

ROUTT COUNTY PLANNING COMMISSION

FINAL MINUTES

January 19, 2017

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

PUBLIC COMMENT

There was no public comment.

MINUTES - December 1 , 2016

Commissioner Arel moved to approve the minutes of the December 1, 2016 Planning Commission hearing, as written. Commissioner McGee seconded the motion. **The motion carried 9 - 0, with the Chair voting yes.**

MINUTES - December 15, 2016

Commissioner McGee moved to approve the minutes of the December 15, 2016 Planning Commission hearing, as written. Commissioner Merrill seconded the motion. **The motion carried 9 - 0, with the Chair voting yes.**

ACTIVITY: PL-16-36

PETITIONER: Routt County

PETITION: Vacation of the entirety of CR 18C

LOCATION: Immediately upstream of Lake Catamount in Pleasant Valley

Commissioner Merrill disclosed that he and his wife are members of Catamount, but do not own any property that would be affected by the proposed road vacation. He added that his wife is also a member of the Board of the Yampa Valley Land Trust. He stated that neither relationship would affect his ability to evaluate the proposal fairly and without bias.

Mr. Phillips noted that the state statutes regarding road vacations are cited in the staff report. He read section 2.a of C.R.S § 43-2-303 and stated that a suggested condition of approval had been included that would require the access agreement to be recorded concurrently with the vacation resolution. Mr. Phillips stated that staff has not yet received this agreement. He recommended that this petition be tabled to allow time for the agreement to be reviewed by staff and the County Attorney prior to the vacation of the roadway.

MOTION

Commissioner Arel moved to table the petition for the vacation of CR 18C to April 20th, 2017. Commissioner McGee seconded the motion.

Discussion and Friendly Amendments

Ms. Susan Dorsey, representing the Yampa Valley Land Trust (YVLT), requested that the tabling be extended to a minimum of 90 days to allow the Board of Directors of the YVLT and its attorney sufficient time to evaluate the proposal and the access agreement.

Mr. Paul Hoffmann, Treasurer of the YVLT, stated that the attorney for YVLT views the access agreement document as a licensing agreement rather than an easement. He said that the proposal currently circulating among the landowners would allow the licensing agreement to be cancelled at any time, and is not comparable to the current easement. He said that a period of at least 90 days would be needed to negotiate an easement agreement acceptable to all parties.

Commissioner Arel proposed an amendment to the motion to extend the tabling to the April 20th Planning Commission hearing. This amendment was accepted, as indicated above.

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

ACTIVITY: PI2014-003

PETITIONER: Routt County

PETITION: Adoption of the Stagecoach Community Plan

LOCATION: County-wide

Ms. Winser reviewed that the adoption of the Stagecoach Community Plan (SCP) had been tabled in December to allow the Morrison Creek Metropolitan Water and Sanitation District (MCMWSD) to provide information regarding a replacement plan for the wastewater treatment plant and to allow the large lot stakeholders to submit a bubble diagram that would provide more detail regarding the future land uses on areas designated Recreational Oriented Development (ROD). She stated the MCMWSD had submitted information regarding the replacement plan, and that the information has been incorporated into the SCP. Ms. Winser stated that no bubble diagram was received from the large lot stakeholders, but offered that such detail could be added to the SCP in the future through an amendment to the Future Land Use Map or via an application for a Conceptual PUD prior to the submittal of an application for development.

Ms. Winser stated that the objective of the SCP update process is to allow Stagecoach to become a successful growth area in Routt County. She reviewed the natural, recreational and residential opportunities that currently exist in Stagecoach, but noted that one of the elements holding the area back is the lack

of commercial development to support the community. She stated that the SCP update was drafted to create additional flexibility to allow for different types of development. Ms. Winser reviewed how the creation of ROD enhances flexibility for future development. She added that standards for a neighborhood node in the North Area of Stagecoach were added to allow an application for commercial uses to be considered for an area other than the one location for commercial development designated in the 1999 plan.

Ms. Winser reviewed that the SCP directs multi-family development to areas in North, where infrastructure is in place, or other areas that can be served by central water and sewer. The SCP encourages lot consolidations and infill development in the South area in lieu of the subdivision of currently un-platted land. Ms. Winser stated that the SCP also includes a reduction in road standards in the South area and a reduction in lot consolidation fees for Stagecoach. A comprehensive guide to the lot consolidation process is also included in the SCP.

Ms. Winser noted the comments received from the MCMWSD, Mike Browning (representing the Stahls) and Russ Dashow. She stated that Peter Patten had also left message shortly before the meeting stating that he had sent an email with some suggested tweaks to the draft, but that this email had not been received. Ms. Winser stated that Mr. Patten had, however, stated his support for adopting the SCP at tonight's hearing.

In response to a question from Chairman Warnke regarding the letter from Mr. Browning, Ms. Winser stated that Mr. Browning had reiterated that it was unlikely that a marina would be developed in the previously designated location. She offered that the circumstances seem to be specific to the Stahls, and although there would be hurdles in the process, the development of a marina by some future landowner is not impossible.

Commissioner Woodmansee disclosed that he is a resident of Stagecoach, the president of the MCMWSD Board and a member of the Upper Yampa River Conservancy District Board. He said that he does not feel that these relationships create a conflict.

Commissioner Merrill asked if anything requested by staff for the SCP remains outstanding. Ms. Winser cited the bubble diagram, but offered that this shouldn't be an obstacle to adoption because the details of any proposal would be required as part of the application for development.

Commissioner Flint asked why the golf course design comments were retained in the draft, given the poor feasibility of golf course development. Ms. Winser stated that golf courses were included as an example of ROD. She said that if an application for a golf course were to be submitted, the SCP would include a policy to address it.

Public Comment

There was no public comment.

Ms. Winser stated that although all the material changes had been made to the document, staff would review it again for clarity, grammar, punctuation, etc.

Commissioner Flint commended the MCMWSD for their response to the request for a waste water treatment plant replacement plan. He asked what would happen if insufficient funds were collected to support a replacement in the future, and whether this would trigger a moratorium on new development that would depend on the plant. Commissioner Woodmansee cited the excess capacity of the existing plant, and added that in the event of a catastrophic failure, the MCMWSD Board would respond accordingly. He added that the current policy requires developers to pay for any new infrastructure that is needed for their development. Growth would also increase tap fees and service fees to support a future plant replacement. Ms. Winser acknowledged the validity of Commissioner Flint's concerns, but stated that those issues might be more appropriately addressed in the review of a new proposal for development. She noted that any application would prompt referral letters to be sent to MCMWSD. Mr. Phillips added that even at the Subdivision Sketch Plan stage, a letter of intent to provide service from the MCMCWSO would be required.

Commissioner Brookshire asked for a clarification of a reference to "Plan" in Section 1.3.1. Ms. Winser stated that the sentence could be changed to specify "Stagecoach Plan." Commissioner Brookshire also noted a typo on page 9 of the SCP. Staff will work on corrected other such errors.

MOTION

Commissioner Brookshire moved to adopt the Stagecoach Community Plan update, Activity #PI2014-003. Commissioner Woodmansee seconded the motion. **The motion carried 9 - 0, with the Chair voting yes.**

PLANNING COMMISSION TRAINING

County Attorney Erick Knaus and Assistant County Attorney Lynaia South joined the meeting.

Mr. Knaus reviewed the Planning Commission Handbook, noting that it is a guideline only, and not a comprehensive operating manual. He reviewed the Open Meetings Laws and discussed what constitutes a meeting. Any meeting of three or more commissioners at which public business is discussed is considered a meeting. This applies to all electronic forms of communication as well. Mr. Knaus noted the exception of executive sessions, which generally do not apply to Planning Commission. If legal advice is needed during a meeting, the item can be tabled.

Mr. Knaus reviewed the distinction between the quasi-judicial and legislative functions of Planning Commission. He added that there are decisions and actions

that fall outside of these categories, and cited direction to staff or other administrative actions.

Mr. Knaus discussed the specific nature of quasi-judicial decisions, and related that to the open meetings laws and procedural due process. He compared this to the general nature of legislative actions and reviewed substantive due process.

Mr. Knaus reviewed bias and prejudice, and contrasted them with particular knowledge. He stressed that being able to act fairly and impartially applies to both quasi-judicial and legislative proceedings. He defined and discussed ex parte contacts, noting that such communication is only prohibited when it comes to quasi-judicial matters. He emphasized the need to disclose any ex parte contacts, to review exactly what was said, and to step down from a hearing if such contacts have created bias or prejudice. He advised that if Planning Commission members are approached about a pending quasi-judicial matter, that they refer the person wanting to talk to them to staff. Mr. Knaus stated that if an ex parte communication is fully disclosed and a commissioner feels that they can be fair and impartial, there is no need to step down.

In response to a question from Commissioner Brookshire, Mr. Knaus discussed how to handle materials that are submitted at the last minute before a hearing. He said that Planning Commission has the authority to set a submission deadline for what will be considered.

Mr. Knaus defined and discussed conflicts of interest. In the event of a conflict of interest, a Planning Commissioner must step down. He recommended tabling an item if stepping down will lead to a lack of a quorum. He recommended that if a Planning Commissioner suspects that he or she has a conflict of interest, they should contact Mr. Phillips, prior to the meeting if possible. He said that there is no need to specify the reason for a conflict of interest.

He stated that Planning Commission is subject to the governmental code of ethics. The code extends to all officials and government employees

Mr. Knaus reviewed motion making, and emphasized the need to establishing the findings of fact on which each decision is based. There was a discussion of establishing the record. Mr. Knaus reviewed 106(a)4 actions, through which decisions may be appealed to the district court (usually via the Board of County Commissioners, except in the case of the Board of Adjustment). He stated that it is important, when considering similar applications, to cite the unique facts that create difference in impacts or features that lead to differences in decisions, conditions, etc. He emphasized the importance of creating a good, complete record and of listing the findings that support a decision.

Commissioner Woodmansee asked about using outside resources to investigate facts of a petition. Mr. Knaus stated that it is important that all information is made available to all commission members. Information should be provided to the

planners so it can be shared with Planning Commission. He discussed the rules for site visits, but acknowledged that individual knowledge of an area or a topic is unavoidable, but should be shared.

Mr. Knaus said that the issue of greatest concern for him is the establishment of the record and the rationale for any decision that is made. Mr. Phillips noted that all opinions should be expressed, as sometimes a dissenting view has an impact.

ADMINISTRATOR 'S REPORT

Mr. Phillips announced that staff would be conducting public outreach around the County in the near future. He said that times and venues have yet to be determined, but that staff would like to have Planning Commission participation at each event. He offered that depending on the outcome of the meetings, the public outreach might be a precursor to a future Master Plan update.

Regarding updates to the regulations, Mr. Phillips said that waterbody setbacks would be addressed first, followed by overnight accommodations.

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