

**STATE OF COLORADO
COUNTY OF ROUTT**

**OFFICE OF THE CLERK
JULY 19, 2022**

Commissioner M. Elizabeth Melton, Chair, called the regular meeting of the Routt County Board of County Commissioners to order. Commissioner Tim Redmond, Commissioner Timothy V. Corrigan, County Manager Jay Harrington, and Executive Assistant Jennifer Parent were also present. Katie McCaulley prepared the minutes.

EN RE: APPROVAL OF ACCOUNTS PAYABLE, MANUAL WARRANTS, AND PAYROLL

Mr. Harrington presented accounts payable for a total of \$1,604,112.49.

MOTION

Commissioner Corrigan moved to approve the accounts payable as presented by the County Manager.

Commissioner Redmond seconded; the motion carried 3-0.

EN RE: CONSENT AGENDA

The following items were presented for consideration, approval, and signing on the consent agenda:

- A. APPROVAL OF AND AUTHORIZATION FOR THE CHAIR TO SIGN AN IGA WITH OAK CREEK FOR THE FUNDING OF INFRASTRUCTURE IMPROVEMENTS**
- B. APPROVAL OF COUNTY COMMISSIONERS' MINUTES: MEETING OF JUNE 14, 2022**

MOTION

Commissioner Redmond moved to approve consent agenda items A & B.

Commissioner Corrigan seconded; the motion carried 3-0.

EN RE: PUBLIC COMMENT

No public comment was made.

EN RE: PLANNING

Kristy Winser, Planning Director; Alan Goldich, Staff Planner II; Walter Magill, petitioner's representation; Mitch Clark, property owner; Craig Robinson, Parks, Open Space, and Trails Manager for the City of Steamboat Springs; Frank Alfone, General Manager of Mount Werner Water and Sanitation District; and Chris Wilson, a local resident, were present. Sarah Katherman prepared the minutes for the Planning Department.

SNOW COUNTRY NURSERY

Mr. Walter Magill, representing the petitioner, introduced the application for a lot line adjustment, Final PUD Plan, and Floodplain Development Permit. He said that at the Planning Commission hearing there had been a lot of discussion regarding the trail easement and the open space. He stated that the proposal would allow all of the Snow Country Nursery operations to be located on the east side of the river with an Agriculture/Forestry (A/F) zoned parcel on the west side. Mr. Magill said that every PUD handles the 25% open space requirement differently and cited the Home Ranch PUD with open space that is only available to the guests of the operation. He stated that the tree sales areas proposed by Snow Country to fulfill the open space requirement are open and quiet, and vacant for a large portion of the year. He said that the Planning Commission was supportive of this element of the proposal. Mr. Magill said that the issue is the trail easement. He cited the comments submitted by the City of Steamboat Springs prior to the Planning Commission hearing, stating its willingness to purchase the easement at the appraised value with other triggers and constraints, including not acting on the easement until all remaining easements have been acquired to extend the Core Trail to the Legacy Ranch. He said that on July 14, after the Planning Commission hearing, the City had requested a tabling for further negotiations. A meeting with the City was then scheduled for tomorrow afternoon (July 20). Mr. Magill said that subsequently the City has submitted further comments regarding conditions on the easement and comments on the open space, although Planning Commission had already made their decision about the open space. He said that the applicant is proposing to dedicate easements, as shown on the plat, on the west side, the north side, and the east perimeter boundaries of the property, which would allow for different alignments for the Core Trail. He noted that the City has expressed its desire for the Core Trail to run along the east side of the river. Mr. Magill said that the applicant is okay with that, but does not want to grant that easement until easements are secured from the property owners to the south, in accordance with the constraints submitted by the City on May 4. He said that both Mt. Werner Water and Sanitation District (Mt. Werner) and Mr. Ed McArthur, who own the properties to the south are in opposition to the river alignment and have stated that they are unwilling to provide easements through their properties. He said that what the applicant does not want is for the City to build the trail along the river through Mr. Clark's property to the south property line and have it end there. He cited concerns with trespass and littering that would occur at the dead end of the trail. He cited this reason to reinforce why providing the easement before the other easements are in place is a significant burden on the applicant. Mr. Magill said that the applicant does not want to put the easement on the plat until the agreements for the connecting easements are in place. He added that there are covenants in place on the Mt. Werner parcel to the south that restrict any improvements or structures. He said that the trail extension will be worked out in the future, but that it was inappropriate to force Mr. Clark to grant the easement along the river at this time.

Mr. Goldich reviewed the three items included in the petition and noted that Planning Commission recommended approval of the Final PUD with a 4 – 3 vote. He said that the goal of the hearing is to present the relevant information regarding the petitions, specifically the information related to the open space requirement for the PUD and how the trail's easement fits into that. Mr. Goldich said that the Planning Commission recommends that the tree storage areas satisfy the open space requirement. The Planning Commission's recommendation also includes the applicant's proposed easements along the north and east perimeter lot lines of the PUD parcel and a 20-ft easement for the Core Trail along the east river bank, with constraints on when that easement will be acted upon. Mr. Goldich stated that the staff's recommendation is to table the petition and require the applicant to work with the City on the terms of the easement. He said that the staff's recommendation regarding the open space requirement includes the 20-ft. easement along the river, with the tree storage areas making up the balance of the open space. The staff's recommendation for the open space does not include the easements proposed along the north and east lot lines. Mr. Goldich presented the site plan and indicated the proposed lot line adjustment and the proposed location for the PUD. He stated that Snow County Nursery is operating under an administrative permit. He noted that the Core Trail currently terminates on the north property line of the subject parcel. He reviewed the location of proposed elements and uses on a site plan. He stated that the existing septic system and leach field will be removed and that Mt. Werner Water has approved out-of-district service for the parcel. The resolution regarding out-of-district service will now go to City Council, which has final approval. The City has stated that the removal of the septic system and leach field is a very important element of the proposal due to the location of wells and infiltration galleries for the public drinking water supply. Mr. Goldich stated that the Floodplain Development Permit is required for any structures or storage within the floodplain.

Mr. Goldich stated that the required open space on the proposed PUD lot amounts to approximately 1 acre (46,800 sq. ft.). He stated that extending the Core Trail to the Legacy Ranch to the south following an alignment along the east side of the river has been a goal of the City for some time, as identified in several long-term planning documents. He added that in the Routt County Master Plan update process the Core Trail was identified as an important community amenity for both recreation and transportation. Mr. Goldich stated that the three tree storage areas equal approximately 47,000 sq. ft. (25% of the total PUD area). The proposed easements along the north and east property lines equal about 14,500 sq. ft. (7% of the total PUD area). Mr. Goldich said that property line easements were proposed to allow for an alternative alignment for the Core Trail because Mt. Werner does not want the trail to go through their property. The proposed property line easements would connect with the sidewalks on the Steamboat Christian Church property, but the sidewalks are not built to the specifications of the Core Trail. The 20-ft. easement along the river would equal approximately 12,000 sq. ft (6% of the PUD area). Mr. Goldich reported that Colorado Parks and Wildlife has requested a holistic planning effort for the whole length of the trail with their participation. Mr. Goldich stated that the most recent communication from the City states that it no longer wants to purchase the easement and that the trail easement should be used to satisfy the open space requirement for the PUD. He reviewed the options available to the Board: 1) table the application to August 16th to allow the applicant to work with the City on the terms of the easement (staff's recommendation); 2) approve the application as recommended by Planning Commission; or 3) approve the application with amended language for COA #9, as suggested by the City.

Commissioner Corrigan asked what obligation the County has toward ensuring that the City gets the Core Trail that it wants. In response to a question from Commissioner Corrigan, the applicant, Mr. Clark, stated that he would support the trail alignment along the east side of

the river, but does not want the trail to be built there until all the easements to the south are secured. He cited the problems with trespass, litter, and vandalism where the Core Trail dead ends. Mr. Magill added that the timing is an issue, along with the opposition by Mt. Werner and Mr. McArthur, who do not want the trail to run through their properties. He said that the property line easements being offered would allow the Core Trail to be built on the City-owned property to the west. He said that these easements would give the City options if they change their mind on the alignment of the Core Trail extension, adding that they would be on the plat. He said that the applicant is also proposing to record an agreement stating that if the easements to the south are secured, the easement along the river would be granted.

Commissioner Redmond stated that he would like to be certain that all parties can come to an agreement. He stated that he does not see the need to make a decision until the parties have had the opportunity to negotiate.

Commissioner Melton asked about the future of the administrative permit after the PUD Plan is approved. Mr. Goldich said that the administrative permit is in place because of the current A/F zoning, but that once the nursery operation is included in the PUD Plan and the lot line adjustment is accomplished, that permit will no longer be needed. It will be terminated. All the conditions of the existing permit are shown on the proposed PUD Plan. Commissioner Melton asked what generally counts as open space on a PUD. Mr. Goldich said that it is hard to describe because PUDs are all site-specific, and each open space is unique to the type of use allowed by the PUD. He offered some examples of PUD open spaces. In response to a question from Commissioner Melton, Mr. Goldich stated that technically, if the tree storage area is allowed as open space, nothing else would be allowed to occur in those areas without an amendment to the PUD. He added, however, that the Core Trail is very high-value open space that might be given extra weight to be balanced out by the tree storage areas. He offered that people also value the tree storage area, which is not being developed or built on. Ms. Winsler stated that it is the staff's opinion that the tree storage area does not satisfy the open space requirement on its own.

Commissioner Corrigan noted that, as presented, the tree storage area and the trail's easements exceed the required 25% open space requirement. Regarding other types of storage, Mr. Goldich said that Mr. Clark has indicated other areas on the PUD Plan that are identified for the storage of boulders, mulch, gravel, etc. Commissioner Corrigan stated that it is important to him that the tree storage area not be converted to gravel or other types of storage. Ms. Winsler stated that the PUD Plan and its uses are site-specific; enforced through the standard processes. Mr. Goldich stated that trees would be allowed to be stored in these areas, but when trees are not there the areas would remain empty.

Commissioner Melton agreed that tabling was probably appropriate. She asked about the 20-year window listed on COA #9, as recommended by Planning Commission. Mr. Goldich said that this is an issue staff would like the applicant to work out with the City. He said that Planning Commission determined that the tree storage areas do satisfy the open space requirement, so if the trail is not built, compliance with the open space would not be affected. Regarding the Waterbody Setback, Mr. Goldich clarified that it applies to development but would not prohibit the storage of trees.

In response to a question from Commissioner Corrigan, Mr. Clark confirmed that he was supportive of the easement along the east bank of the river provided that the connecting easements are secured, and the trail is extended beyond the south property line. He stated that

his concern is with a 600 ft. extension of the Core Trail that crosses his property and dead ends there. He reviewed some alternative alignments for the trail and a possible loop for an interim solution to the dead end on a site plan.

Public Comment

Mr. Craig Robinson, Parks, Open Space and Trails Manager for the City of Steamboat Springs, thanked staff for acknowledging the many planning documents that identify the Core Trail extension as a long-term and highly valued goal for both recreation and transportation. He stated his support for allowing time for negotiations between the City and the applicant to be resolved in an agreement. He agreed that this parcel is only one piece of the puzzle in getting the trail extended and stated that there have been easement agreements in the past that have expired. Mr. Robinson also acknowledged that the extension of the Core Trail to the west is the City's priority, and securing that alignment has taken twenty years.

Mr. Frank Alfone, General Manager of Mt. Werner Water and Sanitation District, thanked Mr. Clark for this application and specifically the removal of the existing septic system and leach field. He said that the City has not yet formerly approached Mt. Werner regarding the extension of the Core Trail but noted that there is a restriction that states that any improvements on the property other than those related to the infiltration gallery require written permission from Mr. McArthur.

Mr. Chris Wilson, a local resident, noted that the long-term planning between the City and the County for this area is cooperative, and jointly adopted. Mr. Wilson offered that the conditions of approval related to the trail easement that were approved by Planning Commission are redundant. He stated that the PUD process allows property owners to request site specific uses outside the standard regulations in exchange for, and balanced with, community needs. He stated his support for continuing the negotiations in order to come to an agreement. He suggested that it was inappropriate to put a time limit on long-range planning, and that dead ends always happen. He agreed that a looped end might be valuable in the short term. Mr. Wilson stated that while the easement is a necessary part of the process, there are no plans for the construction of the trail. He provided some examples of other areas along the Core Trail that took a long time to figure out but were resolved when landowners changed their minds. Mr. Wilson also urged the Commissioners to be clear in any approval regarding as to why trees are allowed to be stored on the open space, but other items are not.

Seeing no further comment, Commissioner Melton closed public comment.

Commissioner Corrigan stated his support for tabling the petition to allow the parties to work out a solution to the easement. He said that he is sympathetic to the applicant's desire to not have the Core Trail terminate on his property. He stated his appreciation for the willingness to negotiate.

Commissioner Redmond offered that a compromise would be needed and that further negotiations are appropriate. He stated his appreciation for the applicant's open-mindedness. He stated that the solution must work for all parties.

Commissioner Melton agreed that a tabling is appropriate. She stated her support for making decisions that are in conformance with the City and County's planning documents, but that an alternative alignment for the Core Trail may be necessary. She urged all parties to work

together towards a solution that takes into account the possibility that the adjacent property owners to the south may not approve easements.

MOTION

Commissioner Melton moved to table items PL20220029, PL20220027, and PL20220042 to August 16, 2022 at 10:30 a.m.

Commissioner Redmond seconded; the motion carried 3-0.

SNOKOMO ESTATES FILING 3

Mr. Goldich reviewed the request to extend the deadline for recording the Final Plat for Snokomo Estates Filing 3. He said that the property owner has purchased the adjacent property to the west and has submitted a Sketch Subdivision application to incorporate that property into the project that had been approved last year. He said that the Board would be reviewing that application, but that the property owner wants to ensure that the existing approval is in place in the event that the new proposal is not approved.

MOTION

Commissioner Redmond moved to approve a two year extension of the deadline to record the Snokomo Estates Filing 3 Final Plat, item PS2008-001. The new deadline to record the plat is July 8, 2024.

Commissioner Corrigan seconded the motion; the motion carried 3-0.

EN RE: PURCHASING

Julie Kennedy, Purchasing Agent, and Kevin Booth, Director of Yampa Valley Regional Airport, were present.

RFP 770 YVRA BRISTLES 2022 AWARD APPROVAL

Julie Kennedy presented a request that the Board of County Commissioners approve the award and authorize the County Manager to electronically sign the purchase order to United Rotary Corporation in the amount not to exceed \$25,072.30 for the Yampa Valley Regional Airport Bristles 2022 purchase.

RFP 770 was sent to 6 suppliers, and United Rotary Corporation presented the best proposal at the most reasonable price. No supplemental budget will be required at the end of 2022, as \$40,000.00 was intended to be allocated towards this project.

MOTION

Commissioner Corrigan moved to approve the award and authorize the County Manager to electronically sign the purchase order to United Rotary Corporation in the amount not to exceed \$25,072.30 for the YVRA Bristles 2022 purchase.

Commissioner Redmond seconded; the motion carried 3-0.

EN RE: HUMAN RESOURCES

Kevin Booth, Director of Yampa Valley Regional Airport, and Kathy Nelson, Human Resources Director, were present.

CONSIDERATION TO HIRE AN OFFICE TECHNICIAN ABOVE STEP 1

At the request of Kevin Booth, Kathy Nelson presented a consideration to approve hiring an office technician at step 5 with the opportunity to advance to step 6 upon successful completion of a successful 6 month performance evaluation. The current candidate for this position meets all education and experience required to be hired at step 5 and advance to step 6, as well as previous experience working for Routt County.

MOTION

Commissioner Redmond moved to approve the hiring of an office technician at step 5 with the opportunity to advance to step 6 upon successful completion of a 6 month performance evaluation.

Commissioner Corrigan seconded; the motion carried 3-0.

No further business coming before the Board, same adjourned sine die.

Jenny L. Thomas, Clerk and Recorder

M. Elizabeth Melton, Chair

Date