

## **ROUTT COUNTY PLANNING COMMISSION**

### **FINAL MINUTES**

**July 21, 2022**

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

#### **PUBLIC COMMENT**

There was no public comment.

#### **MINUTES - May 5, 2022**

Commissioner DeFrancia moved to approve the above cited minutes, as written. Commissioner Martyn seconded the motion. The motion carried 7 - 0, with the Chair voting yes.

#### **MINUTES - June 23, 2022**

Commissioner DeFrancia moved to approve the above cited minutes, as written. Commissioner Martyn seconded the motion. The motion carried 7 - 0, with the Chair voting yes.

#### **ACTIVITY: PL20220038**

**PETITIONER: James Ingwersen, Michele Childs, and Frances & Arthur Callahan**

**PETITION: 1) Lot Line Adjustment between Buckhead Ranch Lots 2 & 3  
2) Vacation of Utility Easements**

**LOCATION: 57115 & 57140 Green Bird Place**

Chairman Warnke disclosed that he is member of the Board of the Steamboat Lake Homeowners' Association and is Chair of the architectural review committee. He said that this would not affect his ability to evaluate the petition fairly.

Mr. Jim Ingwersen reviewed the petition for a lot line adjustment and vacation of utility easements, noting that if it were not for the utility easement the lot line adjustment could have been accomplished administratively. He said that he and his wife had purchased Lot 3 and had identified the best building location, but cannot build there due to the required setbacks and other constraints on the property. He noted that the property line bisects a pond, which the neighboring property owners, the Callahans, would like to have on their property. He said that

the proposed lot line adjustment would be mutually beneficial and would retain the existing acreages of the lots.

Mr. Fitz reviewed the site plan and compared the existing lot line with the proposed new plat. He pointed out the driveway easement and the proposed building site. He stated that the proposed lot line adjustment serves multiple functions: it accommodates the desired building site, allows the pond to be located on the Callahan's property and allows for a driveway easement that benefits both lots

There was no public comment.

### **LOT LINE ADJUSTMENT**

#### **MOTION**

Commissioner Weese moved to recommend approval of the lot line adjustment with the finding of fact that the proposal with the following conditions meets with Sections 2, 3, and 6 of the applicable guidelines of the Routt County Zoning Regulations and Section 2 and 3 of the Subdivision Regulations.

This approval is subject to the following conditions:

#### **General Conditions:**

1. The plat shall be finalized and recorded within one (1) year unless an extension is granted pursuant to Section 2.1.6, Routt County Subdivision Regulations. Extensions to up to one (1) year may be approved administratively.
2. 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.
3. A Certificate of Taxes Due showing a \$0 balance shall be submitted prior to recording the plat.
4. A 'no build' zone shall be indicated on the plat to avoid construction of structures, septic fields and roads in areas including, but not limited to 30% or greater slopes. The "no build" zones shall be approved by the Planning Director before the plat is recorded.
5. The resolution for the vacation for the utility, drainage, snow removal and snow storage shall be recorded concurrently with the final plat.
6. The right of way for Green Bird Place shall be appropriately dedicated on the final plat.
7. 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.
- i. The Declaration of Covenants and Conditions and Restrictions for Steamboat Lakes Subdivision Unit Numbers One, Two, Three, and Four are recorded at Book 356 at Page 164 and Book 364 at Page 58 in the official records of Routt County, Colorado, are applicable to this replat subdivision.
- j. All lots (or identify the lots) have been shown to be within mapped areas of Unstable Slopes. If site development reveals evidence of faulting in soils, then additional investigation will be need to ensure that individual structures are not located within active fault rupture zones.

#### **UTILITY EASEMENT VACATION**

**MOTION**

Commissioner Weese moved to recommend approval of the vacation of utility easements

with the finding of fact that the proposal with the following conditions complies with the applicable guidelines of the Routt County Master Plan and Upper Elk River Valley Community Plan and is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations and Sections 2, 3 and 4 of the Routt County Subdivision Regulations.

This approval is subject to the following conditions:

1. A resolution vacating portions of the utility easements shall be recorded concurrently with the Final Plat.
2. Utility and drainage easements on either side of the new lot lines shall be shown and dedicated on the final plat.

Commissioner DeFrancia seconded the motion.

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

**ACTIVITY: PL20220030**

**PETITIONER: Lindon's Ltd and Christian Heritage Foundation of Steamboat Springs**

**PETITION: Conceptual PUD to create 23 residential lots**

**LOCATION: South side of US 40 on the west side of Heritage Park Subdivision**

Chairman Warnke noted that five written comments regarding the proposal had been received and distributed to Planning Commission at the meeting, but that the deadline for submitting written comments is 72 hours prior to the meeting. He said that these comments will be included in the file, but not considered at tonight's meeting. Mr. Goldich said that these comments would be included in the Board of County Commissioners' packet.

Mr. Eric Smith of ESA Architecture, representing the petitioner, presented a site plan of the proposed Conceptual PUD. He said that this proposal represents a modification of the prior approval for four single family lots on Parcels C and six single family lots on Parcel D. He reviewed the proposal to leave Parcel D and a portion of Parcel C as open space and instead build a new road running east/west off of Brandon Circle, with lots on either side. This development would occur on Parcels A & B (currently the soccer fields) and a portion of Parcel C. Mr. Smith presented an aerial photo of the site. He stated that a third-party traffic study has been commissioned, but has not yet been conducted because in order to reflect the actual traffic conditions it needs to be done when school is in session. Mr. Smith said that the traffic study will look at the existing traffic, the traffic that would be generated by the proposal and the background traffic that exists on US 40. Mr. Smith said that the proposed lots would be smaller than

what was originally approved. He said that they would be more similar to the lots in downtown Steamboat and would allow for more density and more affordability. He said that the lots would be deed restricted to not allow short-term rentals. Mr. Smith offered that the proposal is intended to address the acute need for housing in the community. In response to a question from Commissioner Martyn, Mr. Smith said that the petitioner would be willing to deed restrict the initial sale of the lots to residents of Routt County.

Mr. Ty Lockhart presented a comparison of the approved plan and the proposed new site plan. Mr. Smith stated that he would anticipate that the lots would be sold within a year, with build out to occur in the 1 - 2 years. He discussed the plan to install the infrastructure and overlay the new road to minimize the disruption of construction activity.

Mr. Goldich stated that the petition is a Conceptual/Sketch PUD, which is intended to determine if the proposal is in general compliance with the applicable planning documents. Details of the proposal are not required at this level of review. He added that if approved, the review will provide feedback to the applicant regarding any concerns or changes that need to be addressed prior to the next review. Mr. Goldich stated that staff's recommendation is that the proposal be approved with the suggested conditions and that sidewalks should be required.

Mr. Goldich presented a vicinity map. He noted that the approved development of Parcels C & D included the soccer fields as part of the 25% open space requirement. He said that the PUD Plan for that development was approved and recorded, but the Final Plat was not recorded, which is why no lots are shown on the map for Parcels C & D.

Mr. Goldich reviewed the proposal that would create 20 single family lots and 3 duplex lots. Secondary dwelling units (SDUs) would be allowed on the single family lots. The residences would be required to have 2-car garages setback at least 20 ft. from the front property line. Porches would have a 10-ft. setback from the front property line. Having individual setbacks for porches and garages helps to ensure that the garage is not the dominant feature of the residence. The proposed side setbacks are 5 ft. and the proposed rear setbacks are 10 ft. Mr. Goldich noted that the proposed setbacks are smaller than what is typical in the County to allow for greater density. He stated that the proposed open space would fulfill the 25% requirement for the entire subdivision, including the existing Heritage Park. The soccer fields, however, would be removed. No uses have been identified for the proposed new open space areas. Mr. Goldich noted that PUDs are intended to provide community amenities. He offered that Planning Commission could provide recommendations regarding potential uses of the open space.

Mr. Goldich said that the City's referral comments state that the proposal is not in compliance with the Steamboat Springs Area Community Plan (SSACP) and cite

Section GM 1.1 and GM 1.2. Mr. Goldich noted, however, that this parcel is not eligible for annexation as it is not contiguous with the City boundary. He said that two letters of support and five letters in opposition had been received. Mr. Goldich stated that one of the major concerns regarding the proposal is vehicular and pedestrian safety. He said that neither the Christian Heritage pre-school nor the Steamboat Montessori School have school busses, so the traffic generated by parents dropping off and picking up their kids often backs up onto Highway 40. Mr. Goldich described some of the dangerous maneuvers that motorists employ to get around the traffic jam. He stated that the same access off of US 40 that serves Heritage Park subdivision and the school is proposed to serve the new development and the access off of Brandon Circle to serve the proposed project is the same access that is utilized to access the school's parking lot. He stated that the traffic study, which must be approved by CDOT, will be conducted when school is in session. Mr. Goldich stated that pedestrian safety is also an issue, as those students who walk to school must do so along the side of the road, and there is not a safe crossing area on US 40 for those coming from Steamboat II. He said that Planning Commission should consider if sidewalks should be required, and if so, where they should be located. Regarding a comment in the staff packet, Mr. Goldich noted that the river is not visible from US 40, so the proposed houses would not block the view of the river. He added that Planning Commission should consider whether the proposed density is appropriate, whether the proposed open space areas are useable, and if so, what uses would be appropriate for the open space. In response to a question from Chairman Warnke, Mr. Goldich stated that there are no sidewalks in Heritage Park.

Chairman Warnke asked about the transfer of Parcel E to the homeowners' association, which was mentioned in one of the letters that was submitted. Mr. Goldich stated that Routt County was not involved in that matter, so it is not being addressed.

Commissioner Martyn asked what uses were established for the open space when the 10-lot PUD was approved. Mr. Goldich stated that the soccer fields were identified as the open space. He reviewed the history of the PUDs and subsequent amendments that were approved for the school, the soccer fields, the 80-lot Heritage Park subdivision and the 10-lots on Parcels C & D. He noted that the soccer fields were intended to provide the community benefit. Ms. Winser stated that the proposal now being considered includes re-allocation of the open space areas, which at this point do not have any defined uses.

Commissioner Jaeger asked about the parking area to the west of the school and whether its reduction in size or elimination under the current proposal would have a significant impact. Mr. Goldich said that the parking area is not used as part of the pick-up/drop-off traffic pattern. He said that the traffic issue is more about circulation than about parking. He confirmed, however, that the parking area would be reduced. Commissioner Jaeger asked about the width of the private drive proposed to serve the residential lots and whether it would be wide enough to accommodate emergency vehicles, particularly during the winter. Mr. Goldich

said that this is the kind of issue that could be modified prior to the next level of review in response to referral comments. He said that the design is not final.

Commissioner Martyn expressed concern that the useable open space and the community benefit tied to the approval of the 80-lot subdivision is being eliminated with this proposal. Mr. Goldich said that whether the areas identified as open space in the new proposal are sufficient to satisfy the requirement of community benefit is one of the questions that needs to be addressed. He acknowledged that the acreage meets the 25% requirement, but the question is what uses would be appropriate in those areas.

Commissioner Jaeger asked if there is a public playground associated with the school. Mr. Goldich said that there is small playground, but that it is only maintained during the school year. In response to a question about the capacity and use of the school, Mr. Lockhart stated that the Montessori school occupies about 60% of the building, with the remainder occupied by the pre-school and private music instructors etc. He confirmed that the building is fully occupied.

In response to a question regarding the setbacks, Mr. Goldich compared the proposed setbacks to the setbacks in Heritage Park. Commissioner Martyn offered that the proposed side setbacks would be insufficient to handle snow storage. Ms. Winser noted that the proposed open space areas include a retention pond and wetland areas along the highway. She asked Planning Commission to consider what uses would be appropriate for these areas and the other open space.

### **Public Comment**

Ms. Casey Quillen, a resident of Heritage Park, asked Planning Commission to consider the need for connectivity and mobility. She said that this development proposal offers an opportunity to ensure pedestrian and bicycle access and safety, and specifically a safe crossing of US 40 and safe routes for kids to access their schools and their friends on either side of the highway. She suggested that although US 40 is under the jurisdiction of CDOT, the County needs to be involved. She stated that the proposal should not be approved unless it includes safe access routes for kids. Ms. Quillen stated that the developments west of town are lacking in connectivity to each other and to Steamboat Springs.

Mr. Roger Ashton, a resident of Heritage Park, a Heritage Park homeowners' association (HOA) member and YVHA Board member, said that he is speaking on his own behalf. He urged Planning Commission to deny the proposal. He noted that all of the areas being proposed for development were included in the original PUD for Heritage Park and included 5 soccer fields, a tot lot, and a playground, all of which will be lost with the new proposal. He said that kids from Heritage Park will then be crossing the highway to access recreational amenities in Steamboat II and at Sleeping Giant School. He added that the Heritage Park HOA governing documents include language that excludes the owners of these

parcels and the school from contributing to the HOA, which means that they have benefited at no cost to them from improvements that the HOA has made. Mr. Ashton stated that the proposed new development would use the same access from US 40 as Heritage Park and the school, which is already a tremendous problem for the neighborhood. He also offered that the construction traffic, because it will occur at the entrance to the subdivision, will have a big impact on the existing neighborhood for perhaps 5 - 10 years. Mr. Ashton stated that the City of Steamboat Springs has stated that the proposal is not in compliance with the SSACP. He added that the proposed lot sizes are significantly smaller than those in the existing surrounding neighborhoods and the increased density would have a major impact on traffic. Mr. Ashton also expressed concern that only the initial sale would be deed restricted for Routt County residents, which means that the units will not provide local housing for long. He suggested that if approved, a deed restriction should be required stipulating that the units can be purchased only as a primary residence by Routt County residents, and that the deed restriction should be in perpetuity, not just for the first sale. He added that snow storage areas have not been identified on the PUD plan, and the reduced setbacks may not be sufficient to accommodate snow, on the side or in front of the homes. He said that the Heritage Park HOA pays for snow plowing of its streets and asked who would pay to plow the private drive accessing these new lots. Mr. Ashton noted that although a traffic study is being required, CDOT has already stated that the proposed development would increase traffic at the intersection with US 40 of at least 20%, which would be a nightmare. He stated that although there is a letter of intent from the Steamboat II Metro to provide water and sewer service, there is no letter of intent from YVEA for electrical service, and suggested that the sub-station may not have capacity to serve these additional units. He reiterated his request that Planning Commission deny the application.

Mr. Ryan Schwede, a Heritage Park resident, stated that the City currently has no plan to expand its bus service to the subdivisions west of town. He asked Planning Commission to consider the need for transit service and to require a commitment from Steamboat Springs Transit to extend its service before any additional units are approved.

Mr. Lee Pierson, a Heritage Park resident, stated that he owns the lot that is adjacent to Parcel E. He said that Parcel E was supposed to be dedicated to the Metro District, but the transfer of the property never happened. He said that the Parcel is now covered in weeds, while Heritage Park is without a real neighborhood park. He said that the future of Parcel E needs to be addressed as part of the solution to the open space. He offered that some of the areas designated as open space on the new proposal are not appropriate areas for kids to play. Mr. Pierson also expressed his concern with traffic, as cited by others.

Ms. Kelly Conway, a resident of Heritage Park, stated that the traffic congestion and kids trying to cross US 40 are already big problems. She stated that there needs to be a controlled intersection or an overpass or underpass. She also

noted that the soccer fields are not maintained and there is no other developed park land, which will only be worse if the open space is relegated to the bogs by the highway. Ms. Conway said she would like to see the open space developed as it was supposed to be under the original PUD. She offered that the 10 lots that have been approved are as many as the neighborhood can handle. She added that there is waitlist for spots at the Christian Heritage pre-school.

Ms. Rita Donham, a nearby landowner, stated her agreement with the comments made by Ms. Conway, Mr. Pierson, Ms. Quillen, and Mr. Ashton. She reiterated that the open space areas originally identified were intended to provide useable soccer fields and a buffer from the highway as community benefits. The new proposal would take away that benefit. She offered that what the applicant is proposing is disingenuous and greedy, and way too much. She noted that there is still no fire station to serve the areas west of town and no real park. She said that the soccer fields are not used because they are not maintained. She also cited the need for an overpass or underpass of US 40. Ms. Donham said that she is totally opposed to the proposal.

Mr. Brian Bainum, a resident of Heritage Park, stated his agreement with all the previous comments, and expressed his opposition to the proposal. He noted that with the proposed SDUs, the proposal would increase the neighborhood by 32.5%.

Seeing no further comment, Chairman Warnke closed public comment.

Commissioner Weese stated that although he is not opposed to the proposed density, he is not in support of how it is being proposed. He cited that the mobility and access issues, in particular.

Chairman Warnke asked about staff's recommendation that sidewalks be required. Mr. Goldich stated that sidewalks would improve safety, particularly in the winter when the roadways are narrowed due to snow. Ms. Winser added that sidewalks should be constructed to City standards, in case this area were ever to be annexed.

In response to a question from Commissioner Martyn regarding what qualifies as open space, Ms. Winser stated that what is acceptable open space to satisfy the 25% requirement is up to the discretion of Planning Commission and the Board. She noted that this is a Conceptual PUD and any feedback would be considered by the applicant in how the plan is refined before the next level of review. She stated that an approval at the Conceptual level does not guarantee an approval at the next level. She noted that the traffic study and referral comments would also inform the design. Planning Commission agreed that the traffic study would be very important, and should address not only the entrance to US 40, but also Brandon Circle, the school traffic and the private road proposed to serve the new lots. Commissioner Martyn suggested that the adequacy of the reduced parking

lot to serve school events should also be considered. Commissioner Norris added that transit should be taken into account.

Commissioner Jaeger expressed concern with the lack of designated snow storage and with the reduced size of the school parking area. Commissioner Weese added that the pedestrian safety within the subdivision needs to be considered. There was consensus that full-width sidewalks should be required on the private road and on at least one side of Brandon Circle.

There was a discussion of the open space. Mr. Goldich offered that the school should be involved in the discussion to ensure that any plans it may have for the use of the open space be listed on the PUD. Chairman Warnke expressed concern regarding the usability of the areas identified as open space. Mr. Goldich stated that Planning Commission and the Board can take into account the value of the open space, and offered that the maintenance of the open space and parking for those areas should be considered, as well. Commissioner Martyn stated that his opinion on the proposal hinges on the open space. He suggested that the petitioner should present a plan for the open space and its uses that meets the needs of the community - both the proposed units and the existing residents of Heritage Park. He stated that the plan should provide details on landscaping, lighting, parking, and the uses of the open space. He said that the community benefit was for the applicant to propose and for Planning Commission to review and consider. Planning Commission agreed.

There was also consensus that access and mobility need to be addressed. Mr. Goldich asked if the setbacks would be sufficient if sidewalks are required. There was a discussion of how the street profile would be designed to accommodate the sidewalks and snow storage without reducing the front setbacks. Commissioner Martyn stated that more detailed urban design was needed for a proposal of this density.

Commissioner Miller stressed the importance of deed restrictions prohibiting short-term rentals, and added that this prohibition should also be stated in the covenants. Commissioner Martyn stated that additional deed restrictions could be considered, and Commissioner Jaeger offered that size restrictions on the SDUs could be valuable.

Mr. Goldich summarized the items to be added to the COAs.

### **MOTION**

Commissioner Weese moved to recommend approval of the Conceptual PUD, item PL20220030, with the findings of fact that the proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan, the Steamboat Springs Area Community Plan, and the West Steamboat Springs Area Plan.

This approval is subject to the following conditions:

**Conceptual PUD:**

1. This Conceptual PUD 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.

**Subdivision:**

1. The Final PUD plan shall be recorded concurrently with the Final Plat.
2. All federal, state and local permits shall be obtained, including but not limited to: Grading And Excavating, Work in the Right of Way, and Access permits
3. Prior to recordation, the applicant shall submit an electronic copy of the approved plat to the County Planning Department in a format acceptable to the GIS Department.
4. All property taxes must be paid prior to the recording of the final plat.
5. The Preliminary Plan submittal shall include the following detailed information:
  - a. Utility plans (roads, water, sewer, dry utilities, fire hydrants, drainage)
  - b. Snow storage areas for the proposed new roadway and Brandon Circle utilizing the City of Steamboat Springs' standards
  - c. Soils report
  - d. Landscaping plan
  - e. Utility easements
  - f. Plan showing land to be dedicated as open space in conformance with Section 7.3.F of the Zoning Regulations. Uses of open space shall be identified.
  - g. Engineered drainage plan which results in no net increase of runoff from the site.
  - h. A traffic study performed by a registered Colorado Engineer based upon the number of approved lots shall be submitted with the Preliminary Plan. The study shall take into account the adequacy of the access off of Highway 40, traffic associated with drop off and pick up at the school, and the ability of Brandon Circle to handle the increase in traffic. Comments on the study shall be obtained from the Colorado Dept. of Transportation and Routt County Public Works, prior to submittal of the Preliminary Plan.
  - i. Road construction plans and specifications for the interior access road which meet the minimum requirements of the Steamboat Springs Rural Fire Protection District, and Routt County Public Works. Plans and specifications shall carefully consider minimizing cuts, fills and visual scarring.
  - j. Engineer drawings for connection to the central water and sewer system.

- k. Letter of intent to provide water and wastewater service from Steamboat II Metro District.
  - l. Draft Covenants
  - m. Wildlife Mitigation Plan approved by Colorado Parks and Wildlife, if required.
  - n. Parking plan for the school
  - o. Architectural guidelines
6. The Final Plat notes shall include, but are not limited to:
- 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. Existing and new accesses shall meet access standards set forth by the Routt County Public Works Department and Fire Prevention Services.
  - c. Routt County (County) and the Steamboat Springs Rural Fire Protection 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.
  - d. All exterior lighting shall be downcast and opaquely shielded.
  - e. Address signage shall be in conformance with Routt County Road Addressing, Naming, and Signing Policy shall be located at the entrance to the driveway.
  - f. A current soils test showing that the soils are sufficiently stable to support development will be required before obtaining a building permit.
  - g. Revegetation of disturbed areas shall occur within one growing season with a seed mix that avoids the use of aggressive grassed. See the Colorado State University Extension Office for appropriate grass mixes.
7. Applicant shall take the findings of the required traffic study into consideration when designing the access off of Brandon Circle with particular attention being focused on how to alleviate the traffic issues on Brandon Circle and US Highway 40 during pick up and drop off times at the school.
8. Covenants shall include:
- a. Requirement to control noxious weeds
  - b. Roads will be privately maintained
  - c. No on street parking

- d. No short-term rentals

Commissioner Norris seconded the motion.

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

**ACTIVITY: PL20220003**

**PETITIONER: Duksa Family, LLC**

**PETITION: Special Use Permit for Recycling Station in the Industrial Zone District**

**LOCATION: Approximately 2.5 miles west of Steamboat Springs on the south side of US 40**

Mr. Goldich reviewed the petition for a recycling transfer station. He reviewed the history of the site, which was rezoned from Agriculture/Forestry (A/F) to Industrial (I) in 1990. He said that a site plan review for an electrical contracting business had been approved in 1991, but was never acted upon. The recycling station has been operating on the site since 2006 without a permit. Mr. Goldich said that when staff became aware of the situation due to an inquiry from a prospective buyer, a notice of violation was issued. Mr. Goldich stated that no complaints regarding the operation at this location have ever been received and that staff recommends approving the petition with the suggested conditions of approval (COAs). Mr. Goldich presented an aerial photo of the site and presented a site plan. He indicated the access road that crosses the railroad tracks. The access off of US 40 is shared with the Steamboat II Metro District. Accel and decel lanes are in place on US 40 to serve this site as well as the adjacent gravel pit. Mr. Goldich reviewed the uses on the site and presented photos. He noted that the applicant intends to improve the drainage on the site and to install a retention pond. He stated that the Colorado Department of Transportation (CDOT) submitted a comment stating that the site does not have an access permit. The applicant will have to work with CDOT to obtain a permit, if that is deemed necessary. Mr. Goldich stated that all of the proposed uses are currently taking place. He said that the issues for discussion include whether this use is appropriate for the site given its proximity to the Yampa River, whether run-off mitigation is needed and whether mitigation of the visual impact is needed.

In response to a question from Chairman Warnke, Mr. Joe Duksa confirmed that the oil collected is used on site for heating. Regarding the plans for the retention pond, Ms. Rebecca Lindeman, representing the applicant, stated that it had not been designed but that it would probably not be lined. Chairman Warnke expressed concern with potential exfiltration from the pond into the river. Ms. Lindeman stated that the applicant would not have a problem with conducting soils tests prior to designing the pond. Commissioner Martyn agreed that testing should be required, citing the possibility of run-off from the site that would carry petroleum products.

Commissioner DeFrancia stated that some assurance, perhaps in the form of a bond, should be required to ensure to that the site is cleaned up at the termination of the use. Mr. Goldich said that there would need to be some rational nexus between the bonding required and the actual cost of clean-up, which is unknown. Ms. Winser suggested that staff could do some research to estimate the cost of clean-up prior to the Board hearing.

In response to a question regarding mitigation of the visual impact, Commissioner Jaeger stated that screening has been required for other similar uses. Mr. Goldich said that staff could work with the petitioner to determine appropriate mitigation measures, in the form of screening and/or limiting the height of the stockpiles. Mr. Brent Starnes, and attorney representing the petitioner, stated that the applicant would agree to work with staff and suggested that effectively screening the site would not be difficult. Mr. Duksa reviewed how he stacks the material and stated that the piles are often 30 - 40 ft. high, but that he would be willing to limit the height. Commissioner Miller suggested that the view from the public access on the Hard Rock open space should also be screened.

Chairman Warnke asked about the requirements of the fire department. Mr. Starnes stated that the International Fire Code requires a specific separation between piles, but that this operation is so small that it does not meet the minimum baseline for the regulation to apply. He stated, however, that the applicant will comply with the fire department's request.

There was no public comment.

### **MOTION**

Commissioner DeFrancia moved to recommend approval of the SUP for a Recycling Transfer Station, item PL20220003, 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. In the event that Routt County commences an action to enforce or interpret this SUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
5. Permits will be assessed an Annual Fee in accordance with the Fee Schedule in Appendix B of the Routt County Zoning Regulations.
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. 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 permit may be administratively approved by the Planning Director, without notice.
10. Transfer of this SUP 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.
11. The Permittee shall prevent the establishment and 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 ten years provided it is acted upon within one year of approval. If no issues have been identified, the permit may be renewed administratively for an additional 10 years. The SUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
13. The SUP is limited to uses and facilities presented in the approved project plan, including the uses and structures listed below. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.

Recycling Uses:

- Scrap metal

- Tires
- Batteries
- Used oil and other fluids

Structures

- One office buildings
- 8' x 4.3' detached sign

14. Any additional uses or facilities that are not considered accessory to a recycling operation, including those listed below will be reviewed by Routt County Environmental Health and Planning Department staff to determine if a formal review will be required. If a formal review is required, such amendment shall be applied for in a new or amended application.
- Food waste collection for composting
  - General recycling of nonmetal household items
  - Other green processes
15. The operation shall meet or exceed accepted industry standards and Best Management Practices.
16. Hours of operations shall be 7:00 a.m. to 7:00 p.m., 7 days per week.
17. This permit is contingent upon the acquisition of and compliance with all applicable permits. The operation shall comply with all federal, state, and local laws. Copies of required permits or registrations shall be submitted to the Routt County Planning Department. Such permits and approvals include but are not limited to:
- CDPHE Industrial Stormwater Permit
  - State Recycler registration (if required in the future based on current operations)
  - CDOT Access permit
18. All annual submittals, as listed in #19 and #20 shall be submitted to the Routt County designee at [annualreports@co.routt.co.us](mailto:annualreports@co.routt.co.us).
19. All regular reports required by any permitting agency shall be submitted to the Routt County designee, including but not limited to the annual stormwater permit report.
20. The permittee shall provide quarterly reporting on types and volumes of diverted waste
21. Any required permits from the Routt County Environmental Health, Public Works, or Building Department shall be obtained and any inspections completed by October 31, 2022.
22. The proposed stormwater controls shall be installed by October 31, 2022.
23. A Floodplain Development Permit for the storage of materials in the floodplain shall be obtained by October 31, 2022.

24. A screening plan shall be developed by the Permittee to mitigate the visual impacts of the operation. Such screening plan shall be approved by the Planning Director and be implemented by October 31, 2022.
25. Prior to issuance, the six flags will need to be removed from the site.
26. If, after inspection by the Weed Supervisor, weeds are determined to be present on-site, the following conditions will take effect. If it is determined that these conditions will take effect, a technical correction to the permit shall take place indicating that these conditions are valid.
- Permittee shall submit an annual report prior to December 31 of each year to document all weed control measures undertaken, including herbicides used, rates of application, and total gallons of mixed herbicide solution applied.
  - Permittee shall conduct an annual inventory of weeds on site each spring including but not limited to species identification and map locations. Inventory shall be submitted to Routt County Weed Program (RCWP) supervisor within 30 days of conducting the survey.
27. The soil type shall be taken into consideration in the design of the retention pond to ensure that stormwater does not exfiltrate directly to the groundwater and river.
28. A soil test shall be conducted on the south end of the site to determine if there has been any hydro carbon contamination.
29. Bond condition - needs more research.

Commissioner Weese seconded the motion.

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

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

Ms. Winser stated that tomorrow was the last day for written public comments on the draft Master Plan update. A joint meeting of Planning Commission and the Board of County Commissioners and public hearing for comment on the draft Plan will be held on August 4<sup>th</sup>. The Master Plan will be the only agenda item for that meeting. The adoption hearing by Planning Commission is scheduled for August 18<sup>th</sup>, with the Board ratification hearing on August 30<sup>th</sup>.

Ms. Winser reviewed the upcoming agendas and provided an update on the Snow Country Nursery petition, which was tabled by the Board to allow the applicant to negotiate with the City.

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