

ROUTT COUNTY PLANNING COMMISSION

MINUTES

June 29, 2023

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 Jim DeFrancia, Andrew Benjamin, Brian Kelly, Bill Norris, Linda Miller, and Pete Wood. Commissioners Ren Martyn, Greg Jaeger and Paul Weese were absent. Planning Director Kristy Winser and staff planners Alan Goldich, Michael Fitz and Blake Kelly also attended. Sarah Katherman prepared the minutes.

PUBLIC COMMENT

There was no public comment.

ACTIVITY: PL20230043

PETITION: Conditional Use Permit to continue conducting hunting operations from an existing hunting camp

APPLICANT: One80 Outdoors Inc. & Wolf Mountain Ranch

LOCATION: Approximately 7.9 miles NE of the intersection of CR 52 and US HWY 40; located 6.7 miles NW of the town of Milner

Mr. Steve Znamenacek, representing One 80 Outdoors, stated that he has been the outfitter for the Wolf Mountain Ranch (WMR) hunting operation for the past six years. He reviewed his background in wildlife management. Mr. Znamenacek reviewed the petition to bring the existing facilities into compliance with the County regulations for a permanent hunting camp. He stated that in addition to the private commercial hunting operation, WMR partners with Colorado Parks and Wildlife (CPW) in their Ranching for Wildlife program. Mr. Znamenacek stated that he oversees this program as well as the commercial hunting operation and wildlife management on the ranch. He stated that through the program with CPW, WMR has 60 licenses/vouchers for private use. In addition, approximately 50 member of the public are allowed to hunt on the property. The season begins annually no earlier than September 2 and this year will conclude on November 22. Mr. Znamenacek stated that the ranch had added 4500 acres to the property under lease and would be conducting a full seven weeks of private hunts this year.

Mr. Brent Romick, representing WMR, reviewed the history and growth of the hunting operation on WMR and acknowledged that it was time to bring the facilities into compliance with County regulations. He discussed the conservation easements on the ranch and emphasized that conservation is the focus of WMR. He said that the ranch has no plans to add new activities or other uses that require permits to its current operations. Mr. Romick stated that the hunting operation is an important part of managing the elk herds on WMR. He stated that

the size of hunting operation will not increase, and that if the additional guest cabins and bathhouse are constructed, it will be to provide better facilities for the same number of guests. Mr. Znamenacek reviewed the conservation easements on WMR and the adjacent properties that allow for a significant habitat corridor for elk and other wildlife in the area north of US 40 all the way to CR 56.

Mr. Kelly stated that he had visited the WMR hunting camp and had been impressed with the operation and how it was being run. He stated that the camp has been in existence for over 35 years and had transitioned over the years from a private to a commercial hunting operation. He reviewed the existing facilities that occupy an area of about 35 acres. He stated that hunting occurs on over 18,500 acres and that the camp is located in the north central portion of the ranch. Mr. Kelly noted that the application came to the Planning Department through the Code Compliance division, and that the applicant is working with the Routt County Building and Environmental Health Departments to bring all the facilities (structures, food preparation, septic systems, etc.) into compliance with current regulations and standards.

Mr. Kelly reviewed the commercial hunting operation and said that the total client count for 2023 is 84 private hunters. This is 12 hunters per week for 7 weeks. Including staff there will be a maximum of 20 individuals in camp per each 5-day hunt week. All individuals sign WMR and One80 Outdoors liability waivers before accessing the property. Mr. Kelly stated that no comments regarding the petition had been received from the public. A referral was sent to CPW, but no comments were received. Mr. Kelly presented an aerial view of the camp and indicated the location of the various structures and facilities. He also presented photos of the structures.

Commissioner Benjamin asked about the cattle operation on WMR. Mr. Romick reviewed the operation and stated that cattle are on the property for summer range only. Approximately 1300 head are on the ranch for the summer and are then moved to lower ground in the fall. In response to a question from Commissioner Benjamin, Mr. Romick discussed predation and wildlife management. He noted how significant the hunting operation is to WMR. Mr. Znamenacek stated that WMR works very closely with CPW.

Commissioner Norris asked about the relationship between One80 Outdoors and WMR. Mr. Znamenacek stated that WMR engages One80 Outdoors as its outfitter. One80 leases the ranch for hunting and manages the commercial and Ranching for Wildlife hunting operations. Mr. Romick reviewed the public hunting component of the Ranching for Wildlife program, noting that only the private hunters stay at the hunting camp. The public are on the property for day hunts only. Mr. Romick stated that the new facilities that would be allowed under the requested permit would not increase the intensity of the use or increase in the number of guests. Mr. Kelly clarified that the permit would allow for the construction of two additional guest cabins and one additional bathhouse without any amendment to the CUP.

Commissioner Benjamin asked about future oil and gas operations on the WMR. Mr. Romick stated that it is unclear if or when technology will be developed that will allow completion of wells in this area to become financially feasible, but that WMR has developed a very thorough and complex surface use agreement that would apply to any future oil and gas development.

There was no public comment.

MOTION

Commissioner DeFrancia moved to approve item PL20230043, a Conditional Use Permit for a hunting camp with the finding of fact that the proposal, with the following conditions, meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations. This approval is subject to the following conditions:

General Conditions:

1. The CUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 5, and 6.
2. Any complaints or concerns that may arise from this operation may be cause for review of the CUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
3. In the event that Routt County commences an action to enforce or interpret this CUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
4. Permits will be assessed an Annual Fee in accordance with the Fee Schedule in Appendix B of the Routt County Zoning Regulations.
5. No junk, trash, or inoperative vehicles shall be stored on the property.
6. 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.
7. Fuel, flammable materials, or hazardous materials shall be kept in a safe area and shall be stored in accordance with state and local environmental requirements.
8. All exterior lighting shall be downcast and opaquely shielded.
9. All trash shall be stored either inside a garage or inside Interagency Grizzly Bear Committee (IGBC) certified receptacles
10. Prior to the issuance of the permit, 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.

11. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
12. Transfer of this CUP may occur only after a statement has been filed with the Planning Director by the transferee guaranteeing that they will comply with the terms and conditions of the permit. If transferee is not the landowner of the permitted area, transferee shall submit written consent for the transfer by the landowner. Failure to receive approval for the transfer shall constitute sufficient cause for revocation of the permit if the subject property is transferred. Bonds, insurance certificates or other security required in the permit shall also be filed with the Planning Director by the transferee to assure the work will be completed as specified. Any proposal to change the terms and conditions of a permit shall require a new permit.
13. 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.

Specific Conditions:

14. The CUP is limited to uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application. The approved project plan consists of:
 - Up to five sleeping cabins; up to two bathhouses; up to three guide cabins
 - Onsite outfitter and visitor parking
 - Hunting & Staging area
 - Accessory storage structures directly associated with the above uses
15. The CUP is valid for the life of the use provided it is acted upon within one year of approval. The CUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
16. Any required permits from the Routt County Road and Bridge Department, Environmental Health Department, or Building Department shall be obtained and any inspections completed before operations commence.
17. All employees shall be first-aid certified and be trained on emergency procedures. Radios or cell phones shall be provided to guides in case of emergency.

18. Guiding operations may occur at any time that weather conditions permit access to the site.
19. Any accidents shall be reported to the Planning Department.

Commissioner Kelly seconded the motion.

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

ACTIVITY: PL20220112

**PETITION: Special Use Permit for a Central Sewage Treatment System
outside of a County-approved Special District**

APPLICANT: Routt County Environmental Health - Scott Cowman

**LOCATION: County Road 12 immediately east of the railroad tracks
Phippsburg**

Mr. Scott Cowman, Routt County Environmental Health Director, stated that he would be discussing the proposals for Phippsburg (PL20220112) and for Milner (PL20220113) at the same time, as the proposals are very similar. He described the existing lagoon systems that currently serve the two unincorporated communities. He said that the tap fees have been increased annually to ensure that the systems are financially sound, with healthy reserves. He noted that with the new systems the operational costs would increase, and fees would likely also increase in order to build up a capital replacement fund, which did not exist for the current systems. Mr. Cowman said that the rates will depend on the final cost of the systems and amount of grant funding that is received. The County is currently doing a rate study as part of the grant applications for the facility replacement projects. He reviewed the grant and loan programs through the Department of Local Affairs (DOLA) that would be utilized to fund the new systems, noting that grant funding for infrastructure is plentiful at this time. Mr. Cowman noted that each system is operated as an enterprise fund, which means that the fees collected and expenses incurred are accounted for separately from the County's general fund. Each system operates as its own enterprise.

Mr. Cowman stated that there is no central water system in Milner; each residence is served by an individual water well. Phippsburg is served by both central water and sewer. Mr. Cowman stated that the Milner sewage treatment system was built in 1982 and is nearing the end of its useful life. He reviewed the compliance issues and problems that are occurring with the current system, noting that lagoon systems do not function very well in cold climates.

Mr. Cowman stated that Phippsburg lagoon system was built in 1976 and is also at the end of its life. He reviewed the exceedances and compliance issues and stated that along with the replacement of the treatment facility, the collection lines, manholes and sewer mains would also be upgraded.

Mr. Cowman stated that proposal is to replace the existing lagoon systems with membrane bio-reactors (MBRs). He presented photos and schematics of the

modular systems and explained how they work. He noted that MBRs take up significantly less area than lagoon systems and function well in cold environments.

Mr. Cowman presented an aerial photo of the Phippsburg site and indicated the proposed location of the MBR. He stated that they are also trying to incorporate solar panels into the systems, noting that MBRs consume more energy than the existing lagoon systems. Mr. Cowman then presented an aerial photo of the Milner site, which is in the corner of a property owned by the Camilletti family. He noted that the existing lagoons were raised above the floodplain. He said that the proposal is to locate the MBR on the site of the current lift station. He indicated this location on a site plan. Mr. Cowman reviewed the timeline for the projects. Construction is slated to begin in the summer of 2024, with completion in the fall. He stated that because the systems are modular, the installation can be accomplished quickly. He also reviewed the conceptual opinion on the probable capital costs as well as the operational costs, electrical requirements, and the financing plan for the systems.

Mr. Fitz stated that he would also discuss the two systems together, although each has its own project code and would require its own motion. Mr. Fitz reviewed the history of the Phippsburg and Milner, noting that while neither historical community is incorporated, the density of development is too high to safely accommodate individual septic systems. He stated that Phippsburg's existing lagoon system was originally constructed through a special district, which means that no permit from the County was required. Subsequently, the special district was dissolved and the County took over the operation of the existing sewage collection and treatment system as a legal non-conforming use. The request is for a new Special Use Permit (SUP) for the new Phippsburg system, including retroactive permitting of the legal nonconforming collection system and its connection line to the sewage treatment plant. Mr. Fitz noted that the central water system in Phippsburg was developed later, under an SUP. He stated that the no special district was ever created for the construction of the sewage collection and treatment system in Milner; it was built by the County and operates under an SUP. As a result, the request for this system is being processed as an amendment to the existing SUP. Mr. Fitz clarified that, unlike Phippsburg, Milner does not have a water system, and relies on individual wells. Mr. Fitz noted that today, Routt County operates the Milner and Phippsburg wastewater treatment and collection systems, both of which are reaching the end of their useful lives.

Mr. Fitz presented an aerial photo and site plan of the Phippsburg site. He stated that parcel, which is owned by Routt County, is very small (2 acres) for the Agricultural/Forestry zone district, which has property line setbacks of 50 ft. Any failure of the new proposed facility to comply with dimensional standards will require a variance from the Board of Adjustment. Mr. Fitz reviewed the primary and alternate locations for the MBR. He reviewed the grading plan and the proposed boundary for the SUP. He presented a vicinity site map and indicated the location of the collection lines and sewer mains. Mr. Fitz presented an aerial

photo and site plan of the Milner site. He indicated the location of the existing lift station, where the County is proposing to cite the MBR. He noted that the area is in a rather constrained corner of the property. This location is above the floodplain, but because it is tight, will also probably require a variance from the required setbacks. He reviewed the administrative boundary of the sewage treatment facility. This is the area that is served by the system. Mr. Fitz presented photos of the Phippsburg site and noted that improvements to the fencing are needed to exclude livestock and wildlife. He presented photos of the proposed Milner site, noting the proximity to a residence. He also noted that at high water the existing site on the south side of the tracks is difficult to access. Both of the locations are legal non-conforming lots.

Chairman Warnke asked about special districts and why they are not being used for the proposed replacement projects. Mr. Cowman explained that the community would have to vote to approve a special district, and this is difficult to achieve. The district would then also be responsible for operating the system, which requires expertise. He said that in the long term, the County would like special districts to be formed that would take responsibility for the systems, but before that can happen the systems must be healthy and financially sound. In response to a question from Chairman Warnke, Mr. Cowman explained how enterprise zones work, noting that they are organized as independent, self-sustaining operations. Mr. Cowman stated that Routt County would contribute to the replacement of the existing systems, however, through American Rescue Plan Act (ARPA) funds.

Chairman Warnke asked if odor was an issue with the proposed systems. Mr. Cowman stated that it was not, and noted that because a lift station will no longer be needed for the Milner system, the potential for odors from that element of the system would also be reduced. He said that landscaping and/or other screening would be added to the Milner site to mitigate the visual impact on the neighboring property. He stated that the County has an easement for the facility from the landowner (Camilletti and Sons) that is large enough to accommodate the MBR.

Commissioner Norris asked about the remediation plan for the existing lagoons. Mr. Cowman described how the lagoons would be drained and pumped, and the remaining sludge removed and disposed of at the landfill. In response to a question regarding the operation of the MBR, Mr. Cowman said that the contractor who operates the existing systems is a qualified Level A operator, and he will continue on as the operator of the new systems. He will also be responsible for maintenance. Commissioner Norris asked if the MBRs would generate any by-products. Mr. Cowman said that they would, and this would be disposed of in the landfill in no beneficial use can be identified.

Commissioner Miller noted that the referral comments from CPW called attention to a bald eagle nest in the vicinity of the Phippsburg site. Mr. Cowman stated that the construction of the pad and installation of the modular MBR would not take a

long time and would not cause a lot of disruption. He added that the nest is also very close to Hwy 131.

Commissioner Wood asked about the expected lifespan of the MBRs and whether they had the potential to accommodate growth. Mr. Cowman stated that the systems can be expanded easily to accommodate increased flows. He said that components of the system will need to be replaced periodically, but that a minimum lifespan of 40 years could be expected.

In response to a question from Commissioner Miller, Mr. Cowman said that improving the fencing around the Phippsburg site would not be a problem and would be considered part of the project.

Ms. Winser asked how many new households the MBR systems could be expected to accommodate. Mr. Cowman said that rather than measuring capacity in the number of households, the systems are measured in hydraulic capacity. He said that the existing lagoons are operating at about 50% capacity and the new systems would have about the same capacity as the existing systems. He said that the CDPHE requires that planning for expansion begin when a system reaches 80% capacity. He stated the MBRs would have room for additional capacity, but also could be expanded in the future if necessary. There was a discussion of the relative per capita usage of the Phippsburg vs. the Milner system. Mr. Cowman explained that groundwater entering the system through seepage increases the flow. He reviewed the plan to line the collection pipes.

There was no public comment.

Mr. Cowman stated that although lightly attended, public meetings to present the proposals were held in both Phippsburg and Milner.

Commissioner Benjamin asked about the status of the water wells in Milner. Mr. Cowman stated that on the uphill side of the alluvium deposit some of the wells do dry up during dry years. He said that ideally a central water treatment and supply system would be developed to serve Milner in the future, but that it would be an expensive and complex process.

MOTION

Commissioner DeFrancia moved to recommend approval of item PL20220112, a Special Use Permit with the findings of fact that the proposal, with the following conditions, meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, 6 and 8 of the Routt County Zoning Regulations.

This approval is subject to the following conditions:

General Conditions:

1. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 4, 5, 6, and 8.
2. The SUP is limited to uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application.
3. Any complaints or concerns that may arise from this operation may be cause for review of the SUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
4. No junk, trash, or inoperative vehicles shall be stored on the property.
5. This approval 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 the commencement of operations.
6. Fuel, flammable materials, or hazardous materials shall be kept in a safe area and shall be stored in accordance with state and local environmental requirements.
7. All exterior lighting shall be downcast and opaquely shielded.
8. All trash shall be stored either inside a garage or inside Interagency Grizzly Bear Committee (IGBC) certified receptacles
9. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
10. Transfer of this permit to any operator other than Routt County shall require review of all Conditions and their applicability by Planning Commission and the Board of County Commissioners.
11. 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.

Specific Conditions:

12. The Special Use Permit (SUP) is valid for the life of the use provided it is acted upon within one year of approval. The SUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
13. 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 seed mixes.
14. The fence surrounding the site shall be repaired within 1 year of approval of this SUP, and shall be maintained indefinitely thereafter to prevent livestock intrusion onto the site.
15. The proposed site plan is conceptual and indicates the need for setback variances to construct the proposed improvements. Prior to issuance, any required variances shall be obtained.

Commissioner Kelly seconded the motion.

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

ACTIVITY: PL20220113

PETITION: Special Use Permit for a Central Sewage Treatment System
outside of a County-approved Special District

APPLICANT: Routt County Environmental Health - Scott Cowman

LOCATION: East side of Main Street, south of Milner, between the Town of
Milner and the railroad tracks

MOTION

Commissioner DeFrancia moved to recommend approval of item PL20220113, a Special Use Permit, with the finding of fact that the proposal, with the following conditions, meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, 6 and 8 of the Routt County Zoning Regulations.

This approval is subject to the following conditions:

General Conditions:

1. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 4, 5, 6, and 8.
2. The SUP is limited to uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application.
3. Any complaints or concerns that may arise from this operation may be cause for review of the SUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
4. No junk, trash, or inoperative vehicles shall be stored on the property.
5. This approval 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 the commencement of operations.
6. Fuel, flammable materials, or hazardous materials shall be kept in a safe area and shall be stored in accordance with state and local environmental requirements.
7. All exterior lighting shall be downcast and opaquely shielded.
8. All trash shall be stored either inside a garage or inside Interagency Grizzly Bear Committee (IGBC) certified receptacles
9. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
10. Transfer of this permit to any operator other than Routt County shall require review of all Conditions and their applicability by Planning Commission and the Board of County Commissioners.

11. 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.

Specific Conditions:

12. The Special Use Permit (SUP) is valid for the life of the use provided it is acted upon within one year of approval. The SUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
13. 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 seed mixes.
14. A fence shall be erected within 1 year of approval of this SUP between the site and the adjacent agricultural land, and shall be maintained indefinitely thereafter to prevent livestock intrusion onto the site.
15. The proposed site plan is conceptual and indicates the need for setback variances to construct the proposed improvements. Prior to issuance, any required variances shall be obtained.

Commissioner Kelly seconded the motion.

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

ADMINISTRATOR'S REPORT

Ms. Winser stated that the Tailwaters project proposed for Stagecoach would be the only item on the agenda at the July 6 meeting. She stated that the recent meeting in Stagecoach to discuss the code update and potential overlay that would apply to the Stagecoach area drew a large crowd, with many attendees there to comment on the Tailwaters proposal. She said that there was a great deal of misinformation out there about Tailwaters and other potential developments in Stagecoach. Ms. Winser stated that the large crowd provided an opportunity to disseminate accurate information and to discuss the code update. She said that useful information was gathered. She reviewed the upcoming agendas and meeting dates.

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