sewer line project, Mr. Lake stated that he is confident that best practices in construction of the sewer line could mitigate any erosion. He added that the depth of the sewer line would be almost at the level of the roadway. He said that the sewer line could not be relocated due to existing easements and the City's requirements regarding separation.

Mr. Tim Travis of NWCC, representing the petitioner, stated that an on-site geologic hazard evaluation of the site had revealed a low risk of hazards. He said that there may be swelling soils, but that this issue would be addressed through the building permit process. He said that there is no slope failure or slope instability within the proposed development site. He noted that this contradicts the state hazard mapping. Mr. Travis stated that he did not think the sewer line project would impact the road, as it would occur at the toe of the slope and would be backfilled, compacted and re-vegetated. He stated that the next step would be to conduct a detailed geotechnical investigation prior to making recommendations for foundations, utilities, site grading, etc. In response to a question from Commissioner Koehler, Mr. Goldich said that staff relies on the hazard maps provided by the Colorado Geological Survey. Mr. Travis said that these maps are generally based on aerial photos and other general information rather than on site-specific groundwork.

Mr. Patten reviewed the proposal to re-zone the two new lots to LDR, leaving the open space lot A/F. He cited the Routt County Community Housing Steering Committee Report on the lack of buildable lots in the area, the huge demand and the ways in which planning and zoning processes could be involved in the solution to the housing problem. He noted that the proposed lots are inside the UGB and are served by City water and sewer.

Regarding the suggested conditions of approval (COAs), Mr. Patten requested that COA #5b be changed to "geotechnical investigation." He also requested that COA #5c be deleted, as no landscaping is planned other than revegetation.

Commissioner Brookshire asked about the uses of the open space parcel. Mr. Patten said that the plan is to leave it as open land, with no designated uses. He said it would be owned and maintained by the HOA, which would include the owners of the two new lots.

In response to a question from Chairman Warnke, a member of the audience stated that there 11 residences in Deerfoot Heights.

Mr. Goldich reviewed the application, noting that the purpose of the Sketch Subdivision process is to determine if the proposal is in conformance with the Routt County Master Plan and the Steamboat Springs Area Community Plan (SSACP). He noted that the technical issues would all be addressed at the Preliminary Plan phase. Mr. Goldich stated that based on the size of the proposed lots and the proposed zoning, there would be no ability for more than one dwelling unit to be placed on each of the two lots. Regarding the height restriction mentioned by Mr. Wunsch, Mr. Goldich suggested that this be included as a covenant to be enforced by the HOA, as there is nothing in the subdivision regulations to support this restriction.

Mr. Goldich presented a map showing the Steamboat Springs city limit. He also presented the Future Land Use Map (FLUM) included in the SSACP, and indicated the Urban Growth Boundary (UGB). He noted the subject property, which is the only area within the UGB in this area that is shown as Agriculture/Rural on the FLUM, is surrounded by old town residential and institutional (schools) uses. He stated that staff views this application as an extension or completion of existing development, rather than as new development. He reviewed the description of Agriculture/Rural, which is intended for lands outside the UGB served by well and septic, and is intended to conserve agricultural, open space and ranch lands. This designation includes agriculture and residential,

non-tourism uses. Mr. Goldich stated that the area is categorized as "urban" on the visual sensitivity map. The letter from the City included in the packet states that the proposal is not in conformance with the SSACP, but Mr. Goldich noted that because this parcel is not contiguous with the City, it cannot be annexed even though it is served by City water and sewer. He reviewed the definition of urban development from the SSACP and stated that this property meets many, but not all of the characteristics of the definition. He stated that County staff views the SSACP and the FLUM as a guide, and views this proposal as an extension of existing development.

Commissioner Norris asked why the City would have provided for four taps for this property when they are recommending that it not be developed. Mr. Goldich said that he does not know. He reviewed the difference between the Medium Density Residential (MDR) zoning and the proposed LDR zoning, noting that under LDR only one unit would be allowed on each lot.

Commissioner Petis reviewed the correspondence between County and City staff's regarding this proposal. Mr. Phillips discussed the FLUM and stated that after reviewing the map the County had determined that the proposal could be processed without SSACP amendment, but that City staff had encountered contradictory policies that led them to change their opinion to correspond with the County's position on FLUM compliance.

Mr. Goldich stated that this parcel was created through an exemption by the Board of County Commissioner in 1993. He said that a plat note stating that no residential development would be allowed on the parcel, *until the property had been re-zoned*. He speculated that because there was no residential potential on the property at the time, the SSACP categorized it as Ag/Rural. There was a discussion of the SSACP. Commissioner Benjamin offered that the City is treating as absolute the future land use categories that are intended as a guide.

Public Comment

Mr. David Ihde, the owner of Lot 6 in Deerfoot Heights, asked for a clarification of the proposed zoning. Mr. Goldich reviewed the square footage per dwelling requirements of the LDR zone district and stated that this zoning and the proposed lot sizes would preclude the development of duplex units on the lots. Mr. Ihde stated that he had no problem with the proposal, but suggested that the two new lots should be included in the Deerfoot Heights Subdivision and be subject to the Deerfoot Heights HOA. He said that this would ensure that the neighborhood would have some control over the construction plans on the lots and uses of the property.

Mr. Johnny Walker, a neighbor who lives on North Park Drive, near the intersection of CR 36 and across from Woods Drive, said that the intersection at CR 36 is very dangerous, particularly for the many children walking to and from the schools. There is no safe area for them to walk or to cross. He stated that the intersection has a lot of traffic and needs to be controlled. In response to a question from Commissioner Arel, Mr. Walker offered that the difficulty in getting the problem addressed is because the intersection lies at the boundary between the City and the County.

Mr. Mike Cook, representing the Strawberry Park Group (SPG), stated that the SPG generally opposes any urban level development in the unincorporated County, but that the SPG Board had reviewed this proposal and agreed that there is no reason that it should not be allowed. He stated that the property is within the UGB and that the proposal would not affect Strawberry Park. He submitted a letter of support for the proposal.

Ms. Gigi Walker stated that she supports the proposal, but reiterated that the dangerous intersection must be addressed.

Ms. Kris McAfee, an adjacent property owner, indicated her property on a site plan. She stated that her only concern was with the height of structures on the lots. She thanked Mr. Wunsch for voluntarily agreeing to a 29 ft. height restriction. She asked how this restriction would best be implemented. Ms. McAfee stated her support for a plat note, which would ensure compliance. She offered that because the HOA for the new lots would only include two lot owners, enforcement would be less certain and the two owners could simply agree not to enforce the restriction. She also agreed that someone needs to be responsible for the open space. Ms. McAfee noted the difficulty with the soils on her lot, which required significant amendment in order to accommodate construction.

Ms. Sandie Meade, a resident of Lot 6, Deerfoot Heights, discussed the traffic and the dangerous intersection at CR 36. She said that an additional stop sign was needed. Regarding the soils in the area, she said that she cannot even grow grass on her lot. Regarding the visual impact of homes on the new lots, she said there would be impacts. She expressed concern regarding snow storage. She stated her support for the development and agreed that the lots should be included in the Deerfoot Heights Subdivision and brought into the existing HOA.

Ms. Deirdre McNab, a resident of the neighborhood, thanked Mr. Wunsch for agreeing to the height restriction. She said she is not opposed to the addition of two new lots and homes, but noted that the neighborhood borders rural lands and that there is a great deal of wildlife in the area. She stated her support for preserving the open space to provide a corridor for the wildlife. She also requested that landscaping be required.

Seeing no further comment, Chairman Warnke closed public comment.

Chairman Warnke asked whether the height restriction should be in the covenants or in a plat note. Mr. Goldich stated that staff is recommending that the restriction be placed in the HOA covenants because there is nothing in the Zoning Regulations to support the voluntary restriction. Regarding the visual impacts, he stated that visual impacts are only considered from public roads. Mr. Phillips stated that the height restriction could be included in a plat note, if that is the wish of Planning Commission and the Board, and acknowledged the concerns regarding enforcement within a HOA of only two lots. He explained, however, that staff tries to limit the inclusion of land use issues on final plats because it is a permanent document that divides the land.

Mr. Goldich stated that while he understands the comment by Mr. Ihde that the two lots should be included in the Deerfoot Subdivision, these lots were not part of that original development. Mr. Phillips clarified that the two lots could be added to the existing subdivision through a voluntary action on the part of Mr. Wunsch. Commissioner Brookshire offered that the petitioner should consult with the existing HOA, Mr. Patten, and his attorney regarding the issue and address it at the next level of review. He stated that it is not a matter to be solved by Planning Commission.

Planning Commission expressed general consensus that the proposal is in conformance with the Master Plan. Chairman Warnke offered that how this property is treated constitutes a glitch in the

SSACP, and noted that the City had indicated its interest in the area being developed when it offered four water taps.

Roundtable Discussion

Commissioners Benjamin, Norris, Merrill and Koehler expressed support for the petition. Commissioner Petis added that the petition seemed to be in conformance with both the Master Plan and the SSACP, despite the problem on the FLUM. He also expressed his agreement with Commissioner Brookshire's suggestion that the applicant return to Planning Commission at the next stage of review with a resolution to the HOA question.

Commissioner Brookshire stated that he also supports the petition, but that he would expect the petitioner to provide, at the next level of review, clearly defined rules regarding the uses of the open space parcel (which would prohibit the storage of junk, RVs, etc.) and to provide a mechanism through which those rules would be enforced. He added that the petitioner should also determine whether a plat note or a covenant is the best mechanism for ensuring enforcement of the voluntary height restriction. He stated his agreement with the comments about the intersection at CR 36 and urged the public to attend the Board of County Commissioners' hearing and repeat the comments made tonight.

Commissioner Arel and Marshall stated their agreement with the comments made by Commissioners Brookshire and Petis.

Regarding the issue of a landscaping plan, Mr. Bill McGonigle, a neighbor, noted the letter submitted by Anne Kashiwa included in the staff packet. He indicated their property on a site plan and stated the car lights at the end of Woods Drive shine in their windows due to the steep grade. He requested that landscaping be installed to minimize the impact of the lights.

There was general consensus on Planning Commission that street landscaping was not needed and that COA #5c could be eliminated.

Commissioner Brookshire recommended the addition of a COA requiring the submittal of the restrictions and allowed uses of the open space parcel and an enforcement plan regarding those restrictions. He also recommended adding a condition directing the petitioner to work with the Deerfoot Heights HOA and requiring the submittal of a letter reflecting a response to the concerns of the residents regarding the enforcement of covenants within a two-lot HOA. He stated that he does not want to require the new lots to join the existing HOA, but he would like the issue to be considered and, at a minimum, for the new HOA to incorporate into its covenants some of the measures in the Deerfoot Heights HOA covenants that are important to the neighbors.

Chairman Warnke suggested that a commitment from the petitioner would be sufficient. He said he did not think a COA was needed. Mr. Wunsch confirmed that his intention is for the development to fit in with the neighborhood. He agreed to review the Deerfoot Heights covenants. It was decided that a COA was not needed.

MOTION – Sketch Subdivision

Commissioner Arel moved to approve the Sketch Subdivision to create two buildable lots with the following findings of fact:

1. The proposal with the following conditions meets the guidelines of the Routt County Master Plan and the Steamboat Springs Area Community 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. Although the SSACP depicts this land as Agriculture/Rural, the abutting land use category *is* consistent with the application submitted. Since the plan is general in nature, it has been determined that this application is in conformance with the SSACP.
3. Since this project has been determined to be an extension, or completion, of an existing project and not a "new development", it has been determined that this application is in conformance with the SSACP.

This approval is subject to the following conditions:

General Conditions:

1. This Sketch Subdivision Plan approval is contingent on submittal of a complete application for a Preliminary Subdivision Plan within twelve (12) months. Extensions of up to 12 months may be granted 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. The Preliminary Plan submittal shall include the following detailed information in addition to the information listed in Section 7 of the RC Subdivision Regulations:
 - a. Utility plans
 - b. A geotechnical investigation
 - c. A list of the allowed uses and restrictions on uses of the open space parcel, and a plan for enforcement of those restrictions.
 - d. Site plan showing land to be dedicated as open space, the recreational uses associated with the open space, and a plan for conveyance and maintenance of the open space in conformance with Section 3.5 of the Subdivision Regulations.
 - e. Easements for access to all lots.
 - f. Information on how the additional storm runoff will be handled.
 - g. Draft Covenants shall include:
 - (1) Conveyance of the open space to a HOA;
 - (2) Maintenance of the access easement that crosses Lot 7, Deerfoot Heights;
 - (3) Maintenance of the common elements provided on the property;
 - (4) Provision requiring downcast and opaquely shielded lighting;
 - (5) CPW's recommendation to use certified bear resistant trash receptacles;

- (6) No parking is allowed on the access drive; and
 - (7) 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.
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.
 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. Building height on Lots 1 & 2 shall be limited to 29 feet.

Commissioner Norris seconded the motion.

Discussion

Commissioner Petis made a friendly amendment to include a condition limiting the height of structures on the new lots to 29 ft. This amendment was accepted, as indicated above.

The motion carried 9 - 0, with the Chair voting yes.

MOTION – Zone Change

Commissioner Arel moved to approve the zone change from A/F to LDR with the following findings of fact:

1. The proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and the Steamboat Springs Area Community Plan and is in compliance with the applicable provisions of Sections 8 of the Routt County Zoning Regulations.

2. Although the SSACP depicts this land as Agriculture/Rural, the abutting land use category *is* consistent with the application submitted. Since the plan is general in nature, it has been determined that this application is in conformance with the SSACP.
3. Since this project has been determined to be an extension, or completion, of an existing project and not a “new development”, it has been determined that this application is in conformance with the SSACP.

This approval is subject to the following conditions:

1. The change of zone from Agriculture/Forestry to Low Density Residential 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 Norris seconded the motion.

The motion carried 9 - 0, with the Chair voting yes.

PLANNING COMMISSION OFFICERS

MOTION

Commissioner Benjamin moved to re-appoint the existing slate of officers. Commissioner Petis seconded the motion. **The motion carried unanimously.**

ADMINISTRATOR'S REPORT

Mr. Phillips reported that the BookTrails and Fetcher/Vale Gravel Pit petitions had been approved by the Board. He stated that the housekeeping amendments had also been approved, as had the amendments to the Waterbody Setback Regulations, with the change to the definition of a waterbody to any stream that runs 90 days a year or more.

Mr. Phillips reviewed the upcoming Planning Commission agendas.

The meeting was adjourned at 10:15 p.m.