

# ROUTT COUNTY PLANNING COMMISSION

## MINUTES

**April 27 , 2023**

The regular meeting of the Routt County Planning Commission was called to order at 6:00 p.m. with the following members present: Acting Chairman Brian Kelly and Commissioners Bill Norris, Andrew Benjamin, Paul Weese, Ren Martyn, Jim DeFrancia, Linda Miller, and Pete Wood. Commissioners Greg Jaeger and Steve Warnke were absent. County Commissioners Tim Corrigan, Tim Redmond and Sonja Macys; and Board of Adjustment members Don Prowant, Brain Fitzgerald, Jerry Albers, and Lyle Krug attended. Planning Director Kristy Winser and staff planners Alan Goldich, Sally Ross and Michael Fitz also attended. Sarah Katherman prepared the minutes.

### **PUBLIC COMMENT**

There was no public comment.

**ACTIVITY: PL20230021**

**PETITIONER: Routt County**

**PETITION: Routt County Code Update**

**LOCATION: County-wide**

Ms. Winser introduced the Design Workshop team: Jessica Garrow, Reilly Thimons, Ashley McKnight and Mark White. Ms. Thimons presented an overview of the project to fully update the Routt County Zoning and Subdivision Regulations to reflect the recently adopted 2022 Master Plan, adding clarity to the language, standardizing the processes and ensuring that the document is easy to understand by staff, the decision making bodies and the public. She reviewed the project scope, the phases of the work flow, and the target project schedule. Ms. Thimons also reviewed the public engagement plan and process. She stated that the project would be broken down into three overlapping modules. Module #1 would include the analysis of the existing code and the Master Plan as well as the creation of regulations for solar development. Module #2 will include the future growth areas, zone districts and subdivision regulations. Module #3 will include the remaining sections of the code and the housekeeping list. Ms. Garrow noted that the schedule is very aggressive for this level of revision, with target dates for rolling adoptions in June, August/September and October. She noted that the schedule includes a buffer to accommodate potential delays, with the goal being to complete the entire project by year-end.

Ms. Garrow stated that the team wants to know the priorities of the deciding bodies regarding the update. Ms. Winser stated that the priorities already identified (for example, solar and Stagecoach) are based on the areas of development pressure experienced by staff. Ms. Garrow noted that the rolling updates will necessitate some re-adoptions of material.

Ms. Garrow presented the draft list of priorities:

- Solar
- Future land use framework
- Tier II and Tier III
- Stagecoach FLUM revision
- Permitted uses
- Definitions and standards
- Subdivision design criteria
- Secondary dwelling units
- House sizes

She noted that based on the pressure to develop large-scale solar, temporary workforce housing might also be added to this list. Ms. Garrow said that an entirely new chapter would be created to address natural environment considerations.

Ms. Garrow said that Routt County's regulations are currently divided into three separate documents: Zoning Regulations, Subdivision Regulations and 1041 Regulations. She said that the consulting team recommends combining all these into a single Unified Development Ordinance (UDO). Staff and the deciding bodies expressed strong support for this concept. Ms. Garrow noted that the UDO would not fully come together until the final adoption. She also noted that lack of graphics in the current regulatory documents and stated that the new UDO would contain many graphics to illustrate the concepts described in the regulations. She offered that this would be very helpful to decision makers and to the public.

Ms. Garrow discussed the concept of overlays. Ms. Winser noted that the future land use framework would strengthen the policy of directing growth to growth centers, according the tiered approach defined in the Master Plan. In response to a question regarding how the Tier II and Tier III growth areas would be defined, Ms. Garrow said that those conversations have not be held yet, but that the goal would for clarity with sufficient flexibility to adapt to site specific considerations. She described how this could be handled through overlays. Regarding the status of the FLUM (Stagecoach only), Mr. White stated that the maps are a tool to implement the already defined policies. Mr. Krug asked about the 1041 regulations. Ms. Garrow stated that the 1041 regulations are created by the state legislature and generally pertain to issues of state interest: water supply and wastewater systems, airports, etc. Ms. Winser stated that in Routt County these types of development and the 1041 regulations are typically handled through the Special Use Permit process.

Ms. Garrow reviewed the process through which the Master Plan and existing code had been analyzed. She stated that the following seven principles would guide the revisions:

1. Clarity of language to avoid the need for interpretation

2. Articulation of the “why” regarding regulation
3. Definition of clear processes that do not overcomplicate reviews
4. Clear language and enforcement options
5. Incorporation of sustainability throughout; coordination with other plans
6. Incorporation of growth tiers into the code in an understandable way
7. Building on Master Plan community engagement without duplication; focus on the implementation of identified values

Mr. Krug asked about the regulation of tiny homes and EV charging stations. Mr. Goldich stated that the County does not have a minimum home size, but has discussed a possible maximum. With regard to EV charging, Ms. Winser stated that direction would come from the Climate Action Plan (CAP).

Regarding priorities for the code update, Commissioner Kelly stated he would like to see clarity, simplicity and a single document. Mr. Fitzgerald mentioned the need to address small non-conforming lots and problems with historical zoning. Mr. Goldich noted that the regulations regarding non-conformities is on staff's list of problem areas in the existing code. There was a discussion of the need for, and value of, flexibility while minimizing needless ambiguity.

Regarding challenges in dealing with the current regulations, Commissioner Norris cited conflicts between recreational uses and agricultural uses in the A/F zone district. Commissioner Kelly noted the difference among residents/property owners regarding the future of development in Stagecoach. Ms. Katherman noted the lack of use categories that would allow for permanent structures for private seasonal use, or that would allow certain types of projects for private use without all the requirements and level of review for a full Recreational Facility with Overnight Accommodations. There was a discussion of Planned Unit Developments as means for dealing with unusual cases. Ms. Winser noted that sometimes certain uses might be allowed in the land use regulations that are not allowed in the building code.

Ms. Garrow asked about Temporary Workforce Housing (man camps). Commissioner Martyn offered that this use is inappropriate in unincorporated Routt County because of the issues with water and sanitation. He suggested that they should be located in communities where services are available. There was a discussion of increased traffic on US 40. Ms. Ross noted that the issues of workforce housing and transportation cannot be separated. She suggested that housing that can be effectively re-used was preferable to temporary “camps.”

County Commissioner Macys asked if the existing regulations are sufficient to adequately protect wildlife. She noted that relatively minor development considerations, even where structures are located on a parcel, can have an impact on wildlife crossings, migration corridors, etc. Ms. Ross noted that representatives of CPW are participating in the Technical Working Group. She offered that the impact on wildlife should be taken into consideration in all types of regulations, even things like the separation between primary and secondary

dwellings. She said that staff has discussed developing criteria and perhaps a checklist of wildlife considerations to help inform decision making. There was a discussion of the wildlife mapping available and the possibility of creating more robust mapping utilizing various different sources rather than relying entirely on CPW. Mr. Goldich offered that while CPW is always consulted, they do not always provide useful direction due to staffing and funding issues, as well as policy directives at the state level. County Commissioner Macys stated that in addition to regulations there needs to be more consideration given to what effective mitigation is of unavoidable wildlife impacts.

County Commissioner Macys asked about the use of the CAP in the development of the regulations. Ms. Winser noted that several members of the Yampa Valley Sustainability Council are on the Technical Working Group. Ms. Garrow added that specific statements from the supplementary plans, such as the CAP, would be cited in the code to establish a strong link between the policies and the regulations. County Commissioner Macys also noted the importance of considering cumulative impacts and landscape wide considerations in addition to the local impacts of proposals. There was a discussion of habitat fragmentation, wildlife corridors, and the cumulative impacts of both recreational and residential development. Ms. Winser noted that recreation management will be a major new theme in the code.

### **Public Comment**

Mr. Jeff Yost, a former CPW manager, confirmed that CPW referral comments are often limited/directed by state policy and that staffing is an issue. He noted the impact on wildlife of the construction of a single house on a 40-acre parcel. He noted that residential development increases domestic predators, fencing, traffic, etc. that all have an impact on wildlife. He suggested that the public needs to be more involved in commenting on proposals and providing information on wildlife at the local level, as the mapping is very general. He noted that mule deer in particular are very sensitive to disruptions to their migration corridors. Commissioner Norris suggested that the County would benefit from the use of wildlife ramps along the roadways.

Mr. Cedar Beauregard suggested that a detailed wildlife impact overlay map would be useful in educating landowners and newcomers to the area about the impacts of their activities on wildlife. He also suggested that the wildlife crossings should be identified and addressed proactively.

Ms. Ross noted that the issue goes beyond wildlife and includes habitat, riparian areas, water and various other natural resources.

Ms. Garrow asked what was working well in the existing regulations. She noted that because the revision will be a complete overhaul, there will be no red-lined version of the existing code. Commissioner Kelly offered that the lot consolidation process, particularly in Steamboat Lake, had been quite successful. There was a discussion of why the process had been less popular in Stagecoach. Mr. Goldich

described how lot consolidations are currently incentivized. Mr. Fitz reviewed the vault regulations and offered that they have acted as a disincentive to lot consolidation in Stagecoach.

Ms. Garrow presented the annotated UDO outline that will allow comparison between the new code and the existing regulations.

### SOLAR REGULATIONS

Ms. Garrow presented a map of the area around Hayden showing the lands currently under consideration for large-scale solar development. Ms. Winser stated that the highlighted areas, which cover about 4000 acres, represent the lands that potential applicants have shown interest in thus far. She noted that there may be other areas of the County that are also desirable for this type of solar development. In response to an inquiry from Commissioner Benjamin, Ms. Winser confirmed that the Town of Hayden has been involved in the discussions, and will continue to be consulted. Mr. Krug asked about bonding and remediation. Ms. Garrow stated that provisions for the full life-cycle of the solar farms, including access, bonding, remediation, setbacks, etc. would be included in the regulations. She added that other concerns to be addressed include temporary workforce housing, visual impacts and wildlife impacts. She said that performance standards are being discussed that would address both site scale and landscape scale impacts. There was a discussion of the life span, replacement and recycling of solar panels, and of the impact of YVEA policies on the economics of solar development. Mr. Goldich said that YVEA is currently uninterested in the prospect of community solar.

Commissioner Benjamin offered that serious consideration should be given to whether and why Routt County wants large-scale solar development, at all. He asked what value it provides to the County and its communities. Commissioner Martyn agreed that an analysis was needed of the impact on property tax and sales tax revenues. Commissioner Miller added that that impact on jobs also must be taken into consideration. Mr. Goldich noted that Excel Energy has promised to maintain the current tax base for a seven year period following the closing of Hayden Station. There was a discussion of the prospects for Hayden Station and the possibility that coal mining will continue for much longer than earlier anticipated.

### NEXT STEPS

Ms. Thimons reviewed the upcoming plan for community engagement and reviewed how these events are being advertised. Ms. Garrow stated that the goal is to have a 50% draft of the module #1 topics complete and ready for review in late May/early June. As that draft is being completed, work will begin on module #2. She presented a graphic to illustrate the stacked work flow.

### **ADMINISTRATOR'S REPORT**

Mr. Goldich reviewed the upcoming Planning Commission agendas. Ms. Winser noted that a BOA hearing was scheduled for June 12.

The meeting was adjourned at 8:30 p.m.