

# ROUTT COUNTY PLANNING COMMISSION

## FINAL MINUTES

SEPTEMBER 5, 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, Bill Norris, Roberta Marshall, John Merrill, Peter Flint and Greg Jaeger. Commissioner Troy Brookshire, Geoff Petis, Brian Kelly, and Andrew Benjamin 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.

### **MINUTES - July 18, 2019**

Commissioner Norris moved to approve the minutes of the Routt County Planning Commission meeting cited above, as written. Commissioner Merrill seconded the motion. **The motion carried 6 - 0.**

### **MINUTES - August 1, 2019**

Commissioner Norris moved to approve the minutes of the Routt County Planning Commission meeting cited above, as written. Commissioner Merrill seconded the motion. **The motion carried 6 - 0.**

**ACTIVITY: PL-19-132, PL-19-133 and PL-19-134**

**PETITIONER: Micro Living, LLC - Michael Buccino**

**PETITION: 1. Final PUD**

**2. Preliminary and Final Subdivision**

**LOCATION: Lots 4-7, Block 2, (38970 Main St.) Town of Milner**

Mr. Mike Buccino reviewed the petition and presented 3-D renderings of the proposed tiny home development. He stated that the proposed parking remains at 8 spaces, but that in response to comments from the Board of County Commissioners the number of adults allowed to occupy each unit will be limited to two. Each unit will be allocated one parking spot, leaving two spots for guests. Mr. Buccino said that he did not think this would be a problem because he envisions single occupancy in most units. He stated that because the average occupancy will be less than the average occupancy in Routt County he is requesting that the fee in lieu of public sites be waived. There are two sizes of units proposed with footprints of 10' x 20' and 10' x 26'. Mr. Buccino said that the units would have full height lofts and full foundations that will provide storage space. The storage space will be accessed via a trap door located in the kitchen.

Chairman Warnke asked about the snow storage over the cistern. Mr. Buccino said that they had decided that this was not an issue because if there is a problem with the cistern in the winter, it will have to be dug out in any case, just like any construction. He stated that the snow storage areas meet the standards. Mr. Buccino added that the proposed gazebo will house the water delivery system, and will be heated to prevent freezing.

Commissioner Flint asked what would happen if a couple purchased a unit and then became pregnant. Mr. Buccino stated that children are not adults, and would be allowed. The occupancy is restricted to two adults. He stated that the units could accommodate one or possibly two children. He offered that these units could be categorized as entry-level housing for first-time homebuyers, moving out of rental housing. If a family grows, the owners would most likely consider moving to a larger space.

Commissioner Marshall asked about laundry facilities. Mr. Buccino said that although the developer would not be supplying laundry facilities, the heated gazebo would be plumbed and could accommodate a washer and dryer if the homeowners' association (HOA) chose to install them in the future.

Commissioner Jaeger asked about the comment from the Road & Bridge Department regarding the potential for water quality issues in the cistern during run-off. Mr. Buccino said that an impervious layer could be installed, but that they did not think this was a concern. Mr. Walter Magill, of Four Points Surveying and Engineering, described the proposed self-contained cistern, which would not be impacted from above, noting that the final specifications will depend on the product chosen.

Mr. Goldich reviewed the PUD review and approval process, noting that the proposal was deemed to be in compliance with the Routt County Master Plan during the previous level of review, so Master Plan issues are not addressed in the staff report. Mr. Goldich reviewed the application. He stated that although it had been stated at the previous review that 2 residences could be built on the property as a use by right, subsequent research has revealed that the four original Milner lots that comprise the parcel were created prior to the adoption of subdivision and zoning regulations. This means that each of the lots is buildable. Mr. Goldich noted that while four residences could be constructed as a use by right, setback variances would need to be obtained for each lot.

Mr. Goldich reviewed the site plan, the location of the utilities and the access. He said that it appears that additional easements will be needed to provide access and utility service to each lot. He stated that because the PUD process was streamlined by eliminating the need for a separate zone change after the Conceptual PUD was approved, a suggested finding of fact is included in the staff report acknowledging the change of zone.

Mr. Goldich noted that the packet includes a letter submitted by Civil Design Consultants stating that the estimated water usage by the proposed development would be approximately equal to the average usage of two single family homes. Mr. Goldich also reviewed the method used by the applicant to calculate an appropriate fee in lieu of public sites. The amount proposed by the applicant is \$3005.34, although the applicant is requesting that the fee be waived in its entirety.

Mr. Goldich reviewed the proposed covenants, many of which were required as conditions of the Board of County Commissioners approval of the Conceptual PUD. He added that the Colorado Department of Transportation (CDOT) has stated that no access from the alley onto Highway US-40 will be allowed, so the alley will not go all the way through. Regarding snow storage, Mr. Goldich stated that Routt County does not have a standard, but that the snow storage provided on the site plan meets the standard used by the City of Steamboat Springs.

Mr. Goldich stated that two letters had been received regarding the petition, both in opposition. These letters are included in the staff packet.

Commissioner Flint asked about the provision that ATVs, snowmobiles, etc. would be allowed. He asked where these additional vehicles would be parked, and suggested that there was nothing to prevent residents from parking them next to their units. Mr. Buccino said that such vehicles would be allowed in the parking spots, but could not be operated on the common area. Mr. Goldich noted that PUDs are very specific about uses, and that if a use (outdoor storage, for instance) is not on the PUD plan, it is not allowed. In response to a question from Commissioner Marshall, Mr. Goldich said that a standard HOA would be created.

### **Public Comment**

Ms. Sheila Weekly, an adjacent property owner, stated that she has many concerns regarding the project, and was particularly concerned with all of the variances, concessions and exceptions from the rules regarding development that the proposal is being granted. She noted that everyone else who has built in Milner has been required to follow the rules that are in place. She asked why six residences are being allowed on a parcel that would normally be allowed to have two. Ms. Weekly noted that none of the neighbors want this development. She said that she feels the applicant is being given preferential treatment, and cited issues with the water supply, traffic, parking, the use of the alley and the precedent that will be set for future development. She stated that although four homes might be allowed as a use by right on this parcel, it is not the development pattern that is consistent with the rest of Milner. Ms. Weekly stated that the project is not in the best interests of Milner. She cited the following concerns: the reduced or waived fee in lieu of public sites, the discount on sewer tap fees, the exception to the standards for parking, the setbacks, the size of the homes and the lack of gutters, sidewalks, etc. She stated that if the project moves forward, it would be much better if the number of homes were reduced to four. She offered that four homes would not have an impact on the neighbors and there would be

enough parking to accommodate the residents. Ms. Weekly said that the residents of Milner are opposed to this project, and it is the residents that will have to live with the unwanted density of the development.

Mr. Goldich stated that the Board of County Commissioners alone has the authority to reduce tap fees. He asked that any comments regarding the request for reduced tap fees be saved for the Board hearing.

Ms. Laura Case, a resident of Milner, indicated the location of her lot on an aerial map of Milner. She pointed out all the open areas in Milner that could potentially be filled with tiny homes in the future. She stated that she is opposed to the project and cited the density, the many exceptions from the rules that everyone else has to follow, the potential for a proliferation of tiny homes in Milner, and the availability of water. She stated that the majority of water is used in the kitchen and the first bathroom in a home. She said that she does not believe that six kitchens and six primary bathrooms will use the same amount of water as two single family residences. She stated that the residents of Milner do not want this development and asked that Planning Commission listen to the community.

Mr. Kolby Ginter, an adjacent property owner, stated that he uses the alley to access his house and for snow storage. He expressed concern with the additional traffic that the development would generate. He also expressed concern with the possibility that residents of the proposed development would store items in the alley and that room in the alley would be reduced. He noted that it is tight already and that he has trouble making the turn into his property.

In response to a question from Chairman Warnke, Mr. Goldich confirmed that the alley is public.

Mr. Chris Ausback, resident of Milner, indicated his lot on the aerial map. He expressed concern with snow storage for snow removed from the alley. He said that snow storage is a big issue. He also expressed concern with parking, stating that a couple would probably live in each tiny home, and that twelve parking places would be needed to accommodate the residents, without considering ATVs, snowmobiles, etc. He noted that it is very common for alleys to be used for storage of vehicles in Milner, and that this alley would be taken away from its current users. He offered that six homes was way too many for the site.

Seeing no further comment, Chairman Warnke closed public comment.

Commissioner Merrill asked about the use and maintenance of alleys. Mr. Goldich stated that the alleys are public rights of way, and that storage (with the exception of snow storage) in the public right of way is not allowed. He said that this regulation has not been enforced in Milner alleys because there haven't been complaints. Ms. Winser added that the County does not maintain or plow alleys, and that if residents want to use the alley for access, they generally plow it.

Chairman Warnke asked about the letter from the Division of Water Resources (DWR). Mr. Goldich summarized the letter, noting that the basin that serves Milner is not currently over-appropriated so a well permit could be obtained. If the basin becomes over-appropriated the well could be shut down in the event of a call, unless a water augmentation plan is in place. Mr. Goldich stated that the DWR did not comment on the impact of the proposed well on the surrounding wells. He noted that CDC did submit a letter that includes a water usage analysis and a hydrogeologic review, but that it states that the potential impact of the proposed wells on other nearby wells is very difficult to predict.

Commissioner Merrill asked if a future installation of a communal laundry would require County approval. Mr. Goldich said that staff would need to determine if the addition of a laundry would be eligible for an administrative decision. An administrative decision would include public notification.

In response to a question for Commissioner Flint, Mr. Goldich said that staff had not checked to see if there are other wells within 600 ft. of the proposed well.

Commissioner Jaeger asked about the basketball hoop. Mr. Goldich said that the hoop is not included in the required open space. The common area in the middle of the development meets the 25% requirement.

Commissioner Marshall asked about the proposed fee in lieu as calculated by the petitioner. Mr. Goldich stated that the County does not currently have a formula for calculating fees in lieu of public sites, but that the calculation used by the applicant was based on how staff has calculated fees for other developments.

**Issues for Discussion:**

1. With regard to the first issue for discussion, listed on page 3 of the staff report, Mr. Goldich stated that a violation of the covenants would be considered a violation of a condition of approval. Mr. Phillips said that if there were a complaint, the County would contact the HOA about the violation of the conditions of approval. Commissioner Flint expressed concern that such a small HOA would not have the resources to enforce the covenants. Chairman Warnke offered that the concept of the HOA would be the same: it would contact first in the event of a violation and the County would be contacted if the HOA did not resolve the issue.
2. Chairman Warnke offered that the sufficiency of the water analysis was more within the purview of the DWR. Mr. Goldich stated that if the parcel were developed without a PUD, the residences would probably share a well. Commissioner Merrill noted that the dissenting vote on the Board of County Commissioners was based on water concerns and snow storage. Chairman stated that a water analysis had been submitted.
3. Mr. Buccino reviewed the formula that he used to calculate his proposed fee in lieu of public sites. He offered that the number of people living in two single

family homes could be the same or greater than in six tiny homes. He stated that he did not think the development would have any impact on parks or schools. Mr. Phillips reviewed the calculation of the fee in lieu for the Fox Grove subdivision. He stated that he thinks the applicant's calculation is approximately what staff would determine was appropriate. He added that a community works when everyone contributes. There was consensus on Planning Commission that the fee in lieu should not be waived and that the applicant's proposed amount was acceptable.

4. Commissioner Merrill offered that the covenants do not adequately address parking of ATVs, snowmobiles and other "toys" on the lots or in the spaces. Mr. Buccino stated that this was a legitimate concern. Mr. Phillips suggested that the demographic interested in tiny home living tends to embrace a minimalist lifestyle. He said that restricting outdoor storage was totally appropriate. Mr. Buccino said that such a restriction could be added to the covenants. Mr. Phillips added that the parking standard under the Zoning Regulations is two spaces per unit. Following discussion, it was decided that the covenants should also state that the parking spaces are limited to passenger vehicles only.
5. Mr. Goldich stated that the proposed snow storage complies with the Steamboat Springs standard. Planning Commission agreed that snow storage was not a concern.
6. Mr. Goldich said that waiving this requirement was a bit of a technicality. He said that the development may require a street name, and if so, a sign will be required and that County addressing requirements must be met. The addresses of each unit will be assigned through the building permit process. Mr. Buccino noted that there are no storm water drains in Milner.
7. Commissioner Marshall stated that the proposed landscaping is inadequate. Mr. Buccino said that every effort was made to minimize water usage. He agreed that a fence along the north side would provide desirable screening. The applicant agreed fencing would be a good idea but stating the HOA could **install it later**. He offered that xeriscaping might be appropriate but resisted the idea of planting a lot of trees. The consensus on Planning Commission was the proposed landscape plan was adequate.

### **Roundtable Discussion**

Commissioner Marshall said she was conflicted about the proposal. She acknowledged the need for a variety of housing types and opportunities, but stated that she was empathetic with the concerns expressed by the neighbors. She said that she would prefer that the proposal was for five homes.

Commissioner Flint stated that he was also conflicted. He said he had never seen an example of a tiny home development, and offered that this was an experiment being conducted at the risk of the neighbors.

Commissioner Merrill said that he remains concerned regarding the adequacy of the parking. He said that his concerns regarding snow storage had been addressed.

Commissioner Norris noted that many proposals are approved over the objections and fears of the neighbors. He said that his concerns about the development had been addressed and that he could support it.

Commissioner Jaeger stated that he agrees that the proposal with five houses would be much easier to approve, and offered that the Board had expressed many of the same concerns. He said that his concerns regarding water and parking had been addressed. He said that the inclusion of a basketball hoop was pointless. He said that he could approve the project, but just barely.

Citing the need to find creative solutions to the housing problem, Chairman Warnke stated his support for the proposal.

#### **MOTION**

Commissioner Norris moved to recommend approval of the Final PUD for the Cheney Creek Tiny Homes project with the following findings of fact:

1. The proposal has been determined to be in compliance with the guidelines of the Routt County Master Plan.
2. The proposal with the following conditions is in compliance with Sections 4, 5, 6, 7 and 8 of the Routt County Zoning Regulations and Sections 2, 3, and 4 of the Routt County Subdivision Regulations.
3. The Final PUD is substantially similar to the Conceptual PUD.
4. In review of the Final PUD and Zoning Amendment standards, it has been determined that the Zoning Amendment standards have been met.

This approval is subject to the following conditions:

#### **General Conditions:**

1. This approval shall become effective upon the recording of the Final PUD and Final Plat.
2. The Final PUD shall be finalized and recorded within one (1) year unless an extension is granted pursuant to Section 3.2.10, Routt County Zoning Regulations. Extensions up to one (1) year may be approved administratively.
3. The change of zone from Medium Density Residential to Planned Unit Development shall become effective upon the recording of a resolution amending the Official Zoning Map by the Board of County Commissioners.

4. The Final PUD, Final Plat, Zone Change Resolution, Subdivision Improvement Agreement, covenants, and documents conveying the common elements to the HOA shall be recorded concurrently.
5. The approval shall not be issued until all fees have been paid in full.
6. All property taxes must be paid prior to the recording of the Final PUD and Final Plat.
7. The following notes shall be shown on the Final PUD:
  - a. The open space shall remain as open space in compliance with the Section 7 of the Routt County Zoning Regulations.
  - b. Uses of the open space include a basketball hoop, passive recreational uses, a gazebo, and snow storage.
8. A note concerning the non-exempt status of the water well shall be included on the Final Plat and Final PUD. If a plan for augmentation is obtained in conjunction with the well permit, then this note will not be required.
9. All easements shown on the civil plan drawings shall be shown on the Final Plat and PUD Plan.
10. Additional utility easements in the common area shall be identified on the Final Plat and PUD Plan for water, electric, and telecommunications.
11. Snow storage easements shall be shown on the Final Plat and PUD Plan for those areas identified as such in civil plan drawings.
12. The open space shall be conveyed to the HOA concurrently with the recording of the Final Plat and PUD Plan.
13. Uses of the open space shall be restricted to a basketball hoop, passive recreational uses, a gazebo, and snow storage and shall be identified on the PUD Plan.
14. The following elements shall be shown on the PUD Plan.
  - a. Setbacks
  - b. Structure dimensions
  - c. Total square footage of structures
  - d. Uses of the open space
  - e. Utility and snow storage easements
  - f. Reference to the Zone Change Resolution and covenants

Commissioner Jaeger seconded the motion.

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

**MOTION**

Commissioner Norris moved to recommend approval of the Preliminary and Final Subdivision with the following findings of fact:

1. The proposal has been determined to be in compliance with the guidelines of the Routt County Master Plan.
2. The proposal with the following conditions is in compliance with Sections 4, 5, 6, 7, and 8 of the Routt County Zoning Regulations and Sections 3 and 4 of the Routt County Subdivision Regulations.

This approval is subject to the following conditions:

**General Conditions:**

1. The Final 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 up to one (1) year may be approved administratively.
2. The Final Plat, Final PUD, Zone Change Resolution, Subdivision Improvement Agreement, covenants, and documents conveying the common elements to the HOA shall be recorded concurrently.
3. 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.
4. 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.
5. The approval shall not be issued until all fees have been paid in full.
6. All property taxes must be paid prior to the recording of the plat.
7. The following notes shall be shown on the Final Plat:
  - a. Routt County (County) and the Steamboat Springs Area 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.
  - b. The open space shall remain as open space in compliance with the Section 7 of the Routt County Zoning Regulations.
8. A note concerning the non-exempt status of the water well shall be included on the Final Plat and Final PUD. If a plan for augmentation is obtained in conjunction with the well permit, then this note will not be required.

9. Address signage shall be in conformance with Routt County Road Addressing, Naming, and Signing Policy.
10. Existing and new accesses shall meet access standards set forth by the Routt County Road and Bridge Department and Steamboat Springs Area Fire Protection District. An access permit shall be obtained prior to construction of any accesses.
11. A Work in the Right of Way and utility permit shall be obtained prior to construction.
12. A current soils test showing that the soils are sufficiently stable to support development will be required prior to obtaining a building permit.
13. Revegetation of disturbed areas shall occur within one growing season with a seed mix that avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass mixes.
14. Covenants shall include:
  - a. Conveyance of the open space and parking areas to the HOA;
  - b. Maintenance of the common elements provided on the property;
  - c. Provision requiring downcast and opaquely shielded lighting;
  - d. CPW's recommendation to use certified bear resistant trash receptacles;
  - e. Parking restrictions;
  - f. Outdoor storage standards and restrictions; no outside storage of RVs, ATVs, boats on common areas or lots;
  - g. Maximum number of residents per unit;
  - h. Snow storage; and
  - i. Solid wood fuel device restrictions
  - j. Parking spaces are for passenger or street legal vehicles only.
15. All easements shown on the civil plan drawings shall be shown on the Final Plat and PUD Plan.
16. Additional utility easements in the common area shall be identified on the Final Plat and PUD Plan for water, electric, and telecommunications.
17. Snow storage easements shall be shown on the Final Plat and PUD Plan for those areas identified as such in civil plan drawings.
18. All easements shall be dedicated to the public.
19. The open space shall be conveyed to the HOA concurrently with the recording of the Final Plat and PUD Plan.
20. The applicant shall enter into a Subdivision Improvements Agreement, in compliance with Section 4.1 of the Subdivision Regulations, for the installation of the required infrastructure. Such agreement shall be

recorded concurrently with the Final Plat. The agreement shall include provisions for the following:

- a. Road right-of-way improvements
  - b. Drainage systems
  - c. Utilities
    - i. Water
    - ii. Sewer
    - iii. Electric
    - iv. Natural Gas
    - v. Cable television
    - vi. Telephone
  - d. Landscaping
  - e. Survey monuments
  - f. Grading and excavation
  - g. Reclamation and revegetation
  - h. Erosion and sedimentation control during construction of improvements
  - i. Water quality monitoring during construction of improvements
  - j. Engineer supervision
21. If the developer completes all required subdivision improvements prior to recording of the Final Plat, a Subdivision Improvements Agreement shall be entered into for the warranty period of such improvements.
22. Final approval of this subdivision is contingent upon the approval of the **sewer plan by the Routt County Environmental Health Department**. Evidence of such approval shall be submitted prior to recording the plat.
23. Prior to recordation of the Final Plat and PUD Plan, the applicant shall pay a fee-in-lieu in the amount of \$3,005.34 to satisfy the requirements of Section 3.5.2 of the Routt County Subdivision Regulations.
24. Prior to recordation of the Final Plat and PUD Plan, a revised traffic report shall be submitted and approved by Routt County Public Works addressing comment #6 in Public Works' letter dated August 28, 2019.

Commissioner Jaeger seconded the motion.

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

**DISCUSSION: RESIDENTIAL TREATMENT FACILITY STANDARDS  
ACTIVITY: PL-19-141**

Ms. Winser introduced Hans Aschinger, the operator of Three Strands, a small residential treatment facility located in South Routt, up Lynx Pass. She stated that she had also contacted the operators of the Foundry to inform them about this discussion.

Ms. Winser reviewed the history of the issue, noting that in the past applications for treatment facilities have been processed as land uses that have similar impacts as the proposed use. She stated that the Foundry had originally been processed as a Guest Ranch, and had been denied. The applicant then amended the size and scope of the facility such that it would fall under the definition of "Family." The Foundry is now operating as a use by right. Ms. Winser reviewed the definition of Family, which was developed in order to be in compliance with federal law, including the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA). She discussed reasonable accommodation. She stated that in the interest of transparency there should be a land use category that states exactly what these facilities are, rather than trying to squeeze them into an existing category that does not accurately reflect the use. In addition, the County is running into issues with accessory uses and structures for treatment facilities that are not normally associated with a single family residence.

Ms. Winser presented the proposed draft definition of Residential Treatment Facility. She stated that the standards included in Section 6 would apply.

Ms. Winser reviewed her survey of other towns and Counties that have regulations regarding residential treatment facilities, noting that most employ the term "group home." She provided a sample of the definition of "group home." She noted that the City of Steamboat Springs has a "group living category" that includes everything from dormitories to housing for seniors to nursing home facilities. She said that some jurisdictions have zoning constraints on the location of treatment facilities or group homes.

Mr. Phillips discussed the Supreme Court decision that led to the development of a definition of "Family."

Chairman Warnke offered that Planning Commission recognizes the need for residential treatment facilities, and stated that the denial of the original Foundry application was based on the intensity of use for the size and location of the parcel, and on the number of clients. He asked if would be appropriate to limit the zone districts in which Residential Treatment Facilities are allowed, and noted that allowing them in rural Routt County might entail a major conflict with the Master Plan regarding commercialization. Mr. Phillips suggested that there could be different standards for large and small facilities.

Mr. Aschinger stated that Three Strands had recently opened. He described the facility, which is currently limited to 12 clients, and the treatment philosophy, which includes ranch work and wilderness experiences. The facility is located on a 738-acre parcel. Mr. Aschinger stated that in the future Three Strands intends

to construct another cabin to increase the client population to 24. Mr. Phillips said that this would be allowed under the definition of Family through a large lot agreement, but noted that no shared facilities or common amenities would be allowed. He stated that if there were a line item through which such a facility could be evaluated, not only could amenities be considered, but there would be standards through which potential impacts, such as traffic, could be evaluated.

In response to a question from Ms. Winser, Mr. Aschinger discussed the impetus for opening a facility and the process through which they chose Routt County for their operation. Mr. Phillips reviewed the large lot agreement. Mr. Aschinger stated that they had recently hosted a very successful open house for the neighbors.

Chairman Warnke stated that he supports the idea of a specific land use category, but suggested that residential treatment facilities might not be suitable for all zone districts. Mr. Phillips noted that small facilities would still be allowed to open as a use by right under the definition of Family. Those interested in opening facilities with over 12 residential clients and those who would like to have accessory amenities would need to apply for a permit.

Chairman Warnke said that the agricultural component of the Three Strands operation satisfies the issue of compliance with the Master Plan. Ms. Winser suggested that consideration of appearance and architecture could help such facilities remain compatible with the surrounding land uses. Commissioner Flint offered that maintaining the need for “western character” was misplaced in consideration of much needed treatment facilities. Chairman Warnke stated that intensity of use is an issue, just as it is with all other proposals in the County. Ms. Winser suggested that standards could include acreage, size of operation and visual impacts. Mr. Phillips stated that some thought should be given to the potential impacts of residential treatment facilities in the County. Planning Commission suggested size/density, acreage, County Road status, screening, and appearance and architecture.

## **DISCUSSION: RECREATIONAL FACILITY STANDARDS**

### **ACTIVITY: PL-19-164**

Ms. Winser reviewed the history of the issue in the context of the STARS application for a Recreation Facility that included overnight accommodations. She said that subsequently, the County created a new land use category: Recreation Facility - Outdoor Rural, with Overnight Accommodations. Unlike the Recreation Facility - Outdoor Rural which requires a Conditional Use Permit (CUP), this new land use requires an SUP. The trigger for the higher level of review is overnight accommodations, regardless of size. Ms. Winser said that the current discussion is intended to consider whether other triggers or thresholds are appropriate. She reviewed the chart of approved Recreation Facilities and Guest Ranches in the County, noting that some are private and are associated

with LPS developments or private ranches, whereas others are commercial and open to the public.

Ms. Winser listed the following topics for discussion:

- Should all Recreation Facilities with Overnight Accommodations be required to obtain an SUP, regardless of size or number of beds?
- What if the overnight accommodations are used for employee housing?
- What if the accommodations are private, but shared by several owners or families?
- What if the accommodations are simply private?

There was a discussion of the Windwalker facility. Chairman Warnke asked what would happen if this property is sold. Mr. Phillips said that if the new owner agrees to abide by the existing Conditions of Approval, the permit can be transferred. If not, then the permit goes away and the amenities on the property becomes a non-conforming use.

Chairman Warnke offered that employee housing should not count as overnight accommodations. Planning Commission agreed. There was also consensus that all overnight accommodations that are open to the public (commercial) should trigger the higher level of review (SUP).

Mr. Phillips noted that some private operations now include significant amenities that were not often seen on private properties twenty year ago. Ms. Winser noted that Commissioner Brookshire had expressed concern with requiring a permit for, or considering in the permitting process, uses by private property owners that are otherwise uses by right. She offered that the uses on a property must be considered holistically in evaluating the intensity of use in relations to the size of the property, whether the uses are private or open to the public. Mr. Phillips asked Planning Commission if there should be a difference in permitting for public and private operations. There was general consensus that potential impacts and intensity of use are the issue, not whether the amenities are public or private.

Ms. Winser asked if there should be a difference between private operations with common amenities that are shared by a variety of owners (e.g. an LPS subdivision) and amenities that are used by a single property owner and their guests. She noted that many operations with common amenities have already gone through an extensive review process such as an LPS. She asked whether a secondary permit for an SUP should be required.

Mr. Phillips summarized that employee housing does not count as overnight accommodations, but that any overnight accommodations (both public and private) should require an SUP. He noted that for Recreation Facilities, the recreation is the primary use and the overnight accommodations are accessory. He said that the opposition to the STARS application centered on the perception that the accommodations were the primary use. He asked how it should be

determined what is the primary use and what are the accessory uses. Mr. Phillips suggested that this would be a good topic for the next discussion.

**ADMINISTRATOR 'S REPORT**

Mr. Phillips reviewed the upcoming agendas. He noted that the Board of County Commissioners had tabled the Dougherty application, pending the decision by the City on the water permit. He noted that representatives of the City had shown out in force in opposition to the petition at the Board hearing.

**The meeting was adjourned at 9:30 p.m.**