

**STATE OF COLORADO
COUNTY OF ROUTT**

**OFFICE OF THE CLERK
January 17, 2017**

County Commissioner Timothy V. Corrigan, Chair called the regular meeting of the Routt County Board of County Commissioners to order. Commissioner Cari Hermacinski, County Manager Tom Sullivan, and Deputy County Manager Dan Weinheimer were also present. Those present recited the Pledge of Allegiance. Tegan Anderson recorded the meeting and prepared the minutes. Commissioner Douglas B. Monger was absent.

EN RE: WARRANTS

MOTION

Commissioner Hermacinski moved to approve and authorize the Commissioners to sign the Warrants Sheets that included:

Accounts Payable Check- Cycle Date:	1/9-1/13	\$361,672.51
Accounts Payable Check: Manuals	1/9-1/13	\$331,399.13
Accounts Payable Wires:	1/9-1/13	\$237,094.61
Total:		\$930,166.25
Payroll Checks- Cycle Date:	1/9-1/13	\$505,684.74
Payroll Checks- Manuals	1/9-1/13	\$0.00
Total:		\$505,684.74
Total Disbursements Approved:	1/9-1/13	<u>\$1,435,850.99</u>

Commissioner Corrigan seconded.

Mr. Sullivan advised of the following Accounts Payable items:

Adroit Advocates LLC dba Klenda	\$1,900	Treasurer's paypal matter – no hours shown, flat fee
Kois Brothers Equipment Co.	\$576.00	Road and Bridge – 55lbs cold mix asphalt
Home Depot Supply	\$344.27	Yampa Valley Regional Airport – air filters
Physio Control, Inc.	\$12,621.96	EMS Council – Annual

		Maintenance of Cardiac Monitors / Defibrillators
CO West Regional Mental Health – Mind Springs	\$4,000.00	Sheriff’s Office/Jail- States agreement for non-detox services, two quarters
Spardley Barr Ford	\$24,809.44	Motor Pool – Replacement of Communications Vehicle
Windwalker Ranch	\$189,000.00	Planning – Cash deposit release, no interest paid per SUP Agreement

The motion carried 3-0.

EN RE: ITEMS OF NOTE FROM THE PREVIOUS DAY’S WORK SESSIONS

Commissioner Corrigan stated that the Board met with the County Manager, County Attorney and the Road and Bridge Director to hear updates and discussed the 2015 International Building Code adoption updates with the Building Department Director.

EN RE: CONSENT AGENDA

The following items were presented for consideration, approval, and signing on the consent agenda:

- A. Approval of County Commissioners Minutes: Regular Meeting of December 13, 2016;
- B. Approval of and authorization for the Chair to sign a Resolution for Secondary Dwelling Unit Regulation Changes; PL-16-7
- C. Approval of and authorization to sign a transfer of Liquor License from Vista Verde Guest Ranch Inc to CJJ Family Holdings Inc DBA Vista Verde Guest Ranch for a Hotel and Restaurant Liquor License.
- D. Approval of and authorization to ratify the Chair’s signature on the Jviation Agreement for Advisory Services Amendment in Support of the Yampa Valley Airport Commission (YVAC).

MOTION

Commissioner Hermacinski moved to approve items A, B, C, and D on the consent agenda and authorize the Chair to sign the related documents. Consent agenda item B is Resolution 2017-002.

Commissioner Corrigan seconded; the motion carried 2-0.

EN RE: PUBLIC COMMENT

Jim Cook, Main Street; Kim Keith, Steamboat Springs Arts Council; Kara Stoller, Steamboat Springs Chamber Resort Association; and Paul Hoffman, Citizen; were present.

Mr. Cook stated that he is present with Ms. Stoller and Ms. Keith to discuss the sculpture on the courthouse lawn. It is the centennial sculpture here in Steamboat Springs and Ms. Stoller is now aware that she is responsible for maintaining that piece. He wants to discuss how that sculpture can become more visible to winter visitors. Ideas discussed have been to raise the sculpture, to ask county maintenance staff to snow blow around it or to add lighting around the pieces. Ms. Stoller added that this is a good opportunity to discuss who is responsible for the sculpture, which is the Chamber, but she would also like to discuss the possibility of county staff helping by clearing a walking path to it and removing snow around the sculpture.

Commissioner Corrigan asked what the history of the sculpture is. Ms. Keith stated that this was part of the centennial celebration and was a call for art entries and a local artist was chosen. It was installed in the fall of 2007. Commissioner Corrigan asked if the intention was always to have it on the courthouse lawn. Ms. Stoller responded that reading back through the original contract documents it appears that the intention was to have the statue on the courthouse lawn and she personally could not be happier with the location.

Mr. Sullivan stated that at the time the sponsors of the statue did want it on the courthouse lawn. County staff needed it out of the way for mowing and protected from snowplowing and that's why it was placed in the corner it is. However when snow is plowed from our parking lot, it is usually pushed into the trees but this year it has needed to be pushed further onto the lawn. This was discussed with staff and moving forward staff will be more conscientious of the location of the statue when relocating snow from the parking lot. In regards to the original agreement not allowing lighting, when this first came about there wasn't electricity over by the trees and the County did not want to be responsible for it. There may be an opportunity now that there is electricity in that area but that is for the Commissioners to decide.

Commissioner Hermacinski stated that she believes that it is fortunate that there is a clear agreement of who is responsible for this and who is required to maintain this. If there is an interest in making modifications to the agreement then a proposal for a modification can be brought forward and considered by the Board.

Commissioner Corrigan stated that when a proposal is brought forward he wants everyone to keep in mind to make the proposed amendments as minimally impactful on county maintenance staff as possible. As it is the Building and Plant crew have their hands full especially during this season.

Mr. Hoffman stated that he came to discuss something that he heard at the Board of Adjustments meeting recording from January 9, 2017. Mr. Hoffman brought a 20 second long clip to play for the Commissioners. The clip featured County Planner Watkins Fulk-Gray talking to the Board of Adjustments (BOA) following the meeting. In the recording Mr. Fulk-Gray states

“you are always welcome to come and talk to Chad [Phillips] when you have a question about process, you are welcome to call up the Planner who’s project it is, not to get any new information that is not in the packet but to just discuss and try to understand better [inaudible].”

Mr. Hoffman continued that he found these comments disturbing, and an example of systemic abuse of ex parte communication within the planning department, planning commission and BOA. It seems inappropriate for the Planning Director to be giving legal advice to the Planning Commission or the BOA. The reality is that those two bodies at times operate as a quasi-judicial body and when the Planning Director gives them direction about how to act Mr. Hoffman feels that interferes. That type of information should instead come from the County Attorney to help avoid any inappropriate ex parte communication or the appearance thereof.

Commissioner Corrigan stated that he is aware what the process is supposed to look like and the Board will follow up on this matter. Commissioner Hermacinski added that she is unsure of the existence of systemic abuse of ex parte communication and the Planning Director should not be giving any legal advice. The sitting body really is a judge and for one party to get a private conversation with a judge in advance of a hearing would be totally inappropriate. If a Planning Commissioner or BOA member has a question about process then it seems appropriate for the Planning Director to answer those questions, although the County Attorney will need to clarify that, but it is not appropriate for those bodies to be speaking to Planners even about information that is in the packet.

Commissioner Hermacinski added that her experience on Planning Commission for the City of Steamboat Springs was that the City Attorney sent out a memo at the beginning of the year to remind everyone what is quasi-judicial and what is legislative and how each have different roles. This issue will be looked into.

EN RE: STEAMBOAT SPRINGS CHAMBER RESORT ASSOCIATION

Jane Blackstone and Kara Stoller, Steamboat Springs Resort Chamber Association, were present.

2016 FOURTH QUARTER ECONOMIC DEVELOPMENT REPORT

Ms. Blackstone stated that this may be her final report with the Chamber as she is retiring at the end of the month. Ms. Stoller is the interim CEO as things are moving forward with hiring a new CEO and she will ensure that there is continuity in the transition period.

Ms. Stoller stated that she has spoken with Mr. Sullivan, Mr. Suiter as well as the Chamber Executive Committee and Board about scheduling interviews for a new Economic Director. Originally there was an intent to wait until a new CEO was hired but it has been decided to move forward without one and she hopes someone will be decided upon soon. Ms. Stoller added that she hopes to have a new CEO selected by the first week in February.

The City of Steamboat Springs granted \$5,000 to the Chamber to begin a business inventory. That addition to the budget will allow the Chamber to outsource that job and they expect to get an agreement together later this week. Steve Hitchcock is available to do that

work. From the City's perspective, their interest in doing this work is to gain an understanding of the businesses that are operating within the city. The delivery of this information would be in the form of an excel spreadsheet with every business that is operating. The current available databases are very out of date. From the Chambers perspective having a greater reach beyond their members can be very useful.

On the Northwest Colorado Broadband front, the Chamber will continue to be involved. Ms. Blackstone believes the future will bring more formal management of the fiber asset that the County DOLA grant is currently funding and less reliance on Chamber administration.

A man named Barclay Idsal recently opened a co-working space in the old Storm Peak building. Ms. Blackstone met with him to help support him with business resources. Currently there are five subscribers which is on track with the business plan and there is great potential for this co-working space to be successful.

Commissioner Hermacinski stated that she notices that there is the tax structure on their 2017 goals. She was happy to see a compilation of every proposed tax increase in our community and the likelihood of it hitting the ballot and when. Over the weekend a preliminary report from the state was released regarding the Gallagher amendment raising the commercial property tax burden from 3.6% to 4.6%. Ms. Stoller stated that she plans on using the next Chamber Board meeting to prioritize the initiatives from the business owner's point of view.

Ms. Blackstone discussed the Rural Jumpstart program and the intent to submit an application to OEDIT. Mr. Sullivan stated that letters of support for the municipalities will need to be gathered. Ms. Blackstone added that she seems to have noticed a tale of two counties in this area with some very wealthy residents and some residents that are very low income. It is becoming extreme on either side of the economic spectrum. Clear Creek County was approved for the Rural Jumpstart program but that was due in part to their mine.

EN RE: ABATEMENTS / GARY PETERSON

Susan Siggson, Appraiser, and Jim Darcy, property owner, were also present. Travis Stuard, Duff and Phelps, was present via telephone.

R3253635 STARSHINE LODGE

Ms. Siggson clarified that this item is for the improved property and not the vacant land. What is being looked at are tax years 2014 and 2015 which have different periods for sales collection and appraisal dates. 2016 was discussed at CBOE for this same property and a value reduction was recommended at that time and it was approved by the Board. Ms. Siggson stated that she is recommending that the reduction applied to 2016 also be applied to 2015 because those are within the same reappraisal periods. Therefore what will be mainly discussed is tax year 2014 which had an appraisal date of June 30, 2012.

Ms. Siggson continued that the subject property is a 4,200 square foot home, per the MLS listing, built in 1970 on a 0.84 acre lot at the end of Christie Drive in the North Meadows Subdivision. The property not only has excellent ski mountain views but also golf course views,

sitting high above Rollingstone Golf Course. The petitioner, through Duff & Phelps, LLC is requesting a value reduction on this property. The current 2014 valuation is at \$823,770 and that is comprised of a value of \$475,000 for the land and \$348,770 for the improvements. Ms. Siggson discussed the locations, size, and age of the comparable property sales. Ms. Siggson also felt that the values were not far off but she wanted to make sure they made sense with the values determined for 2015 and 2016 because 2014 was a time when the housing market was still coming out of recession therefore she applied a reverse time trend to the value. With that logic applied Ms. Siggson stated she is recommending a valuation of \$722,600 for tax year 2014.

Ms. Siggson disclosed that Mr. Stuard was contacted and offered a value of \$700,000 to avoid the time and resources put into the abatement process but it was not accepted without the guarantee that the classification of the neighboring parcel be changed from vacant to residential. Commissioner Corrigan added that the neighboring parcel is a separate item that is not being heard by the Board today. Commissioner Hermacinski stated that the Board does not horse trade regardless and the petitioner needs to accept the value of this property alone.

Ms. Siggson continued that her recommendations are a valuation of \$722,600 for tax year 2014 and a valuation of \$799,370 for tax year 2015. Ms. Siggson discussed the atypical listing history of the property. The property, both this parcel and the vacant neighboring parcel, was purchased in July 2014 for \$855,000. There was a large drop in listing price from \$995,000 to \$550,000 for the improved parcel and it went under contract right after that. A listing price drop of 45% is atypical and it was not exposed for enough time at a market price therefore it does not appear to be an arm's length transaction. The property went under contract during the 2015 reappraisal period but it is to carry no more or less weight than any other sales.

Mr. Darcy stated that this house was a tear down price and an engineer came in and said that there was no way to fix this house. It has a lot of exterior problems.

Mr. Stuard discussed the summary that he sent to the Board regarding the residential parcel. He stated that he finds the 2014 valuation of \$700,000 to be acceptable but he would like the 2015 value to be reduced closer to the purchase price. It appears to be a 37% premium above the purchase price being imposed. Mr. Stuard included the purchase price agreement for the property and indicated it is evidence to support that this is the fair market value and he would like 2015 and 2016 value reduced. Commissioner Hermacinski indicated that they are contemplating 2014 and 2015 only.

Commissioner Hermacinski asked if the purchase price was not actually accepted as a market transaction. Mr. Peterson responded that this property was not tested in the open market as indicated by the atypical drop in the listing price which indicates seller duress. Mr. Darcy stated that the property was a tear down and it was beyond repair. The realtors decided this based upon an engineer's opinion. Commissioner Corrigan asked if Mr. Darcy has an engineer's report to support his claims. Mr. Darcy responded no, this information was a rumor coming from the realtors. Commissioner Hermacinski asked if the home was rehabilitated and is inhabitable. Mr. Darcy responded yes, it took six months but the home has been repaired. Commissioner Hermacinski clarified that the Board cannot build a record on information that Mr. Darcy himself is referring to as a rumor.

Commissioner Hermacinski asked about the “horse trading” of offering \$700,000. Mr. Peterson responded that when appraisers are going into the reappraisal period then sometimes offering a trade like this saves a lot of time. Mr. Peterson added that he supports this offer that was made.

Commissioner Corrigan questioned what the split was on the purchase price between the improved parcel and the vacant parcel. Mr. Darcy responded that the parcel with the residence was listed at \$550,000 and the vacant lot at \$400,000 and since both were purchased they were given a \$100,000 reduction in price.

Commissioner Hermacinski stated that they only received Mr. Stuard’s documents and materials immediately before the hearing which makes it difficult to take the time to review them. Based on the brief review, Commissioner Hermacinski clarified that Mr. Stuard is contending that the property, including the vacant parcel, be valued at \$755,000. Mr. Stuard responded that is correct. Commissioner Corrigan added if that was the case the value of just the 4,200 square foot house would only be \$255,000 because Mr. Stuard is asserting the vacant land is \$300,000 therefore the land under the home would be worth \$300,000. That would be \$60 per square foot value for the home which is extremely low. If there had been an engineer’s report, expenses regarding the house rehabilitation, and information from Mr. Stuard prior to the hearing it may have been helpful for their argument.

Commissioner Corrigan added that he is comfortable with the \$700,000 valuation for 2014.

MOTION

Commissioner Hermacinski moved for tax year 2014 on account R3253635 to reduce actual value from \$823,770 to \$700,000 resulting in a tax refund of \$458.16 and for tax year 2015 reduce actual value from \$939,370 to \$799,370 resulting in a refund tax of \$495.56.

Commissioner Corrigan seconded; the motion carried 2-0.

EN RE: PLANNING / CHAD PHILLIPS

Alan Goldich, Planning; Brian Kelly, Paul Hoffman, Bob Weiss and Bill Friesell, citizens; Jeff Lake, Civil Design Consultants; and Bob Keenan, City of Steamboat Springs Planning; were also present.

PL-16-72 AND PL-16-73; SULSA/GOLDNER LOT CONSOLIDATION & EASEMENT VACATION

Mr. Goldich stated that this is an application for the consolidation of three lots into two and then the vacation of the associated utility easements. This is located in Treehaus. Planning Commission heard these items at their January 5, 2017 meeting and approved both items with a 6-0 vote. The discussion Planning Commission had centered around the requirement to show no build zones on the plat. The applicant has concerns about this because it would require there to be no snow on the ground in order to determine steep slopes and drainages. One of the lots

is under contract to be sold and requiring the no build zones to be shown would hold up the platting process. Staff suggested that the requirement to show no build zones on the plat be removed and replaced with a plat note stating that if a building permit be applied for on either lot that would increase the footprint of the existing structure, a site plan showing the no build zones would need to be submitted with the permit. The applicant does not have an issue with this and Planning Commission also supported this change.

Commissioner Corrigan asked how many structures are on the three lots. Mr. Goldich responded there are two structures. The middle lot that is being proposed to be split is vacant.

MOTION

Commissioner Hermacinski moved approve the consolidation of three lots into two lots with the findings of fact that the proposal, with the following conditions, complies with the applicable guidelines of the Routt County Master Plan and Steamboat Springs Area Community Plan and is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations, Sections 3 and 4 of the Routt County Subdivision Regulations. This approval is subject to the following conditions:

1. The Final Plat shall be finalized and recorded within one (1) year unless an extension is granted pursuant to Section 2.1.6, Routt County Subdivision Regulations. Extensions to 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. Prior to recordation all fees must be paid in full.
4. All property taxes must be paid prior to the recording of the plat. A Certificate of Taxes Due shall be submitted to the Planning Department prior to the plat being recorded.
5. 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 the Steamboat Springs Rural Fire Protection District.
 - c. 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.
 - d. Routt County (County) and the Steamboat Springs Rural 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.
 - e. Address signage in conformance with Routt County Road Addressing, Naming, and Signing Policy shall be located at the entrance to the driveway.
 - f. All lots (or identify the lots) have been shown to be within mapped areas of Slope Failure Complex. If site development reveals evidence of faulting in soils, then additional

investigation will be need to ensure that individual structures are not located within active fault rupture zones.

g. A current soils test showing that the soils are sufficiently stable to support development will be required before obtaining a building permit.

h. No-build zones have not been shown on this plat. If any development beyond the footprint of the existing structures on the lots is desired, no build zones shall be submitted with the building permit.

Commissioner Corrigan seconded; the motion carried 2-0.

MOTION

Commissioner Hermacinski moved to approve the vacation of the utility easements with the finding of fact that the proposal, with the following conditions, complies with the applicable guidelines of the Routt County Master Plan and Steamboat Springs Area Community Plan and is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations, Sections 3 and 4 of the Routt County Subdivision Regulations. This approval is subject to the following conditions:

1. A resolution vacating the utility easements shall be recorded concurrently with the Final Plat.
2. Utility easements shall be shown and dedicated on the Final Plat. The plat shall show 10' easements on the side lot lines and 15' easements on the rear lot line.

PL-16-65; FRISELL (FOX GROVE) PRELIMINARY SUBDIVISION

Mr. Friesell stated that a year ago the Board unanimously approved the sketch Fox Grove subdivision. Mr. Friesell explained the property, the history of his ownership, and showed a site map of the proposed subdivision. The property is 5.7 acres and is surrounded by homes making this an infill project. The proposal is for 6 single family lots. The project has not changed since the sketch and all conditions of approval are acceptable. One thing that needs to be addressed is the public sites/fee in lieu as listed in condition 10. Mr. Friesell added that it seems that the Board has broad discretion in the fee structure as listed in paragraph 3.5.2 of the Routt County Subdivision Regulations. As recently as a few years ago it seems that these fees were being imposed at \$1,400 to \$1,600 per lot instead of the up to 5% possible which would reach a six figure fee for this project. That amount is out of proportion with the impact of this subdivision. This project is also exceeding the amount of required open space.

Mr. Friesell said that the most important thing to mention is that this project will be installing a 12 inch water main from Boulder Ridge down to the property and then through the property on the other side. This will address water pressure issues as well as allow the city to connect this water main to other neighborhoods. These new pipes will be able service upwards of 60 residences as well as new developments. Mr. Friesell stated that in essence this will be providing, at his expense, a necessary public facility that will have significant community benefit. Native Excavating created a cost analysis to determine how much this upsized system will cost over the need of the proposed six homes. The total projected cost is slightly over \$200,000 to

complete the water main project which is \$55,000 over what it would cost to install a water main for the six proposed homes only.

Mr. Friesell stated that the issue today is that he believes this expense should satisfy the necessary public site and/or fee in lieu. City water has stated that the upsized pipes is the minimum they would accept to provide service. Mr. Friesell is requesting that the Board consider providing credit due to the added expense of upsizing the water system to meet the water needs of other neighborhoods at the city's demand.

Mr. Friesell continued that the Commissioners have the discretion to set the fee in lieu anywhere from zero dollars to 5% of the property value with infrastructure. He feels that the fee should be proportional to the subdivisions impact on the county's need for land to provide its services. The additional investment in the upsized water system provides a significant community benefit and should be viewed as the necessary public facility.

Commissioner Hermacinski questioned what condition 17 specifically means from the Planning Commission packet in reference to the water culverts. Mr. Goldich stated that the total drainage area that this culvert services is about 25.5 acres and includes the 5.7 acres in this proposed subdivision. The culvert is undersized and will need to be replaced to handle additional drainage. Commissioner Hermacinski questioned how they would propose getting additional money out of the residents residing on the other 25 acres that contribute to the drainage. Mr. Lake described that the culvert is sized for 12 cubic feet per second and with the development of this subdivision the total runoff in a five year event will increase about 17% and still be under 12 cubic feet per second. If a 25 year event is looked at the increase in runoff is about 7% and in a 100 year event it's about 4%.

Commissioner Hermacinski is stating that she thinks the culvert needs to be replaced and she thinks that this development needs to pay for it. It seems like the applicant is saying they are willing to pay 6/31 of the cost but that doesn't cover the cost of a new culvert. Mr. Lake continued that during a 100 year event overall drainage increases but the percentage that is coming from this 5.7 acres decreases because runoff is coming from higher areas which can go up to 35 cubic feet per second. The issue is there today and the water is just going to run across the road. Commissioner Corrigan responded that he is concerned about the road.

Mr. Weiss questioned if it is equitable for a developer to bear 100% of the cost to replace an existing undersized culvert. Instead they offered to the Planning Commission to pay the pro rata share and they accepted that. Commissioner Hermacinski asked how that pro rata share will be collected and if it can be collected from the other property owners. Commissioner Corrigan responded that this is a good argument for the fee in lieu to establish a fund to address these issues in the future.

Mr. Friesell responded that this is similar to the water pressure issue as they are being asked to pay to upgrade an existing undersized system. Commissioner Corrigan clarified that the City of Steamboat Springs is asking that, not the County.

PUBLIC COMMENT

Mr. Keenan stated that he is from the City's Planning Department and he is present to reiterate the city's position in regards to the area community plan. This property lies within the urban growth boundary of the jointly adopted city/county plan and requires an application to go through the City's process in order to comply with policy GM 1.1 that states "areas within the urban growth boundary will be required to develop in an urban fashion and annex into the city." Although annexation has not been successful in the past, there is a new group of planners now and there was a successful annexation in the Pahwintah area. Further, he would like the Board to consider working with City Council to amend the community area plan if the county would like to allow development like this.

Commissioner Hermacinski responded that to stick to the community area plan is starting to border on ridiculous. The plan for the urban growth boundary has been in place for 22 years and the Pahwintah annexation is the first. This is an infill parcel and there is no incentive to annex this, although this makes all the sense in the world. She would like to see better infill and what is happening is hollowing out the middle class.

Mr. Hoffman stated that this seems like a good project and he thinks that this should be approved because if this is the impetus to move other projects it may push the city to pursue some growth. It seems like the city is late to the game which is an issue and he would like to see denser infill that can create more housing stock. It seems like the Board is leaning in the direction of requesting the developer to pay for the culvert but at some point a requirement like this will make it unappealing for developers.

Commissioner Corrigan asked if there is potential to recoup costs of the installation of the water main from future users. Mr. Friesell responded that there is some potential as they have the right to collect as new users tap into the line but he has elected to waive that right. Commissioner Corrigan responded that he is sympathetic to the applicant for providing the water main and he is leaning towards giving credit for that cost but he wanted to make sure he wasn't getting reimbursed for this.

ROUNDTABLE

Commissioner Corrigan and Commissioner Hermacinski discussed the changes that will need to be made to condition 17 in regards to the collection of the 6/31st of the culvert cost. Mr. Lake questioned what size the culvert needs to be built to. The city requires a culvert on a collector road to be sized to a 100 year event but that is unusually large. Commissioner Corrigan responded that if this subdivision is adjacent to the city then it should be adequate for the city. Commissioner Hermacinski replied that she is not in favor of changing condition 17.

Commissioner Hermacinski felt that it feels excessive to impose a 5% fee in lieu. Commissioner Corrigan added that he is concerned about setting a precedent for future subdivisions that will come in if the fee in lieu is waived. Commissioner Hermacinski stated that the \$55,000 to upsize the water system is a benefit to sixty homes. Commissioner Hermacinski asked if any other subdivision has paid 5% for the fee in lieu. Commissioner Corrigan responded that the Ghost Creek Ranch paid 5% of the value which was \$20,000 for one lot. Commissioner Corrigan asked if there has been a time when the fee was waived. Mr. Goldich responded in the case of D Bark K it was waived. Commissioner Hermacinski asked if they should table this until there is a full commission.

Mr. Sullivan responded that this may need additional specific information based on what the fee in lieu would be allocated towards. Commissioner Hermacinski feels like this is bad practice to horse trade on these deals and she is in favor of reverting back to a flat fee.

Mr. Weiss suggested that a credit against the fee of \$55,000 for the water main can be applied and a letter can be submitted for the Board to review arguing why the \$55,000 is sufficient. Commissioner Corrigan responded that this subdivision is a good idea and he is in favor of approving infill but he is fundamentally concerned about setting precedent but he is in support of what Mr. Weiss is proposing.

Mr. Sullivan stated that he feels as though this should be tabled and review what former County Attorney John Merrill wrote in regards to what the fee in lieu can be used for. Commissioner Hermacinski stated that this can be approved exactly as Planning Commission did and leave condition 10 intact, and then the developer can bring information to prove that they have satisfied condition 10. Mr. Phillips stated that this is the last time the Board will see this as the final plat approval is an administrative process. Mr. Sullivan stated that this would need to get agreed upon by next week if this was passed. Mr. Goldich added that is correct because it needs to be agreed upon before the recording of the final plat but there is no agreed upon plan. Mr. Sullivan stated that a date can be set and the applicant can come back.

MOTION

Commissioner Hermacinski moved to approve the Preliminary Subdivision 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. The proposal is within the boundaries of the Urban Growth Boundary.
3. This proposal is substantially similar to the plan that was reviewed during the Sketch Subdivision process.

This approval is subject to the following conditions:

1. This Preliminary Subdivision Plan approval is contingent upon the submittal of a complete application for a Final Subdivision for Phase 1 within twelve (12) months from the date of approval of the Preliminary application. This approval includes an extension to this timeframe for an additional twenty-four (24) months. An application for Final Subdivision for Phase 2 shall be submitted within twelve (12) months from the date of recording of the plat for Phase 1. This approval includes an extension of this timeframe for an additional twenty-four (24) months.
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 as part of the approved Preliminary Subdivision application.
- c. 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.
- d. 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.
- e. Address signage in conformance with Routt County Road Addressing, Naming, and Signing Policy shall be located at the entrance to the driveway.
- f. The open space shall remain as open space and the uses shall include walking, hiking, and other passive uses.
- g. A current soils test showing the sufficient stable nature to support development will be required before obtaining a building permit.
- h. No vegetation shall be planted in the sight triangles at the road intersections that would limit a driver's visibility.
- i. There shall be no access for any of the lots directly onto Fish Creek Falls Rd. or Huckleberry Ln.

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. Sight triangles at the road intersections shall be indicated on the final plat with a reference to plat note 6h.

9. Covenants shall include the following: a. All trash shall be stored either inside a garage or inside Interagency Grizzly Bear Committee (IGBC) certified receptacles.

- 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 vegetation shall be planted in the sight triangles at the road intersections that would limit a driver's visibility.

10. The Final Plat shall show and appropriately dedicate a minimum of .29 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.

11. The open space parcel shall be deeded to the property owners association and such deed(s) shall be concurrently recorded with the Final Plat.

12. The Final Plat shall show utility easements as necessary to provide utility service to all lots and such shall be dedicated appropriately.

13. The applicant shall enter into a Public Improvements Agreement for the installation of the required public infrastructure. Such agreement shall be recorded concurrently with the Final Plat.

14. 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
- e. Road Signs
- f. Landscaping
- g. Trails
- h. Fencing
- i. Survey Monuments
- j. Erosion and Sedimentation Control during construction of improvements
- k. Water Quality Monitoring during construction of improvements
- l. Engineer Supervision

15. All of the subdivision roads shall be paved.

16. All utilities shall be placed below ground.

17. The increase in runoff from the proposed subdivision should be mitigated in order to not exacerbate the capacity issue with the existing culvert. The mitigation could either be providing stormwater detention onsite or upsizing the downstream capacity as necessary. In the event that downstream capacity upsizing for the culvert is required, consideration shall be given to the total drainage area served in allocating cost.

18. This approval is contingent upon compliance with the standards outlined in the City Water and Sewer Division letter dated December 2, 2016. Final approval of this subdivision is contingent upon the approval of the construction drawings for the water and sewer plan by the City Public Works Department. Evidence of such approval shall be provided prior to the approval of the Final Subdivision application.

19. Provide documentation that the City has approved the design of the water line for construction in the County ROW.

With the understanding that, in regards to condition 10, the item shall come back in front of the Board of County Commissioners to determine if the fee in lieu or the dedication of land is consistent with section 3.5.2 of the Routt County Subdivision Regulations on January 31, 2017.

Commissioner Corrigan seconded; the motion carried 2-0.

PL-16-71; RECREATIONAL FACILITY – OUTDOOR RURAL WORKSESSION

Mr. Phillips stated that there seems to have been some discussion going back to 2005 regarding outdoor recreational facilities. The question has been taken up a few times with the Board and it was determined to be left as a CUP but based on some recent cases that have gone through Planning Commission it was decided to bring this up again. At the December 15, 2016 Planning Commission meeting the question was asked again if overnight accommodations should bump the process up to a SUP. Commissioner Corrigan asked if there was discussion as to the number of overnight guests was a trigger. Mr. Phillips responded no.

Commissioner Hermacinski stated that it seems like the difference is an administrative process versus a hearing in front of the Board. Mr. Phillips stated that in the case of Maribou it seems like the concern was the numbers of overnight accommodations but the Board at the time didn't care to see it before them. Also it seems like the Planning Commission does not feel very strongly in either direction.

Commissioner Hermacinski clarified that lodging on its own requires a SUP. Mr. Phillips responded that lodging on its own is not allowed in the A/F zone district.

Commissioner Corrigan stated that he would feel better about it being a SUP and coming to the Board because they are responsible to their constituents. Commissioner Hermacinski is comfortable with that. One concern is that there was something touched on the idea for any private facility with potential for significant offsite impacts. That seems like an unwieldy topic and she would like to stick to the more tangible aspect of overnight accommodations.

PUBLIC COMMENT

Mr. Hoffman stated that his concern is that overnight accommodations with recreational facilities have gotten out of control. This opens the door for lodges that offer a minimal amount of recreational activity. The STARS facility has minimal recreating onsite and it was fluffed over and turned into a lodge. This seems to be opening the door to nightly lodging under the guise of recreational facilities in the County but it still doesn't allow for true nightly rentals.

Commissioner Hermacinski stated that it is very odd that the nightly rentals aren't allowed in A/F districts but if the activity is increased by pairing it with recreation then they are allowed. She thinks this needs to be an SUP.

Mr. Hoffman questioned what makes the on-site lodging a requirement to a recreational facility. There is other lodging available that visitors can use and what has been lost sight of is the idea of if lodging is actually accessory to these recreational facilities.

Mr. Sullivan stated that he is in favor of having a maximum number of pillows or beds being acceptable for overnight accommodations at a recreational facility and anything above that won't get approved. He is also in favor of establishing a nightly rental policy with an associated fee.

Mr. Hoffman feels as though these applications need to come to the County Commissioners to hear. Both Commissioner Hermacinski and Corrigan agreed on that.

Mr. Phillips questioned if the Board would like staff to come up with options for caps. Commissioner Hermacinski stated that the first change that can be done would be to change the use chart to make sure that recreational facilities with overnight accommodations require an SUP then more time can be taken to look more closely at the regulations. Commissioner Corrigan wouldn't like this to drag on for another six months and have more recreational facilities sneak through the CUP process.

No further business coming before the Board, same adjourned sine die.

Kim Bonner, Clerk and Recorder

Timothy V. Corrigan, Chair

Date