

# ROUTT COUNTY PLANNING COMMISSION

## MINUTES

**May 18, 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 Andrew Benjamin, Greg Jaeger, Ren Martyn, Paul Weese, Linda Miller, and Pete Wood. Commissioners Jim DeFrancia, Bill Norris, and Steve Warnke were absent. Planning Director Kristy Winser and staff planner Alan Goldich also attended. Sarah Katherman prepared the minutes from a recording.

### **PUBLIC COMMENT**

There was no public comment.

### **MINUTES - April 20, 2023**

Commissioner Miller moved to approve the above cited minutes, as written. Commissioner Wood seconded the motion. **The motion carried unanimously.**

### **MINUTES - April 27, 2023**

Commissioner Martyn moved to approve the above cited minutes, as written. Commissioner Miller seconded the motion. **The motion carried unanimously.**

### **MINUTES - May 4, 2023**

Commissioner Miller moved to approve the above cited minutes, as written. Commissioner Wood seconded the motion. **The motion carried unanimously.**

### **CONSENT AGENDA:**

**ACTIVITY:** PL20230019

**PETITION:** Consolidation of Lots 58 and 59 Eagles Watch Subdivision at Stagecoach 2) Vacation of Utility and Trail easement along interior lot lines

**APPLICANT:** Four Points Surveying and Engineering

**LOCATION:** 31045 Broken Talon Trail and 31065 Broken Talon Trail Oak Creek, Colorado (Parcel No. 119500058 and 119500059) at Stagecoach

### **MOTION**

Commissioner Miller moved to recommend approval of the consent agenda, as presented. Commissioner Martyn seconded the motion. **The motion carried unanimously.**

**ACTIVITY:** PL20230030

**PETITION: Zone Change from Commercial to Mountain Residential Estate**  
**APPLICANT: Beth Herbert**  
**LOCATION: 18195 State Highway 131, Yampa, CO 80483 approximately 1.5 miles north of the Town of Yampa**

Mr. Goldich reviewed the history of the parcel, which was used commercially in a variety of ways prior to the adoption of zoning regulations in Routt County. When zoning was adopted in 1972, the parcel was zoned Agricultural/Forestry (A/F). In 1973, the Board of County Commissioners granted a zone change to Commercial (C) for this parcel. Although it is unknown when the historical rental cabin operation on the property ceased, it was well over a year ago, so any grandfathered uses have expired. In 2020 the Planning Department received a complaint that cited the existence on the property of a campground, wall tents on platforms within the 50' waterbody setback, lack of sanitation controls, unpermitted signs for Yampa Valley Anglers, and outdoor storage of trailers and boats. Staff worked with the applicants to bring the site into compliance. Mr. Goldich noted that some boats and trailers had been stored on site subsequently, but the applicant is aware that they must be removed prior to the proposed zone change being approved.

Mr. Goldich described the site and presented an aerial photo. He indicated the access road, which does not align with the entrance to CR 21A. He reviewed the Zoning Regulations Section 8.2.1 and noted that the only planning document that pertains to this parcel is the Master Plan. He stated that the parcel is surrounded by A/F-zoned property, which has a minimum acreage of 35 acres. He stated that the proposed Mountain Residential Estates (MRE) is more compatible with the proposed use of this property than the existing C zoning. A zone change to MRE would further the goals of the Master Plan. Mr. Goldich explained that the parcel does not meet the minimum lot size for the A/F district, so the lot would be non-conforming if it were to be re-zoned to A/F. The lot does meet the minimum lot size for the MRE zone district, which is 5 acres. The lot will be conforming in the MRE zone district.

Ms. Beth Herbert stated that they want to rezone the property to MRE so they can construct a single-family home on the site.

Commissioner Benjamin asked if the Yampa Valley Anglers guiding business would continue to operate out of the site. Ms. Herbert said that while her husband, who operates the guiding business, would take phone calls, make appointments and store boats and equipment on the property, no clients would come to the site. Mr. Goldich noted that the Home Occupation use category does not allow outdoor storage of items related to the business. Commissioner Benjamin stated that he wants to ensure that the landowner is allowed to continue operating his guide business. Mr. Goldich stated that the current petition is limited to the zone change. Any other uses that may require permits will be handled separately. Ms. Winser noted that through the update of the County's regulations, the addition of a use category between Home Occupancy and Home

Industry will be considered. She acknowledged that what level of storage can be considered accessory to the primary residential use is rather vague. Ms. Herbert asked if storing the boats and trailers in the three-sided storage structure would be allowed. Mr. Goldich said that it would.

There was no public comment.

### **MOTION**

Commissioner Miller moved to recommend approval of item PL20230030, a zone change from Commercial to Mountain Residential Estates, 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 the applicable provisions of Sections 8 of the Routt County Zoning Regulations.
2. The existing Commercial Zone District is inconsistent with the policies and goals of the applicable Master Plan.
3. The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area.

This approval is subject to the following condition:

1. The change of zone from Commercial to Mountain Residential Estate 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 Records Office.

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

**ACTIVITY: PL20210026**

**PETITION: Conceptual PUD and Sketch Subdivision for the Clark Store**

**APPLICANT: Entelco Corp.**

**LOCATION: 54175 COUNTY ROAD 129, ROUTT, CO 80428 at the intersection of CR 129 and CR 62**

Mr. Daniel Stranahan stated that his family has owned and operated the Clark for decades. He reviewed the proposal to subdivide the property into a 5-acre parcel (Lot 1) that would include the store and its associated structures, two residential structures, and open space, and a 57.05-acre parcel (Lot 2). He presented a vicinity map and a site plan, and indicated the existing structures. Mr. Stranahan noted that Clark Store is a community hub for Clark and North Routt, and that maintaining it as a community amenity guides all the decisions the family makes about the property. He reviewed the many uses that occur on the property. Mr.

Stranahan stated that the increase in tourists and visitors have had an impact on the operations. He said that adding an outdoor grill and dining area would alleviate the crowding in the store and allow it to better serve the locals' needs, as well as the needs of the tourists. He said that the proposal would allow them to expand the commercial operation.

Mr. Goldich reviewed the history of the property, noting that although a Conceptual PUD was approved in 1982, the plat was never recorded and the approval lapsed. In the mid-2000's, the parcel for the North Routt Charter School was subdivided off of this property. More recently, Clyde's Pies has begun operating on the site. Mr. Goldich stated that the current proposal was set into motion in 2021 when the owners applied for a liquor license, which the Planning Department could not sign off on until the PUD for the property as approved. Mr. Goldich reviewed the liquor license review process.

Mr. Goldich presented a site plan. He stated that Clark is a Tier III future growth area. He reviewed the definition of a Tier III growth area and enumerated the land uses that occur on the surrounding properties. He noted that the nearest residence to the Clark Store is 560 ft. to the east and across CR 129. Mr. Goldich reviewed the current uses of the property, which include: a convenience store, post office, liquor store, ice cream shop, deli, coffee shop, and library. In addition, the property contains one structure with two residential units and another with 4 residential units. There is also an informal outdoor gathering area.

Mr. Goldich reviewed the proposal to subdivide the property into a 5-acre parcel to be zoned PUD and a 57.05-acre parcel to remain A/F. The remaining 1.29 acres would be dedicated to the County for the CR 62 right of way. The road currently crosses the property via a prescriptive easement. Mr. Goldich stated that the new uses being proposed include a 120 sq. ft. shed, a 120 -160 sq. ft. structure for retail beer and wine sales, and a 160 sq. ft. structure for food preparation. The proposal also includes a provision that would allow the two existing residential structures to be improved or rebuilt, retaining the current number of units. Mr. Goldich presented examples of possible architectural styles for the new proposed structures.

Mr. Goldich stated that the water supply serving the existing operations is Bush Spring. The Division of Water Resources has determined that the operator will need to apply for a second water right for commercial use and to expand the water supply. This right would be subject to administration so needs to be covered by an augmentation plan which the owners plan to achieve through a contract with Upper Yampa Water Conservation District out of Steamboat Lake. The contract will also have to cover a future well on Lot 2.

Mr. Goldich said that no comments or concerns had been submitted by the public. The Environmental Health Department cited the need to ensure that the

septic system is adequate and the need to obtain all appropriate permits for food service. A full report on the septic system is required at the next stage of review. The North Routt Fire Protection District noted that the existing hydrant needs to be repaired or removed and an adequate water source for fire suppression must be identified. Colorado Parks and Wildlife recommended the use bear-proof trash receptacles. The Division of Water Resources cited the need for an augmentation contract, as previously discussed. These issues have all been addressed in the suggested conditions of approval (COAs). Mr. Goldich called attention to COA #11 which would allow the Planning Department to sign off on the liquor license application following the submission of a complete application for Final PUD and Preliminary and Final Subdivision.

Mr. Goldich stated that the only topic for discussion is whether Planning Commission wants to review the architecture for the proposed new structures, or whether those building styles could be approved administratively.

Mr. Goldich reviewed the next steps in the review process, noting that the Final PUD and Final and Preliminary Subdivision applications could be reviewed concurrently.

Commissioner Jaeger asked if an approval of the proposed structures would limit the use of those structures to what is listed in the PUD, or could the structures be used more broadly, as needed by the operation. Mr. Goldich stated that a PUD plan includes all the uses and structures allowed, but noted that the store and its associated facilities are all commercial/retail, which covers many uses. There was a discussion of the need to define the areas in which liquor is served. Mr. Stranahan said that a state liquor inspector had visited the property and said that soft barriers and good signage would suffice. Mr. Goldich offered that any fencing or other barriers would be considered accessory to the use.

Commissioner Martyn asked about the existing septic system and what is planned. Mr. Stranahan stated that the two residential structures currently share a single septic field. He said that he anticipates the system will need to be expanded and improved, but that there is sufficient room on the site to accommodate this.

Chairman Kelly asked about Bush Spring. Mr. Stranahan indicated the location of the 5 gal/minute spring on a site plan. He said that it currently serves the store, the six on-site units and several nearby residences. He said that they had undertaken a complete review of the water supply and have applied for an augmentation contract.

Commissioner Benjamin inquired about parking. Mr. Stranahan reviewed the parking areas. He stated that the 32 spots satisfy the requirement. Mr. Goldich

said that the Road & Bridge Department had no concerns regarding parking, other than stating that it is not allowed in the road right of way.

In response to a question from Chairman Kelly, Mr. Goldich confirmed that the PUD would only apply to Lot 1. Lot 2 would remain A/F. Mr. Kelly suggested that the landowner consider placing easements on Lot 2 to allow for its use by North Routt Charter School students.

There was no public comment.

Commissioner Benjamin stated his support for the petition and said that he did not think the architecture of the new structures needs to be reviewed and approved by Planning Commission. Commissioner Jaeger agreed. There was consensus by Planning Commission that administrative review of the architecture was sufficient.

### **MOTION**

Commissioner Martyn moved to recommend approval of item PL20210026, the Conceptual PUD, Sketch Subdivision and Rezoning of the Clark Store property, with the following findings of fact:

1. The proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and the Upper Elk River Valley Community Plan and is in compliance with the applicable provisions of Sections 5, 6, 7 and 8 of the Routt County Zoning and the applicable provisions of the Subdivision Regulations.
2. The application is found to be an acceptable development within a Tier III Growth Area, small established community, because the project is a historically established development, on a county road with available land and therefore may accommodate future growth opportunities.
3. In review of the Zoning Amendment standards, it has been determined that the Zoning Amendment standards have been met.
4. Dedication of school and park sites is intended to offset impacts from additional residential development. Since this application does not result in additional residential development, dedication of land for schools and parks is not applicable.

This approval is subject to the following conditions:

### **Conceptual PUD:**

1. The Conceptual PUD approval is valid for 12 months. This Conceptual PUD approval is contingent on submittal of a complete application for a Final PUD within twelve (12) months. Extension of up to one (1) year may be approved administratively.

2. This approval shall become effective upon the recording of the Final PUD plan.
3. 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.
4. Prior to operation, permittee shall submit to Routt County proof of a Sales Tax Account /License.
5. The Final PUD Plan shall be recorded concurrently with the Final Plat and Zone Change Resolution.
6. Prior to recording the Final PUD Plan, the permittee shall provide evidence of liability insurance in compliance with the County's Insurance and Surety Requirements policy then in effect. The certificate of insurance shall include all permit numbers associated with the activity and Routt County shall be named as an additional insured. Permittee shall notify the Routt County Planning Department of any claims made against the policy.
7. This permit is contingent upon any required permits being obtained and complied with from all involved agencies including, but not limited to the following:
  - a) North Routt Fire Dpt. - open wood burning appliances
  - b) Routt County Environmental Health - expansion of retail food licensingThe 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
8. A report on the adequacy of the existing onsite wastewater treatment system (OWTS) to accommodate the proposed and existing uses shall be submitted at the next stage of review.
9. Prior to the recording of the PUD Plan, evidence of a court approved water augmentation plan or a contract to operate under the Upper Yampa Water Conservancy District's umbrella augmentation plan shall be submitted.
10. A report showing the physical adequacy of the water supply shall be submitted at the next stage of review.
11. Planning can sign off on the liquor license request following the submission of a complete application for Final PUD and Preliminary and Final Subdivision.
12. The following shall be shown on the Final PUD Plan and incorporated into the PUD Guide:

Uses include:

  - a. Convenience Store and associated uses including but not limited to:
    - i. Convenience store
    - ii. Post office
    - iii. Liquor store

- iv. Ice cream shop
- v. Deli
- b. Indoor and outdoor food service
- c. Outdoor alcohol service
- d. Outdoor gathering and dining area
- e. Parking
- f. Structures shown on PUD plan
- g. 40' maximum building height
- h. Open Space
- i. Two residential structures which contain:
  - i. 4 individual units with a total square footage of no more than 3,000 sq ft between the four units
  - ii. 2 individual units with a total square footage of no more than 2,100 sq ft between the two units

13. Notes on the Final PUD Plan shall include:

- a. This PUD allows for the uses and structures detailed on this Final PUD Plan. Accessory structures/uses and minor variations qualifying as technical corrections as detailed in Section 7.4.1 of the Zoning Regulations may be administratively approved by the Planning Director, without public notice prior to the decision.
- b. Any complaints or concerns which may arise from this operation may be cause for review at, at any time, and amendment or addition of conditions if necessary.
- c. No junk, trash, or inoperative vehicles shall be stored on the property.
- d. All exterior lighting shall be downcast and opaquely shielded in accordance with Section 6.3 of the Routt County Zoning Regulations.
- e. The permittee shall prevent the spread of weeds to surrounding lands, and comply with the most current version of the Colorado Noxious Weed Act and Routt County regulations for noxious weeds No chemical pesticides, herbicides, fertilizers, or hazardous material shall be stored, used, or located on the site.
- f. Use of IGBC certified bear-resistant canisters shall be used to reduce human-bear conflict.
- g. Any fencing installed on the property should be wildlife friendly to prevent entanglement and entrapment of wildlife. Recommendations can be found in CPW's Fencing with Wildlife in Mind publication.
- h. The architecture of any new structures shall be in character with the other structures in the vicinity and shall be approved by the Planning Director prior to Planning signing off on the building permit.
- i. There shall be no parking on County Roads 129 and 62.

**Rezoning :**

1. The Zone Change Resolution shall be recorded concurrently with the Final PUD Plan and Final Plat if applicable.

**Subdivision:**

1. This Sketch Subdivision Plan approval is contingent on submittal of a complete application for a Preliminary Subdivision Plan within twelve (12) months. Extension of up to one (1) year may be approved administratively.
2. The Final Plat shall be recorded concurrently with the final PUD Plan and Zone Change Resolution.
3. 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.
4. All property taxes must be paid prior to the recording of the final documents. A certificate of taxes due shall be submitted showing a \$0 balance prior to recording the final documents.
5. The right of way for County Road 62 shall be appropriately dedicated on the final plat.
6. A 'no build' zone shall be indicated on the plat for Lot 2 to avoid construction of structures and septic fields within the special flood hazard area. The "no build" zones shall be approved by the Planning Director before the plat is recorded.
7. An easement on Lot 2 for the benefit of the septic system that serves the store on Lot 1 shall be shown on the plat. Alternatively, a separate document granting this easement can be recorded. Reference to this document shall be shown on the Final Plat.
8. Prior to recording the Final Plat, the sign on the southern portion of Lot 2 shall be removed.
9. The notes on the plat shall include, but are not limited to the following:
  - 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. The issuance of permits for individual septic disposal systems 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. The availability of water and permits for wells on the lots or parcels hereon shown has not been established.
  - e. 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.

- f. Routt County (County) and the North Routt Fire District (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.
- g. Address signage in conformance with Routt County Road Addressing, Naming, and Signing Policy shall be located at the entrance to the driveway.
- h. A current soils test showing that the soil is of a sufficient stable nature to support development will be required before obtaining a building permit.

Commissioner Benjamin seconded the motion.

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

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

Ms. Winser presented a Planning Department workflow chart for the upcoming months. She noted that with the applications that have been submitted to date, the agendas for the upcoming regularly scheduled meetings are full. She proposed that a special meeting be held on June 29<sup>th</sup> to address the bottleneck in the application pipeline. She said that due to the additional project of updating the regulations, staff is recommending several additional special meetings. Ms. Winser said that three joint worksessions (with the Board) would be held, one for each module of the regulations update. These worksessions would be held when the regulations to be covered in that module are about 50% complete. These meetings would include a review of draft language and would include all feedback from the ongoing community outreach. The joint worksession for module 1 is scheduled for July 13<sup>th</sup>. Ms. Winser reviewed what is included in each module and outlined the rolling adoption process. She also reviewed the community outreach schedule.

Mr. Goldich reviewed the upcoming agendas.

Ms. Winser said that she had been contacted by two Planning Commissioners with questions regarding how to handle being approached by community members. In one instance, a Planning Commissioner was asked to review the Yampa community plan. In the other, a Planning Commissioner had been asked to discuss a specific proposal that would come before Planning Commission. Ms.

Winser said that these two cases offer a good training opportunity because in the first instance, the matter was quasi-legislative in that it involved an item of general interest that requires public input. In this case, the Planning Commissioner would be free to discuss and review the proposal. In the second case, the role of Planning Commission would be quasi-judicial because it involves a decision about a particular application. In this case, any discussion of the matter would be considered ex parte communication, which is not allowed. If it does occur, the Planning Commissioner would be required to disclose the contact and potentially recuse themselves from hearing the item. Ms. Winser advised that if a Planning Commissioner is approached by someone regarding a particular application or proposal, they should recommend that the person contact staff.

**The meeting was adjourned at 8:00 p.m.**