

## ROUTT COUNTY PLANNING COMMISSION

### FINAL MINUTES

August 1, 2019

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 Brian Kelly Andrew Benjamin, John Merrill, Greg Jaeger and Geoff Petis. Commissioners Roberta Marshall, Bill Norris, Peter Flint and Troy Brookshire were absent. Planning Director Chad Phillips, Assistant Planning Director Kristy Winser and staff planner Alan Goldich also attended. Sarah Katherman recorded the meeting and prepared the minutes.

#### **PUBLIC COMMENT**

There was no public comment.

**ACTIVITY:** PL-18-143 (tabled from June 6, 2019)

**PETITIONER:** Butch Dougherty, represented by Peter Patten

**PETITION:** 1) Final Planned Unit Development (PUD); and  
2) Lot Line Adjustment to allow limited commercial use and other uses on two parcels totaling 9.3 acres

**LOCATION:** 753 Dougherty Road, Steamboat Springs, CO; located adjacent to the City limit

Ms. Winser reviewed the items, listed on page 1 of the memorandum dated August 1, 2019, cited in the motion to table the petition on June 6, 2019. She noted that the applicant had hired a consultant (Paul Currier of Water Resources Consultants) to address the concerns regarding the potential impacts of the development on the watershed and the Mt. Werner Water infiltration galleries and to respond to the analysis of the watershed provided by the City of Steamboat Springs. She reviewed the attachments to the memorandum

Mr. Peter Patten of Patten Associates, representing the petitioner, reviewed the petition for a lot line adjustment and a Final PUD Plan to define the uses on Lot 1. He noted that the proposed project would provide an easement for the Core Trail and an easement for raw water lines for Mt. Werner Water. Mr. Patten presented an aerial photo of the site, outlined the proposed lot lines and indicated the locations of the proposed uses.

Mr. Patten stated that since the last hearing the site plan for the eastern portion of Lot 1 had been completely revised. The site plan for the western portion of Lot 1 remains as initially presented. Mr. Patten noted the addition of fencing and landscaping, the realignment of the storage unit buildings and the addition of a small office/entry structure to provide security. He stated that the caretaker unit was left at the back of the lot, as it is assumed that the on-site caretaker would be living there with a family and this was a more appropriate location for a single family residence. The realignment of the storage unit buildings will result in fewer

visual impacts, as the ends rather than the sides of the structures will face the neighboring homes. The landscaping will help to buffer the impact of headlights. Mr. Patten stated that in response to the request from the City, the approach to the bridge had been changed to gravel to reduce the amount of impermeable surfaces.

Mr. Patten indicated on a site plan to the proposed future access easement for Lot 2 through Lot 1. The utility easement will follow the same alignment. This access easement will not be used until CDOT requires that the access to the nursery is right-in right-out only. Mr. Patten noted that there would be two fire hydrants on the west side and one on the east side of the property.

Mr. Patten presented architectural drawings of the proposed structures. The buildings have stone and metal elements and barn door-style ends. Mr. Patten discussed the visual impact (balloon) analysis that had been conducted. He presented photos from the balloon test taken from various locations. He stated that the visual impact of the project would be minimal due to the distances involved, the screening of the site and the realignment of the structures.

Regarding the bridge, Mr. Patten stated that it had been reviewed by Fire Marshall Doug Schaffer, who had stated that it is adequate for firefighting equipment and that he would approve its use provided that the gaps in between the surface members are eliminated and that adequate guard rails are installed. The bridge, which is 17 ft. wide, will be one-directional.

Mr. Paul Currier of Water Resources Consultants reviewed his background and experience. He noted that the Dougherty parcel accounts for only a tiny portion of the watershed (less than 1/100,000<sup>th</sup>) and that the river, not the aquifer, is the source of water for the infiltration galleries. He stated that the proposed development would have no measurable impact on the quantity or quality of the water collected by the galleries. In response to the concerns raised at the last hearing regarding the impact on the water from a potential firefighting event and the use of firefighting foam, Mr. Currier stated that the toxic foam was completely phased out in 2015 and has not been manufactured since 2002. He stated that the only sites still using the foam are military bases. He stated that PFOS/PFAS usage is no longer a concern, and that fluorine free firefighting foams are available.

Mr. Patten summarized the business plan for the storage unit operation. He said that the proposed hours are 7 a.m. to 10 p.m. and that there would be one full-time employee (the caretaker) who would live on site. Contractors would be hired as needed. Fencing, gates and a security checkpoint have been added to the site plan.

Mr. Patten requested that two suggested conditions of approval be removed: #8 and #10. COA #8 requires the applicant to obtain a Watershed Protection Permit (WPP) from the City prior to the recordation of the resolution for the Final PUD.

He stated that this condition is unnecessary because it is redundant. The applicant knows that the WPP is required. Regarding COA #10, Mr. Patten stated that the existing accesses currently comply with CDOT regulations, and that an access easement for the future has been included that will ensure that the accesses will comply when a right-in right-out only access is mandated.

Mr. Patten stated that all concerns and questions cited in the tabling have been addressed.

In response to a question from Commissioner Petis regarding the alignment of the Core Trail, Ms. Winser referred to the comments submitted by Craig Robinson included in the packet. She stated that the Core Trail alignment identified in the City's Trails Master Plan is conceptual in nature and that several constraints will have to be taken into account, but that crossing the Yampa River twice is cost prohibitive. She stated that the City intends to work with individual property owners when easement opportunities arise, and that Mr. Robinson would discuss potential alignment options with Mr. Dougherty's neighboring property owner (Mr. McArthur). Ms. Winser stated that Mr. Robinson remains supportive of the easement, as proposed.

Commissioner Petis asked Mr. Currier if additional information from the City was needed to determine the potential impact from run-off on the water quality. Mr. Currier said that the City had provided the data that Mt. Werner has gathered. In addition, information is available through the Colorado Department of Public Health and the Environment. And since 2014, the state has regulated all infiltration galleries with ground water sources that have direct influence from the surface, which changes what they test for. Because the water quality is very high here, not much testing is required. Mr. Currier stated that the water has never been tested for volatile organic compounds, for instance, because the treatment plant does not address them and they have never been detected in the treated water. Mr. Currier stated that it is his opinion that the development proposed for the Dougherty site will not have a measurable impact on the aquifers or the water source (the river). He stated that his decision is based on the hydro-geologic information available regarding the river, which is the source of water for the infiltration galleries. He reviewed the procedures that would occur in the event of a catastrophic failure and commended the community's efforts to establish redundancy in its water supply.

Commissioner Merrill offered that this does not address the questions and risks outlined in the Leonard Rice report.

Ms. Michelle Carr, Distribution and Collection Manager for the City of Steamboat Springs, noted that the water source is very clean here, which is why volatile organics are not a concern. She stressed the importance of the protections in place that keep the water source clean. She stated that the City is fully compliant with all required testing.

Commissioner Kelly expressed concern regarding the conflict in opinions between the Leonard Rice report and Mr. Currier's. He stated that the question is whether the proximity to the well heads, regardless of the size of the parcel in relation to the overall watershed, creates a risk of contamination from a spill. He acknowledged that the system would heal in the long term, but asked about the risk of short-term problems.

Mr. Currier reiterated that the source of water for the infiltration galleries is not the aquifer, but the river. He reviewed the precautions and procedures that would protect against a spill, or treat a problem if it should occur. He said that the activities for this site are no more significant because of the location than any other site within the greater watershed. He also reiterated that the firefighting foam is not an issue.

Chairman Warnke asked why the applicant is requesting the removal of suggested COA #10. Mr. Patten stated that compliance with the CDOT access plan is already a requirement, without the County including it in the approval of the PUD. He stated that the development plan, as proposed, is in compliance.

### **Public Comment**

Mr. David Randles, a resident of the River Place Subdivision, offered that the balloon test does not adequately reflect the way that buildings will be seen because buildings are so much larger than balloons. He added that much of the screening is vegetation, which will not act as screen in the winter. He expressed concern with the additional traffic on Dougherty Road that the proposal would generate. He stated that traffic is already a problem due to the church. Regarding the comparison to the D Bar K WPP approval, Mr. Randles said that this development is significantly further away from the infiltration galleries and the river. He expressed concern with putting a private property owner's desire to develop storage units over the protection of the community's water supply. In addition to traffic and water, Mr. Randles expressed concern with light pollution, insufficient landscaping and negative visual impacts. He stated that by far, the water is the biggest concern.

Ms. Carr stated that the City has already informed the applicant that the denial of the WPP for the proposal will stand. She said it is up to the applicant to decide if they want to pursue a hearing before City Council.

Seeing no further comment, Chairman Warnke closed public comment.

Chairman Warnke stated that if the petition is approved, he would be in support of retaining suggested COAs #8 and #10.

### **Roundtable Discussion**

Commissioner Jaeger stated that the proposed use is compatible with the site, and is probably a better use in this location than residential development due to the reduced risk of fire. He agreed with Chairman Warnke that COAs #8 and #10

should remain. He stated that he would support the proposal if the WPP is approved.

Commissioner Kelly offered that there was little point in a hearing until the WPP is approved. He stated that all of his concerns are related to the water. He asked what would happen if Routt County approved the PUD and the WPP is denied. He asked if the applicant would be vested with any rights. He added that COA #10 should remain, noting that CDOT plans often change.

Chairman Warnke stated that if COA #8 is included, and the WPP is denied, the approval would go away.

Commissioner Merrill stated that he agrees with all of the comments made so far. He stated that COA #8 and #10 must remain. He reiterated Commissioner Kelly's concerns regarding the conflicting opinions regarding the potential impact on the water, adding that the difference in expert opinion does not satisfy the need for certainty about the protection of water quantity and quality.

Commissioner Benjamin offered that retaining COAs #8 and #10, even if redundant, emphasizes the importance of these two issues. He said that he generally agrees with the previous comments, but added that the City's water consultant didn't provide sufficient data to support his opinion. He said that the plan includes retention basins that allow surface contaminants to settle out prior to the water entering the river. He offered that the development would probably have little impact on the yield. Commissioner Benjamin expressed frustration that the City continues to avoid dealing with projects that lie within the Urban Growth Boundary. He noted that there are very few uses that would be allowed on this parcel under County regulations, and storage units is one of them. He stated that the proposal should move forward.

Commissioner Petis said that he had nothing to add to the previous comments, noting that the proposal meets the criteria of the Routt County Zoning and Subdivision Regulations. He stated his support for retaining COAs #8 and #10.

Chairman Warnke agreed with the unhelpfulness of the conflicting expert opinions on the water issue, but agreed that the Leonard Rice letter did not provide sufficient data to back up its opinion.

### **MOTION**

Commissioner Petis moved to recommend approval of the Final PUD and Lot Line Adjustment 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 the applicable provisions of Sections 4, 5, 6, 7 and 8 of the Routt County Zoning Regulations and Sections 2, 3 and 4 of the Subdivision Regulations.
2. The Final PUD is substantially similar to the Conceptual PUD.

3. In review of the Final PUD Criteria for a Change of Zone has been met.
4. The proposal is:
  - 1) Located inside the UGB, and
  - 2) Eligible for annexation, and
  - 3) Designated on the Future Land Use Map for residential development that requires water and sewer service, but
  - 4) The City has stated that this property is not a good candidate for annexation, and
  - 5) The District will only extend water and sewer lines for one residential unit in exchange for an easement to run a service line, and
  - 6) The project has been re-designed with additional sensitivity to the floodplain and floodway and Well Head Protection Zone.

Therefore, based on these factors the proposal is found to be reasonable when considering the unique situation.

This approval is subject to the following conditions:

**General Conditions:**

1. The Lot Line Adjustment and Final PUD approval is valid for 12 months. This approval is contingent upon recording a final plat and resolution. Extensions up to 12 months may be approved administratively.
2. The PUD/ Plat shall not be recorded until all fees have been paid in full.
3. The following uses have been approved and shall be listed on the Final PUD:
  - a. All existing uses on Lot 2 including, an existing caretaker unit as accessory to the nursery operation with an office, nursery operations and buildings, water pump, outdoor storage of nursery-related materials, equipment, machinery and implements.
  - b. Greenhouse and plant nurseries-retail
  - c. Log and soil storage
  - d. Camping; Non-Commercial
  - e. Balloon rides
  - f. Self-storage units with a caretaker unit
  - g. Accessory uses and structures
  - h. Fishing; private non-commercial
  - i. Outdoor storage non-hazardous (no vehicle storage)
  - j. Yampa River Core Trail
  - k. Utilities for on-site caretaker unit, house on Lot 2 and service lines for Mount Werner Water
  - l. Open Space
4. A resolution shall be recorded with the plat rezoning the property to PUD.

5. All terms, conditions and obligations of both permit PP2011-012 and associated letter continue to be honored by the Farm owner and enforced by the County.
6. Interagency Grizzly Bear Committee (IGBC) certified dumpsters and trash receptacles be used at all times.
7. Nursery plants/stock should be protected by high fence at all times to minimize the likelihood of moose or other wildlife from damaging commercial plants.
8. The applicant shall obtain a Watershed Protection Permit (Permit) from the City's Public Works Department prior to recording the resolution.
9. Prior to recordation, a flood plain development permit shall be approved.
10. All access to HWY 40 shall comply with the Access Control Plan.
11. Prior to recordation, the 20' easement for the extension of the Core Trail shall be finalized.

**Specific Conditions:**

12. The property owner shall finalize an agreement for shared sewer maintenance with the Steamboat Springs Christian Center (SSCC) for sewer service connection for the portion of the sewer line on SSCC's property.
13. Contact Environmental Health to receive proper septic system abandonment procedures for Lot 2 per 43.9.C of Regulation 43 for Onsite Wastewater Treatment Systems.
14. Fire hydrant(s) and access shall meet Steamboat Springs Area Fire Protection District Standards.
15. Final architectural elevations shall be reviewed and approved by the Planning Department.
16. Lighting shall be downcast and opaquely shielded.
17. Any signage proposed in the future will meet the sign code.
18. An emergency vehicle access will be created on the eastern portion of Lot 1 connecting with an existing gravel drive on the northerly part of Lot 2
19. A Final Landscaping plans shall be submitted for review and approval by the Planning Director prior to construction.
20. Per the Conceptual PUD condition of approval # 9, and in agreement with the recommendations in the Traffic Report, the developer shall contribute proportionate share of the current cost estimates for the identified future projects. The contributions are required prior to issuance of a building permit and should be paid directly to the City of Steamboat Springs Finance Department where the monies will be deposited in accounts specifically for the projects:
  - a. The developer shall pay the proportionate share of ~~potential~~ future bridge improvements at Stone Lane over Walton Creek, calculated at 0.1% of \$3,554,000

or \$3,554.00. Payment shall be submitted prior to issuance of building permit.

- b. The developer shall pay the proportionate share of potential future signalization improvements at the intersection of Stone Lane/Dougherty Road at US40, calculated at 0.6% of \$512,000 or \$3,072.00. Payment shall be submitted prior to issuance of building permit.

21. The hours operation for the storage unit operation are limited to 7 a.m. to 10 p.m.

Commissioner Jaeger seconded the motion.

### **Discussion and Friendly Amendments**

Ms. Winser suggested adding a COA to set the hours of operation on the storage unit facility to 7 a.m. to 10 p.m., as proposed by the applicant. This suggestion was accepted, as indicated above.

### **The motion carried 5 - 1 , with the Chair voting yes.**

Commissioner Merrill stated that his dissenting vote was based on the lack of certainty that the proposed use would not be detrimental to the health, safety and welfare of Routt County residents. He added that this lack of certainty is supported by the follow-up engineering report and the denial of the WPP by the City of Steamboat Springs.

**ACTIVITY: PL-19- 127**

**PETITIONER: Yampa Valley Sportsman Education Foundation (YVSEF)**

**PETITION: Conditional Use Permit for a Recreation Facility - Outdoor Rural for a shooting range**

**LOCATION: Approximately 0.5 miles west of the City of Steamboat Springs, east of the intersection of US 40 CR 42**

Commissioner Jaeger disclosed that he was formerly a member of the Routt County Rifle Club RCRC. He stated that he is no longer a member and feels that he can make an impartial decision. There was no objection to his participation in the hearing.

Mr. Goldich stated that the petition is for a new CUP for the shooting range. He stated that YVSEF had assumed ownership of the property and leases it out to RCRC, who operates the range. He reviewed the history of the shooting range on this site. He stated that although the application is for a new permit, not a transfer of the existing permit, no changes are proposed for the operation of the facility. Mr. Goldich presented photos of the site, indicated the location of different uses

and reviewed the heights of the hills that serve as backdrops for gunfire. He stated that many different types of trainings and events are held at the range. The applicant has estimated that a minimum of 110 events with more than 15 participants are held each year. Mr. Goldich noted that Colorado Parks and Wildlife leases a storage shed on the site. There have been no complaints about the operation.

Mr. Goldich stated that RCRC had been involved in litigation with Steamboat 700 in 2008 concerning the shotgun range. Mr. Goldich reviewed NRA specifications for shotgun ranges, which staff assumes are for a flat areas. The RCRC range falls somewhat short of the standard, but it is surrounded by hills that serve as a backstop for shot. Mr. Goldich reviewed the test that had been done showing that falling shot could reach outside the property boundary. RCRC sold the area of potential shot fall to Steamboat 700 and a shot fall easement was placed on the area, with the stipulation that once a certain portion of land was annexed into the City of Steamboat Springs, RCRC would cease operation of the range. At this time, 99% of that land has been approved for annexation. Another test conducted by RCRC a couple of years ago indicated that shot was not falling into the area. Subsequently, RCRC, Steamboat 700 and Brynn-Grey (the developer of the land) entered into an agreement stating that RCRC would not be required to cease operations when the property was annexed, provided RCRC does not oppose the annexation of any of the Steamboat 700 land into the City. All of these agreements involved RCRC and not the applicant (YVSEF), which is not bound by the agreements.

Mr. Goldich reviewed the items for discussion, noting that the noise issue no longer applies, as under state statute noise complaints cannot be the cause for imposing mitigation or shutting down existing shooting ranges. He stated that in addition to the stated items, staff would like Planning Commission to consider if a new shot fall study by an independent third party should be required.

Mr. Goldich stated that staff had contacted the Police Department, the Sherriff's Office and CPW regarding this application. No comment was received.

Chairman Warnke asked about current water testing. Mr. Kent Holt, representing the petitioner, stated that the drainage across this property typically runs from March through June. He said that beginning over a decade ago he started testing the water for lead. He said that there is a background level of lead in the water **that is about ½ the public standard for drinking water**. He said that he suspects that ammunition is the source of the lead, but that the geology of the area and the soil pH level of around 8 prevents lead soluble compounds from forming. Mr. Holt stated that he is a retired engineer for the Colorado Division of Water Resources. In response to a question from Commissioner Petis, Mr. Holt stated YVSEF would not oppose a COA requiring water testing.

Commissioner Petis asked for an explanation of the relationship between RCRC and YVSEF. Mr. Bill Forbes, representing the petitioner, stated that YVSEF was

created to form a shield for RCRC against any liability issues that may arise. He said that YVSEF owns the land and is seeking a completely separate CUP for the facilities to ensure that RCRC would be able to continue without concerns for liability. Once this CUP is issued, RCRC will surrender its CUP to avoid any confusion regarding enforcement of the permit. YVSEF would then enter into formal agreements with the Police, the Sherriff and CPW regarding their use of the facilities. Mr. Ken Constantine, representing the petitioner, stated that RCRC and YVSEF are two entirely separate entities, although they share a purpose and have overlapping memberships.

Commissioner Kelly asked why a full year is allowed for the surrendering of the existing CUP. Mr. Constantine stated that settling lease agreements, with CPW for example, entails a great deal of bureaucracy that can take time. He added that YVSEF also wants to execute agreements with law enforcement agencies for training.

Commissioner Merrill asked if there had ever been a comprehensive safety study of shot fall area, sight lines, etc. conducted by an independent third party. Mr. Constantine said that there had not. Testing has been done by club members. He said the primary concern at the gun clubs is safety. He said that the berms have been increased and realigned, and that the backstops are refreshed periodically. He noted that while all the testing has been done by the club, they do follow NRA guidelines. Mr. Forbes noted that the organization is a non-profit and is fully supported by membership fees.

In response to a question from Commissioner Benjamin, Mr. Constantine reviewed the 4-H activities and other youth programs that operate at the facility. He stated in addition to users from Routt County, groups from Jackson and Moffatt Counties and from Montrose also utilized the range.

Chairman Warnke asked about the events with more than 15 participants. Mr. Constantine reviewed the schedule of weekly and bi-weekly events, 4-H, etc. He stated that the range is open from 7 a.m. or sunrise, whichever is later, until sunset. He noted that law enforcement sometimes conducts indoor training after sunset.

There was no public comment.

Chairman Warnke asked about the shot fall agreement. Mr. Goldich stated that the agreement that states that RCRC can continue operations provided it does not object to any annexation of Steamboat 700 land is still in effect. The applicant is not a party to this agreement. Regarding the shot fall agreement, Mr. Forbes stated that the shooting has been modified to the extent that no shotguns are fired in the direction of the area to which the shot fall agreement applies. Mr. Constantine said that RCRC has been in discussion with Brynn-Grey over several years. He stated that the two entities share a commitment to safety and

that they do not anticipate any issues to arise with the development of the West Steamboat Neighborhoods.

In response to a question from Commissioner Petis, Mr. Constantine said that he was not sure setting a limit on the number of events allowed makes sense. Mr. Goldich offered that the only reason to set a number is to include as much specificity in the permit as possible to clarify expectations and protect both the neighbors and the applicant.

Commissioner Petis asked about fencing or other proposals for the perimeter of the site as the nearby residential neighborhood develops. Ms. Michael Marchand of Brynn-Grey said that the location of the annexation boundary is such that it is not an issue. Mr. Goldich stated that he did reach out to Steamboat 700 and to Brynn-Grey. Steamboat 700 did not respond and Brynn-Grey stated that they did not have any concerns regarding the application.

Chairman Warnke reviewed the topics for the discussion. There was consensus that the use remains compatible with the surrounding land uses. Planning Commission stated that it could not comment on future development. There was consensus that no limit on events was needed and that water testing should be required.

Mr. Goldich reviewed a potential additional COA requiring a shot fall study by an independent third party. Planning Commission agreed that this COA was unnecessary.

Commissioner Petis proposed some changes to the language of suggested COA #20 that would allow administrative amendments to be made for minor modifications to the permit. Planning Commission and the applicant approved the suggested change.

### **MOTION**

Commissioner Petis moved to approve the CUP for a Recreational Facility - Outdoor Rural for a shooting range with the following findings of fact:

1. The proposal, with the following conditions, meets the applicable guidelines of the Routt County Master Plan and the Steamboat Springs Area Community Plan and is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations.
2. The Planning Department does not have any complaints on file in relations to this use.

This approval is subject to the following conditions:

### **General Conditions:**

1. The CUP 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. Any complaints or concerns that may arise from this operation may be cause for review of the CUP, 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 CUP, 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 permit 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.
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. All trash shall be stored either inside a garage or inside Interagency Grizzly Bear Committee (IGBC) certified receptacles
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. Permittee shall notify the Routt County Planning Department of any claims made against the policy. Routt County shall be named as an additional insured on 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. Transfer of this CUP 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.
12. 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:**

13. The CUP 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. Firearms training, practice, competition, and recreation
  - b. Law Enforcement training
  - c. Youth education
  - d. Archery training and practice
  - e. Hunter safety education
  - f. Hunter rifle site ins (open to the public)
  - g. Dog training
  - h. CPW equipment storage
  - i. Existing structures shown on the site plan
  - j. 4'x8' sign
14. The CUP is valid for the life of the use provided it is acted upon within one year of approval. The CUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
15. Hours of operations shall be from 7 a.m. until sunset, 7 days per week. Occasional nighttime use by law enforcement is allowed. The hours of operation for the indoor range is 7:00 am to 10:00 pm.
16. Prior to issuance of this permit, the existing permit held by the Routt County Rifle Club shall be surrendered. The existing permit shall be surrendered within one year of approval of the YVSEF permit.
17. The existing 24' x 60' storage shed on site is specifically for CPW equipment. Any other use is subject to review by the Planning Commission.
18. Outdoor storage shall be limited to hay, elk panels, horse trailers, and bear traps.
19. This permit is for the operation as described in the application. If staff determines that any changes would create impacts to the environment, adjacent property owners, wildlife, etc., administrative adjustments to the permit may be made. Should the changes create negative impacts that cannot be mitigated, the Routt County Planning Commission will review the changes.
20. Neither the issuance of this Permit nor any action taken pursuant to this Permit shall create a liability on the part of or be the basis for a cause of action against the County or any officer, employee or technical advisor thereof. The issuance of this Permit does not imply that the land uses permitted will be free from danger as a result of natural hazards, human error or mechanical problems.
21. All applicable standards set forth by the Colorado Department of Health and the Routt County Department of Environmental Health shall be complied with. The operation shall comply with all federal, state and local laws.

22. The permittee will provide bathroom facilities on-site. This may include portable toilets, a septic tank or septic system. These facilities must comply with all Environmental Health requirements.
23. Any accidents shall be reported to the Planning Department.
24. 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.
25. The applicant shall use Best Management practices to keep lead compounds from leaving the site. Tests shall be conducted annually to determine if lead is leaving the site and at what concentrations. Test results shall be submitted to the Planning and Environmental Health Departments.

Commissioner Merrill seconded the motion.

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

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

Mr. Phillips reviewed the Planning Department Project List, described how it is used and discussed several items on the list.

Mr. Phillips reported that no Planning Commission decisions had come before the Board since the last hearing.

Mr. Goldich reviewed the upcoming agendas.

**The meeting was adjourned at 9:00 p.m.**