

ROUTT COUNTY PLANNING COMMISSION

FINAL MINUTES

May 2, 2019

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 Troy Brookshire and Commissioners Roberta Marshall, Brian Kelly, Bill Norris, Andrew Benjamin, John Merrill, Peter Flint, Greg Jaeger and Geoff Petis. Commissioners Karl Koehler and Steve Warnke were absent. Planning Director Chad Phillips and staff planner Chris Brookshire also attended. Sarah Katherman recorded the meeting and prepared the minutes.

PUBLIC COMMENT

There was no public comment.

MINUTES - April 4, 2019

Commissioner Kelly moved to table the approval of the minutes of the above cited Routt County Planning Commission meeting, as they were inadvertently omitted from the paper packet of meeting materials. Commissioner Benjamin seconded the motion. **The motion carried , 9- 0.**

ACTIVITY: PL-18-205

PETITIONER: Middle Creek Guest Ranch, LLLP

PETITION: Amendment to Special Use Permit PL-16-28 to add uses and expand the permit boundary

LOCATION: Lands generally located in T4N, R86W and T4N, R87W; located approximately 5 miles northwest of Oak Creek on the west side of CR 27

Ms. Melinda Sherman, representing the petitioner, reviewed the history of the existing Special Use Permit (SUP) and described the ranch operations. She reviewed the proposal to amend the permit for the Guest Ranch to include additional uses, to increase the number of guests allowed and to increase the acreage included within the permit boundary from 9,000 acres to 10,000 acres. Ms. Sherman stated that the snowmobile and ATV tours would be conducted only on the south side of CR 27. All other uses previously approved will continue to be conducted in their already approved locations. Ms. Sherman stated that the request meets the guidelines of the Routt County Master Plan and is in conformance with the Routt County Zoning Regulations.

Commissioner Petis asked how the eight weeks during which paying guests are allowed to occupy the ranch would be split up over the year. Ms. Sherman said she did not know. She noted that the family that owns the ranch also spends time there.

Ms. Brookshire reviewed the petition and confirmed Ms. Brookshire's clarification that the proposed motorized tours (snowmobile and ATV) would occur on the south side of CR 27. She noted the letter submitted by Colorado Parks and Wildlife (CPW) included in the meeting materials. She stated that the additional conditions recommended by CPW have been included in the suggested conditions of approval (COAs). She reviewed the proposed changes to the existing COAs. Ms. Brookshire added that COA #15 should be corrected to state that up to 20 guests are allowed, for a maximum of 8 weeks of the year. She noted that ATV tours and snowmobile tours had inadvertently been included twice under suggested COA #2.

Commissioner Petis asked about COAs #22 and #23. Ms. Brookshire clarified that although CPW has not identified any concerns regarding sensitive wildlife species on the property, they did include the standard recommendations to minimize disturbance to wildlife when it is encountered on the property by guests. In response to a follow-up question from Commissioner Petis, Ms. Brookshire described grouse lekking.

Ms. Sherman clarified that six employees work at the ranch, with two - four seasonal employees. When paying guests are staying at the ranch, additional employees may be hired to help. She confirmed that the proposed limit on the number of guests is 20, even though the ranch facilities could accommodate 24. In response to a question from Chairman Brookshire, Ms. Sherman stated that the ranch must be booked in its entirety by single groups of up to 20 people. The total amount of time over the year during which paying guests are allowed is eight weeks.

MOTION

Commissioner Petis moved to recommend approval of the amendment to the SUP with the findings of fact that the proposal, with the following conditions, meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, 6 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, and 6.
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. The approved plans consists of the following elements:
 - a. Shooting range as shown on the site plan
 - b. Use of trails and road on the trails map for horseback riding, bicycle riding, hiking, cross country skiing and snowshoeing
 - c. Fishing on Middle Creek and the Fish Creek Parcel

- d. Hunting
 - e. Snow tubing on the area shown on the site plan
 - f. Archery
 - g. ATV tours on property on the south side of CR 27
 - h. Snowmobile tours on the south side of CR 27
 - i. Swimming
 - j. Archery
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. No junk, trash, or inoperative vehicles shall be stored on the property.
 6. This approval is contingent upon the acquisition of and compliance with any required federal, state and local permits. The operation shall comply with all federal, state and local laws. Copies of permits or letters of approval shall be submitted to the Routt County Planning Department prior to the commencement of operations.
 7. Fuel, flammable materials, or hazardous materials shall be kept in a safe area and shall be stored in accordance with state and local environmental requirements.
 8. All exterior lighting shall be downcast and opaquely shielded.
 9. Prior to the issuance of the permit, the Permittee shall provide evidence of liability insurance in the amount of no less than \$1,000,000 per occurrence. Routt County shall be named as an additional insured on the policy. Permittee shall notify Routt County Planning Department of any claims made against the policy. Certificate of liability insurance shall include all permit numbers associated with the activity.
 10. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
 11. The permit shall not be issued until all fees have been paid in full. Failure to pay fees may result in revocation of this permit. Permits/Approvals that require an ongoing review will be assessed an Annual Fee. Additional fees for mitigation monitoring will be charged on an hourly basis for staff time required to review and/or implement conditions of approval.
 12. 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.

13. The Permittee shall prevent the spread of weeds to surrounding lands, and comply with the Colorado Noxious Weed Act as amended in 2013 and Routt County noxious weed management plan.

Specific Conditions:

14. Guest Ranch operations may take place during all times of the year.
15. The number of guests staying at the ranch at one time shall be limited to 20 for a period of eight (8) weeks per year.
16. The Special Use Permit (SUP) is valid for the life of the use. The SUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year (except for uses that a customarily operated seasonally or periodically).
17. Prior to operation, permittee shall submit to Routt County proof of a Sales Tax Account /License.
18. At least one employee shall be first-aid certified and be trained on emergency procedures when guests are present. Radios or cell phones shall be provided to guides in case of emergency.
19. Any accidents requiring emergency services shall be reported to the Planning Department within 72 hours.
20. 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.
21. To ensure access to emergency services, internal roads leading to the guest quarters shall remain plowed during snowy conditions.

Division of Wildlife Conditions

22. Guests recreating on the ranch during winter months shall make an effort to avoid disturbing big game animals. Snowmobile tours should avoid those areas where elk are present to minimize disturbance particularly December through March.
23. Any wildlife encountered along or near the tours shall not be disturbed and shall be given time to move away.

24. All trash shall be stored either inside a garage or inside Interagency Grizzly Bear Committee (IGBC) certified receptacles.
25. Between March 15 and July 30, the three trails segments identified by CPW as being near Columbian Sharp-tailed Grouse breeding grounds and lekking sites shall be avoided during guests' recreation activities, except when viewing or counting leks and while following appropriate protocol as set forth by CPW.
26. In winter months hay that is stored outdoors shall be secured in a manner approved by Colorado Parks and Wildlife in order to discourage elk from feeding on unsecured hay.
27. All tours should avoid elk and deer calving/fawning areas during the time period of May 15 to June 15.

Road and Bridge Conditions:

28. There shall be no parking on County Road 27 or the corresponding right-of-way for any events.
29. Routt County has the authority to close any county road at its sole discretion if damage to the road may occur by its use. To the extent that a road closure may affect Permittee's operations, Routt County will cooperate with Permittee to allow operations to be continued in a safe and practicable stopping point.
30. Routt County roads shall not be completely blocked at any time. If traffic regulation is deemed necessary, the Permittee shall notify the Routt County Road and Bridge Director, or designee thereof, in advance (if possible), who may then require:
 - a. A method of handling traffic in accordance with the Manual Uniform Traffic Control Devised and approved by the Road and Bridge Director.
31. Routt County roads affected by the SUP will be inspected by the Routt County Road and Bridge Department at intervals determined by same. Any road damage repair or maintenance needs above and beyond typical maintenance, attributable to this use, shall be made by the County, or a third-party contractor as selected by the Routt County Road and Bridge Department and on a schedule determine by same. Road and Bridge shall inform permittee of such maintenance or repair activities prior to work being performed. Permittee shall solely bear the costs of repairs.
32. Permittee shall use and maintain the existing access to the property to minimize impact to the County road system during the life of the operation. No additional accesses will be granted. Maintenance of the access may include sweeping, cleaning, and/or repair. If another access is desired, an amendment to the permit shall be required.

Commissioner Norris seconded the motion.

The motion carried 9 - 0, with the Chair voting yes.

GRAVEL PIT MATRIX DISCUSSION

Mr. Phillips reviewed the history of the Gravel Matrix, which was developed in response to community concerns and fears in the early 2000s regarding the potential for proliferation of gravel pits in scenic areas of the County. He specifically cited concerns regarding the potential for pits in the south valley floor, an area that had been designated for preservation, but where gravel resources are abundant. Mr. Phillips noted that during that time period, several existing gravel pit permits were being reviewed for renewal and there were applications for several new ones. There have been very few gravel pit applications in recent years. Mr. Phillips stated that the review of gravel pit applications is always difficult and the meetings are often contentious and lengthy. He stated that the Gravel Matrix was developed as tool to assist in the evaluation of gravel pit proposals. He said that the goal of the Matrix was to provide a more objective way to measure the impacts of gravel pits and compare different gravel operations. Mr. Phillips stated that the meetings of the Gravel Matrix Committee were often difficult, but that in the end the committee was able to agree on the criteria included in the matrix.

Mr. Phillips stated that the Gravel Matrix had won an APA award, but that John Eastman, the planner who had spearheaded the project, had ultimately determined that the Matrix was not a success because it was too subjective, and too difficult and costly to maintain. Without annual reviews on every gravel pit in the County, the Matrix grows quickly out of date. Mr. Phillips said that the Matrix compares pits in different locations, but each pit is unique. Because some elements and impacts of a pit change as the pit is mined, the Matrix always represent a snap-shot of a moment in time, and rapidly become obsolete. Mr. Phillips reviewed some elements of the Matrix and pointed out areas of subjectivity.

Mr. Phillips asked if the Matrix should be altered such that it would not compare pits to one another (and thus eliminate the onerous maintenance requirement), but could be used as a tool to assist in the evaluation of gravel pit proposals. He asked if the information in the Matrix would add anything new that this not already included in the staff report, aside from an evaluation of cumulative impacts. He noted that when the Board of County Commissioners had reviewed the Matrix some years ago, it had determined that the time and effort required to keep the data accurate was not worth the benefit.

In response to a question from Commissioner Merrill, Mr. Phillips stated that there is a County-operated pit in West Routt County that is adjacent to a commercial pit and very near to a mined-out pit that is being reclaimed.

Commissioner Petis asked why the Gravel Matrix was not abandoned when it became too unwieldy to maintain. Mr. Phillips said that it had been, but that a review of the Matrix was requested during the recent Master Plan discussions. Chairman Brookshire stated that he feels the Gravel Matrix is a great document and that it was very helpful when it was used. He said that the Matrix condenses and clarifies the issues and potential impacts that matter most to the public. He offered that it could at a minimum be used as a reference.

Commissioner Petis asked if the measures used in the Matrix mirror the standards included in the Zoning Regulations. Mr. Phillips stated that they do, with the exception of cumulative impacts. He stated that there is nothing in the Regulations that supports denial of a petition based on cumulative impacts.

Commissioner Petis offered that a pared-down version of the Matrix could have value as a scorecard to be used in evaluating applications, even without the annual monitoring requirement.

Commissioner Flint offered that the Matrix is over-engineered and that all of the categories are not needed. He also asked whether different criteria should be weighted differently. Mr. Phillips offered that as with any application review, each member of Planning Commission weighs different issues differently.

Commissioner Kelly agreed that some categories could be eliminated or combined, and stated that the categories should be differentially weighted. He said that overall, he likes the document.

Commissioner Benjamin agreed with the previous comments and that some version of it could be useful going forward.

Commissioner Merrill offered that a tutorial on how to use the Matrix might be needed. He asked how it is decided where gravel will come from for any particular project. Mr. Phillips said that whatever gravel is cheapest is what is used, but that transportation costs account for a significant portion of the cost. Commissioner Kelly added that different types of material are needed for different types of projects.

Commissioner Norris stated that prior to the Matrix, gravel pit hearings were long and contentious. He said that Matrix helped a great deal. He suggested that a modified version of the document could be useful.

Commissioner Marshall said that she understands that there was a political need for the document, but suggested that staff always includes all of the concerns addressed in the Matrix in the staff reports, with the exception of cumulative impacts. She added that the numerical nature of the scoring employed in the Matrix provides a false sense of objectivity, but that the scoring remains subjective, nonetheless. She said that if staff would find it useful to use as a reference, then they should use it, but that there was no need to include the

Matrix in the staff reports. Commissioner Marshall agreed that the categories should be differentially weighted and that it was not worth the time and effort required to maintain the full Matrix.

Commissioner Jaeger stated that the Matrix seems fairly objective. He added that the scores in different categories could provide direction to Planning Commission regarding where to focus. He said that the Matrix may provide too much information, however, and could be pared-down. He added that a couple of recent or nearby comparisons might be sufficient.

Chairman Brookshire stated that everyone agrees that maintaining the Matrix is not warranted. He asked how it might be used without that. Mr. Phillips stated that the pit comparison could be eliminated and that the scoring could be used as to tool to help in the evaluation of an individual proposal.

Commissioner Petis asked about the assessment of need. Mr. Phillips said that need for the resource is only taken into account if a zone change is required. He suggested that without a requirement to prove need in the permitting standards, there is no basis for denial of a permit based on the existing supply. He suggested that this criterion could be added to the pre-application (Conceptual) level of review, which acts as a "Master Plan filter." Mr. Phillips noted that estimates of supply and usage rates are often inaccurate, but that tonnage reports are required on many operations. In response to a question from Commissioner Benjamin, Mr. Phillips said that the Matrix could only be used to evaluate cumulative impacts if it were maintained.

Regarding cumulative impacts, Mr. Phillips said that while the Master Plan refers to cumulative impacts, there is nothing in the Zoning Regulations that supports denial on the basis of cumulative impacts. Commissioner Kelly added that having strategically located gravel pits around the County is important to minimize the transport distance. He noted the impact of gravel trucks on County Roads and on traffic. Mr. Phillips said that the 1980 Master Plan included a map of gravel resources in the County.

Chairman Brookshire stated that the Matrix is an excellent resource. He offered that staff would not need to score each pit, but that including the chart with the criteria in the staff report would help Planning Commission to consider all of the issues. Commissioner Petis suggested that an A - F score could be more useful than 1 - 100, with an F in any category acting as a disqualifier. Chairman Brookshire said that the scoring of all the pits was unnecessary as it is not current. He said that average/best/worst scores would be sufficient. Mr. Phillips said that he would discuss the future of the Gravel Matrix with the Board.

DIVISION OF WATER RESOURCES - WELL PERMITS DISCUSSION

Mr. Phillips reviewed the materials provided by the Colorado Division of Water Resources (DWR). He called attention to the map that shows the year in which

different drainages were deemed to be over-appropriated. He said that it would have been very useful to have had this information in 2006 or 2011. He said that some of the issues with well permits should have come to light much sooner, but that it needs to be clarified and understood at this point so that the Planning staff can provide accurate information to the public.

Mr. Phillips reviewed the categories (cases) that affect the availability of water well permits and the need for augmentation plans. The variables include when a parcel was created, whether it is within a central water provider service area and whether a water supply plan for the area has been approved by the state. He said that any parcel created prior to June 1, 1972 (SB 35) is effectively grandfathered in, and does not need to obtain an augmentation plan. Mr. Phillips said that at this point the County does not have a list of water provider areas that have plans approved by the DWR.

There was a discussion of the status of various areas around the County that are particularly affected by these regulations, specifically Stagecoach and Steamboat Lake. Commissioner Kelly noted the differences between the water systems in these two areas, and the ownership of individual water wells. Mr. Phillips reviewed the "vault agreement" for pump-able vault based waste water disposal systems that exists in Stagecoach but not in Steamboat Lake. He said that the agreement was approved for Stagecoach based on the capacity and proximity of the water treatment facility.

Mr. Phillips reviewed the list of subdivisions in Routt County that fall into each DWR case, based on location and the year in which the basin was deemed over-appropriated.

Commissioner Petis asked why this is being discussed at this time, given that Planning Commission sees very few subdivision applications other than lot consolidations. Mr. Phillips stated that the Planning Department needs to understand the issue and have the ability to provide accurate information to applicants. He added, however, that well permitting is a state and not a county issue.

Chairman Brookshire offered that large parcels zoned MRE that may want to subdivide may be required to submit augmentation plans. He asked about 35-acre subdivisions. Mr. Phillips confirmed that parcels of 35 acres or more are exempt. He noted that the regulations regarding permits also apply to Secondary Dwelling Units (SDUs). He stated that the DWR considers an SDU simply as a dwelling unit. Ms. Brookshire stated that even if an application meets the County regulations, the DWR might require an augmentation plan for an SDU, or may not issue a permit for an SDU at all.

ADMINISTRATOR'S REPORT

Mr. Phillips stated that all scheduled meetings through the summer are getting booked. The training with the County Attorney's Office will be scheduled for late June.

Mr. Phillips reported that the Board of County Commissioners had approved the housekeeping amendments recommended by Planning Commission, with the exception of the standards for lighting. He stated that because staff would prefer a standard based on brightness rather than on the particular technology of the lighting, some additional research will be needed.

Mr. Phillips stated that he would be scheduling a tour of Stagecoach soon. He added that he had recently sent out a survey to Planning Commission and the Board regarding staff support for their processes. He stated that in addition to the scoring, particular comments are very important.

The meeting was adjourned at 7:30 p.m.