

## ROUTT COUNTY PLANNING COMMISSION

### FINAL MINUTES

**JANUARY 18, 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, Bill Norris, Andrew Benjamin, Roberta Marshall, Peter Flint and John Merrill. Commissioners Paul Hebert, Brian Arel, Karl Koehler and Geoff Petis were absent. Planning Director Chad Phillips and staff planner Jill Ferguson also attended. Sarah Katherman recorded the meeting and prepared the minutes.

#### **PUBLIC COMMENT**

There was no public comment.

#### **SUNSHINE LAW RESOLUTION**

Chairman Warnke reviewed the Sunshine Law Resolution in accordance with C.R.S. § 24-6-402 and specified the locations of postings for notices of meetings of the Routt County Planning Commission.

#### **MOTION**

Commissioner Benjamin moved to approve the Sunshine Law Resolution for 2018 as presented. Commissioner Merrill seconded the motion. **The motion carried 7 - 0, with the Chair voting yes .**

#### **MINUTES - December 7, 2017**

Commissioner Norris moved to approve the minutes of the December 7, 2017 Routt County Planning Commission meeting, as written. Commissioner Benjamin seconded the motion. **The motion carried 7 - 0.**

#### **MINUTES - December 21, 2017**

Commissioner Norris moved to approve the minutes of the December 21, 2017 Routt County Planning Commission meeting, as written. Commissioner Benjamin seconded the motion. **The motion carried 7 - 0.**

**ACTIVITY: PL-17-174**

**PETITIONER: Twin Enviro**

**PETITION: Amendment of Special Use Permit PL-15-1016 and review of permit violations**

**LOCATION: Lands in Sections 16 and 21 T6R86 ; located at the end of CR 205**

Mr. Phillips referred to the memo dated January 9, 2018. He stated that the land fill permit was originally scheduled for amendment/enforcement regarding issues with state and County approvals and its operations plan, but the applicant had not

had sufficient time to address the concerns. He stated that the Routt County Environmental Health Director felt that the issue regarding the solidification basin needed immediate attention, so the conditions of approval related to that have been singled out for tabling to February 1, 2018.

### **MOTION**

Commissioner Marshall moved to table the Amendment of Special Use Permit PL-15-1016 indefinitely, with the exception of the conditions of approval regarding the solidification basin, which will be tabled to February 1, 2018. Commissioner Norris seconded the motion.

**The motion carried 7 - 0, with the Chair voting yes.**

**ACTIVITY: PL-17-171 & PL-17-172**

**PETITIONER: Timothy S. & Eleanor W. Wright**

**PETITION: 1) Consolidation of Lots 2 & 3 Aspen Heights Subd F3 & Lots 273, 274, 275 & 303 of Steamboat Lake F&  
2) Rezone of Lots 272, 274, 275 & 303 of Steamboat Lake F7 from Low Density Residential (LDR) to Mountain Residential Estates (MRE)**

**LOCATION: 25935 Red Cloud Lane, Clark, CO 80428**

Mr. Timothy Wright said that he had nothing to add to the staff report and asked if Planning Commission had any questions about the petition. Chairman Warnke asked about the vacation of easements, noting that this request was commonly associated with lot consolidations. Mr. Phillips said that because the existing easements do not interfere with a development plan, the petitioner chose not to bother with vacating them. Mr. Wright confirmed that he was fine with leaving the easements in place.

In response to a question from Commissioner Brookshire, Mr. Wright said that following the consolidation, the lot would become a single parcel within the perimeter lot line. Commissioner Brookshire noted that the barn and the house are located on different parcels. He asked how the barn could have been constructed on that lot without an associated dwelling unit. Mr. Phillips stated that because the barn is an agricultural structure it is a use by-right and not considered an accessory structure, like a garage, which must be accessory to a dwelling unit. A barn being used exclusively for agricultural purposes can be constructed without a building permit.

Commissioner Brookshire asked why the petitioner is choosing to consolidate the lot into a single parcel of 11.31 acres in the MRE zone district rather than maintaining two saleable lots. Mr. Wright explained the he had been advised that the lots would best be sold as a single parcel. Mr. Phillips added that by combining the lots, the existing barn would be considered accessory to the house, and thus would be available for non-agricultural uses.

Commissioner Brookshire asked about the dates on the plat. Ms. Ferguson stated that the dates would be updated to 2018 through the red-line process. Commissioner Brookshire asked about the naming of the plat. Mr. Phillips stated that it could be a new filing in Aspen Heights, or it could be named as a stand-alone subdivision, such as "Wright Subdivision, a consolidation of lots..."

Ms. Ferguson reviewed the petition to consolidate six lots into a single parcel and re-zone the four LDR lots to MRE. She noted that the surrounding properties are zoned MRE. She presented slides of the lots to be consolidated, and stated that the petitioner has no plans to build additional structures.

Commissioner Brookshire asked about the omitted standard condition regarding the availability of water. Mr. Phillips stated that because the well serving the lot, under a permit from the state, already exists, there was no need for this condition of approval.

There was no public comment.

### **MOTION**

Commissioner Norris moved to recommend approval of the lot consolidation with the findings of fact that with following conditions the proposal complies with the applicable guidelines of the Routt County Master Plan and Sub Area 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.
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. The suitability of these lots for an individual septic disposal system and the availability of permits for individual septic disposal systems have not been established and such shall be a condition of obtaining a building permit for these lots.

- c. Existing and new accesses shall meet access standards set forth by the Routt County Road and Bridge Department and Fire Prevention Services.
  - d. 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.
  - e. Routt County (County) and the North Routt Fire District shall be held harmless from any injury, damage, or claim that may be made against the County or the District by reason of the County's or 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.
  - f. Address signage in conformance with Routt County Road Addressing, Naming, and Signing Policy shall be located at the entrance to the driveway.
6. All outdoor lighting shall be downcast and opaquely shielded.
  7. 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.

Commissioner Flint seconded the motion.

**The motion carried 7 - 0, with the Chair voting yes.**

#### **MOTION**

Commissioner Norris moved to recommend approval of the zone change from LDR to MRE for four 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 Upper Elk River Valley 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 zone change is contingent upon a Final Plat being recorded.
2. The change of zone from LDR to MRE shall become effective upon signing of a resolution amending the Official Zoning Map by the Board of County

Commissioners, said resolution to be recorded in the Routt County Clerk and Recorders Office.

3. The approval shall not be issued until all fees have been paid in full. Failure to pay fees may result in revocation of this approval.

Commissioner Merrill seconded the motion.

**The motion carried 7 - 0, with the Chair voting yes.**

### **CONSIDERATION OF REVOCATION OF PERMITS WITH UNPAID FEES**

Mr. Phillips stated that these sorts of matters do not generally make it to Planning Commission. He reviewed the procedure through which a permittee with outstanding permit fees is contacted. If no response is received, a second letter is sent stating that if the fees are not paid by a certain date, the permit will be scheduled for revocation. Mr. Phillips stated that in most cases, the fees are paid or the permittee contacts the Planning Department stating that the permit is no longer needed. It is then allowed to expire.

Mr. Phillips stated that in the first case listed in the memo, the Hughes Bed and Breakfast, the Planning Department has received no response to any of its repeated efforts to communicate with the permittee.

Regarding the second item, Mr. Phillips stated that the permit holder had responded stating that the operation had not been active in over a year and a half, but that he had sent in a check in the interest of continuing the permit. Mr. Phillips stated that per the conditions of the permit, the permit automatically expires if inactive for more than 12 months. He stated that because this permittee also holds another active permit, the payment will be applied to that permit.

Regarding the third item, the Elk River Ranch (aka the Hook & Hunt, aka the Harrington Ranch), Mr. Phillips stated that a portion of the property containing the house and other improvements had been sold and the remainder of the property is on the market. The fees for this permit have not been paid in two years. Mr. Phillips stated that the new owners intend to apply for a new permit, and have agreed to pay the back fees on the existing permit. He offered that because the property has changed and a new permit will be required, it would be best to revoke the existing permit for lack of payment.

### **MOTION**

Commissioner Brookshire moved to revoke CUP PL-2013-018-PP for the Hughes Bed and Breakfast on the grounds that the permit fees have not been paid under the terms of the original permit. Commissioner Marshall seconded the motion.

**The motion carried 7 - 0, with the Chair voting yes.**

### **MOTION**

Commissioner Brookshire moved to recommend revocation of SUP PL-2013-015-PP for the Elkhorn Adventures Jeep Tours on the grounds that the operation

has been inactive for 1.5 years. Under the terms of the original permit, the permit expires if inactive for a period of 12 months. Commissioner Marshall seconded the motion. **The motion carried 7 - 0, with the Chair voting yes.**

#### **MOTION**

Commissioner Brookshire moved to recommend revocation of SUP PL-2008-026-PP for the Elk River Ranch for the non-payment of permit fees, per the terms of the original permit. Commissioner Marshall seconded the motion. **The motion carried 7 - 0, with the Chair voting yes.**

#### **ADMINISTRATOR'S REPORT**

Mr. Phillips noted that in Commissioner Hebert's absence, a temporary replacement for him is needed to sit on the APCC. Commissioner Brookshire volunteered to fill this position temporarily.

Mr. Phillips reviewed the upcoming Planning Commission meeting agendas and recent Board of County Commissioners' approvals. These include the Lucky 8 Ranch request for workforce housing and couple of lot consolidations.

Mr. Phillips stated that a conversation with the state regarding well permits was initiated when new regulations prompted the denial of well permits for an eight lot 5-acre subdivision in Stagecoach at the Preliminary Subdivision stage. He said the issue concerns well permits in over-appropriated basins. Mr. Phillips stated that Routt County had requested that state to submit a position paper on the issue. The state responded by sending Routt County a draft of the paper for comment, which was unusual. Mr. Phillips reviewed some of the issues with the new regulations related to vacant lots, the date when a basin was deemed over-appropriated and when subdivisions were created. He said that more information will be available when the final opinion is issued by the state. Mr. Phillips noted that the implications for future development in Stagecoach, particularly in the south area, could be significant. He reviewed the vault agreement that applies to certain areas in Stagecoach, and the history of the small lot subdivisions in Stagecoach and Steamboat Lake that were created with the understanding that they would be served by central water and sewer. He noted that there would be a lot to consider when the final opinion of state is issued.

**The meeting was adjourned at 7:00 p.m.**