



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: April 23, 2019	ITEM TIME: 1:30 pm

FROM:	Alan Goldich, agoldich@co.routt.co.us
TODAY'S DATE:	April 17, 2019
AGENDA TITLE:	Worksession/Adoption of 2019 Housekeeping Amendments; PL-19-100

CHECK ONE THAT APPLIES TO YOUR ITEM:
<input checked="" type="checkbox"/> ACTION ITEM
<input type="checkbox"/> DIRECTION
<input type="checkbox"/> INFORMATION

I. DESCRIBE THE REQUEST OR ISSUE:

This is a worksession/adoption of the 2019 Housekeeping Amendments

II. RECOMMENDED ACTION (*motion*):

I move to approve the housekeeping amendments as shown in Exhibit A.

III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):

PROPOSED REVENUE (*if applicable*): \$

CURRENT BUDGETED AMOUNT: \$

PROPOSED EXPENDITURE: \$

FUNDING SOURCE:

SUPPLEMENTAL BUDGET NEEDED: YES NO

Explanation: N/A

IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):

N/A

V. BACKGROUND INFORMATION:

These items were initially discussed with the Board and Planning Commission at the joint hearing on March 7, 2019. The Planning Commission reviewed these changes again at their April 4, 2019 hearing. They approved some of the changes and requested more information and discussion on other items. An explanation of the changes are broken down below:

- Value Added Agriculture Processing – These changes are to allow a process for allowing the processing of poultry that is in compliance with state law. The current regulations address all



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

forms of Value Added Agriculture Processing including making jams/jellies, crackers, fiber processing, making candles, etc. They are not limited to poultry processing.

At the joint hearing the bulk of the conversation centered on the birds being raised on-site. Planning staff consulted with staff at the Colorado Department of Health and Environment on this issue. They clarified that the birds do not have to be raised on the site that they are processed on, but that the birds must be processed by the person that raised them. Because of this clarification, it is staff's opinion that nothing in the regulations need to change to address this. An additional standard in Section 8.25 was approved by Planning Commission requiring the birds to be raised by the producer. Other changes that are new since the last time the Board saw this, and were approved by Planning Commission, include clarity in the thresholds for number of birds to qualify for each level of review and changing the word "*facility*" to "*operation*."

- Definition of Structure – The Planning Commission recommended approval of including "*paver patios or on-grade patio or decking*" in the list of features that are exempt from setback requirements.
- Signs – The purpose of these changes were to correct conflicting statements about signs being allowed in the right of way. Public Works stated that they do not want any signs in the right of way unless approved by them. The proposed changes are reflected in Exhibit A and include:
 - Moving the statement 5.9.2.C from the 'Applicability' section to the 'General Standards' section. This statement allows Public Works to remove any sign in the right of way not approved by Public Works. A statement was added to the 'General Standards' section stating that any sign in the right of way must be approved by Public Works. This statement applies to exempt signs as well.
 - Including a statement in the 'Exemption' section stating that all signs shall comply with the 'General Standards' section.
 - Add to the 'Ranch Sign' exemption a statement that says it must be located on the property or access easement to which it relates.
 - One additional item that Planning Commission wanted to add was a wattage restriction for LEDs that is equivalent to the restriction contained for incandescent and florescent bulbs. Staff researched this and no standard wattage conversion from incandescent or florescent to LED exists. Any change to this section of the regulations would require more in depth research by staff and is beyond the scope of these Housekeeping changes proposed or intended by staff. This change requested by Planning Commission is not shown in Exhibit A. Staff suggests that the Board approve the changes as presented and if a desire exists to include a LED wattage restriction, or a lumen (measurement of light not specific to a type of bulb) restriction, then staff will present this at a later date.
- Attorney Opinion Signature Block – This is to fix a simple typo.
- Occupied Trailers on Construction Sites - The permit process and standards for this were discussed by Planning Commission. This discussion revealed that additional research needs to



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

be conducted by staff. Once this research has been done, staff will bring this back to Planning Commission and the Board for discussion. Some of the items they wanted staff to research include:

- Including setbacks for trailers
- Limiting the number of trailers allowed on-site
- Time frame of the permit

VI. LEGAL ISSUES:
These changes have been reviewed by the Attorney's office.
VII. CONFLICTS OR ENVIRONMENTAL ISSUES:
N/A
VIII. SUMMARY AND OTHER OPTIONS:
N/A
IX. LIST OF ATTACHMENTS:
<ul style="list-style-type: none">• Exhibit A for adoption• Minutes from March 7, 2019 joint hearing• DRAFT minutes from April 4, 2019 Planning Commission hearing

Exhibit A

Section 2 Definitions

1. Value Added Agricultural Processing:

The processing of agricultural products including the processing of poultry; Except for poultry, this does not include ~~excluding~~ the processing of meat or game. Examples include but are not limited to: the manufacturing of herbal products, food products, woolen products, and cheese. May include accessory retail sales and/or a farm stand.

A. Small Agricultural Processing Operation Facility

A value added agricultural processing ~~facility~~ operation that meets the following ~~requirements~~ thresholds:

1. 75% (by volume) of raw materials to be processed are raised or grown on the site; and
2. The total processing area is 1200 sq. ft. or less in gross floor area; and
3. Traffic generation from the value added processing and/or sale of value added processing products is less than 50 vehicle trips per day, including customers, employees and deliveries; and
- ~~3.4.~~ The total number of birds processed per year is less than 250.

B. Medium Agricultural Processing Operation Facility

A value added agricultural processing ~~facility~~ operation that meets the following ~~requirements~~ thresholds:

1. The parcel on which the agricultural use is proposed is 35 acres in area or greater; and
 - a. More than 50 percent (by volume) of raw materials to be processed are raised or grown on the site; and/or
 - b. The total processing area is between 1201 to 4000 sq. ft. in gross floor area; and
 - c. Traffic generation from the value added processing and/or sale of value added processing products is less than 50 vehicle trips per day, including customers, employees and deliveries; and/or
 - ~~c.d.~~ The total number of birds processed per year is in between 250 and 500.
2. The parcel on which the agricultural use is proposed is less than 35 acres; and
 - a. More than 50 percent (by volume) of raw materials to be processed are raised or grown on the site; and/or

- b. The total processing area is 1200 sq. ft. or less in gross floor area; and
- c. Traffic generation from the value added processing and/or sale of value added processing products is less than 50 vehicle trips per day, including customers, employees and deliveries; and/or
- d. The total number of birds processed per year is in between 250 and 500.

C. **Large Agricultural Processing Operation Facility**

A value added agricultural processing ~~facility~~ operation that meets the following ~~requirements~~ thresholds:

- 1. The parcel on which the agricultural use is proposed is 35 acres in area or greater; and
 - a. Less than 50 percent (by volume) of raw materials to be processed are raised or grown on the site; and/or
 - b. The total processing area is more than 4000 sq. ft. in gross floor area; and/or
 - c. Traffic generation from the value added processing and/or sale of value added processing products is 50 or more vehicle trips per day, including customers, employees and deliveries; and/or
 - ~~c.~~d. The total number of birds processed per year is in between 501 and 1,000.
- 2. The parcel on which the agricultural use is proposed is less than 35 acres; and
 - a. Less than 50 percent (by volume) of raw materials to be processed are raised or grown on the site; and/or
 - b. Total processing area is between 1201 to 4000 sq. ft. in gross floor area; and/or
 - c. Traffic generation from the value added processing and/or sale of value added processing products is 50 or more vehicle trips per day, including customers, employees and deliveries; and/or
 - ~~c.~~d. The total number of birds processed per year is in between 501 and 1,000.

	Value Added Agricultural Processing Operation Facilities				
	Small – Administrative Permit	Medium – Conditional Use Permit		Large – Special Use Permit	
Acreage	Any Acreage	More than 35	Less than 35	More than 35	Less than 35
Percentage of product grown on site	More than 75%	More than 50%	More than 50%	Less than 50%	Less than 50%
Facility size	1200 square feet or less	1201-4000 sq. ft.	1200 square feet or less	4000 square feet or greater	1201-4000 square feet
Vehicle trips per day	Less than 50	Less than 50	Less than 50	More than 50	More than 50
<u>Number of birds</u>	<u>0 - 249</u>	<u>250 - 500</u>	<u>250 - 500</u>	<u>501 - 1000</u>	<u>501 - 1000</u>

8.25 Standards for Value Added Agriculture Processing

- A. The agricultural processing ~~facility~~operation must be clearly incidental to and supportive of the dominant agricultural use of the site.
- B. The agricultural processing and sales ~~facility~~operation must be operated by the owner or lessee of the agricultural use.
- C. The hours of the processing and retail operation are limited to the hours between 7:00 am and 9:00 pm, unless otherwise approved through the permitting process.
- D. The processing facility shall not be classified as a hazardous waste generator under state or federal regulations.
- E. Sales of products on site, in addition to those grown or processed on the site, shall be limited to those clearly incidental and accessory to the farm products or as declared and approved through the permitting process.
- F. All federal, state, and local permits shall be obtained and complied with. The operation shall comply with all federal, state, and local laws.
- G. In addition to the processing area, the accessory retail sales area shall not exceed 300 square feet.
- H. The access to serve the use shall have an approved County or CDOT access permit. Additionally, adequate parking shall be provided. There shall be no parking in the road Right of Way.
- I. All poultry processed must be raised by the producer.

Structure Definition:

Anything constructed or erected requiring a fixed location on the ground or attached to something having a fixed location on the ground, an edifice or building of any kind, a container greater than 120 sq. ft., or any piece of work built or composed of parts joined together in some definite manner. This shall not include pipelines, telephone lines or electrical power lines, raised garden beds, retaining walls under 4-foot, culverts, ranch entry ways, mailboxes, [paver patios or on-grade patio or decking](#), walks, driveways, fences, and roads.

5.9 Sign Standards and Permits

5.9.1 Purpose and Objectives

- A. Promote the use of signs that are aesthetically pleasing, of appropriate scale and integrated with the rural landscape, in order to meet the County's Master Plan objectives related to the quality and character of the rural landscape;
- B. Protect the public welfare and enhance the appearance and economic value of the rural landscape by protecting scenic views and avoiding visual clutter and pollution that can compromise the character and quality of the rural landscape;
- C. Ensure that signs are compatible with their surroundings and prevent the placement of signs that are a nuisance to occupants of adjacent and contiguous properties and the traveling public;
- D. Promote the safety of persons and property by ensuring that signs do not create a hazard by confusing or distracting motorists or impairing motorists' ability to see obstacle or other vehicles or to read traffic signs;
- E. Assist in wayfinding; and
- F. Provide fair and consistent permitting and enforcement.

5.9.2 Applicability

- A. All construction, relocation, enlargement, alteration, and modification of signs within the unincorporated areas of Routt County shall be in compliance with the regulations of this Section 5.9, all State and Federal laws and regulations concerning signs and advertising, and applicable building codes.
- B. No sign or part of a sign, lighting for a sign, may be constructed, relocated, enlarged, altered, or modified without a Minor Use Permit pursuant to Section 3.2.1, unless specifically exempted by this Section 5.9.
- ~~C. No signs are permitted in County Right of Ways unless a permit is obtained. Any sign not permitted to be in the County Right of Way may be removed by the County at any time.~~

5.9.3 Exemptions

The following signs do not require a ~~Minor Use Permit~~. [Unless specifically mentioned below, all signs shall comply with the General Standards contained in Section 5.9.4;](#) ~~as long as the applicable standards are complied with.~~

- A. **Public Signs.** Signs required or specifically authorized for a public purpose by any law or by a Resolution of the Board of County Commissioners.

- B. **Address Signs.** Signs limited to the name of the resident and address of the premises provided that the sign does not exceed two (2) square feet in area, and that no more than one (1) is placed on the frontage. All address signs shall comply with the Routt County Addressing requirements.
- C. **Site Signs.** A temporary sign that is posted on property that is actively marketed for sale. Such signs shall be no greater than twelve (12) square feet in size and shall be limited to no more than one (1) sign per parcel of land.
- D. **Trespass Signs.** Signs located on a property, posting said property for warnings, or prohibitions on trespassing, hunting, fishing, swimming, or other prohibited activity. Such signs shall be no larger than one (1) square foot in size and shall be spaced no closer than one hundred fifty (150) feet apart.
- E. **Cornerstones, Plaques.** Signs in the nature of cornerstones, commemorative tablets, and historical signs not more than six (6) square feet per sign in area and not legible from the roadway.
- F. **Road Signage.** Typical road signage related to public safety that the County or the Colorado Department of Transportation installs or requires a land owner to install.
- G. **Temporary Signs.** Temporary signs shall be displayed for a period of not more than 120 consecutive days and not more than 120 days in the aggregate in any 12 month period of time. Such signs shall be no greater than 32 square feet.
- H. **Window Signs.** Signs inside a structure in a window. Such signs shall be not greater than four (4) square feet per sign in area, and shall be limited to no more than one (1) sign per eight (8) square feet of window area.
- I. **Directional Signs.** Signs indicating entrances, exits, and one-way streets and located on the property to which the sign relates. Such signs shall not exceed six (6) inches by thirty (30) inches and shall be located only at driveways and building access.
- J. **Ranch Signs.** Signs limited to the name of ranch, name of resident and address of premises [located on the same property or access easement to which it relates.](#)
- K. **Flags.** Flags are limited to one per property and shall be displayed on a flag pole affixed to the ground or to a structure.
- L. **Internal Signs.** Signs that are posted internally on a piece of property that are not discernible from the property line.
- M. **Typical Maintenance.** Painting, repainting or cleaning of a sign without changes to the structure, or lighting, or any other change that would require a permit.

5.9.4 General Standards

All signs which require a permit shall conform to all the following standards:

- A. **Number:**
 - 1) No more than two (2) signs per parcel, provided that only one (1) sign per frontage may be detached from a structure on the parcel.

- 2) Only one (1) sign per frontage shall be permitted for any frontage less than fifty (50) feet.

B. Location.

- 1) *Detached Signs:* No portion of a detached sign, or its frame, bracing or support structure shall be located closer than five (5) feet from every boundary line of the lot or fifteen (15) feet from any public right-of-way, [unless approved by Routt County Public Works.](#)
- 2) *Attached Signs:* may not project from its related structure, other than the allowable depth of the sign, unless minimum clearance above grade is at least nine (9) feet; and no sign shall project from the related structure, other than the allowable depth of the sign, closer than fifteen (15) feet to any public right-of-way.
- 3) [Any sign not approved by Routt County Public Works to be located in the right of way may be removed by the County at any time.](#)
- 4) No sign shall be located so as to obstruct a motorist's vision of oncoming traffic.

C. Height above grade:

- 1) Detached signs shall not exceed a height above grade of twenty (20) feet.
- 2) Attached signs shall not project above the roof of the supporting building.
- 3) The height for both attached and detached signs shall be measured to the highest point of the sign trim or support structure.

D. Sign Area:

- 1) *Total Sign Area:* Twenty (20) square feet or one (1) square foot per each foot of lot frontage; not to exceed a total of 100 square feet for all signs on a single frontage.
- 2) *Attached signs:* There is no maximum size for an attached sign provided it meets the requirements for Total Sign Area.
- 3) *Detached signs:* The maximum sign area for any detached sign shall be forty (40) square feet, and the ratio of height to width shall not be less than one (1) to three (3) nor greater than three (3) to one (1).

E. Computation of Sign Area: The area of all signs shall be computed by determining the sum of the area of each square, rectangle, triangle, portion of a circle, or any combination thereof which creates the smallest continuous single perimeter enclosing the extreme limits of the display surface or faces of the sign excluding reasonable frames or non-structural trim, bracing and support structure. The measured area shall include only one side of the sign, and one additional sign face is authorized, provided it is attached to the approved sign, identical to the approved sign, and separated from the approved sign, by an angle of at least 270 degrees on a horizontal plane.

F. Metallic Signs. Signs with metallic surfaces shall be treated to reduce reflection, whether from sunlight or artificial illumination, on nearby residential properties and the vision of passing motorists.

- G. **Lighting.** Illuminated signs shall conform to the following standards:
- 1) Signs illuminated from an exterior source shall be downcast and opaquely shielded.
 - 2) Signs illuminated from an interior light source shall be allowed provided that the light source is not visible from the exterior of the sign and provided the wattage does not exceed the following requirements:
 - a. Fluorescent lights not to exceed five (5) watts per square foot of sign area;
 - b. Incandescent lights not to exceed twenty-five (25) watts per square foot of sign area;
 - c. Gas-fired lights not to exceed thirty (30) milliamps per eight (8) linear feet of tube. Such gas-fired lights may include but are not restricted to: neon, argon, and mercury.
 - 3) None of the foregoing provisions shall be construed to allow sign illumination that constitutes a traffic hazard.

Subdivision Regulations

- **B.2.4 Attorney opinion**

B.2.4 Attorney's Opinion ATTORNEY'S OPINION I, (printed name of attorney), being an Attorney-at-Law duly licensed to practice before Courts of Record in the state of Colorado, do hereby certify that I have examined the title to all lands herein dedicated and shown upon this plat by review of the Title Commitment No. _____ dated _____, issued by _____ ("Title Commitment") and that title to such lands is in [insert owners names] ("the Owner"), free and clear of all liens, taxes, and encumbrances, except as follows: (list same or indicate NONE). Dated this _____ day of _____, AD 20__

(Signature)_____

Public Comment - Master Plan Update

Mr. Ben Beall stated his support for some level of update and reaffirmation by the community, followed by a re-adoption by the County. Regarding the process, he asked whether the whole document should be opened up to the public, or whether Planning Commission should review, revise and present the draft revision to the public. He suggested that the latter process, in which Planning Commission sets the parameters of the revision, was a better process. Mr. Beall said that this would be much more effective and efficient.

Seeing no further comment, Chairman Warnke closed public comment.

County Commissioner Monger noted that nothing had been budgeted for this project for 2019. County Commissioner Corrigan offered that after Planning Commission had discussed the scope of the project, staff could present the project proposal to the County Manager. Deputy County Manager Dan Weinheimer said that the update could be included in the 2020 budget, or a supplemental budget could be approved for 2019. In response to a question from Mr. Phillips, County Commissioners Melton and Corrigan stated that they would be willing to discuss the role of staff in the update.

PLANNING COMMISSION REAPPOINTMENTS

County Commissioner Corrigan discussed the importance of new voices and perspectives on Planning Commission. He said that Planning Commissioners should not take it personally if they are not reappointed at the end of their terms. Commissioner Petis attested to the value of having experience and institutional knowledge on Planning Commission. He urged the Board not to clear out all of the members with experience. Commissioner Benjamin noted that there are many relatively new members on Planning Commission at this time.

ZONING AND SUBDIVISION REGULATION AMENDMENTS

- **Value-Added Agriculture Processing**

Mr. Goldich reviewed the changes in the state regulations regarding the processing of poultry. He said that in response to discussion with the CSU Extension Office and the Agricultural Alliance, staff is proposing amendments to the County regulations such that small scale poultry processing could be allowed through the Value-Added Agriculture regulations. All meat processing is currently excluded from the County's definition of Value-Added Agriculture. Mr. Goldich reviewed the proposed standards, which would vary with the number of birds processed per year. He noted that all sales of poultry through this process would be private sales. He stated that farm stands are considered accessory to the Value-Added Agriculture use.

In response to a comment from Commissioner Petis, Mr. Goldich agreed that the table included in the meeting materials was incorrect, in that 100% of the poultry produced and sold through this process would be grown/raised on site. All agreed

that the purpose of the proposed amendment is to bring the County's regulations into alignment with the State of Colorado's regulations.

Commissioner Kelly asked about the acreage needed to raise poultry, noting that there are some very small lots in the County. Mr. Goldich offered that the acreage would be taken into account in the review process. He stated that currently an agricultural operation is allowed as a use by right on any parcel in the County that is more than one acre. If the parcel is less than one acre, a minor use permit is required. The only time the County would get involved in an agricultural operation on a parcel of more than one acre is if there were a health or safety concern. County Commissioner Monger noted that any facilities (structures) used for poultry processing would be permitted through the Building Department.

There was a discussion of the thresholds on the number of birds allowed. Mr. Goldich said that these remain open for discussion. Regarding the prohibition on sales to restaurants, stores, etc., Mr. Goldich said that this is state law, and that the restriction is based on public health and safety concerns, particularly with regard to the quality of the water and the methods used in processing. Operators that sell to retail establishments are subject to a higher level of review, which includes facility inspections to ensure that proper standards, practices and procedures are being followed.

Regarding the number of birds suitable for a particular site, County Commissioner Corrigan said that more information is needed from the CSU Extension Office. Mr. Goldich noted that the threshold of 1000 birds would be processed over the course of a full year. He noted that under current regulations an operator could have 2000 chickens on a 2-acre parcel without any County permit, provided there were no off-site impacts.

There was general consensus that the proposed amendment should move forward with modifications to accurately reflect state statute.

- **Small Structures**

Ms. Winser said that the regulations contain a list of elements (pipelines, telephone lines, raised garden beds, walks and driveways, etc.) that can be built in the setbacks. Currently, there are elements such as paver patios, concrete patios and on-grade decking that are not included on the list. Mr. Phillips said that at grade paver patios used to be excluded, but were left off the list when the definition of small structures was written. He said that the question is whether paver patios (or other on-grade elements of a similar type) of more than 120 sq. ft. should be allowed in the setback. He offered that the issue concerns the purpose of the setback as a buffer. Commissioner Brookshire suggested adding, "patios, decks or parking areas of less than 120 sq. ft." There was a discussion of the impacts of patios (and how they are used) on adjacent property owners. Ms. Winser suggested adding the following to the exclusions: "at-grade paver patios." There was general agreement that this was an appropriate change.

- **Sign Code**

Mr. Goldich reviewed the conflict in the existing sign code regarding signage in County rights of way. He said that the Road & Bridge Department has suggested that a permit should be required for any sign in the right of way. He stated that some signs are exempt from the permitting process, but the location standards still apply. Mr. Goldich stated that staff is also recommending that an amendment to the regulations regarding ranch signs such that they must be located on the same property that is identified on the sign. Ms. Katherman asked where a sign could be located for a property that is not adjacent to a County Road and is accessed via an easement. County Commissioner Monger offered that the intent of the regulation is to prohibit off-site signs that effectively advertise commercial operations. Commissioner Brookshire asked about private roads. Mr. Goldich offered that the concern is to ensure that signs do not interfere with Road & Bridge operations. Commissioner Kelly suggested that since most people are unaware of the location of the right of way, the regulations should be based on the edge of the travelled road. Following further discussion, it was decided that this item should be referred back to staff for clarification and practical concerns.

- **Attorney opinion**

Ms. Winser noted the typo in Section B.2.4. There were no objections to correcting the typo.

- **Occupied trailers on construction sites**

Ms. Winser stated that there are currently no standards or permits required for someone to live in a trailer for up to a year on the site where a building permit is active. Ms. Winser stated that staff is suggesting that a Minor Use Permit be required for this use to ensure that proper sanitary and electrical hook-ups are in place. There was a discussion of whether this use could be processed under the regulations that apply to extended camping. Chairman Warnke suggested that language should be added stating that this regulation does not supersede local covenants and regulations. Commissioner Koehler asked whether this use would also apply to foundation permits. Mr. Phillips said that the time allowed under the permit would begin with the issuance of either type of construction permit. Commissioner Koehler said that the location of the trailer should have to comply with setbacks. Commissioner Kelly noted that often more than a year is needed to build. There was general consensus that extensions could be allowed with administrative approval, but if abuse of the system was suspected, the Planning Director could refer the request to Planning Commission.

- **Open spaces and public sites**

Mr. Goldich reviewed the memorandum dated March 7, 2019 regarding possible amendments to Section 3.5 of the Subdivision Regulations: Open Space and Public Sites. He said that the existing County regulations may not be consistent with State statute.

County Commissioner Monger stated that this discussion was pre-mature, as the Board of County Commissioners have not yet had a conference regarding this

issue with the County Attorney. He said that there is no agreement at this point regarding whether the fee-in-lieu of public sites applies only to parks and schools, much less regarding the calculation. County Commissioner Monger cited an opinion provided to the Board several years ago by former County Attorney Merrill stating that the fee could be used for other public facilities such as fire stations. He suggested that it would be appropriate to table this item pending the upcoming conversation with the County Attorney.

County Commissioner Monger asked about what had happened to some lots that had been designated for schools and parks at Steamboat Lake. Mr. Goldich stated that there had never been a formal dedication or acceptance of these lots. Commissioner Kelly described the lots and stated that they had been sold to the homeowners' association for open space and \$100,000 from the sale was granted to the North Routt Community Charter School.

County Commissioner Melton stated that the fee-in-lieu discussion has two distinct parts: the calculation of the fee and the issue of how these fees are spent. Mr. Phillips said that the discussion with the County Attorney scheduled for Monday is to discuss how the fees are spent. The issue of the inconsistencies between the statute and the regulations regarding the calculation of the fee came to light through the Frisell subdivision application. Mr. Phillips reviewed the basis of the nexus studies. County Commissioner Monger offered that the amount of the fee should be based on a formula, not a negotiation. County Commissioner Melton said that it was inappropriate to have the discussion without consultation with the County Attorney. County Commissioner Corrigan agreed, particularly if the funds are to be used for facilities beyond parks and schools. Commissioner Brookshire stated that how these funds can be used has always been a question for Planning Commission.

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

There was no public comment.

MOTION

Commissioner Norris moved to approve Location and Extent request for a wastewater treatment facility with the following findings of fact:

1. The application will not adversely affect the public health, safety and welfare and the proposed use is compatible with the immediately adjacent and nearby neighborhood properties.
2. The application meets C.R.S. Section 30-28-110 1 a,b,c,d,e.
3. The construction of the WWTP is in an area that would require review of the Routt County Regulations Section 5.11 Water Setback Standard and Permits. It has been determined that the activity is unavoidable and meets Section 5.11.6 A 1) a.

This approval is subject to the following conditions:

1. 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.
2. The applicant 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. Reclamation and revegetation of the site shall be completed within one year of construction.

Commissioner Kelly seconded the motion.

Discussion

Commissioner Petis said that although it would not affect his vote on the request, he did not feel that finding of fact #2 was needed, as the statute merely defines a process. Following discussion, there was consensus on Planning Commission to leave the finding in the motion.

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

ACTIVITY: PL-19-100
PETITIONER: Routt County
PETITION: Work session/Adoption of 2019 Housekeeping Amendments
LOCATION: County-wide

Ms. Winser reviewed the discussion of the proposed housekeeping amendments that had taken place at the joint work session with the Board of County Commissioners on March 7, 2019, as summarized on page 1 of the memorandum dated April 4, 2019. She stated that at that meeting it was determined that additional consideration of the proposed changes to the sign code was needed.

Sign Code

Mr. Goldich reviewed the revised proposed changes to the sign code, noting that language formerly included in item 5.9.2.C had been moved from the applicability section (5.9.2) to the locational standards (5.9.4.B). He stated that the general standards apply to all signs, including those that are exempt from the permitting process. Mr. Goldich explained that the changes to the sign code were prompted by an inconsistency in the existing code. He stated that under the proposed regulations no sign will be allowed in the County right-of-way without express permission from the Road & Bridge Department. He stated that County Commissioner Corrigan made it clear that he wanted to retain the right-of-way as the measure of record, rather than using the traveled surface of the road. Mr. Goldich added that a provision would be added to the ranch signs section allowing ranch signs to be placed on the access easement for properties that are not fronted by County Roads.

In response to a comment from Commissioner Jaeger, Mr. Goldich stated that all attached signs would already meet the locational standards because buildings are not allowed in the right-of-way. Commissioner Petis noted that this would not be true of older buildings.

Commissioner Marshall asked if it would be appropriate to set a standard for LED lights. Mr. Goldich said that staff could research what the equivalent brightness to the incandescent standard would be, and add LED lights to the standards.

Commissioner Kelly noted that there are some very large properties in Routt County, and asked if they should be allowed to have more than two signs. Mr. Goldich explained that one purpose of the regulations is to limit the proliferation of signs in rural Routt County. There was general agreement that the limit on the number of signs was appropriate.

Commissioner Brookshire asked about "site signs" and "temporary signs." Mr. Goldich explained that many of the modifications to the sign code arose from the Supreme Court decision that signs could not be regulated based on content. A "site sign" is essentially a real estate sign; a "temporary sign" is a political sign. In response to a question from Commissioner Kelly, Mr. Goldich said that only a handful of complaints are received regarding signs each year. Following a discussion of the maximum size for temporary signs, Planning Commission decided that the existing 32 sq. ft. was appropriate. There was consensus to move forward with adoption of the sign code as presented, with the addition of a standard for LED lighting.

Value-added Agricultural Processing

Mr. Goldich reviewed the discussion regarding poultry processing and bringing the County's regulations into conformance with the state's regulations. Mr. Goldich said that he had spoken with staff at the Colorado Department of Public Health and the Environment (CDPHE), who clarified that the issue of where birds are raised is to ensure that the birds being processed belong to the processor. Because the ownership of the land is not the issue, little in the existing regulations needed to be changed. He noted that the ownership issue is addressed in Section 8.25.I. Mr. Goldich stated that the primary change was in setting the thresholds for the number of birds for each level of review, as presented in the chart, and incorporating this language into the regulations. He reviewed the ranges for each level of permitting, and amended the chart for clarity. Mr. Goldich added that because some producers process their poultry outside, the word "facility" in the regulations would be changed to "operation."

In response to a question from Commissioner Kelly regarding the significance of the size of the facility, Mr. Goldich noted that the facility size applies to various value-added agricultural operations, not only poultry processing. He added that the thresholds are not limits on what is allowed, but rather are used to determine how an application should be processed (*i.e.* what type of permit is required). Commissioner Flint asked how waste from the processing would be handled. Mr. Goldich said that waste disposal would be one of the considerations to be evaluated through the review process.

There was general consensus to proceed with adoption of the changes to this section, as presented.

Structure Definition

Ms. Winser reviewed the proposed addition of paver patios, on-grade patios and decking to the exemptions from the prohibition to building in the setbacks. Following discussion of what falls into this category, it was decided to include decking, as the definition includes the "on-grade" qualification.

Occupied Trailers on Construction Sites

Ms. Winser reviewed the proposal to add Occupied Trailers to the Use Chart in all districts, with approval of a Minor Use Permit. She noted that it has been Routt County's practice to allow this use when associated with an active Building Permit, even though it was not included in the regulations. Including it in the regulations allows for the addition of standards. Ms. Winser reviewed the proposed standards.

In response to a question from Commissioner Marshall, Ms. Winser stated that a tiny home on wheels is equivalent to an RV. Commissioner Jaeger asked about the number of occupied trailers that would be allowed. Ms. Winser stated that the practice has been to allow one per construction site.

Commissioner Warnke asked if it would be appropriate to include a caveat stating that this use is only allowed if the covenants and restrictions of the subdivision do not prohibit it. Ms. Winser offered that this caveat applies to all County land use regulations. She said that a reminder regarding covenants and restrictions could be included on the handout to be developed regarding this use.

Commissioner Koehler asked about limitations regarding where an occupied trailer could be located. Planning Commission discussed requiring trailers to comply with the setbacks of the zone district. Mr. Goldich noted that in some zone districts, in Phippsburg for instance, the lots are too small to allow for a trailer to comply with the setbacks and not interfere with construction. Following further discussion, there was general consensus to require that occupied trailers must meet the setbacks of the zone district.

Commissioner Brookshire suggested that a maximum should be placed on the number of extensions that would be allowed to the Minor Use Permit for an occupied trailer. Ms. Winser noted that the use must be associated with an active Building Permit. There was a discussion of the difference between an active permit and construction activity. Many Planning Commissioners

expressed concern with the possibility that people would abuse this distinction in order to live in their trailers without actively pursuing the construction of a permanent dwelling. Commissioner Benjamin expressed concern that allowing extensions at the discretion of the Planning Director and Building Official was too vague and arbitrary.

Public Comment

Mr. Paul Hoffmann stated that the proposed change to the regulations was prompted exclusively by his actions and the complaint registered by his neighbor regarding his camping on his property during a remodel. He provided the details of his remodel. Mr. Hoffmann stated that his contractor had stayed in a trailer on the property for a period and that he had then moved into a different trailer on his property (where he is still living), while the construction continues. He said that he had reviewed the regulations, and was certain that the use, which he described as camping, was allowed as an accessory use to his residence. Mr. Hoffmann said that his neighbor had complained about this activity, and that he had received a call about the complaint from Ms. Winser. He reiterated that camping is allowed as an accessory use to his residence. He added, however, that camping when there is no building on the property is not allowed under existing regulations. He said that he takes the actions by the Planning Department very personally. He said that he was told that what he was doing was not camping. He said that there are cases in which camping on a property can be done reasonably, responsibly and respectfully. Mr. Hoffman said that the proposed change to the regulations is the result of a dispute between neighbors and should be looked at very closely. Mr. Hoffmann noted that there is no definition of "temporary living" in the County's regulations and no provision or permit for camping on a vacant lot while a house is being built. He asked if the proposed change would mean that someone would need a Minor Use Permit to allow the kids to camp in the backyard. He asked Planning Commission to consider how someone with a Building Permit could allow his kids to camp in the backyard during construction. Regarding the time allowed, Mr. Hoffmann stated that one year would be insufficient in many cases. He said that the time period should run concurrently with the Building Permit, and any extensions should coincide with the extension of the Building Permit. He said that there should not be a fee for extensions because there is no fee for extending the Building Permit. Mr. Hoffmann added that there should be a provision for more than one trailer. He suggested that the proposed change is unnecessary.

There was a discussion of the pros and cons of the proposed one year term for the Minor Use Permit with the possibility of extensions. Mr. Hoffmann expressed concern with the provision that the one-year time period for the permit would start when the Building Permit was issued.

Ms. Winser stated that the proposed change has nothing to do with Mr. Hoffmann's case. She said that the two cases that prompted staff to consider the proposed addition to the Use Chart were Commissioner Koehler's neighbor and a case in Phippsburg. She said that while allowing a trailer for temporary living during construction has been the practice of the County for some time, it is not currently in the regulations. These two cases made it apparent that standards for this use were needed. Regarding Mr. Hoffmann's situation, Ms. Winser said that a complaint had been received from a neighbor that Mr. Hoffmann was camping on his property. She said that following a simple review of the case, it was determined that Mr. Hoffmann had an active building permit and therefore was not camping; he was living temporarily in a trailer on the property. She stated that because there were no standards for occupied trailers the case was processed as it traditionally has been as part of an active Building Permit. Ms. Winser noted that the proposed change to the

regulations would help someone in Mr. Hoffmann's situation because there would be a process through which a permit for the trailer would have been issued. She said that there is a difference between camping and temporarily living in a trailer as part of an active Building Permit.

In response to a question from Commissioner Marshall, Mr. Goldich said that the proposed change would not preclude a friend or relative or contractor from camping on the lot, because camping would be considered an accessory use to the residence. If the contractor were to be on site for an extended period of time, then that would be two occupied trailers. Ms. Winser stated that the County's practice has been to only allow one occupied trailer to be associated with a Building Permit. She noted, however, that currently there are no standards for this use.

Commissioner Petis offered that the regulation should: 1) clarify that only one occupied trailer is allowed unless approved by the Building and/or Planning Department; 2) establish that the term of the Minor Use Permit would begin with the issuance of the Building Permit; and 3) not require a fee for the extension of the Minor Use Permit, provided that there is active construction underway on the property.

Commissioner Flint stated that there was no reason that the permit for the occupied trailer would need to run concurrently with the Building Permit. Commissioner Benjamin offered that there should be a way to distinguish between an active Building Permit and ongoing construction activity. Commissioner Brookshire suggested that if the proposed regulation would help staff help the public by establishing standards for what has traditionally been the County's practice, the standards could be approved in their current form and modified later on if needed. Following further discussion, there was general consensus on Planning Commission to send the proposed regulatory change back to staff to address the following issues:

- Distinguish construction activity from an active Building Permit
- Waive fees for extensions provided that construction is ongoing
- Clarify the time frame and state at what point the term of the Minor Use Permit starts
- Add a requirement that the occupied trailer must comply with the setbacks of the zone district
- Add a limit on the number of occupied trailers allowed.

Attorney opinion

Ms. Winser noted the minor typo in this section.

MOTION

Commissioner Norris moved to recommend adoption of the proposed changes to the sign code, the definition of structure and value-added agricultural processing sections of the Zoning Regulations and the attorney opinion section of the Subdivision Regulations, as presented.

Commissioner Kelly seconded the motion.

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

ADMINISTRATOR'S REPORT