

## **ROUTT COUNTY PLANNING COMMISSION**

### **FINAL MINUTES**

**MARCH 3, 2022**

The regular meeting of the Routt County Planning Commission was called to order at 6:00 p.m. with the following members present: Chairman Steve Warnke and Commissioners Bill Norris, Brian Kelly, Ren Martyn, Andrew Benjamin, and Jim DeFrancia. Commissioners Linda Miller, Paul Weese, Greg Jaeger and Roberta Marshall were absent. Planning Director Kristy Winser and staff planners Tegan Ebbert, Chris Brookshire and Alan Goldich also attended. Sarah Katherman prepared the minutes.

#### **PUBLIC COMMENT**

There was no public comment.

**ACTIVITY:** PL20210027  
**PETITIONER:** Zirkel Wireless  
**PETITION:** Conditional Use Permit for internet tower  
**LOCATION:** 6995 Homesteader Lane, off of CR 78

Mr. Sean Heskett, representing the petitioner, reviewed the history of Zirkel Wireless. He said that their transmission equipment that serves Hayden is currently located on the adjacent tower, on which they lease space. He said that the subject tower was built by Routt County in the 1980s, but was subsequently abandoned. When Zirkel initially asked the County about the tower, they did not even know it existed, but following some research agreed to sell it. Mr. Heskett said that further research indicated that the tower had never been permitted. He said that Zirkel is seeking to obtain a permit for the existing tower and for the additional equipment that could be installed on it and at the base. Mr. Heskett reviewed a diagram of the tower and existing concrete pad and described the equipment that would be installed.

Ms. Ebbert reviewed the history of the tower, which is located on land owned by the state. She presented a vicinity map and noted the location of the tower, which sits above Hayden on the Cog. She presented a map showing the adjacent properties and a site plan of the tower and associated concrete pad. Ms. Ebbert described the triangular steel tower and presented photos of it. She noted the clear sight line between the tower and the town of Hayden. She also presented photos of the access road to the site. Ms. Ebbert said that the comments received regarding the application included concerns regarding noise from the equipment, wildfire hazard and potential damage to the road. Ms. Ebbert stated that the applicant has responded that the equipment will generate about the same noise as a ceiling fan, and that no comment had been received from the West Routt Fire Protection District in response to a referral letter. She said that a condition of approval (COA) has been suggested requiring defensible space as wildfire

mitigation, and noted that the generator would be located on the concrete pad. The applicant will accept responsibility for any damage to the shared driveway that may be caused by Zirkel's use.

In response to a question from Commissioner DeFrancia, Mr. Heskett said that following the installation of the equipment Zirkel representatives would visit the site approximately five times per year to check on the equipment. In response to a question from Commissioner Kelly, Mr. Heskett said that the tower is made of galvanized steel and is structurally sound. He said that the motivation for purchasing and using this tower is to lower costs. Commissioner Martyn asked about the lease on the state land. It is a 30-year lease. Mr. Heskett said that Zirkel has no plans to sub-lease space on the tower.

### **Public Comment**

Mr. Jeremy Kline, the president of the Homesteader Lane property owners' association, stated that his only concerns were with regard to road damage and wildfire. Mr. Heskett said that in inclement weather they use a side-by-side with tracks to avoid damaging the road. If any damage would occur from Zirkel's use of the road, they would be responsible for repairs. He said that the vehicles used under normal conditions are Toyota Tundra trucks, not heavy equipment. Mr. Heskett added that most of the equipment is already on-site at the other tower. The transfer will not take place until there is reliably good weather.

Chairman Warnke encourage the dialogue between Mr. Heskett and Mr. Kline to continue. Seeing no further comment, he closed public comment.

Commissioner Benjamin asked if the three months allowed for in COA #17 was sufficient. Ms. Winser confirmed that the deadline could be extended administratively, if needed. Commissioner Benjamin asked what defensible space meant in this situation. Ms. Ebbert stated that the site already meets the guidelines, and the recommendation would be that the operator not install any landscaping that would present a wildfire danger. Chairman Warnke suggested that the wording of the applicable COA could be changed to say that "defensible space shall be maintained."

In response to a question from Commissioner Martyn, Ms. Winser explained that COA #18 is a standard COA for telecommunication/broadcasting towers.

### **MOTION**

Commissioner DeFrancia moved to approve item PL20210027, a CUP for an internet tower, with the findings of fact that the proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, 6 and 8.10 of the Routt County Zoning Regulations.

This approval is subject to the following conditions:

**General Conditions:**

1. The CUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 5, 6, and 8.10.
2. The CUP is limited to the uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application.
3. Any complaints or concerns that may arise from this operation may be cause for review of the CUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
4. In the event that Routt County commences an action to enforce or interpret this CUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
5. Permits will be assessed an Annual Fee in accordance with the Fee Schedule in Appendix B of the Routt County Zoning Regulations.
6. No junk, trash, or inoperative vehicles shall be stored on the property.
7. This approval is contingent upon the acquisition of and compliance with any required federal, state and local permits; the operation shall comply with all federal, state and local laws. Copies of permits or letters of approval shall be submitted to the Routt County Planning Department prior to operations.
8. Fuel, flammable materials, or hazardous materials shall be kept in a safe area and shall be stored in accordance with state and local environmental requirements.
9. All maintenance, security, or exterior lighting shall be downcast and opaquely shielded.
10. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in compliance with the County's Insurance and Surety **Requirements policy then in effect. The certificate of insurance shall include all permit numbers associated with the activity and Routt County shall be named as an additional insured. Permittee shall notify the Routt County Planning Department of any claims made against the policy.**
11. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
12. Transfer of this CUP may occur only after a statement has been filed with the Planning Director by the transferee guaranteeing that they will comply with the terms and conditions of the permit. If transferee is not the landowner of the permitted area, transferee shall submit written consent of the transfer by the landowner. Failure to receive approval for the transfer shall constitute sufficient cause for revocation of the permit if the subject property is transferred. Bonds, insurance certificates or other security required in the permit shall also be filed with the Planning Director by the

transferee to assure the work will be completed as specified. Any proposal to change the terms and conditions of a permit shall require a new permit.

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

**Specific Conditions:**

14. The CUP is valid for the life of the use provided it is acted upon within one year of approval. The CUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
15. The construction and use of a telecommunication facility shall not cause interference to other adjacent telecommunication facilities. The County shall be held harmless if interference occurs.
16. If tower lighting is required by the FAA, the operator shall use only white (preferably) or red strobe lights at the minimum intensity, minimum number of flashes per minute, and minimum number of lights allowed by the FAA.
17. Permittee shall bring the facilities subject to this CUP into service ("on air") within three (3) months of the application of the building permit for the facility. Facilities that are abandoned by disconnection of power service, equipment removal or loss of lease for greater than six (6) months shall be removed by the telecommunication facility owner and the site shall be reclaimed. Should the owner fail to remove the facilities, the County may do so at its option, and the costs thereof shall be a charge against the owner. The permittee shall post a bond with the County in the amount of 150% of the cost of restoration of the site. This bond will be used to guarantee the reclamation of the site in the event that reclamation and removal of equipment is not completed.
18. In order to limit the construction or proliferation of communication tower sites in the area, the operator shall agree to allow co-location of other users on the tower, providing their requested use is compatible with the existing use.
19. Prior to the issuance of a Certificate of Approval, the permittee shall provide the Planning Department with as-built drawings of the tower and facilities.
20. There shall be adequate space at the site to allow for access, turn around and parking for emergency vehicles.
21. Revegetation of disturbed areas shall occur within one growing season with a seed mix which avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass seed mixes.
22. The telecommunication equipment shall be painted a color compatible with the existing character of the site and surrounding properties.

23. Anti-perching devices shall be installed along antennae frames, horizontal cross arms, and any other vantage point used by raptors for predation.
24. Landscaping, lighting, and/or buffering materials or structures shall be properly installed and maintained.
25. Defensible space shall be maintained around all structures.

Commissioner Kelly seconded the motion.

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

### **MASTER PLAN UPDATE UPDATE**

Commissioners Jaeger and Miller joined the meeting remotely.

Mr. Dave Dixon, representing Cushing Terrell, reviewed the Community Assessment Report, noting that it contains roughly what the Master Plan should cover. He reviewed the community engagement that had resulted in the assessment and said that another series of short, targeted questions and mini-polls would be conducted soon. Ms. Winser added that one of the takeaways from the community engagement had been that better ongoing outreach in the community is needed. She said that following the Master Plan update and review of the regulations, staff would conduct continued outreach. She said that gathering feedback from the community more regularly would be very beneficial.

Mr. Dixon confirmed that the community engagement had revealed that there is continued support for the overarching goals and policies of the existing Master Plan to preserve the rural character of Routt County and protect its natural and cultural resources by directing new growth to the designated growth centers, as well as to West of Steamboat and the north area of Stagecoach where higher density development can be served by central water and sewer services.

#### Conservation, Recreation and Tourism

Planning Commission expressed strong support for the concept of creating recreational mapping that would identify areas where future recreational activities are and are not appropriate. This mapping could help in evaluating cumulative impacts when considering individual permit applications and act as a guideline for decision making. This map would be a living document and would require upkeep on staff's part to ensure it stays current. Mr. Dixon reviewed the layered mapping that was developed for Chaffee County. He noted that maps are not regulatory, but serve as a guide to ensure that applications conform to the spirit and intent of the Master Plan. Ms. Winser said that the level of detail included regarding the location of active permits and other uses would depend on the difficulty of upkeep, but confirmed that identifying the location of individual permits on the maps was the ideal.

#### Preservation of Open Space and Agricultural Lands

Ms. Winser said that the goal was to review and tighten-up the permitting process for the uses that are intended to aid the agricultural community to ensure that the intent is being met. In response to question from Chairman Warnke, she said that there had been discussion of streamlining the LPS process to make it an easier and simpler alternative to 35-acre development, particularly as the incentive of allowing Secondary Dwelling Units (SDUs) on smaller acreages is now meaningless, since they are allowed throughout the County. She added that exploring criteria to determine the authenticity of agricultural operations would be part of the effort to ensure that the uses intended to benefit agricultural operators are actually being used as intended.

#### Mobility and Transportation

There was discussion of a Regional Transportation Authority (RTA) and how it would work. Planning Commission suggested adding a bullet point that this effort should be coordinated with the municipalities. There was also a discussion of how including items in the Master Plan can assist elected officials in allocating funds, obtaining grants, demonstrating public support, etc.

#### Growth and Development

Ms. Winser stated that they had heard strong support for not allowing new development to be approved where hauling water would be required. She emphasized that this restriction would apply only to the creation of new lots, not to existing homes or lots. There was a discussion of the many different situations that can force people into hauling water. Ms. Winser acknowledged that additional research needs to be done regarding the implications for SDUs on existing lots in over-appropriated basins, and how regulations might be implemented and enforced. There was general support for the creation of a Future Land Use Map (FLUM), particularly for the Stagecoach area and the West of Steamboat area. Ms. Winser stated that a FLUM for the area surrounding YVRA might also be useful.

#### Housing

Ms. Winser noted the strong support for continuing to prohibit short-term rentals (STRs) in unincorporated Routt County. She noted that the BCC had also been vocal in its support for continuing the current policy and adding enforcement. It was acknowledged that the housing crisis in Routt County could not be adequately addressed without also addressing the impact of STRs. Commissioner Benjamin noted that when hotels are being re-purposed for workforce housing because tourists are occupying housing units as STRs, the system is broken.

There was a discussion of whether the maximum size of and SDU should be increased from the current limit of 800 square ft. Commissioner Benjamin offered that his opinion would depend on whether the units were being used as long-term rental units or whether they are simply larger guest houses. Commissioners Kelly and Jaeger offered that larger SDUs would mean greater water usage, increased traffic and more impacts; others noted that a policy of encouraging larger SDUs is

opposed to the policy of directing new growth to growth centers. Commissioner Jaeger stressed the importance of maintaining the maximum separation between the primary dwelling and an SDU. Chairman Warnke offered that the consensus is that Planning Commission is reticent to consider increasing the maximum size of SDUs. Ms. Ebbert noted that most SDUs are not stand-alone structures, but rather part of larger accessory structures, such as barns or garages.

#### Infrastructure

Ms. Winser discussed the need for funding sources and the efficiencies of a “dig once” policy. She noted that the expansion of access to technology was the primary request of all the school districts.

#### Historical and Cultural Resources

Commissioner DeFrancia proposed that efforts at historical preservation should be coordinated with the municipalities. Commissioner Benjamin noted the expense of historical preservation/re-use, and the difficulty of incentivizing this enough to make it practical or affordable. Ms. Ebbert discussed the possibility of allowing variances to maximum separation, for example, as an incentive to adaptive re-use.

#### Climate, Sustainability and Natural Resources

Ms. Winser summarized the discussion at the Technical Advisory Committee (TAC) level regarding setting a maximum home size, either in absolute terms or with the ability to pay for additional square footage through an impact fee, which would require a rational nexus study. There was general support for further exploring the concept as a conservation measure as well as a tool for preserving the character of the community. Ms. Winser offered that a maximum size for accessory structures, such as horse arenas, might also be appropriate.

Commissioner Martyn stated his opposition to a maximum home size under around 7,500 sq. ft. He stated that he would be more supportive of a tiered approach, and offered that the concept needs more community vetting. He did, however, confirm his support for maintaining the maximum separation between structures and considering a maximum size for accessory structures. Mr. Dixon confirmed that a limitation on home size had come out of the community input.

Commissioner Martyn noted the importance of forest health for water conservation and fire mitigation. There was a discussion of how best to incorporate the Wildfire Mitigation Plan and Hazard Mitigation Plan into the Master Plan. Mr. Dixon also described ways in which specific areas immediately outside of public lands can be mapped as sensitive areas to promote forest health and wildfire mitigation.

#### Equity and Public Health

Ms. Winser described how infographics and other tools can help to illustrate the integrated concepts included in the Master Plan.

#### **Plan Organization**

In response to a question from Chairman Warnke, Ms. Winser confirmed that the headings (as listed above) would be the chapters of the Master Plan. There was a discussion of the value of the Master Plan as a guiding document for newcomers to the valley, and how the existing Master Plan includes a lot of general information (e.g. Hazards to Development) that is not included in the outline. Ms. Winser offered that some of that material could be included in the introductory narrative that would accompany each chapter, as well as referenced via links to further information.

### **Sub-Area Plans**

Ms. Winser noted the need to evaluate each of the existing sub-area plans. She said that while there was agreement that the West of Steamboat Springs Area Plan (WSSAP) and Steamboat Springs Area Community Plan (SSACP) should be consolidated, the future of the other sub-area plans was uncertain. There was general agreement that Stagecoach should have its own plan. Commissioner Martyn offered that some plans, for instance the Sarvis Creek Plan, seem unnecessary until there is a threat to an area - at which point they become quite valuable. While all agreed that access to a "one stop shop" was desirable, it was also agreed that the particulars and unique qualities of different areas of the County need to be respected and documented.

### **Next Steps**

Mr. Dixon reviewed the upcoming short surveys/targeted questions. Ms. Winser said that this presentation would be made to the BCC and that there would be one more meeting with TAC. The next big item will be the draft plan.

### **ADMINISTRATOR 'S REPORT**

Ms. Winser said that there is currently nothing on the agenda for March 17.

**The meeting was adjourned at 8:40 p.m.**