

**STATE OF COLORADO  
COUNTY OF ROUTT**

**OFFICE OF THE CLERK  
July 9, 2019**

Commissioner Beth Melton, Chair, called the regular meeting of the Routt County Board of County Commissioners to order. Commissioner Douglas B. Monger, Commissioner Tim V. Corrigan, 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:	7/1 – 7/5	\$781,248.78
Accounts Payable Check: Manuals	7/1 – 7/5	
Accounts Payable Wires:	7/1 – 7/5	
Total:		\$781,248.78
Payroll Checks- Cycle Date:	7/1 – 7/5	
Payroll Checks- Manuals	7/1 – 7/5	
Payroll – IRS & State Income Tax	7/1 – 7/5	
Total:		
Total Disbursements Approved:	7/1/2019 – 7/5/2019	\$781,248.78

Commissioner Corrigan seconded.

Mr. Sullivan advised of the 2019 Accounts Payable items of note for run date June 10, 2019.

Vendor	Amount	Department
BASELINE ENGINEERING CORP	1,065.63	Facilities Management: ENGINEERING DESIGN FAIRGROUNDS RV PARK

		PROJECT
CHANDLER ASSET MANAGEMENT INC	1,849.35	Treasurer Office: INVESTMENT MANAGEMENT – MAY 2019
GILGORE COMPANIES	16,336.56	Road & Bridge: DISTRICT 3 SPOT GRAVEL PROGRAM
GMCO CORP	146,958.56	Road & Bridge: 2019 DUST SUPPRESENT MAG CHLORIDE PROGAM
HORIZONS SPECIALIZED SERVICES INC	182,778.11	Developmental Disabilities Tax Fund: PROPRETY TAX DISTRIBUTION MAY 2019
HAYDEN HERITAGE CENTER	4,708.36	Museum & Heritage Tax Fund: PROPRETY TAX DISTRIBUTION MAY 2019
HISTORIC ROUTT COUNTY!	5,483.34	Museum & Heritage Tax Fund: PROPRETY TAX DISTRIBUTION MAY 2019
HAHN'S PEAK AREA HISTORICAL SOCIETY	1,469.41	Museum & Heritage Tax Fund: PROPRETY TAX DISTRIBUTION MAY 2019
HISTORICAL SOCIETY OAK CREEK & PHIPPSBURG	2,616.93	Museum & Heritage Tax Fund: PROPRETY TAX DISTRIBUTION MAY 2019
TREAD OF PIONEERS HISTORICAL COMMISSION	32,482.18	Museum & Heritage Tax Fund: PROPRETY TAX DISTRIBUTION MAY 2019
YAMPA-EGERIA HISTORICAL SOCIETY	944.81	Museum & Heritage Tax Fund: PROPRETY TAX DISTRIBUTION MAY 2019
EGERIA AGGREGATES INC	33,166.90	Road & Bridge: Road & Bridge: DISTRICT 1 SPOT GRAVEL PROGRAM
MOTOROLA SOLUTIONS	232,986.32	Comm Center Pool: Payment at 60% Completion of Installation of new E911 phone system
Mc MAHAN & ASSOCIATES LLC	25,000.00	Accounting Dept.: 2019 AUDIT WORK IN PROGRESS MAY 2019
SPECIALIZED PATHOLOGY	1,175.00	Coroner Budget: AUTOPSY

CONSULTANTS		PERFORMED MAY 2019 - EUBANKS
STEPHEN ROBERT MUNTEAN	4,326.00	Dept. Human Services: HCPF REGIONAL TRAINING - LEADERSHIP
2019 AP Run Date June 10 - Total	781,248.78	

**Discussion**

Commissioner Corrigan asked if there is mining again at King Mountain.

Mr. Sullivan confirmed so.

Commissioner Corrigan stated he thought King Mountain was mined out and needed to expand boundaries.

Commissioner Monger stated the mining firm was out of the permit boundary before starting and still mining.

Mr. Sullivan stated he could advise the planning department that there may be a violation of permit.

Commissioner Corrigan stated he would be curious of the planning department's response. He noted he is supportive of the mining, but concerned about keeping to the permit requirements.

Commissioner Monger stated right now the area in question is a grandfathered pit that is out of bounds.

Mr. Sullivan added that the grandfathered status may be in question.

Motion carried 3-0.

**EN RE: ITEMS OF NOTE FROM PREVIOUS DAY'S WORK SESSION**

Commissioner Melton stated updates were received from the County Manager, the legal department, Deputy County Manager, planning department, and building department.

**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 May 28, 2019;
- B. Approval of and authorization for the Chair to sign a letter of support to the Aspen Community Foundation;
- C. Approval of submittal of a Routt County Search and Rescue grant request for a DOLA 2019 Search and Rescue award and ratify the electronic signature of Undersheriff Dough Scherar.

**MOTION**

Commissioner Monger moved to approve items A, B, and C on the consent agenda and authorized the Chair to sign the related documents.

Commissioner Corrigan seconded; the motion carried 3-0.

**EN RE: PUBLIC COMMENT**

No members of the public were present for comment.

**EN RE: ENVIRONMENTAL HEALTH / SCOTT COWMAN**

**PM – 10 AIR QUALITY MONITORING PROGRAM RATIFICATION**

Mr. Sullivan summarized the item. He stated this request is continuing the National Ambient Air Quality Standards testing for particulate matter or particles in ambient air at less than 10 micrometers in aerodynamic diameter. This monitoring is done at the court house and has been required since 1993, and came into effect in 1994. This request continues the agreement with the State for the monitoring efforts the County provides. These efforts are installation of clean filters in the monitors and collection of the filters that are provided to the State to sample and collect data. There is revenue from the state that covers the cost of this program in the amount of \$4,080.

Commissioner Melton stated she has signed this contract already.

Mr. Sullivan stated the question is the ratification of Commissioner Melton's signature, because the contract had to be signed last week before it could have been added to the agenda.

**MOTION**

Commissioner Monger moved to approve and ratify the Chair's signature on the continued State Funding Support for the PM -10 Air Quality Monitoring Program.

Commissioner Corrigan seconded; the motion carried 3-0.

### **EN RE: YAMPA VALLEY ENTREPRENEURSHIP CENTER / RANDALL RUDASICS**

Kathy Kiser-Miller, Colorado Mountain College, was also present.

#### **UPDATE**

Mr. Rudasics summarized the success of the Yampa Valley Entrepreneurship Center (YVEC). He expressed his gratitude for continued support from the Board to YVEC. The center runs on a budget of about \$100,000. This money goes towards Mr. Rudasics' salary, office building rent, and office supplies. About \$30,000 is earned from office space rentals. YVEC does run a deficit with Colorado Mountain College (CMC). Since the program started in the late 90s it has always had a deficit. CMC has contributed \$800,000 to \$1,000,000 of funding to maintain YVEC over the history of YVEC's existence. The center does require some community support to be successful. Over the last 4 years the Board has sponsored the center amounting to \$7,500 a year. The center receives funds through trainings Mr. Rudasics offers, The Chamber, and sponsors from the Entrepreneurship Competition.

YVEC would like to increase the City of Steamboat Springs from \$5,000 to \$7,500 in the year 2020. The City funding is passed through the Chamber. Mr. Rudasics is working with John Bristol on this funding increase. They are deciding if they want to bring this request to City Council for direct contributions or continue through the economic development mechanism The Chamber has. YVEC is a partner organization with The Chamber.

YVEC has 2 new counselors. Last year Mr. Rudasics did 55 counseling sessions of diverse varieties of entrepreneurial interests. The clients will bring their ideas to these sessions and the counselors' goal is to help them move forward or backward in their business planning, whichever is most appropriate. The other counselors have done 25-30 sessions a month this year.

YVEC hosts and nurtures a variety of business related events. These events include CHFA, Four Points funding pitch events in summer and winter, Economic Summit, US Federal Reserve Round Table, Steamboat Rise Conference, and Vectra Bank Small Business Lending Program. Mr. Rudasics presented at Steamboat Springs Teen Council and taught the high school Business Class at CMC. Mr. Rudasics has held 17 seminars in the last year. Most of them were basics on how to start a business. He has done 6 seminars for business plan workshops, and 5 skill based professional development seminars.

In 2018 YVEC Business Plan Competition had 8 competitors. The first place winner was the Hear-O's Club. They received a check for \$5,000 and 3 months free rent. They now pay rent to YVEC. The second place winner was Innovative Ag. They grow microgreens with power

created from composting. Mr. Rudasics is very excited about having new sponsors for the Entrepreneurial Competition this year. YVEC has received \$12,000 in prize money so far. The Steamboat Pilot is offering marketing assets amounting to \$2,000 for the winner. The first place winner will get the marketing assets plus \$7,000, and the second place winner will get \$5,000. There will still be 3 months of free rent offered to the winners as well. Startup Colorado is sponsoring the Business Plan Competition, because they see the value of this event in the Routt County community. Some of the sponsorship funding is used to promote the event in the Newspaper and pay for staffing.

Mr. Rudasics has been on the Economic Development Council for a very long time. He is also on the Steamboat Chamber Board of Directors, Yampa Valley Airport Commission, and the Rotary Club of Steamboat. He was the President of the Steamboat Chamber Board of Directors previously and is starting his term as the President of the Rotary Club. He is helping Smartwool transition team members to entrepreneurial life styles. He sponsors Routt County's participation in the Rural Jump-Start Program.

Commissioner Monger asked how Mr. Rudasics is helping Smartwool exactly. Mr. Rudasics replied he is helping them transition into other areas of the community, due to Smartwool's departure. After some discussion with Commissioner Corrigan needing clarification, Commissioner Monger stated the program identifies that some staff of Smartwool value living in Steamboat more than moving with the company. Mr. Rudasics explained it is his job to help the remaining team members find meaningful work in the community.

Commissioner Melton asked if there was only about 15 Smartwool team members that stayed in Steamboat. Mr. Rudasics confirmed so and added there are a few team members that are still undecided.

Mr. Rudasics stated YVEC's first business is going to the Rural Jump-Start Program. That business is Hear-O's Club.

Commissioner Corrigan asked for a reminder of what Rural Jump-Start provides. Mr. Rudasics replied it provides abatements of state income and personal property tax. He noted this particular business is a service business. The costs to the County will be minimal, but the clients will have income tax abatements for their selves and employees. Commissioner Corrigan asked how long this is offered. Mr. Rudasics stated 3 years.

Mr. Rudasics stated he attended a program that CMC is sponsoring called Our Community Listens, he attend the Rotary Convention in Germany, and has been an adjunct instructor for Business at CMC for a very long time. He noted he believes he serves the community in a valuable capacity. He added the Norwest Council of Government has said YVEC is one of the most successful entrepreneurial ecosystems in the mountain communities.

Commissioner Corrigan asked how this program benefits the college. Ms. Kiser-Miller stated she has been with CMC since 1995, and when the program first started there was a lot of controversy over the program being in alignment with the mission of the college. She noted she believes the program has strengthened the relationship between the college and the community. She added the only problem is the program is very expensive to run.

Commissioner Melton stated she believed that YVEC is the only standalone incubator that does not have a co-working space. Mr. Rudasics confirmed so. He noted he has a tenant that is wanting someone to work in his office with him. He added YVEC is an organization that has to have liability insurance. Commissioner Melton stated she was curious if Mr. Rudasics has considered the co-working space as an opportunity to generate more revenue. Mr. Rudasics stated his office spaces provide a niche for people that need privacy with their work, and they are all currently booked. Commissioner Monger stated there have been co-working spaces in Steamboat before. Mr. Rudasics stated he feels there is opportunity for more co-working spaces in Steamboat. Ms. Kiser-Miller stated finding work space is a problem right now.

Commissioner Corrigan stated his support for YVEC. He noted he is hesitant of giving money to economic development initiatives sometimes, but YVEC has deliverables. Mr. Rudasics stated on the list provided to the Board, it shows the businesses that YVEC has helped in our community through business counseling sessions.

Commissioner Melton stated the nonprofit she helped start in CMC's Entrepreneurship Center has grown to need 2 offices and started with 1 employee and now has 8. She added it was very important to have the below market rent that YVEC offered when the nonprofit first started. Mr. Rudasics stated YVEC's rent is not very much below market, but they will be raising the rent soon. He noted this will be only for people not on contracts already, and it will only go up by \$25. He added he has had to do this every 2 years to keep up with Steamboat's economy. Commissioner Melton stated she thinks the rental price and atmosphere of the offices are unique to what else is offered in Steamboat. Mr. Rudasics stated the college has been very helpful with the program, and having the support of the Board is a huge benefit.

Ms. Kiser-Miller stated the program is unique and is not offered at any of the other Colorado Mountain Colleges.

Commissioner Melton asked Mr. Rudasics to speak about how YVEC supports businesses outside of Steamboat.

Mr. Rudasics stated he councils individuals across the state, and SCORE sends him request for business coaching across western Colorado. He added he is going to attend the Craig Economic Development Council meeting. He was active in Hayden and Oak Creek a few years ago, but has not been recently. A woman from Oak Creek reached out to him for help with starting a consignment store in Oak Creek, and he is happy to help her when she is ready. He helped another woman who has a cleaning service that serves the whole valley. She did not speak English, so her son translated for her. He would like the opportunity to speak at the surrounding town's Civic Groups and help in any other ways needed.

Commissioner Monger asked if YVEC is educating on the enterprise zone and the investment tax credit. Mr. Rudasics stated they do not. Commissioner Monger asked if that is not part of the business segment of YVEC's plan. Mr. Rudasics stated he is unaware of the enterprise zone and investment tax credit. Commissioner Monger stated Steamboat just became a part of the enterprise last year, which makes Steamboat eligible for the tax credits. Mr. Rudasics asked for information on that matter to become familiar with it. Commissioner Monger stated it is done by the fiscal agent for the State. He added he would suggest that whenever an YVEC client is starting a new business and buying equipment, the client should

have the opportunity for the investment tax credit. He noted AGNC.org would be the best place to find information. He stated this is one of the underutilized options for taxes.

## **EN RE: HUMAN SERVICES / KELLY KEITH**

### **SIGNATURE OF CORE CONTRACTS**

Commissioner Melton stated the Board is considering the Day Treatment Mind Springs Health contract. She added it is budgeted, there is grant funding, and the position is based solely on funding availability.

Commissioner Monger asked if the contract was approved by the County Attorney. Commissioner Melton confirmed so.

### **MOTION**

Commissioner Corrigan moved to approve and authorized the Chair to sign the Mind Springs Health contract for core funding the Day Treatment Alternative Case Manager position in the amount of \$21,287.

Commissioner Monger seconded; the motion carried 3-0.

## **EN RE: PLANNING / CHAD PHILLIPS**

Veronica Blake, planning department; Alica McCarthy, home owner; John Holloway, Elevation Law Group; and Mike Mordi, Assistant Public Works Director, were also present.

### **WRITE-OFFS**

Ms. Blake summarized the 7 accounts in question. She stated she had done everything in her power to get ahold of these account holders. The mail was returned and most of them are bankrupt or out of business. At this point the County needs to address them to get them off of the accounting books. There are a few she has had contact with before and is continuing to try to get in contact with. However, these 7 accounts are not contactable.

Commissioner Melton asked if the County sends companies to collection agencies. Mr. Phillips replied no.

Commissioner Monger asked what the Beau Christiansen permit was for. Mr. Phillips replied it was a home industry on County Road 35. He added Mr. Christiansen wanted to build cabinets, but there was a subdivision condition that limited the buildability.



Commissioner Corrigan asked if Mr. Christiansen's property was on River Road. Mr. Phillips confirmed so. Commissioner Corrigan noted the property still has boxes and equipment on it.

Ms. Blake stated Mr. Christiansen owned a warehouse on Copper Ridge as well, so she thought she could get ahold of him there. However, his building was the one that burned.

Commissioner Monger stated the bottom line is none of these permits are active now.

Mr. Phillips stated Mr. Christiansen's permit was for additional planner hours, which were denied by the Board. Ms. Blake added it was the same for Karen Hughes.

Commissioner Monger stated Ms. Hughes actually got her permit, and asked if it is still in effect. Mr. Phillips replied it is not, and the planning department cannot get ahold of her. Ms. Blake stated she called Ms. Hughes' parent company, and they said they had never heard of her.

Commissioner Corrigan asked what Heather Stirling's permit was for. Commissioner Monger stated snowmobile rights. Ms. Blake stated these accounts are all annual fees. Commissioner Corrigan asked if the County provided a conservation easement for Ms. Stirling. Commissioner Monger confirmed so and added there is a current permit for her property now that has taken over hers. Ms. Blake stated Ms. Stirling sent a letter to the planning department for expired permits, but she still owed the County from previous year. She added she tried every method for trying to contact Ms. Stirling.

Commissioner Corrigan stated if any of these individuals come back to the County for another permit at a later date, by virtue the Board would be writing them off and unable to collect these fees from them at that time. Commissioner Monger confirmed so and added the Board would not be able to hold this information against the applicants at that time.

## **MOTION**

Commissioner Monger moved to approve the write-off of the following accounts from the County planning collection: Infinity Oil & Gas of Wyoming for \$200, Comet Ridge for \$200, Pine Ridge Oil & Gas for \$200, Moffat Pipeline Corp. for \$200, Heather Stirling for \$100, Karen and Fred Hughes for \$240, and Beau Christiansen for \$210 and \$850.

Commissioner Corrigan seconded; the motion carried 3-0.

## **PL-19-120; ALPINE MTN RANCH LPS MAJOR AMENDMENT**

John Vanderbloemen, Bob Dapper, Jamie Curcio, AMRC; Tom Ptach, Mike Holloran, Brad Meeks, Sherry Stoke, Steamboat Springs School District; and Erick Knaus, County Attorney, were also present.

Mr. Phillips summarized the request. He stated this application involves a relocation of Lots 60-63. The Lots are unbuilt parcels at Alpine Mtn. Ranch (AMRC). For various reasons outlined in the applicant's narrative the ranch chose to move the parcels to new locations. Upon

planning department staff's review of the standards for land preservation subdivision exemption (LPS), they found the applicant's request is in compliance with LPS. This request is one of the few Mr. Phillips can give his strict recommendation that it does align with the LPS standards. The planning commission approved this request on June 20, 2019.

Commissioner Melton asked for clarification on the planning process involved with this request. She asked if the planning department recommends approval, the planning commission has the request on their consent agenda, and the Board has to review it too. Commissioner Monger stated this is a special case with LPS. Mr. Phillips explained the LPS process is streamlined compared to the subdivision process. He added this was done to get through the planning commission as soon as possible, and it was placed on the consent agenda. He noted when the request comes to this review for the Board it can open up to anything, while the planning commission was just about the standards. Commissioner Melton asked if it is required to be reviewed by the Board. Mr. Phillips confirmed so.

Commissioner Corrigan asked if it would be appropriate to have conditional approval granted. He added he guesses the conditional approval is the 5 conditions. Mr. Phillips confirmed so. Commissioner Corrigan stated he would have removed the word "conditional" and said conditions that may have been appropriate if this approval is granted. Mr. Phillips replied the wording went along with his recommendation.

Commissioner Monger asked if this request was approved by the planning commission on consent agenda with the conditions and findings of fact presented. Mr. Phillips confirmed so.

Mr. Dapper stated the land planning that was done for the parcels originally was not in alignment with the culture of land preservation subdivision with wildlife habitat. He noted it is imperative to AMRC to increase the usability of the open space. He added AMRC is very appreciative of the Board taking the time to go through this process.

Commissioner Melton asked if it is in Mr. Dapper's opinion that by moving these Lots it creates a better wildlife habitat. Mr. Dapper replied it does 2 things. He noted it allows the existing habitat, which was already approved for building envelopes, to go back to the habitat. He added according to Colorado Parks and Wildlife, it gives AMRC opportunities with the existing habitat that lives in the main body of the ranch to continue to roam farther than normal.

Commissioner Monger asked what R3 was on the map provided. Mr. Dapper explained R1, R2, and R3 are labels for the parcels, because they are not officially plotted. Commissioner Monger asked where the 4th parcel is. Commissioner Melton stated it is shown by the X on the map. Mr. Dapper stated the X space was a parcel AMRC had chosen, and a home owner was not happy with it, so they removed that option. Commissioner Monger asked if 4 units are being replaced. Mr. Dapper confirmed so and noted the green area is the 4th desired spot.

Mr. Dapper stated his opinion is this plan should have been done so originally, because these areas are where the density is. He added he believes this plan was a missed opportunity before because of the location with Rock Ledge Road and how it ties in with the contingent Lots.

Mr. Vanderbloemen stated his support for this plan. He added he has seen plans go through where later there was regret over the decisions involved, but this plan being proposed has been very well thought through.

## **MOTION**

In the matter of the Alpine Mountain Ranch LPS Major Amendment PL-19-120, Commissioner Corrigan moved to grant the applicant's request to relocate 4 of the buildable Lots within the remainder parcel. This approval is subject to the following findings of fact and conditions:

### **Findings of Fact:**

1. The proposal with the following conditions complies with the applicable guidelines of the Routt County Zoning Regulations, Section 2 and 5 of the Subdivision Regulations, applicable guidelines of the Routt County Master Plan, and applicable guidelines of the Sub Area Plan.
2. This subdivision exemption as proposed is not within the spirit or intent of the Routt County Subdivision Regulations or the State subdivision statute, and, therefore, may be exempted from the application of the County's subdivision regulations.

### **General Conditions:**

1. The plat shall be finalized and recorded within one (1) year unless such time is otherwise extended 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. All plat notes on the original Alpine Mountain Ranch plat, along with references to amendments of the agreements shown on that plat, shall be included on the amended plat.

Commissioner Monger seconded; the motion carried 3-0.

## **STEAMBOAT SPRINGS SCHOOL DISTRICT SUBDIVISION EXEMPTION; PL-19-131**

Mr. Phillips summarized the proposal as a statutory exemption process, which is outside of the normal subdivision process, so this proposal is not brought to the planning commission for approval.

Commissioner Monger asked for further explanation. Mr. Phillips stated this proposal is exempt from the subdivision process.

Commissioner Melton stated the request is for exemption, but she asked what the justification of this request was. Mr. Phillips stated the justification is written in the second paragraph of the applicant's narrative. Commissioner Melton read that paragraph as, "request

that Routt County make a determination based upon the history of the historic separation of the parcels on the Assessor records and the division of the properties by County Road 42 that two separate legally buildable parcels exist in accordance with the Steamboat Schools West plat map". She asked if she is correct in assuming the request is on the basis of historic separation of the parcels. Mr. Phillips confirmed so.

Commissioner Monger asked if that basis is what allows the parcels to qualify for the exemption. Mr. Phillips confirmed so. Commissioner Monger asked why the planning team did not suggest a Lot Line Adjustment instead. Mr. Phillips stated Lot Line Adjustments could have worked, but an exemption works better.

Commissioner Melton asked for Mr. Phillips to go over what is being requested pertaining to the land separation.

Mr. Phillips summarized the history of this item. He stated he drives past this site everyday on his way home and noticed a sign on the property saying, "Shales and Libby Parcel". There was a for sale sign on the property, and the planning department became concerned about the buildability of the Shales and Libby parcel as well as the parcels in this application. The planning department talked with the listing agent for the Shales and Libby parcel. With information from the listing agent and hours of research done by the planning department, there was no conclusion on the buildability status.

Commissioner Melton asked if the Shales and Libby parcel is in this proposal. Mr. Phillips stated it is not, the planning department has tried to contact them, but they are not interested. He added in 1981 there were a few land exchanges between the Selbe property and the Barbers. Commissioner Melton asked if the Selbes owned what is now the Shale's property and the Barbers owned the property in the proposal. Mr. Phillips confirmed so.

Mr. Phillips stated the first stop for his planning team's work was with the Division of Land for Public Purpose.

Commissioner Melton asked what the planning team was trying to accomplish. Mr. Phillips stated they were trying to accomplish identifying for the Board that the Lots in the proposal are buildable Lots. Commissioner Melton asked if "these" meant the Lots on the Current Configuration map provided to the Board. Mr. Phillips confirmed so.

Commissioner Melton asked if the red section and green section on the Current Configuration map are what Mr. Phillips is referring to. Mr. Phillips confirmed so and added the Lots are reflected in the plat that is part of the information provided to the Board. Commissioner Melton asked if the map reflects the current make-up of the Lots. Mr. Phillips replied that is where it gets complicated. Commissioner Melton explained she is asking what is on the books in terms of what these plats look like.

Mr. Ptach tried to answer Commissioner Melton's question. He stated what is currently on the books in regard to the parcel numbers found in the assessor's office is a little over 9 acres expressed as part of the green section on the Current Configuration map provided to the Board. However, the survey shows it as 8.5 acres. The 2nd parcel number is comprised of 3 pieces of land. One section is 0.7 acres on the North side of Highway 40. The 2nd piece is lined in red on the right side of the 0.7 acres. This piece is 21 acres. The 3rd piece on the South side

of Highway 40 on the river is a little over 4 acres. The assessors have all 3 of the pieces amounting to about 31 acres, and the surveyed amount is about 26 acres. The request is to designate the 4 acre parcel and the 21 acre parcel as Lot 1 and combine the 0.7 acre parcel and the green lines parcel (found in Current Configuration map) as Lot 2.

Commissioner Melton asked what the purpose of this designation is. Commissioner Monger stated he does not believe that matters to the Board. He added that is why he has a problem with having the discussion of public purpose. He noted if the contract goes through, the Board has created problems for others down the road, and that is why he does not understand why this was not done as a Lot Line Adjustment. He referenced the Current Configuration map and stated there are already 2 buildable parcels.

Mr. Phillips stated the planning team never came to the conclusion that the parcels were buildable, and to do a Lot Line Adjustment the Lots must be buildable.

Commissioner Corrigan asked if the Lot with the house on it is a moot point pertaining to its current buildability, because there is already a house on it. Mr. Phillips replied not necessarily. He noted he would say yes if the planning department had approved building permits after all of the land exchanges with the Selbes and Barbers. Commissioner Corrigan asked if as it stands now if the individual that owned the parcel with the house on it wanted to tear down the house and rebuild, they would not be able to. Mr. Phillips stated the parcel has a flag on it as unbuildable.

Commissioner Corrigan asked if the larger red parcel on the Current Configurations map is proposed for a school site. Mr. Ptach stated a school could be built on that site, but the school district is hoping to build on the green area on the Current Configurations map. Commissioner Corrigan asked if the school district is trying to buy the outlined green and red areas to make them a buildable site to be sold. Mr. Ptach stated that could be an option.

Commissioner Monger stated he is struggling with why the green and red are separate parcels. Mr. Holloran stated they were separated in the 40's.

Ms. Stoke referenced a map, and stated all of the area was owned by her grandparents, including the Selbe property. Her grandparents sold part of it to her uncle, then her mom got the property, and now she has it.

Commissioner Melton stated she is still unclear on why the Board is considering the exemption of subdivision when there is a clear purpose of public use by the schools. Commissioner Corrigan stated the school district is not planning on putting a school on the property, they are planning on selling it. Mr. Ptach stated the school district does not have a plan for it right now. Commissioner Corrigan stated if the Board approves this, the Board is creating a new buildable Lot that would be unbuildable otherwise. Mr. Ptach added the Board would be eliminating a buildable Lot as well.

Commissioner Monger stated what the Board is really doing is certifying that 1 Lot is a buildable Lot, but Mr. Phillips stated it is not a legally buildable Lot. Mr. Ptach stated the school district owns 2 pieces that would merge into 1, and the school district would buy the 3rd piece.

Commissioner Melton asked if all of those changes mentioned are happening in this one application. Mr. Ptach stated the school district has agreed to consolidate their 2 parcels, so there would be the same number of buildable Lots as before.

Commissioner Melton asked how the Board can have a condition for the school district when none of the application is in conjunction with the school district. Commissioner Monger stated the condition can be made upon closing.

#### **ROUNDTABLE DISCUSSION:**

There was a roundtable discussing the locations and identifications of the parcels on the provided maps.

Mr. Phillips explained the planning team did not go with the Lot Line Adjustment because it was not proven that the house parcel was buildable, and buildability is a requirement for Lot Line Adjustments. He added the planning team did not use the Division for Land for Public Purpose, because 1 or both of the Lots may not be for public purpose at the end of the day. He noted in the AF zone district, there is no zone change proposed, it is all AF 35 acre minimum Lot sites. The resulting Lots would be non-conforming.

Commissioner Melton stated if the Board is to approve this application, they have to exempt the subdivision, because it does not conform to the County's standards. Commissioner Monger confirmed so and added it is due to the requirements for minimum Lot size.

Commissioner Corrigan stated the argument from the applicant would be that their land has been historically treated as a Lot that has a house on it that was built before the current zoning regulations came into effect. He added if it could be clearly demonstrated that the Lots are pre 1972, then they would be buildable. Mr. Phillips stated that cannot be clearly demonstrated.

Commissioner Corrigan stated if these Lots are treated as individual Lots, even if that cannot actually be proven, it would allow 2 houses to be built. He added if the Board approves this, two houses could be built.

Mr. Knaus stated he is concerned about having a clean record. There was a lot of talking over one another. He is particularly concerned about this application because of the potential for some dispute concerning buildable Lots. 2 parcels are being dis-acknowledge of being buildable as 1 of the conditions. You cannot condition parcels that are not part of this project. It is being recognized in the conditions that there are parcels being recognized as unbuildable. He is concerned about what the neighboring property owners of the parcels mentioned will have to say about all of this.

Commissioner Melton asked if by virtue of approving this application, the referenced parcels will become unbuildable. Mr. Phillips replied no. He added the parcel by the pond was created through a County process as an unbuildable parcel, so he is not concerned about that aspect.

Commissioner Monger asked why the Board should include the buildability in the findings of fact.

Mr. Phillips stated the planning team spoke with Mr. Knaus a couple of times about this application. There have been times in the past when the County has approved subdivisions without looking around the subdivision boundary to see if it created an orphan parcel (something nonconforming). The finding is an attempt to not acknowledge the buildability and not by default create an orphan parcel.

Mr. Knaus stated this application is not establishing that the Lots are unbuildable. This process alone is not creating buildable Lots that would otherwise be unbuildable. He reiterated that this process is not confirming the Lots as buildable or unbuildable. This application is creating parcels that would otherwise be legal subdivisions. He referenced Commissioner Melton's question on what basis the Board has to approve this subdivision exemption. He thinks of this application as more of an exception to the definition of a subdivision. The basis to make this exception is the historic use and recognition of these parcels as separate parcels. It is that historic recognition that may give the Board the authority to except it from the definition of "subdivision" and thereby approve the application for subdivision exemption.

## **ROUNDTABLE**

There was discussion of who owns what property, why Steamboat School District's intention for the purchase of the property matters, and what the finding of fact should say in reference to the buildability and closing of this application.

Mr. Knaus clarified that the Lots were never platted, and that is what allows the merger of the title to occur. It is the increased density that is concerning in this application. The merger prevents increased density of what currently exists.

Commissioner Corrigan stated he is concerned about making the motion conditional on the purchase of the school district property. If the purchase does not go through, the same problems presented today will still be evident.

Commissioner Monger stated he agrees with Commissioner Corrigan, and that is why this conversation is needed.

Commissioner Melton stated she believes it would be valid to approve based on the historical element. She added she does not want to get this matter tied up in the school district's purchase of this property, and she is not particularly concerned about it from a density aspect.

Commissioner Corrigan stated now that the Board determined that they are not going to make the motion contingent on the purchase of the property with the school district, then the findings of fact and conditions as shown in the packet work as they are. Commissioner Melton stated she thinks the Board would remove the second condition, because that is the merger of the school district's parcels. She added unless there is a reference to the purchase of the property by the school district, then the Board cannot require the school district to merge adjacent parcels.

Commissioner Melton stated she thinks the Board would like to avoid the approval being invalid because of the second condition and to prevent having this conversation again in the future. The Board agreed. Commissioner Melton proposed to add to findings of fact the reason

for the Board's decision. Commissioner Corrigan suggest adding the wording of, "Due to the historical use and configuration of the property". The Board agreed.

**MOTION**

Commissioner Monger moved to approve the subdivision exemption request. This approval is subject to the following findings of fact and conditions:

**Findings of Fact:**

1. The subdivision exemption as proposed is not within the spirit or intent of the Routt County Subdivision Regulations or the State subdivision statute, and, therefore, may be exempted from the application of the County's subdivision regulations.
2. This subdivision exemption is approved based on the historic use and configuration of the property.
3. The approval of this application does not acknowledge the legal status or buildability of the parcels owned by Patrick John Libby and Kimberly Jeselle Shales that have parcel identification numbers 937022004 and 937031004.

**General Conditions:**

1. A plat for the subdivision exemption shall be finalized and recorded within six months of the Board of County Commissioners' approval. Extensions of up to one (1) year may be approved administratively.

Commissioner Corrigan seconded; the motion carried 3-0.

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

---

Kim Bonner, Clerk and Recorder

---

M. Elizabeth Melton, Chair

---

Date