

## Memorandum

**To:** Board of County Commissioners/Planning Commission  
**From:** Design Workshop through, Kristy Winser, Planning Director  
**Date:** July 20<sup>th</sup>, 2023  
**Meeting Date:** July 27<sup>th</sup>, 2023  
**Subject:** Routt County Code Update  
**Attachments:** Attachment A – Introduction Chapter  
Attachment B – Agencies Chapter  
Attachment C - Solar Regulations Chapter  
Attachment D – Growth Tier Overlays

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The purpose of the July 26 joint meeting is to provide the Board of County Commissioners and Planning Commission an opportunity to review progress on the updated Routt County Code. Attached are draft documents for four sections for your review, which are part of Module #1:

- Introduction
- Agencies
- Solar Regulations
- Growth Tier Overlays

Design Workshop and County staff will provide a presentation of the code changes at the July 26 meeting, but the majority of the meeting is anticipated to be dedicated to discussion. Following the meeting, the team will finalize the code sections to move into the next stages of the engagement and adoption process.

### Project Background

Routt County utilizes their current Zoning Regulations and Subdivision Regulations to guide future development and land use in the unincorporated areas throughout the County. The Zoning Regulations establish zone districts, design standards and permitted land uses associated with each of those districts. The Subdivision Regulations establish standards for development of large lots of land as well as processes required to establish the division of that land. Both the current Zoning and Subdivision Regulations have not seen a comprehensive update since 2011. In 2022, the county adopted a new Master Plan which identifies and articulates the community's vision and objectives to better align with the current issues and concerns facing Routt County – particularly around guiding future development and land use in the county.

Design Workshop completed a review of both the Zoning Regulations and Subdivision Regulations for Routt County in April and made initial recommendations for how certain ideas and policies described in the 2022 Routt County Master plan should be incorporated into an updated Zoning and Subdivision Regulations. These recommendations included suggested updates to improve usability for the general public, applicants, and decision makers - revised definitions, coherent language, and the combination of the Zoning Regulations and the Subdivision Regulations into one Unified Development Ordinance (UDO). A Unified Development Ordinance (UDO) is a combination of

regulations related to land use and development into one document, including both zoning and subdivision regulations and 1041 regulations.

## **Module #1 Code Drafting**

The code drafting process has been separated into three distinct modules in order to address updates to code sections that have been highlighted by the Master Plan and staff as being priorities. Module #1 has been primarily focused on the introduction of utility scale solar regulations and Tier 2 and 3 Growth Areas. It also includes procedural code sections specific to purpose, authority, applicability, and powers and duties. Modules #2 and #3 will be focused on zoning code and uses, and subdivision and clean ups, respectively.

Module #1 has been heavily informed by conversations with the Routt County community, the Technical Working Group, and Small Group Meetings with the development community and municipal planners. Meetings for Module #1 began in earnest in April. They continued into June with community input and the project team that includes the County Attorney's office directly informing iterations of the four (4) draft code language documents contained in this packet for review:

Findings from this round of community engagement will be available on the project website [www.navigateyourroutt.com](http://www.navigateyourroutt.com) once the Pulse Survey concludes on July 26<sup>th</sup> and will be made available to project stakeholders and community members.

It is important to note that the code sections presented will be adopted under a rolling adoption approach – this will allow for discrete code sections to be pulled forward for drafting, review, and discussion in each of the three modules before being adopted as a complete UDO. There will be corresponding components of code that are relevant to the sections included in Module #1 but that will be addressed in Modules #2 and #3 – for example, application requirements and uses – which is part of the rolling adoption process. A full summary of Module #1 draft code language documents and proposed changes can be found below:

## **Introduction Chapter**

The introduction section includes reference to the regulations being aggregated into a Unified Development Code (UDC) and a purpose statement outlining the intent of the code including statements on how the code will address public health, welfare, safety, future growth, housing and economic development. It also provides context for Colorado State Statutes that provides Routt County authority to exercise relevant authority and power and delineates the UDC's applicability and consistency with the Master Plan and other Sub-Area Plans.

## **Agencies Chapter**

The agencies section includes updates to the authorities of the Planning Director, Board of County Commissioners, Planning Commission, Board of Adjustment, Historic Preservation Board and Flood Plain Administrator.

### *Planning Director and Code Compliance Officer*

Changes include additional allowances for the Planning Director in their administration, implementation and enforcement of the UDC including oversight of the Planning Department and delegation authorities, issuance of stop/work and cease and desist orders for any unpermitted development and land uses, application completeness, referrals to Planning Commission and Board of County Commissioners for final decisions and administrative permits, authorization of concurrent reviews, fees, authority to sign agreements and authority to approve release of surety. Provisions for a Code Compliance Officer will allow for enforcement of the UDC through the issuance of court summonses and complaints, where powers and duties are delegated to the Planning Director should there not be an active Officer.

### *Board of County Commissioners*

Updates include reference to conduct of business, and powers and duties that allow the Board of County Commissioners to act under all authorities granted by state law and the UDC. Authorities related to the UDC include the authority to sign any permit, subdivision plat, resolution or other document directly related to an application submitted for review under the UDC, review and decision-making for certain land use and development applications, hearing certain appeals from decisions by the Planning Commission, responsibility for any actions not otherwise delegated to the Planning Commission, Board of Adjustment or Planning Director, and authority under extenuating circumstances or acts of god to override a process or approval outlined in the UDC with evidence indicating the extenuating circumstances that necessitate action.

### *Planning Commission*

Changes include clearly defined membership related to total number of members, alternates, residency and district and municipality representation, membership on the Board of Adjustment, duration of terms, vacancies, and alternates. Additional code sections include appointments of the chairperson and vice-chairperson by the Board of County Commissioners, reference to conduct of business, and powers and duties that provide the Planning Commission the authority to act under State statute, preparation and adoption of Master Plans and reviewing Sub-Area Plans and reviewing land use applications in accordance with the UDC, Master Plan and any relevant Sub-Area Plans.

### *Board of Adjustment*

Updates outline board membership, residency, allowances for membership on the Planning Commission, duration of terms, vacancies, and alternates. Officers, chairperson and vice-chairperson will be selected by the Board of County Commissioners and the Planning Director or their designee will serve as secretary to the board. Additional updates include conduct of business and power and duties that allow for the granting of a variance, upon appeal, for minimum and maximum setbacks, minimum lot widths, maximum allowable building height, maximum separation permitted between a Secondary Dwelling Unit and a Primary Dwelling Unit.

### *Historic Preservation Board*

Updates include officers, chairperson and vice-chairperson being appointed by the Board of County Commissioners and the Planning Director, their designee, serving as secretary to the board, and reference to conduct of business. Membership and powers and duties shall be as described in the current Resolution (2003-047).

### *Flood Plain Administrator*

The Routt County Planning Director, or their designee, will be appointed to be the Flood Plain Administrator for regulations and appropriate sections of the 44CFR (National Flood Insurance Program Regulations). The Flood Plain Administrator will be responsible for reviewing, approving and denying applications for Floodplain Development Permits and issuing stop work orders for any unpermitted development or land uses inconsistent with the UDC or site-specific approvals.

## **Solar Regulations Chapter**

The County's current code allows and regulates what is being defined as Small-Scale Solar. These regulations and their review processes, which include use-by right or, at times, an administrative variance for setback modifications, are not anticipated to change but discussions with planning staff and feedback from the Technical Working Group, Small Group Meetings and the Routt County community have indicated that an expansion of these regulations is necessary to provide clarity on varying scales of solar and user types.

### *Defining Solar by Users and Impacts*

The Renewable Energy Chapter for Module #1 expands on Small-Scale Solar, or “Small-Scale Solar Energy Systems”, to differentiate the scale and impact of solar uses and facilities: Small-Scale Solar Energy Systems” are typically used to generate energy for commercial and residential uses and can either be roof or ground mounted. “Community-Scale Solar Energy Systems” and “Utility-Scale Solar Energy Systems” are new categories of solar proposed in the attached code language and are defined as typically used to generate community- or neighborhood-wide energy, and retail or wholesale solar, respectively. These solar categories are based upon the size of the proposed development. Definitions were also developed for the components and capabilities of solar energy systems, including solar energy systems, solar collector, battery energy storage system, improved areas, ground-mounted, roof-mounted, agrivoltaics, and solar land coverage.

### *Performance Standards*

In an effort to keep barriers to Small-Scale Solar Energy Systems minimal, no new performance standards were developed for Small-Scale Solar. However, performance standards were developed for both Community-Scale Solar Energy Systems and Utility-Scale Solar Energy Systems. Standards are categorized into four themes including (1) site planning, (2) environment, (3) sensory impacts, and (4) decommissioning.

1. Site planning: Performance standards developed under site planning include setbacks, site access, site design, road engineering study, parking, height, maintenance, lighting, arrangement, workforce housing, provisions for battery facilities, transmission lines, and collective lots. Each standard is designed to minimize the impact to the surrounding area, while ensuring safe, high-quality performance.
2. Environment: Performance standards under this category are intended to proactively mitigate and limit the impact that Community- and Utility-Scale Solar Facilities will have on elements including erosion and sedimentation, agricultural lands, wildlife, vegetation, dust, and stormwater. Each standard refers to nationwide best practices and calls for third-party qualified professionals, such as CPW, when applicable.
3. Sensory Impacts: Performance standards under sensory impacts were developed to reduce the visual and auditory impacts that may come as a result of Community- and Utility-Scale Solar Facilities. Standards under sensory impact include fencing, screening, and sound mitigation.
4. Decommissioning: Decommissioning standards for solar facilities were created to ensure that the components of the facility are properly disposed of and that the site is restored to its original, if not better, conditions. Performance standards include financial assurance, land condition, and revegetation.

### **Growth Tier Overlays Chapter**

The Future Growth Areas identified in the Master Plan represent appropriate areas for anticipated growth in the County that generally has, or is planned for, new growth and development. In order to implement this growth framework, the County is exploring the use of zoning tools, called overlays, in the Tier 2 Targeted Growth Areas (Hayden, Stagecoach and West Steamboat Springs) and Tier 3 Established Communities (Phippsburg, Milner, Hahn’s Peak, Steamboat Lake, Toponas, and Clark).

These overlays will enable specific dimensional requirements that promote development that is compatible with adjacent municipalities in order to prepare for future annexation. They will provide guidance on site planning for residential, industrial and commercial properties (frontages, lot areas, height, and setbacks) and permitted uses – and will be tailored to existing conditions. The Airport Overlay is also included in this Chapter.

Proposed code language includes purpose statements for each of the Overlay Districts outlining applicable geographic areas and minimum capacities for development related to the provision of basic infrastructure.

### *Tier 2 Growth Area Overlay Districts*

Development in Tier 2 areas is required to have a County approved Sub-Area or community plan and must adhere to performance standards which require all development to provide a public benefit which may include deed restricted housing, mix of housing typologies, publicly accessible trails, open spaces or recreational facilities, critical wildlife, historic preservation or designation, and new public facilities that will benefit users of the development such as parking or transportation facilities or utilities. Additionally, development must be adequately served by municipal services and emergency services, develop basic infrastructure including site access, water, sewer and electricity, and not impact critical ranching and agricultural uses. Development in the Hayden and West Steamboat Tier 2 areas should make a good faith effort to pursue annexation prior to making an application with Routt County.

Specific requirements for Hayden, Stagecoach and West Steamboat Springs outline applicable areas for the tier overlays in addition to dimensional requirements, permitted uses, and additional performance standards. These requirements will ensure compatibility with adjacent municipal development patterns and provide for expanded dimensional requirements, additional uses, design and site planning metrics.

### *Tier 3 Growth Area Overlay District*

Development in Tier 3 areas will be tailored to the unique conditions that exist in historic communities and smaller established communities in order to provide dimensional requirements that reflect existing conditions in Phippsburg, Milner, Hahn's Peak, Steamboat Lake, Toponas, and Clark while expanding permitted uses to include limited neighborhood commercial uses and promote additional housing typologies such as duplex and triplexes.

Performance standards for Tier 3 include the provision of public benefit which may include deed restricted housing, mix of housing typologies, publicly accessible trails, open spaces or recreational facilities, critical wildlife, historic preservation or designation, and new public facilities that will benefit users of the development such as parking or transportation facilities or utilities. Additionally, development in these areas must be adequately served by County and emergency services, include transportation facilities that provide legal site access, include basic infrastructure, include pedestrian facilities, and provide for bicycle parking. Development may not impact critical ranching or agricultural lands in production.

### *Airport Overlay*

The Airport Overlay District has been updated to reflect the UDC's structure for Overlay Districts with a purpose statement, dimensional requirements, permitted uses, and general standards sections. Minimal changes have been made to this overlay district to ensure that it still reflects requirements relevant to the development properties subject to federal aviation standards.

### *Use Charts*

Associated uses for each of the Overlay Districts has been updated and included in this Chapter for reference to reflect proposed code language changes. Most notably, of expanded light industrial uses, live-work uses, and lodging in Hayden, expanded recreational uses in Stagecoach, and residential densities in West Steamboat Springs. Additional work on this chart will be completed with Module 2.

## **Discussion and Next Steps**

Design Workshop will be providing a presentation overview of each of the documents and a more detailed discussion of the granule changes proposed as part of Module #1 including a series of questions intended to provide definitive guidance on how to proceed with final drafting. Following the Work Session, copies of these documents will then be

provided to the public to solicit public comment online at [www.navigateyourroutt.com](http://www.navigateyourroutt.com). Direction from this Work Session, in addition to feedback from the public, will inform the final drafts to be brought back for adoption later this summer.