

**STATE OF COLORADO
COUNTY OF ROUTT**

**OFFICE OF THE CLERK
January 14, 2020**

Commissioner Tim V. Corrigan, Chair, called the regular meeting of the Routt County Board of County Commissioners to order. Commissioner Douglas B. Monger, Commissioner M. Elizabeth Melton, Deputy County Manager Dan Weinheimer, and County Manager Tom Sullivan, were also present. Those present recited the Pledge of Allegiance. Deanna Sanchez recorded the meeting and prepared the minutes.

EN RE: WARRANTS

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

Accounts Payable Check- Cycle Date:	1/6-1/10	\$ 382,641.92
Accounts Payable Check: Manuals	-	\$
Accounts Payable Wires:	-	\$
Total:		\$ 382,641.92
Payroll Checks- Cycle Date:	-	\$
Payroll Checks- Manuals	-	\$
Payroll – IRS & State Income Tax	-	\$
Total:		\$
Total Disbursements Approved:	1/6/2020-1/10/2020	<u>\$382,641.92</u>

Commissioner Melton seconded.

Mr. Sullivan stated there were no significant items of note for the Accounts Payable.

The motion carried 3-0.

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 November 26, 2019;
- B. Approval of the State Human Service Electronic Benefit transfer in the amount of \$153,827.17 through September 2019, and \$167,653.06 through October 2019.

MOTION

Commissioner Melton moved to approve items A and B on the consent agenda and authorize the Chair to sign the related documents.

Commissioner Monger seconded; the motion carried 3-0.

EN RE: PUBLIC COMMENT

No members of the public were present for comment.

EN RE: EMERGENCY MANAGEMENT / DAVID DEMORAT

Cheryl Dalton, Emergency Management was also present.

EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)

Mr. DeMorat stated his request for consideration for approval and authorization for the Chair to sign the Emergency Management Performance Grant (EMPG) – Local Emergency Manager Support (LEMS) Program Funding Grant Application for Calendar Year 2020. Routt County has benefited from the EMPG Program for many years with reimbursement to Routt County based on meeting performance requirements identified in the yearly Grant Agreement.

Mr. DeMorat and the Board discussed his request.

MOTION

Commissioner Monger moved to approve and authorize for the Chair to sign the Emergency Management Performance Grant (EMPG) – Local Emergency Manager Support (LEMS) Program Funding Grant Application for Calendar Year 2020.

Commissioner Melton seconded; the motion carried 3-0.

EN RE: PUBLIC HEALTH / KARI LADROW

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT (CDPHE)
AMENDMENT #3 LOCAL PUBLIC HEALTH AGENCY (LPHA) CONTRACT**

Mr. Weinheimer stated the previous CDPHE LPHA contract had been signed twice. This 3rd Amendment sent by CDPHE includes additional funding for work on opioid prevention. CDPHE is making the funds dispersal once the signed contract is returned. Routt County LPHA is currently meeting the requirements of the deliverables of the opioid work through the Health Resources and Services Administration (HRSA) grant work of Memorial Regional Health for regional opioid prevention work. The request presented today is to ask for approval of and authorization for the Chair to sign CDPHE amendment #3 LPHA contract.

MOTION

Commissioner Melton moved to approve and authorize the Chair to sign amendment #3 of the CDPHE LPHA contract.

Commissioner Monger seconded; the motion carried 3-0.

EN RE: PURCHASING / JULIE KENNEDY

Craig Thornhill, Thornhill Counseling, Joseph Boyle, Sheriff's Office, and Derek Maiolo, Steamboat Pilot were also present.

2020 PSA SIGNATURE FOR SUBSTANCE ABUSE COUNSELING IN RC

JAIL

Ms. Kennedy stated her request for consideration to approve the signature of the Chair on the 2020 Professional Services Agreement (PSA) and the electronic signature of the County Manager on the PO to Thornhill Counseling, LLC in the amount of \$36,000 for Craig Thornhill, LPC, LAC weekly services in the Routt County Jail to support the Jail Based Behavior Services (JBBS) awarded grant. Lt. Joseph Boyle, Routt County's Sheriff's office, applied for and received a Jail Based Behavior Services (JBBS) Grant to provide group therapy counseling to inmates who have been screened and identified with a substance abuse diagnosis in 2019. The intent was to develop a program to work in tandem with medical treatment for withdrawal that are currently being administered to inmates with the therapy for life skills to reduce recidivism rates of drug related arrests. Craig Thornhill was selected for his vast experience in the field and the success of the program he developed for Moffat County.

ROUNDTABLE:

Mr. Thornhill, Commissioners, and Lt. Boyle discussed the avenues for support that recipients of this program can utilize when they are released from Routt County Jail and the success of this program.

MOTION

Commissioner Monger moved to approve and authorized the Chair to sign the 2020 Professional Services Agreement (PSA) and the electronic signature of the County Manager on the PO to Thornhill Counseling, LLC in the amount of \$36,000 for Craig Thornhill, LPC, LAC weekly services in the Routt County Jail to support of the Jail Based Behavior Services (JBBS) awarded grant.

Commissioner Melton seconded; the motion carried 3-0.

EN RE: PLANNING / CHAD PHILLIPS

Erick Knaus, County Attorney, Michelle Carr, City of Steamboat Springs, and Allen Goldich, Planning were also present.

CITY OF STEAMBOAT SPRINGS WEST SIDE WATER TANK; PL-18-184, 185, AND 186

Mr. Goldich stated the request for a Special Use Permit (SUP), PL-18-184, for a Major Facility of a Public Utility Waterbody Setback permit, PL-18-185, for water lines associated with the water tank and a Division of Land for Public Purpose, PL-18-186.

Mr. Goldich summarized the details of the SUP and Waterbody Setback permit for this item.

Mr. Goldich stated these applications were reviewed by Planning Commission at their January 19, 2019 hearing. Michelle Carr, Distribution and Collection Manager, represented the City during the January 19th hearing. No public comments have been received. The bulk of discussion around the SUP at the hearing focused on the visual impact that the tank would have. Ms. Carr stated that the tank is proposed to be partially buried to balance the cut and fills required for construction. The actual tank would not be visible however the retaining walls on the downhill side would be. These walls are proposed to be staggered so the height of any one individual wall would be no more than 4'. There will be four of these 4' walls. On each bench, grasses would be planted to help blend the structure into the surrounding landscape. Planning Commission also suggested that the color of the retaining walls be a neutral color. The color and texture of the walls would have to be approved by the Planning Director prior to the commencement of construction. Planning Commission was content with the visual mitigation measures that are proposed for the tank.

Planning Commissioner Brookshire had concerns regarding the City's proposal to extend services outside of the district to four lots. He stated that this is not in compliance with policy CF-1.7 of the Steamboat Springs Area Community Plan (SSACP). This policy states, "The provision of water and sewer service by the City shall be limited outside of the Urban Growth Boundary." He also questioned whether the water tank was needed, since the City has stated that they have adequate water to serve future development. The City has stated that this tank is needed

to improve overall system operation, increase fire flows, improve water pressure, and to facilitate growth on the west side of the City.

Planning Commission recommended approval of the SUP with a 6-1 vote. Commissioner Brookshire was the dissenting vote. He stated he had concerns with the visual impact of the tank and that it is out of character with the area. He also stated he did not think that the tank was needed, and the proposal to supply four lots with water service was not in compliance with SSACP policy CF-1.7.

There was no discussion directly related to the Waterbody Setback Permit at the hearing. It was recommended for approval with a 7-0 vote.

Discussion on the Division of Land for Public Purpose was limited to whether the request for the remaining 33.5 acres, after the subdivision occurs, should retain the rights of a 35 acre parcel or not. The only significant benefit that this would provide the landowner is the ability to locate a secondary dwelling unit 300' from the primary dwelling unit, instead of 200'. The requirement for a plat note to appear on the plat stating that this lot was not reviewed for residential uses was also suggested. This aspect of the project was recommended for approval with a 7-0 vote. Mr. Goldich also suggested that condition of approval #5 be included on the plat as a note.

The Commissioners, Mr. Goldich, and Mr. Phillips discussed the request.

MOTION

Commissioner Monger moved to approve the PL-18-184 Special Use Permit for the west side water tank with the following **findings of fact**:

1. 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 9 of the Routt County Zoning Regulations.
2. The Special Use Permit with the following conditions will not adversely affect the public health, safety and welfare.
3. The proposal with the following conditions is compatible with the immediately adjacent properties. This approval is subject to the following conditions:

General Conditions:

1. The Special Use Permit (SUP) is valid for the life of the use provided it is acted upon within one year of approval. The SUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
2. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 5, 6, and 8.
3. The SUP 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. Accessory structures/uses associated with this permit can be administratively approved by the Planning Director.

4. Any complaints or concerns which may arise from this operation may be cause for review of the SUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
5. In the event that Routt County commences an action to enforce or interpret this SUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
6. No junk, trash, trailers, equipment, or inoperative vehicles shall be stored on the property.
7. 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.
8. 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.
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. Routt County shall be named as an additional insured on the policy. Permittee shall notify the Routt County Planning Department of any claims made against the policy. Certificate of liability insurance shall include all permit numbers associated with the activity.
10. Revegetation of disturbed areas shall occur within one growing season with a seed mix which avoids the use of aggressive grasses. Seeding shall take place in between the individual retaining walls. See the Colorado State University Extension Office for appropriate grass seed mixes.
11. 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:

12. Permittee shall obtain a Grading and Excavation permit for the onsite construction activities.
13. Erosion and sediment from land disturbance activities associated with this project shall be controlled to the greatest practical extent through the use of appropriate Best Management Practices (BMPs).
14. Prior to issuance, the permittee shall provide Routt County with a bond or other surety in the amount of 150% of the cost of the work to ensure site restoration. Such surety shall be payable to or drawable by, and held by the Routt County Board of County Commissioners. Prior to the release of the surety, permittee shall show that the revegetation is equal to or better than pre-construction vegetation.
15. Interagency Grizzly Bear Committee bear resistant trash containers shall be made available for use on the project site during construction activities.
16. Construction activities shall not take place from December 1 – April 30 to avoid disturbing wintering elk.
17. Permittee's contractor shall maintain the site, storage areas, and active construction areas in a manner to minimize access and impact by and to wildlife.
18. In collaboration with the local CPW District Wildlife Manager, a nesting raptor and migratory bird survey shall be conducted two weeks prior to the start of construction. If nesting raptors or migratory birds are located in the project area, the permittee shall work with CPW to plan construction activities to avoid disturbance.

19. The retaining wall and fence shall be a neutral color similar to the surrounding vegetation. The color and texture of the retaining wall and the fencing shall be approved by the Planning Director prior to the commencement of construction.

Commissioner Melton seconded; the motion carried 3-0.

MOTION

Commissioner Melton moved to approve the PL-18-185 Waterbody Setback permit for the west side water tank with the following **findings of fact**:

1. The proposal with the following conditions meets the standards of Section 5.11 of the Routt County Zoning Regulations (Waterbody Setback Standards and Permits), as construction outside of the waterbody setback is not technically feasible.
2. The placement of the pipeline in the waterbody setback is necessary in order to be located in an already disturbed area, being in the vicinity of other utilities, ease of access for construction and maintenance, ease of access for future connections, and the favorable slope of the existing road which is preferred for hydraulic reasons.

Conditions of Approval:

1. This permit is limited to the project presented in the plans. Any changes must be applied for in a new or amended application.
2. A Grading and Excavation permit shall be obtained from Routt County Public Works prior to the commencement of construction. Evidence of an approved state stormwater permit shall be submitted prior to the commencement of construction.
3. Accessory structures/uses associated with this permit can be approved administratively by the Planning Director.
4. Revegetation of disturbed areas shall occur within one growing season with a seed mix which contains vegetation indigenous to the area and that avoids the use of aggressive non-native grasses.
5. This approval is contingent upon 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 the commencement of operations.

Commissioner Monger seconded; the motion carried 3-0.

MOTION

Commissioner Monger moved to approve the Division of Land for Public Purpose for the west side water tank with the following findings of fact:

1. The Routt County Master Plan does not specifically address this type of application however the proposal with the following conditions is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations and Sections 3 and 4 of the Routt County Subdivision Regulations.

2. The proposal with the following conditions is in general conformance with the Steamboat Springs Area Plan.

Conditions of Approval:

1. All property taxes must be paid prior to the recording of the plat.
2. Address signage shall be in conformance with the Routt County Addressing, Naming, and Signage Policy shall be located at the entrance to the driveway.
3. A plat finalizing this subdivision shall be recorded within 12 months of approval. Extensions of this timeframe may be approved administratively.
4. Documentation for the legal access to the site shall be submitted to the Planning Department prior to the recordation of the plat.
5. Lot 1 shall retain all of the rights of a 35-acre parcel and shall be documented in a plat note.
6. The plat shall contain a note stating that Lot 2 has not been approved for residential uses.

Commissioner Melton seconded; the motion carried 3-0.

LAND DEDICATION REQUIREMENTS (SECTION 3.5 OF THE SUBDIVISION REGULATIONS)

Mr. Goldich stated his request for review of the proposed changes to the Subdivision and Zoning Regulations concerning land dedications, fees-in-lieu (FIL), and Term of Approval for land use permits.

Mr. Goldich summarized the decisions made by the County Commissioners at the last hearing that reviewed the items being presented today as the following.

- The formula for determining the amount of land to be dedicated is to be contained within the regulations.
- The FIL of land dedication is to be based on the value of the platted but unimproved (without any of the required infrastructure installed) land.
- The value is to be agreed upon by the Planning Director and the applicant. If the value cannot be agreed upon, an appraisal paid for by the applicant shall be obtained.
- The FIL of land dedication is to be paid directly to the entity in which the subdivision is located.
- Insert a clause stating that the land dedication requirements do not apply to lot consolidations.

Staff has created formulas for determining the amount of land for parks and schools that need to be dedicated. Both formulas use the estimated household size for Routt County, which is 2.3. This is based on the Department of Local Affairs' (DOLA) most recent projection and estimate for Routt County.

Staff consulted with the Steamboat Springs School District (SSSD) to determine how much land is needed per student. They responded with 17 acres per 1,000 residents. The South Routt and Hayden school district were consulted and they referenced the same numbers as the SSSD.

Mr. Knaus noted that each school district does their own capital needs analysis.

- The formula for schools is:

.017 acres x 2.3 x # of additional dwellings = land area to be dedicated

For Park Land, according to the DOLA Small Community Parks and Recreation Standards publication, and consultation with the City of Steamboat Springs Parks and Recreation Director, 13 acres per 1,000 residents is required.

- The formula for parks is:

.013 acres x 2.3 x # of additional dwellings = land area to be dedicated

Staff Comments:

1. Provisions to challenge the County's determination of land area to be dedicated is contained in the regulations.

2. The amount of land to be dedicated and the FIL amount is the maximum the Board could require. The Board has the option to require less. Although not specifically stated, it is staff's opinion that the wording of the regulations permits this.

Issues for Discussion:

1. Does the ability for the Board to require less than the amount determined through the calculations need to be more clearly stated?

2. It is staff's opinion that the proposed regulations are clear on how to determine the value of the land, i.e. value mutually agreed upon by the applicant and the Planning Director or obtaining an appraisal. Does the Board want to give the applicant the ability to negotiate the value with the Board?

Commissioner Melton asked if the provision that allows citizens to argue the amount of land to be dedicated, would apply to something like the Milner Tiny homes.

Mr. Goldich confirmed so. The resulting number after doing the proposed calculations is the maximum that the Board can require; the Board has the option of requiring less.

Commissioner Corrigan asked if the applicants could ask for a land dedication opposed to a FIL or vice versa.

Mr. Goldich stated the applicants could propose either, but it is up to the Board to make the final decision.

Commissioner Corrigan asked if the County should define what the actual usable space would be measured at.

ROUNDTABLE:

The Board, Mr. Knaus, Mr. Goldich, and Mr. Phillips discussed Issues for Discussion decision 1 and 2.

The Board decided to add more detailed language about the Board's ability to require less than the amount determined through the calculations, for there may be unique circumstances that would require less. The Board also decided against allowing applicants to negotiate with the Board on the valuation.

It should be noted that the Board gave direction to Mr. Goldich to include the same language used in section D of the standards for the appraisal. As well as, direction for Mr. Knaus to work with the County Assessor to establish standards for the appraisals.

Commissioner Melton stated item F of the standards was not clear. The word "entity" needs to be clarified.

Mr. Goldich stated he would rephrase item F.

ROUNDTABLE:

The Board, Mr. Knaus, Mr. Goldich, and Mr. Phillips discussed item F.

The Board gave direction to include communication to the entities about why the money is being given to them.

ROUNDTABLE:

The Board, Mr. Knaus, Mr. Goldich, and Mr. Phillips discussed whether these provisions should apply to lot consolidations or not. The Board decided to apply the provisions, but add language along the lines of, "...unless density is being increased".

Mr. Goldich stated the next step is for these provisions to go to the Planning Commission and then back to the Commissioners for approval.

TERM OF APPROVAL (SECTION 3.2.9 OF THE ZONING REGULATIONS); PL-19-102

Mr. Goldich stated the proposed change for the Term of Approval is meant to provide a process for these types of requests. The below statement is proposed to be added to Section 3.2.9 of the Zoning Regulations. "The expiration date of a permit may be extended without notice by the Planning Director for a period not to exceed 90 days. Requests submitted to extend the permit must be accompanied by a complete application for renewal."

ROUNDTABLE:

The Board, Mr. Knaus, Mr. Goldich, and Mr. Phillips discussed the proposed change for the Term of Approval. The Board decided to approve the change with the addition of clarifying language for the complete application and that the existing conditions of approval still apply to the extension.

EN RE: ADMINISTRATIVE

COUNTY MANAGER PERFORMANCE REVIEW

MOTION

At 3:10 p.m., Commissioner Corrigan moved to enter Executive Session pursuant to C.R.S. Section 24-6-402(4)(f)(I)&(II) for discussion of a personnel matter and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. Commissioners Monger, Melton, and Corrigan were present for this executive session.

Commissioner Monger seconded; the motion carried 3-0.

Commissioner Corrigan stated the time is now 4:31 p.m., and the executive session has been concluded. The Board limited its discussion to the purpose stated in the motion to go into executive session and no formal action was taken.

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

Kim Bonner, Clerk and Recorder

Timothy V. Corrigan, Chair

Date