

## ROUTT COUNTY PLANNING COMMISSION

### FINAL MINUTES

June 15, 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, Linda Miller, Ren Martyn, Greg Jaeger and Pete Wood. Commissioners Steve Warnke, Jim DeFrancia, Andrew Benjamin, and Paul Weese were absent. Planning Director Kristy Winsler and staff Planner Sally Ross also attended. Sarah Katherman prepared the minutes.

#### **PUBLIC COMMENT**

There was no public comment.

#### **MINUTES - June 1, 2023**

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

**ACTIVITY: PL20230040**

**PETITION: Location and Extent review for the Steamboat Springs School District for an outdoor performance space on the District grounds**

**APPLICANT: Steamboat Springs School District RE-2**

**LOCATION: 39610 Amethyst Drive, Steamboat Springs, CO 80487**

Commissioner Miller disclosed that she has been a small donor to Piknik Theatre. She stated that this would not influence her ability to fairly evaluate the petition. There were no concerns.

Mr. Pascal Ginesta, Director of Facilities for the Steamboat Springs School District (District), representing the petitioner, stated that the District is collaborating with the Piknik Theatre on the proposed project, and is in full support of the petition with the recommended conditions of approval.

Mr. Stuart Handloff, Executive Director of Piknik Theatre, stated that he understands that the Strawberry Park Group (SPG), who oppose the project, are fearful of the impacts that a growing and changing Routt County could have on Strawberry Park. He stated, however, that SPG does not have review authority over the project; the District does. He stated that everything that goes on at the proposed amphitheater would have to adhere to the rules set by the school board. Mr. Handloff reviewed the proposal, noting that performances would not be amplified and that the design was intended to project the sound of human voices to the seating area. He noted that the project is very close to heavily used trails and that many people were likely to walk or bike to the venue. He suggested

that using the assumption of three seats per car, 67 parking places would be needed. Mr. Handloff stated, however, that historically Piknik Theatre performances at the Botanic Park have generated about 50 cars at most. He stated that available parking was far more than adequate, adding the many attendees would likely walk or bike to the site.

Mr. Handloff stated that all performances would be free of charge and any revenues generated by use of the theatre would go into a maintenance fund held by the District for the amphitheater. Regarding the claim that the proposed use would be a change in the institutional use of the school campus, Mr. Handloff noted that schools are used year around for many activities and that the performances would be consistent with school activities. He stated that the project was not a threat to Strawberry Park neighborhood. Mr. Handloff offered that educational and cultural activities provide an enormous benefit to the community and balance the emphasis on recreation.

Mr. Ginesta added that the District is trying to enhance its outdoor learning spaces. He stated that the venue had been designed such that it can serve as an outdoor classroom as well as performance space.

Commissioner Kelly asked about the enrollment in the Strawberry Park school campus. Mr. Ginesta said that about 1000 students and a little over 100 staff use the campus. The parking lot can accommodate 400 vehicles. In response to a question from Commissioner Norris about snow removal, Mr. Ginesta said that except for paths, minimal snow removal at the site would be done. He reviewed the site plan and noted the gravel fire lane that would allow for emergency access to the amphitheater.

Commissioner Miller asked about green room space. Mr. Handloff said that the school has offered to allow the toilet facilities in the school for both the cast and the audience, and that one of the old school houses on site would be available as a green room, costume room, etc. He said that no additional facilities would be needed.

Commissioner Wood asked about trash removal. Mr. Ginesta said that the site would be maintained by District staff and that bear-proof receptacles would be used. He noted that use of the space would be scheduled through the District system, like other school facilities and that users would be required to clean up. Mr. Handloff stated that the pack it in/pack it out policy employed at the Botanic Park had been very successful.

Ms. Ross reviewed the Location and Extent review process that applies to District property. She reviewed history of the property, which abuts the City limit and is otherwise surrounded by Agriculture/Forestry (A/F)-zoned land. She presented a site plan and indicated the proposed location of the amphitheater in the northeast corner of the parcel, facing a steep slope up to Amethyst Drive. Ms. Ross noted that a portion of the awning and sound reflectors would encroach into the 50 ft.

setback, but that reduced setbacks can be approved through the Location and Extent review. Ms. Ross reviewed the issues for discussion, including the requirement for bike racks to encourage alternative transportation to the site and whether the proposed use is compatible with the A/F zoning.

Ms. Ross stated that the SPG had submitted a letter stating that its board had voted unanimously in opposition to the project. She stated that the Routt County Road & Bridge Department have no concerns with the proposal. Colorado Parks and Wildlife (CPW) was sent a referral letter, but did not respond with any comments or concerns. Ms. Ross followed up with CPW by sending an email to resource specialists, asking for feedback regarding potential wildlife impacts Planning should consider. No feedback was provided. Ms. Ross stated that the Steamboat Springs Area Community Plan states that uses on the site should maintain current development patterns. She stated that this use, which is considered institutional, is a permitted use in the A/F zone district. She reviewed that the proposal is for an amphitheater with seating for 200, with no amplification and no lighting other than security lighting. The facility would be used by Piknik Theater and other community groups in the summer, and by the District during the school year. She said that the Yampa Valley Performing Arts Council (on behalf of Piknik Theatre) had entered into a 20-year lease for use of the site.

In response to a question from Commissioner Martyn about the construction materials, Mr. Handloff said that the facility was designed with durability in mind. He described the materials and finishes and presented renderings of the project. He stated that the area between the seats would be gravel.

Ms. Winser reviewed the Location and Extent review process and stated that an approval would be for life of use. The facility would be owned and managed by the District, but that Piknik Theatre would have a 20-year lease for summer use. Ms. Winser added that if approved, the petitioner would have three years in which to construct the facility.

Commissioner Martyn asked about funding for the project. Mr. Handloff said that using HLCC's estimate of \$1,000,000 in construction costs, almost all the money has been raised at this point through donations, grants, and in-kind contributions. He said that they would like to complete construction this year, and that the District will not allow construction to begin until all the money to build the facility has been secured.

In response to a question from Commissioner Norris, Mr. Handloff stated that all Piknik Theatre performances are free and open to the public, and that they also provide education for youth in the performing arts, build community and offer family-friendly entertainment. He stated that all content would be approved by the District. Commissioner Jaeger asked about the role of the school board in the decision making process. Mr. Ginesta stated that the school board had reviewed the project and is in full support. The school board will issue its final approval pending the outcome of this meeting.

**Public Comment**

Ms. Deirdre MacNab, a neighbor of the proposed site, stated that she has concerns regarding the proposal. She noted that the school site is surrounded by land that is zoned A/F. She said that Perry-Mansfield is only a short distance away and has plenty of facilities for the performing arts, and that the Chief is sitting empty. She asked why Piknik Theatre could not use these existing facilities instead of building something new. Ms. MacNab added that the facility will need to be maintained, and would not be able to be used for much of the year due to weather. She stated that this is not the right location. She added that summer is a bit of a respite from the high volume of traffic associated with the schools when they are in session. Ms. MacNab also cited concerns regarding the impact on wildlife and urged Planning Commission to deny the petition.

Ms. Annabelle Stone stated her support for the project. She described the significant positive impact that Piknik Theatre and the performing arts has had on her life. She stated that the Perry-Mansfield facilities are only available during the summer for camp participants. She said that due to cost and small enrollment, Perry-Mansfield is not accessible to most people and is not open to community participation. Ms. Stone expressed her enthusiasm for the proposed amphitheater and offered that performing arts is an integral part of a well-rounded education.

Mr. Rodger Steen, a member of the SPG Board of Directors, stated that the Board had voted unanimously to oppose the project. He distributed copies of his comments. He stated that issue with the proposal is not whether the facility is needed, but rather whether the proposed site is the appropriate location. He offered that the use was an urban use and should be located in an urban area because it is not in character with surrounding land uses. He stated that the impacts of the facility: noise, light, traffic, parking are urban issues. Mr. Steen cited the Routt County Master Plan regarding the goal of locating new development in defined future growth areas, and stated that Strawberry Park is not one of these. He suggested that approving this use in this location would be to take one more bite out of the rural, agricultural character of Strawberry Park. He stated that if the project is approved, SPG would like some changes to the conditions of approval (COAs). He said that "daylight hours" should be better defined. He said that "except for stage lighting" should be removed from COA #6. Mr. Steen noted the value of Strawberry Park, not only to its residents, but to the County as a whole and to its visitors. He cited several examples of actions that have been taken to preserve the rural, agricultural character of the area.

Ms. Terry Huffington, owner of Elkstone Farms, which is located directly across the street from the proposed amphitheater, expressed concern with the proposed location in an otherwise agricultural area. She stated her support for the performing arts in the community and for Piknik Theatre specifically, but stated that she is concerned with sound, lighting and traffic. Ms. Huffington expressed concern that the impacts might grow over time and that contracts regarding the

nature of the use of the facility could change. She noted that the amphitheater is pointed directly at her home. She also noted that the dinners held at Elkstone Farms only have 8 - 16 attendees, not 200.

Mr. Jack Dysart stated that he is on the Board of Steamboat Creates and Opera Steamboat, which is a potential user of the proposed facility. He said that he supports the project, but is in favor of clarifying some of the terms of the COAs. He offered that fear of change is a major motivator for the neighborhood opposition. He stated that the proposed facility would actually be a very minor addition to the existing educational facilities on the school property. He said that the amount of traffic generated would be very minor in comparison to other school activities and that the sound would be minimal, given that it will not be amplified. He stated his support.

Ms. Kathy Barker, speaking for Anne Kashiwa, stated that Ms. Kashiwa is a close neighbor to the site. She said that she is concerned with the impact that the amphitheater would have on her home, noting how loud events at the multi-purpose fields can be. She also expressed concern regarding traffic and the additional parking. She said that adding more uses to this already busy site was inappropriate.

Ms. Kathy Barker, speaking for herself, stated that her house, located at the corner of Amethyst and Strawberry Park Road, is directly above the proposed amphitheater site. She said that the location is a concern. She cited her concerns regarding the impact of the performances and the additional traffic, noise and lighting on the plentiful wildlife in the area. She urged Planning Commission to delay any decision regarding the proposal until comments could be obtained from CPW.

Mr. Paul Hebert stated that he has been a supporter of Piknik Theatre from its beginning. He cited the need for expanding the availability of outdoor performing arts in the community. He said that the project would provide a significant benefit to the community. He stated that the fears regarding the impact of this small project on Strawberry Park were overblown, noting that it is to be located on District property where there are already many activities, buildings and facilities. He said that the traffic impacts would be minimal, that the sound would not be amplified and the performances would be held during daylight hours. Mr. Hebert added that he does not think that performing arts are necessarily an urban thing. He stated that the educational component of the project was a perfect fit for the school site and would be a big asset.

Mr. Bill Dring stated his strong support for the proposal, citing the cultural and educational benefits to the community. He said that he is a student of ancient Greek theater and noted the resemblance of the design to ancient theaters. He stated that the sound would be directed to the audience and does not travel far beyond. Mr. Dring said that Piknik Theatre performances are quiet and would have a very low impact on the surrounding area.

Mr. J.C. Patterson, Ms. Barker's husband, described the wildlife in the area, focusing on the elk. He expressed concern regarding the impact on the elk and other wildlife of the proposed amphitheater, noting that they are very sensitive to sound. He stated that a study by CPW was needed.

Ms. Karolyn Lestrud described her involvement with various local arts organizations. She said that while Perry-Mansfield is doing work to rehabilitate the Julie Harris Theater, there is not a new building. She said that the Perry-Mansfield facilities are used by the camp throughout the summer. Regarding the Piknik Theatre proposal, Ms. Lestrud stated that the performances would happen during the daylight. She noted the high volume of traffic on Strawberry Park road by residents, people going to the hot springs, recreational users and tourists, and offered that the traffic generated by Piknik Theatre would be minimal and would not travel through Strawberry Park. She emphasized that there would be no lighting and no amplified sound, and that ample parking was available. She stated this would be a small addition to the corner of a much larger school campus.

Ms. Robin Stone stated that she has been on the board of Piknik Theatre in the past, but that she is speaking primarily as a mom of two kids that have found their passion in the performing arts. She noted that 9 months of the year this facility would be used by the schools and would have a huge positive impact on the students. She stated her strong support for the project.

Mr. Tomas Stone stated his support for the project and emphasized that the school was the proper location for it. He said that the project would not affect Strawberry Park at all. He added that the Chief is closed and that Perry-Mansfield seems to be unavailable. He cited the huge impact Piknik Theatre has had on his kids.

Ms. Hope Cook said that she likes the idea of the outdoor amphitheatre, but expressed concerns regarding how the use of it might change and expand in the future. She said that she would like assurance on how the use will be monitored and enforced in the long term.

Seeing no further comment, Chairman Kelly closed public comment.

In response to the concerns regarding sound, Mr. Handloff presented a map produced by a sound engineer showing how a very loud sound (90 decibels) at the amphitheater would dissipate over distance.

Regarding the lighting, Ms. Ross said that all lighting must be downcast and opaquely shielded and only security lighting would be allowed. Ms. Winsler stated that the COA regarding downcast lighting is a standard condition on all County-issued permits. Regarding the use of the amphitheater, she stated that only what is stated in the permit would be allowed. Any change in use would have to be

applied for through an amendment to the permit. This would apply to all users of the facility. In response to the concerns regarding the impact on wildlife, Ms. Winser stated that it is common for an agency not to respond to a referral if they have no concerns. She said that staff had reached out to CPW twice regarding this petition and no comments were received. She stated that it is staff's opinion that the proposed use is compatible and consistent with the existing use of the property by the schools, and that the suggested COAs mitigate the potential off-site impacts. She noted that the COAs apply to the District, which will manage the use of the facility and are not specific to Piknik Theatre, which has contracted with the District.

### **Roundtable Discussion**

Commissioner Martyn noted that the COAs state that performance will be held during daylight hours, but offered that this needs more definition. He suggested using the published hour of sunset. Mr. Ginesta noted that the outdoor fields are open to the public and do not have set hours of operation. He reviewed the typical summer programming that occurs on the campus. In response to a question from Commissioner Martyn, Mr. Handloff stated that performances usually start at 6 and are finished around 8 or 9 pm.

Commissioner Miller agreed that "daylight" needs to be defined. She stated that the COAs would be strictly enforced, and if any future user wants to have amplified sound or additional lighting, they would have to go through the entire review process to request an amendment to the permit. Regarding the traffic, she noted that it would stop at the schools and not travel through Strawberry Park. She stated that she likes that the proposal will utilize the existing restrooms, parking, and trails at the schools. She stated her support for the project, which she described as a small addition to the existing facilities. Commissioner Miller stated that this location was preferable to locating the amphitheater on otherwise undeveloped land.

Commissioner Norris agreed that the location is quite beautiful, but offered that it would not have a significant impact on Strawberry Park. He noted that the school campus is adjacent to the City limit and very easily accessible. He stated his support for the project.

Commissioner Jaeger stated that he sees the project as an accessory use to the schools. He said that it fits well with the site. He cited the equitability of the space, noting that the Chief is unavailable and Perry-Mansfield is expensive and highly utilized. He stated that the community is lacking in performance areas for the general public. Commissioner Jaeger stated that the use is compatible with the surrounding area and that the COAs address the neighbors' concerns. He said that the lack of additional lighting makes operation at night unfeasible, so he is okay with the proposed language. He said that he has no concerns regarding noise because there is to be no amplification. He agreed that the impact of wildlife is a concern and stated that he would like to hear from CPW, but added that there is already a lot of existing traffic in the area. Commissioner Jaeger

stated his agreement that it was better to locate this project on a developed site. He added his support for including security lighting.

Commissioner Wood stated that the project represents a great opportunity for the community, but agreed that the potential impacts are a concern. He suggested that more specific language was needed regarding the hours of operation, the prohibition on amplification and on the lighting. He also suggested that educational signage regarding these issues and their impacts would be helpful.

Chairman Kelly stated his support for the project. He discussed the options for clarifying the hours of operation. He added that he agrees with Commissioner Miller regarding the benefits of the location on an already developed parcel of land that is easily accessible from Steamboat and has supporting infrastructure.

### **MOTION**

Commissioner Norris moved to approve the Location and Extent Review for an outdoor performance space on the Steamboat Springs School District RE-2 grounds 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 Sections 4, 5, and 6 of the Routt County Zoning Regulations.
2. The proposal, with the following conditions, meets the Steamboat Springs Area Community Plan which states that institutional uses (primarily educational) will maintain the current development patterns and character in Strawberry Park when they expand, and that the expansion of facilities should be consistent with the existing scale of development and character of the surrounding area.

This approval is subject to the following conditions:

#### **General Conditions:**

1. The Location and Extent Review 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 Location and Extent Review, 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 Location and Extent Review, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
4. No junk, trash, or inoperative vehicles shall be stored on the property.
5. This Location and Extent Review 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.

6. Except for stage lighting, all exterior lighting shall be downcast and opaquely shielded.
7. All trash shall be stored either inside a garage or inside Interagency Grizzly Bear Committee (IGBC) certified receptacles
8. 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.**
9. Accessory structures/uses associated with this Location and Extent Review may be administratively approved by the Planning Director, without notice.
10. 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. A weed mitigation plan shall be developed by the Permittee and reviewed and approved by the Weed Supervisor prior to issuance of the Conditional Use Permit.

**Specific Conditions:**

11. The Location and Extent Review 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:
  - a. Performances and summertime activities at the amphitheater will be conducted between 9 a.m. and the published time of local sunset. This restriction does not apply to District operations or activities.
  - b. Performances not related to specific school programs will be conducted during summer months when school is not in session.
  - c. Use of the nearby Butcherknife Trail will be promoted as a desirable form of transportation to performances.
  - d. Vehicular parking will be limited to existing school parking areas.
  - e. The use of speakers to amplify performances is prohibited. Self-amplified instruments (such as keyboards) are allowed.
  - f. Audience sizes will not exceed 200 individuals.
  - g. The seating area may encroach by 25' into the 50' setback area. The stage canopy may encroach by 9' into the 50' setback area. Prior to any changes or future encroachments into the 50'

setback area, the applicant must submit a formal request to Planning for review.

12. The Location and Extent Review is valid for the life of the use provided it is acted upon within one year of approval.
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. Alternative transportation options shall be encouraged and bikes racks shall be provided.
15. Inter-agency Grizzly Bear Certified bear-resistant canisters shall be used to reduce human-animal conflict.
16. Develop a Zero-Waste Plan for performance events.

Commissioner Miller seconded the motion.

**The motion carried 6 - 0, with the Chair voting yes.**

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

Ms. Winser stated that an extra Planning Commission meeting had been scheduled for June 29. She reviewed the upcoming agendas. She also reviewed the schedule of events associated with the code update, noting that the joint worksession with the BCC would be held on Wednesday, July 26.

**The meeting was adjourned at 8:45 p.m.**