

ROUTT COUNTY PLANNING COMMISSION
DRAFT MINUTES
July 26 2023

The special 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 Brian Kelly, Ren Martyn, Bill Norris, Linda Miller, Andrew Benjamin, Paul Weese, Pete Wood, and Jim DeFrancia. Commissioner Greg Jaeger was absent. Board of County Commissioners Tim Corrigan, Tim Redmond and Sonja Macys were present, as were Assistant County Attorney Lynaia South and County Manager Jay Harrington. Planning Director Kristy Winser and staff planners Alan Golidch and Michael Fitz also attended. Sarah Katherman prepared the minutes.

PUBLIC COMMENT

There was no public comment.

**JOINT WORKSESSION WITH THE BOARD OF COUNTY COMMISSIONERS
- DEVELOPMENT CODE UPDATE**

These minutes will be limited to the discussion of items in Module #1 of the update to the zoning and subdivision regulations as a unified development code presented by staff and Jessica Garrow of Design Workshop.

Introduction and Agencies

Chairman Warnke asked if there were any potential downsides to combining the zoning and subdivision regulations into a single unified development code (UDC). Neither Ms. Winser nor Ms. Garrow could think of any.

Commissioner Miller asked about the status of the Historical Preservation Board. Ms. Garrow said that members are appointed by the Board of County Commissioners (BCC) and are not selected based on any geographical representation. She said that Historical Preservation Board was included in recognition of the importance of historical preservation cited in the Master Plan.

Commissioner Corrigan asked about the Compliance Officer. Ms. Winser stated that this brings the regulations in line with current policy and would not affect how code enforcement is handled now. Regarding the processes of the Board of Adjustment and Planning Commission, Mr. Goldich stated that the procedures that apply to these groups as well as their bylaws are currently housed in the handbooks for the respective bodies. The proposal is move the procedures into the regulations. He said that he was not aware if the Historic Preservation Board has bylaws or not.

County Commissioner Macys asked about Section 1.4.C (1 - 3). Mr. Goldich said that the regulations regarding subdivisions do not apply to parcels of 35 acres or larger. The language was taken directly from the state statute.

County Commissioner Redmond asked how the suspension of the UDC would work in the event of a natural disaster. He cited the Marshall Fire as an example. Ms. Winser stated that the BCC would have the flexibility to suspend all or part of the UDC or to suspend it or part of it for certain defined geographic areas.

Solar

Small Scale

In response to a question regarding small scale solar energy production, Mr. Goldich said that these systems are not defined by size in the proposed regulations. The energy produced, regardless of the size of the system, must be used on the parcel.

Community and Utility Scale

Commissioner Kelly asked about the reason for the 20-acre threshold. Ms. Garrow said that the size was derived from research into the industry standard, what other communities are doing, and in consultation from the technical working group. There was a discussion of YVEA's current rules. County Commissioner Macys described several alternatives such as virtual net metering and establishing a qualifying facility to aggregate panels. Mr. Goldich stated that they had made a concerted effort to limit the material included in the UDC to land use issues. In response to a question from County Commissioner Corrigan, Ms. Garrow stated that the regulations would apply to all types of solar generation, not just PV.

In response to a the question of the appropriate level of review for each type of system, there was general support of allowing small scale solar with only a building permit, requiring community scale systems to obtain a CUP and requiring utility scale systems to obtain an SUP.

Setbacks

Mr. Fitz reviewed the current system of allowing administrative approval of variances from property line setbacks for ground-mounted small scale solar systems. He said that the minimum setback allowed with an administrative variance is currently 5 ft., and noted the significant difference between that and the property line setback in the A/F zone district of 50 ft. He discussed how a minimum setback (with a variance) could be established through using a percentage of the established property line setback for the zone district. There was general support from PC and the BCC for allowing these variances to remain administrative, with the provision that the Planning Director could bump up any controversial case to the BOA. Commissioner Martyn offered that 5 ft. was too little in the A/F zone district and that a 15 ft. minimum was more appropriate. Ms. Winser said that language could be drafted for review that mirrors the current process, and revisited, if needed. Regarding waterbodies, Mr. Goldich stated that a waterbody setback permit is required for any encroachment into the setback. A permit may be obtained if it can be demonstrated that no other location is possible.

In response to a question from County Commissioner Macys, Ms. Garrow said that she would confirm that the draft language covers micro-grids.

Following discussion, there was general support for the proposed 100 ft. setback from any community or utility scale solar development and the nearest residence.

Site Planning

Ms. Garrow asked how the workforce housing during the construction phase of utility scale solar facilities should be handled. Commissioner Martyn said that this issue should not be addressed in the regulations. Commissioner Miller expressed support for requiring the developer to provide the County with a housing plan as part of the permit application. Under the current regulations temporary workforce housing can be permitted for a specific project. There was discussion of why the development of solar should be any different from any other type of project. Commissioner Martyn stressed the importance of evaluating community benefit. Commissioner Benjamin stated that the impacts of temporary on-site workforce housing would be less than the negative impact of the additional traffic on the roads by workers traveling to the construction site.

There was skepticism expressed regarding the ability to fairly evaluate the productivity of agricultural land. There was little support for prohibiting the installation of solar systems based on that evaluation against the wishes of the landowner.

Environment

County Commissioner Macys expressed concern with the proposed requirement to apply water for dust suppression.

County Commissioner Corrigan asked about the status of recommendations from Colorado Parks and Wildlife (CPW). Mr. Goldich reviewed the input provided from CPW and stated that flexibility in the regulations is necessary to address the site specific nature of wildlife migration corridors. Ms. Garrow stated that pre- and post-installation surveys of wildlife are proposed, as well as pre- and post-installation soil samples. She discussed how after the fact mitigation would be required if significant impacts are found.

County Commissioner Macys stated that she is opposed to item 18.A, and stated that it would be considered a taking. County Commissioner Corrigan expressed concern with the ditch flow language, noting that many factors contribute to variations in ditch flows. In response to a question from Commissioner Wood, Ms. Garrow said she would look into research on the impacts of large scale solar on bird migration.

Sensory Impact

The only issue of discussion was regarding the use of vegetation as screening. It was decided that proposed screening measures should be evaluated on case-by-case basis, but that berms should not be allowed.

Decommissioning

There was a discussion of the financial assurance/bonding for decommissioning and reclamation. There was general support for staff's recommendation that bonding be required prior to the issuance of a building permit. Following a discussion of how solar collection materials are sold and/or recycled, Commissioner Miller stated her support for requiring some sort of disposal plan. Chairman Warnke suggested that this would be covered by the decommissioning bond. It was noted that the markets and means of reusing or recycling the materials may change significantly between the initial installation and when a system is decommissioned. County Commissioner Macys suggested adding "repurposing" to the language.

Economic and Community Benefit Analysis

Ms. Garrow noted that this would be a new section that would address the technical and financial feasibility as well as the socioeconomic impact of proposed large-scale projects. Following a discussion of whether it would be appropriate to require proof of financial feasibility and/or resources, Chairman Warnke offered that any risk of failure would be covered by the decommissioning bond. Regarding the socioeconomic impacts, County Commissioner Corrigan asked why such an analysis would be specific to solar development. Ms. Garrow offered that the same set of requirements would apply to different sorts of industrial development (such as oil & gas or mining), but that solar is what is being discussed now. County Commissioner Macys expressed support for such an analysis but suggested that additional research is needed regarding the ability of nearby communities to benefit from the energy generated. Mr. Harrington stated that any analysis of community benefit would be speculative in nature. County Commissioner Corrigan expressed concern with the concept of making an approval contingent upon the benefit to the local government. County Commissioner Macys noted that at the Solar Summit the developers were touting their desire to be a partner with the community, and that it would be important to know what that means. Ms. Winser said that this is not particular to solar development. Public benefit is a requirement of subdivisions as well. There was general support conceptually for a public benefit requirement, but many questions about how community benefit would be assessed. Chairman Warnke offered that the question boils down to "what's in it for us?"

Overlay Districts

Ms. Garrow explained the concept of overlays and distinguished them from zone districts. She also reviewed the Tier 2 and Tier 3 Future Growth Areas as defined in the Master Plan. She reviewed the criteria for Tier 2 Future Growth Areas and the proposed performance standards. Ms. Winser noted that the proposed overlays would apply to larger scale developments and subdivisions, not individual single family residences.

Tier 2 - Hayden

Ms. Garrow presented a map and stated that the proposed overlay would mirror the existing regulations in the Town of Hayden and would include light industrial, live/work, and lodging uses. She noted that much of the area being discussed is in the vicinity of the airport. There was general support for this concept.

Tier 2 - Stagecoach

Commissioner Benjamin noted that Stagecoach is different than the other Tier 2 areas in that it is not adjacent to a Tier 1 Growth Center, and so would not ever be annexed into anything. Ms. Garrow stated that the north and south areas of Stagecoach need to be differentiated as the southern portion has many lots that do not currently have access to central water and sewer. Until there are utilities, additional development should not be considered. Ms. Garrow said that the overlay may cover all of Stagecoach, but include a dividing line because for the time being it would only apply to the northern portion. Ms. Winser noted that although it would be expensive, it would be technically feasible to extend the water and sewer services to the South Shore area. Ms. Garrow reviewed the proposed dimensions and uses. She noted that through the public outreach many comments were submitted regarding the desire for publicly accessible recreational uses in Stagecoach. Ms. Winser reviewed the existing regulations requirement for public trails and open space, but noted that the public comments had more to do with publicly accessible facilities, as opposed to private club development. Mr. Harrington noted that many communities require that facilities be open to the public, although they can charge what they want for access. Mr. Fitz described how regulations can distinguish where private clubs can and cannot be located. Mr. Harrington offered that they could be distinguished through the level of review: public recreational facility as a use-by-right or administrative review and the highest level of review for private facilities. He offered that this type of regulation could be specific to Stagecoach or be applied County-wide. He added that many communities have prohibited gates and have required public access to private roads within subdivisions. Mr. Goldich suggested that these issues are directly related to community character. Commissioner Martyn stated that every large scale developer knows that they must provide a public benefit, whether they want to allow public access or not. Ms. Winser stated that the current regulations do not require a public benefit, specific dedication of land or a fee-in-lieu for recreation-oriented development. Commissioner Martyn offered that there would always be a residential component to any recreation-oriented facility, and if the requirements are too high that will come in the form of 35-acre development instead of a subdivision. Regarding the level of review, Mr. Goldich stated that currently golf courses, ski areas, etc. require SUPs with no public benefit or exaction required, and no requirement for public access. Commissioner Corrigan suggested that, at a minimum, a dedication of public land was appropriate for this type of development.

Ms. Garrow reviewed the proposed performance standards. There was little support for limiting color choice, mandating roof pitch, garage location, or other design standards. The group stated support for function-based regulations.

Tier 2 - West of Steamboat

Ms. Garrow presented a map and stated that the proposed overlay would mirror the existing regulations in the City of Steamboat Springs. Mr. Fitz said that Steamboat Planning Director Rebecca Bessey had suggested that if the County design standards were significantly lower than the City's, that could be a disincentive to future annexation. Commissioner Benjamin asked if this type of urban-scale development should be allowed in the County if the property is not annexed. He suggested that annexation should come first. County Commissioner Macys said that it was important to have standards in place in case the area west of town is not annexed.

Tier 3

Ms. Garrow reviewed the Tier 3 areas identified in the Master Plan and presented the proposed performance standards. She presented the airport overlay, for which no revision is proposed. She asked if the areas with platted lots (Phippsburg, Milner, Hahn's Peak Village) should be treated differently than those with more dispersed development (Clark, Toponas, Steamboat Lake). Ms. Winser stated that staff supports them being treated differently and noted that Phippsburg and Milner have some central utilities. In response to a question from County Commissioner Corrigan, Ms. Winser provided the example of the gas station and small store development in Toponas. Ms. Garrow stated that the types of neighborhood supporting uses to be considered would be defined. Regarding how to define the Tier 3 areas, Ms. Winser stated that service areas for utilities (if they exist) could define where certain uses are allowed. She noted that it is intentional that none of the Tier 3 areas are defined geographically to allow for flexibility and the discretion to address a community's needs. Ms. Winser offered that some bookends on what uses are appropriate are needed. Mr. Fitz noted that a geographic overlay around a platted area could be expanded to include a particular parcel through a zoning amendment.

Next Steps

Ms. Garrow stated that the draft language would be amended based on the comments received. The Intro, Agencies and Solar chapters will then be redistributed to the PC and BCC, and put out for public comment and input from referral agencies. Following that, another joint session of the PC and BCC would be scheduled as a work session/adoption hearing to allow for adoption and ratification, if the document is ready. The overlays will be carried over to Module #2.

The meeting was adjourned at 9:15 p.m.