



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: July 19, 2022	ITEM TIME: 9:35

FROM:	Alan Goldich
TODAY'S DATE:	July 12, 2022
AGENDA TITLE:	Snow Country Nursery

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:
<ol style="list-style-type: none"> 1. Conceptual/Final PUD; PL20220029 2. Lot Line Adjustment; PL20220027 3. Floodplain Development Permit; PL2022042
II. RECOMMENDED ACTION (<i>motion</i>):

I move to approve the Final PUD, PL20220029, and Lot Line Adjustment, PL20220027 with the following findings of fact:

1. The proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and Steamboat Springs Area Community Plan and is in compliance with the applicable provisions of Sections 5, 6, 7, and 8 of the Routt County Zoning and Sections 2 and 3 of the Routt County Subdivision Regulations.
2. In review of the Final PUD and Zoning Amendment standards, it has been determined that the Zoning Amendment standards have been met.
3. The Final PUD is substantially similar to the use that has been approved through Planning permit PP2011-012.
4. The proposal is located within the Urban Growth Boundary.
5. The residences have received approval for sewer service from the Mt. Werner Water and Sanitation District.

This approval is subject to the following conditions:

Rezoning

1. The Zone Change Resolution shall be recorded concurrently with the Final PUD Plan and Final Plat if applicable.

Final PUD:



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1. This approval shall become effective upon the recording of the Final PUD plan.
2. 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.
3. Prior to operation, permittee shall submit to Routt County proof of a Sales Tax Account /License.
4. The Final PUD Plan shall be recorded concurrently with the Final Plat and Zone Change Resolution.
5. Prior to recording the Final PUD Plan, 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.
6. Prior to recording the Final PUD Plan, evidence of approval of Out of District sewer service by Steamboat Springs City Council and Mt. Werner Water and Sanitation District shall be submitted.
7. Prior to recording the Final PUD Plan, an issued Watershed Protection Permit from the City shall be submitted.
8. The abandonment of the septic system shall follow all procedures as outlines in Regulation 43 for Onsite Wastewater Treatment Systems.
9. A 20' trail easement along the eastern bank of the Yampa River dedicated to the public, and accepted by Routt County shall be shown on the plat and PUD. Routt County shall draft a document that is recorded concurrently with the Final PUD Plan that contains the following conditions:
 - a. The City shall purchase the easement from the landowner.
 - b. The City shall not act on the easement until all easements are in place to extend it to the City's Legacy Ranch.
 - c. The City shall not act on the easement until all funding is in place to construct it to Legacy Ranch.
 - d. The City shall construct the trail at its expense
 - e. The City shall construct fencing and/or other natural barriers to prevent trespass onto the subject property.
 - f. If not acted upon within 20 years, this easement shall be void.
10. Notes on the Final PUD Plan shall include:
 - a. This PUD allows for the operation of a landscape nursery, storage of items associated with a landscape nursery, and structures shown on this plan. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
 - b. Any complaints or concerns which may arise from this operation may be cause for review of the Administrative Permit, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
 - c. No junk, trash, or inoperative vehicles shall be stored on the property.



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- d. All exterior lighting shall be downcast and opaquely shielded in accordance with Section 6.3 of the Routt County Zoning Regulations.
- e. The permittee shall prevent the spread of weeds to surrounding lands, and comply with the most current version of the Colorado Noxious Weed Act and Routt County regulations for noxious weeds. No chemical pesticides, herbicides, fertilizers, or hazardous material shall be stored, used, or located on the site.
- f. Vehicle and equipment maintenance including fueling and oil changes are to be conducted on an impermeable membrane with containment.
- g. Stormwater from parking area, office area, or snow storage site to be directed to the east towards the US 40 ditch.
- h. In case of spill or release of any hazardous materials, Snow Country will notify the Mount Werner Water District immediately.
- i. Trash collection facilities or dumpsters will be situated to prevent effluent contribution to surrounding soils.
- j. Use of IGBC certified bear-resistant canisters shall be used to reduce human-bear conflict.
- k. Any fencing installed on the property should be wildlife friendly to prevent entanglement and entrapment of wildlife. Recommendations can be found in CPW's Fencing with Wildlife in Mind publication.
- l. Prior to Planning signing off on any building permits for the residential structures, the City of Steamboat Springs and/or Mt. Werner Water and Sanitation District have signed off on the building permit.
- m. The lowest floor of all residential structure shall be elevated to 2' above the base flood elevation. Building plans indicating the finished floor elevation of such structures shall be submitted with the building permit. Elevation Certificates for the lowest floor of the structures must be submitted to the Floodplain Administrator at three different points during development. These are:
 - During building permit review and prior to signing off on the foundation only building permit, and
 - Once forms have been constructed and prior to signing off on the full building permit, and
 - Prior to the issuance of a Certificate of Occupancy (as built).
- n. The landowner shall be aware of river flows during the spring runoff season and shall remove items from the floodway if flows are expected at a volume that will overtop the riverbank.
- o. An access permit from CDOT for the main nursery access shall be obtained by April 1, 2023. An extension of up to one year for this requirement may be granted administratively without notice by the Planning Director.



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Lot Line Adjustment:

1. The 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 to up to one (1) year may be approved administratively.
2. The Final Plat shall be recorded concurrently with the final PUD Plan and Zone Change Resolution.
3. 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.
4. All property taxes must be paid prior to the recording of the plat.
5. A 'no build' zone shall be indicated on the plat for Lot 2 to avoid construction of structures and septic fields within the special flood hazard area. The "no build" zones shall be approved by the Planning Director before the plat is recorded.
6. The notes on the plat shall include, but are not limited to the following:
 - a. Routt County is not responsible for maintaining or improving subdivision roads. The roads shown hereon have not been dedicated nor accepted by the County.
 - b. The suitability of these lots for an individual septic disposal system and the availability of permits for individual septic disposal systems have not been established. The issuance of permits for individual septic disposal systems shall be a condition of obtaining a building permit for these lots.
 - c. Existing and new accesses shall meet access standards set forth by the Routt County Road and Bridge Department and Fire Prevention Services.
 - d. The availability of water and permits for wells on the lots or parcels hereon shown has not been established.
 - e. 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.
 - f. 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.
 - g. Address signage in conformance with Routt County Road Addressing, Naming, and Signing Policy shall be located at the entrance to the driveway.
 - h. A current soils test showing that the soil is of a sufficient stable nature to support development will be required before obtaining a building permit.



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- i. Prior to Planning signing off on a building permit for development on Lot 2, a development permit from the Army Corps of Engineers shall be submitted, if required.

I move to approve Floodplain Development Permit, PL20220042, with the finding of fact that the proposal with the following conditions is in compliance with the applicable provisions of Sections 5.13 of the Routt County Zoning Regulations.

This approval is subject to the following conditions:

Floodplain Development

1. This Permit is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Section 5.13.
2. This Permit is limited to uses and facilities presented in the project plan approved through this permit and through PL20220029. Any additional structures or grading must be applied for in a new or amended application.
3. In the event that Routt County commences an action to enforce or interpret this Permit, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
4. This approval is contingent upon any required federal, state and local permits being obtained and complied with; the operation shall comply with all federal, state and local laws.
5. Revegetation of disturbed areas shall occur within one growing season following completion of the project, with a seed mix which avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass seed mixes.
6. The lowest floor of all residential structure shall be elevated to 2' above the base flood elevation. Building plans indicating the finished floor elevation of such structures shall be submitted with the building permit. Elevation Certificates for the lowest floor of the structures must be submitted to the Floodplain Administrator at three different points during development. These are:
 - a. During building permit review and prior to signing off on the foundation only building permit, and
 - b. Once forms have been constructed and prior to signing off on the full building permit, and
 - c. Prior to the issuance of a Certificate of Occupancy (as built).
7. The landowner shall be aware of river flows during the spring runoff season and shall remove items from the floodway if flows are expected at a volume that will overtop the riverbank.



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III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):
PROPOSED REVENUE <i>(if applicable)</i> : \$
CURRENT BUDGETED AMOUNT: \$
PROPOSED EXPENDITURE: \$
FUNDING SOURCE:
SUPPLEMENTAL BUDGET NEEDED: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Explanation:
IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):
V. BACKGROUND INFORMATION:

Planning Commission heard this project at their July 7, 2022 hearing. Nearly all of the discussion revolved around the extension of the Core Trail. The applicant proposed easements for a trail along the north, east, and west property lines. However, The City of Steamboat Springs instead requested that a 20' easement along the east bank of the river be required because it aligns with their long range planning efforts, maintains trail character, and is a safer option by separating pedestrians and bicycles from vehicular traffic. The motion was to recommend approval of the PUD and Lot Line Adjustment with a 20' easement along the east bank of the river, which would be subject to conditions (see condition 9 for these conditions). It passed with a 4-3 vote. Commissioners Kelley, Benjamin, and Martyn voted to deny the motion, stating that they did not think the easement should be along the river and that the easements that were proposed by the applicant were sufficient.

Public comment in support of the easement along the river were given from the City of Steamboat Springs and citizens Chris Wilson and Cedar Beauregard. Public comment in opposition to the easement along the river came from Mt. Werner Water and citizen Ed McArthur. Both Mt. Werner and Mr. McArthur own land to the south of the subject site. Their cooperation would be required in order for the core trail to extend to the Legacy Ranch, which is the City's goal. Both stated that they are opposed to the trail going through their property, and therefore, the subject site should not be required to dedicate an easement that could potentially put the trail on their property. The history of past Core Trail discussions were presented which showed a past willingness to having the trail on their properties and examples of how land owners who initially were opposed changed their positions through negotiations.

The PUD regulations require that 25% of the land area of the PUD be "devoted to open air recreation or other usable open space, public or quasi-public." The applicant proposed three tree storage areas throughout the property and easements along the edge of the property to satisfy this requirement. A majority of Planning Commission agreed that these tree storage areas satisfied the PUD open space requirement. One of the conditions of the easement is that it has to be acted upon within a certain amount of time (20 years). There was discussion as to whether the open space requirement would be satisfied if the easement was not acted upon because the suggested easement conditions could not be met. Since PC determined through their recommendation, that the tree storage areas satisfied the open space requirement, there is no concern with compliance with the PUD regulations if the easement along the river was not acted upon and the easement went away.



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After the motion was approved, there was some confusion as to whether the 20' easement along the east bank of the river was in addition to, or in replacement of, the easements that were proposed by the applicant. The motion to recommend approval by Planning Commission did not include the removal of the proposed easements so they are to remain.

To help guide the discussion on the open space requirements, the Board should answer the following questions.

1. Does the three tree storage areas satisfy the 25% open space requirement or a portion of the requirement?
2. If yes, should the additional trail easement be required?
3. If no, which trail easements should be required?

The following are the options that the Board has for when considering this element of the application.

- A) Determine that the tree storage areas meet the 25% open space requirement and the proposed easements on the north, east and west property lines and the easement along the east bank of the river are required. (PC recommendation)
- B) Determine that the tree storage areas meet the 25% open space requirement and no easements are required.
- C) Determine that the tree storage areas do not meet the 25% open space requirement and both of the easements are required to satisfy the open space requirement.
- D) Determine that the tree storage areas do not meet the 25% open space requirement and the proposed easements on the north, east and west property lines are required.
- E) Determine that the tree storage areas do not meet the 25% open space requirement and the easement along the east bank of the river is required.

Planning Commission also unanimously recommended approval of the associated Floodplain Development Permit.

VI. LEGAL ISSUES:
N/A
VII. CONFLICTS OR ENVIRONMENTAL ISSUES:
N/A
VIII. SUMMARY AND OTHER OPTIONS:
<ol style="list-style-type: none"> 1. Deny 2. Table for additional information
IX. LIST OF ATTACHMENTS:
<ul style="list-style-type: none"> • DRAFT minutes from the July 7, 2022 Planning Commission hearing • Staff packet

ROUTT COUNTY PLANNING COMMISSION

DRAFT MINUTES

July 7, 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 Brian Kelly, Bill Norris, Paul Weese, Ren Martyn, Andrew Benjamin, and Linda Miller. Commissioners Greg Jaeger and Jim DeFrancia were absent. Planning Director Kristy Winser and staff planners Alan Goldich and Michael Fitz also attended. Sarah Katherman prepared the minutes.

PUBLIC COMMENT

There was no public comment.

ACTIVITY: PL20220029, PL20220027, and PL20220042
PETITIONER: Southshore Plow Service LLC d/b/a Snow Country Nursery; and Back Atcha, LLC
PETITION: 1) Final Planned Unit Development
2) Lot Line Adjustment
3) Floodplain Development Permit
LOCATION: 35975 US Highway 40; located immediately south of the city limits of Steamboat Springs and behind the Steamboat Christian Center

Mr. Walter Magill of Four Points Surveying and Engineering, representing the petitioner, reviewed the site plan and described the proposal to reconfigure the lots and define the uses for the PUD parcel. He indicated the access road and the bridge across the Yampa River that provides access to the western most portion of the parcel. Mr. Magill noted that Snow Country Nursery has been operating on the site since at least 2011 and that the proprietor of Snow Country, Mr. Mitch Clark, purchased both parcels in 2020. Mr. Magill reviewed that in 1995 the zoning of the northern parcel was changed from Agriculture/Forestry (A/F) to Planned Unit Development (PUD), but no Final PUD plan describing the allowed uses was ever recorded, so there are no uses allowed on the property. Snow Country currently operates a nursery business on the southern parcel under an existing Administrative Permit. Mr. Magill indicated the proposed reconfiguration of the lots that would preserve the acreage of the parcels but divide the total property along a common property line running north/south. The western parcel would retain the A/F zoning, which would allow for the potential construction of a residence, and the eastern parcel would retain the PUD, with defined uses to be reviewed and approved through the Final PUD Plan. Mr. Magill also presented the FEMA floodplain maps and indicated the areas of the parcel within the floodplain. Mr. Magill reviewed the proposed uses and structures for the PUD and noted that the existing A-frame would be relocated. He stated that initial approval had been received from Mt. Werner Water and Sanitation District (Mt. Werner) to provide out of district sanitary sewer service to the property. The existing A-frame, which is currently served by a mound-design septic system, would be connected to the central sewer line and the existing septic system would be removed. Mr. Magill stated that because no agreement had been reached with the Steamboat Christian Center regarding the

construction of a permanent restroom, employees of Snow Country would continue to use portable toilets.

Mr. Magill presented the proposed plan and indicated three proposed easements to be publicly dedicated. The 50 ft. easements are located on the western property line of the A/F parcel and on the north and east property lines of the PUD parcel. Mr. Magill stated that the City is requesting an easement through the middle of the PUD parcel to accommodate the extension of the Core Trail, which currently ends at the northern border of the property. He stated that the applicant is opposed to this easement, and is instead offering the easements along the property borders, which would allow the Core Trail to follow Dougherty Rd. to the east and then travel south along US 40, or travel west along the property line, cross the river and travel south on the west side of the river. The trail could then proceed to Legacy Ranch across City owned property. He clarified that if the latter alignment were chosen, a new bridge to accommodate the trail would need to be constructed by the City. Mr. Magill presented photos of the land on the west side of the river and noted that the balloon launch use would be discontinued if a residence is constructed there. He also noted that a utility easement would be required for any development on the west side of the river.

Mr. Goldich reviewed the three elements of the petition, described the parcel and proposed reconfiguration. He indicated on a site plan the adjacent properties and noted that this parcel and all of those adjacent to it are within the watershed protection zone. He indicated the location of the two Mt. Werner parcels, both of which contain infiltration galleries for the City's drinking water supply. He reviewed the history of the subject parcel and some of the many uses that have occurred there. He stated that Mr. Clark purchased the property in 2020 and that the County had received a complaint last summer that the Snow Country operation had expanded beyond the borders of the northern (currently A/F zoned) parcel. The County issued a notice of violation, and since then staff has been working with the landowner to bring the property into conformance. Mr. Goldich reviewed the proposed uses, structures, and their locations to be listed on the Final PUD Plan. He added that the Floodplain Development Permit is needed for the storage of trees and materials in the floodplain.

Mr. Goldich reviewed the comments submitted by referral agencies, as follows:

- Mt. Werner said that an initial approval had been granted for out of district service for sanitary sewer service. The City will need to issue the final approval for the sewer service. Conditions of approval (COAs) regarding water quality mitigation activities, the removal of the septic system, and the Watershed Protection Permit are included in the suggested COAs.
- The City of Steamboat Springs requested an easement along the river, through the eastern parcel (to become the PUD) to accommodate the extension of the Core Trail. The City also commented on the need for the Watershed Protection Permit.
- Colorado Parks and Wildlife (CPW) requested bear-proof trash receptacles, wildlife friendly fencing and the opportunity to participate in planning for the Core Trail extension using a holistic approach that would consider the entire trail alignment at once.

Mr. Goldich offered that the Core Trail easement was likely to be the most difficult issue to resolve, as there are many variables involved. He stated that the goal of the City is to extend the Core Trail all the way to the Legacy Ranch, located at the intersection of Hwy 131 and US 40. He noted that

the extension of the Core Trail was identified in the Master Plan update public outreach as very important. The City's preferred alignment is along the east bank of the river, which is the alignment identified in a variety of planning documents. This alignment would be safely away from traffic and would avoid the need to construct two river crossings. Mr. Goldich reviewed the easements along the property lines proposed by the applicant. He noted that placing the Core Trail next to US 40 would be less safe than along the river, and added that the sidewalks on the Christian Center property were not built to the Core Trail standards. He stated that the last existing portion of the Core Trail crosses Mt. Werner property at the shared property line with the PUD parcel. Mt. Werner does not, however, want the Core Trail to cross their 17-acre parcel that borders Mr. Clark's property on the south. Mr. Goldich added that CPW would like there to be a holistic approach to planning the trail alignment, rather than piecing it together one easement at a time. Calling attention to proposed COA #9, Mr. Goldich said that the City is willing to consider some constraints on the easement being requested. He stated that it is up to Planning Commission and the Board to decide if it will require the City's requested easement, and if so, if some or all of these constraints are appropriate. He stated that if the easement is required, a separate easement document would be drafted and recorded, and referenced on the Final Plat and Final PUD Plan.

Chairman Warnke asked if the petitioner would retain use of the 20-ft. easement along the river up to the time that the trail were built. Mr. Goldich stated that he would. He also clarified that the easement would be entirely within the required 50-ft. waterbody setback from the river. He confirmed, however, that although nothing can be built within the 50-ft. setback, the storage of trees in the setback would be allowed.

In response to a question from Commissioner Martyn, Mr. Goldich reviewed the previous proposal for a mini-storage facility on the property. He reviewed the PUD process and explained that the PUD parcel cannot be re-zoned to A/F because it does not meet the minimum lot size for the A/F zone district. He confirmed that a residence or any other use by right allowed in the A/F zone district would be allowed on the reconfigured A/F lot. He stated that the existing nursery business operates under an Administrative Permit for that use.

Chairman Warnke asked about access to the parcel. Mr. Goldich said that an access permit is in place for Dougherty Rd., but not for the nursery business. An access permit from CDOT for the nursery is required in the suggested COAs.

Public Comment

Mr. Craig Robinson, Parks, Open Space and Trails manager for the City of Steamboat Springs, stated that the easement being requested along the east side of the Yampa River corresponds to the preferred Core Trail alignment as it has been identified on a variety of planning documents going back 20+ years. He added that the extension of the Core Trail both to the west to Steamboat II and to the south to Legacy Ranch was identified through the recent Master Planning process as being very important to the community, and is part of the a proposed regional Yampa River Trail. He said that the City has taken a very opportunistic approach to acquiring easements for the Core Trail, and acknowledged that the process takes time. Regarding the suggested COAs pertaining to the requested easement, Mr. Robinson said that although the City has not heretofore purchased or condemned land for the trail, it would consider purchasing the proposed easement. He offered, however, that the timeframe of 15 years included in COA # 9.f might not be realistic, and suggested that it may be in conflict with the purchase of the easement. Mr. Robinson said that the

City has worked with CPW on plans for the Core Trail and has discussed different alignments. In response to a question from Chairman Warnke, Mr. Robinson said that he could not speak to the City's willingness to purchase the easement, and said that more information may be needed prior to the Board hearing. He said that the City has constructed fencing for other sections of the trail and is prepared for the cost of constructing the trail. He discussed previous proposed alignments and stated that the preferred alignment currently being proposed by the City eliminates the need for two river crossings, which would significantly reduce the cost of constructing the trail. Commissioner Martyn noted that the City owns a large property to the west and asked what the City's long-term plans are for it. Mr. Robinson said that the plan is to conserve the land and install an additional infiltration gallery.

Mr. Ed MacArthur, the former owner of the 17-acre parcel owned by Mt. Werner to the south of the subject property and the owner of the next property to the south of that, stated that he fully supports the applicant's proposal. He described his past negotiations with the City that resulted in an agreement for a trail alignment that would cross the river twice and then follow the railroad alignment across his land. He said that the City never acted on this agreement and that he has since made different plans for his property and no longer wants the trail to cross the western portion of his land. He said that he would agree to an easement along the front of the property (along US 40). Mr. MacArthur stated that if the easement crosses Mr. Clark's property along the east side of the river, it will dead end there, because neither he nor Mt. Werner are willing to grant the connecting easements. He described the problems associated with dead-end trails. He offered that other alignments are available that would allow for the extension of the Core Trail to the Legacy Ranch, but that the alignment along the river was not going to happen. He indicated alternative alignments for the trail on an aerial map.

Mr. Frank Alfone, General Manager of Mt. Werner Water and Sanitation District since 2015, stated his support for Mr. Clark's proposal. He said that the removal of the existing septic system and leach field was very important as it would eliminate the possibility of it contaminating the City's water supply. He noted that the infiltration gallery along the Yampa would be the only source of the City's drinking water if there were a failure at Fish Creek Reservoir. Mr. Alfone stated that Mr. Clark and Mr. MacArthur were both excellent neighbors, and thanked Mr. Clark for his help and cooperation with the most recent infiltration gallery installation. Mr. Alfone described the process through which out of district sanitary sewer service can be provided. He explained that a resolution from the Mt. Werner Board of Directors would be approved, followed by the execution of an out of service agreement, and then both of these would have to be approved by City Council. Mr. Alfone stated that although Mt. Werner collects waste, it is the City that treats it and any expansion of the collection system must be approved by City Council.

Mr. Alfone indicated on an aerial map the location of the Mt. Werner properties on either side of the subject parcel, the location of the existing Core Trail and the location of the new infiltration gallery, which is 800 ft. long and 25 – 35 ft. deep within the groundwater alluvium of the Yampa River. He noted the problems that had occurred on northern Mt. Werner property as a result of the trail dead end and subsequent residential development nearby. He stated that Mt. Werner is unwilling to grant an easement for the extension of the trail across the southern property, and cited concerns with trespass, vandalism, contamination and potential loss of continuity of service. Mr. Alfone acknowledged that these decisions, including the language and conditions included in the

resolution approving out of district service, would be made by the Mt. Werner District's Board, and that he would take all information back to the Board.

Mr. Chris Wilson, a resident of Steamboat Springs, stated that for many years in his capacity as Trails Coordinator and Parks and Recreation Director for the City of Steamboat Springs he worked on all the plans cited by Mr. Robinson that identify the future alignment of the Core Trail. He stated his support for staff's recommendation to require an easement along the east side of the river. He reviewed the history of the development of the existing Core Trail and provided examples of some landowners who had at first opposed providing an easement for the trail and then later changed their minds. He offered that it would be short-sighted to not require the easement because Mt. Werner has said that it will not at this time grant a connecting easement. He acknowledged that the process of acquiring easements all the way to Legacy Ranch will take an indeterminate amount of time and cautioned against conditioning this easement on the completion of that process within a certain number of years. Mr. Wilson stated that the applicant would have full use of the easement in the interim and that it was important to look at the long term. Mr. Wilson reviewed the process through which the City negotiated the easement and constructed the trail and fencing across Mt. Werner's northern parcel and said that Mt. Werner has always been a supporter of the Core Trail. He urged Planning Commission to require an easement that follows the City's preferred alignment. In response to a question from Chairman Warnke, Mr. Wilson recommended that no timeframe be specified.

Chairman Warnke asked if a PUD could be amended by a future landowner. Mr. Goldich said that the owner could apply for amendments at any time. He also acknowledged that the suggested 15-year trigger listed in COA #9.f was essentially arbitrary. He said that Planning Commission could change that number or not include a time trigger at all. He added that any of the proposed triggers could be removed or modified.

Commissioner Martyn asked if the City had proposed an easement across the 17-acre southern parcel when Mt. Werner went through the permitting process for the infiltration gallery. Mr. Alfone said that it did not.

Mr. Cedar Beauregard, a resident of Steamboat Springs, offered that if the City did not build a dead-end trail, there would be no Core Trail. He stated that he supports the proposal, but that he would like there to be many easement options to allow the trail to follow whatever alignment becomes possible in the future.

Seeing no further comment, Chairman Warnke closed public comment.

Commissioner Benjamin stated his support for the petition. He said he was having a hard time understanding why the City prefers a Core Trail alignment that crosses multiple private properties rather than one that provides access to the public land to the west. He stated his preference for a trail alignment that would provide greater opportunities for recreation and fewer conflicts.

Commissioner Miller asked what would become of an easement purchased by the City if the City were to decide to locate the trail across its property to the west because it could not extend the trail through the Mt. Werner parcel to the south.

In response to a question from Commissioner Weese, Mr. Goldich said that the easement proposed by staff was requested by the City through the referral process. He said that the County generally supports the requests made by referral agencies, adding that the extension of the Core Trail was identified by the community as a high priority. Commissioner Weese asked why the City could not negotiate an easement with the landowner independently of this process. Ms. Winser stated that the trails easement being proposed by the applicant is part of the 25% open space requirement. She added that the tree storage areas are also proposed by the applicant to meet the open space requirement. She indicated those areas on a site plan. Trees are only stored on the property for a portion on the year. Ms. Winser said that it would be up to Planning Commission and the Board to determine if the tree storage areas should be considered open space.

Commissioner Kelly suggested that the easement should be dedicated or not, but that there should not be a time requirement associated with it. If the City purchases the easement then it should be in perpetuity. Commissioner Kelly offered that this would provide certainty for both the City and the landowner.

Commissioner Martyn expressed concern with the County's efforts to address the extension of the Core Trail through a single property. He said that the result would be only a minor extension of the trail with no certainty that it could be extended beyond that point. Commissioner Martyn said that he would support the applicant with the three easements proposed by the applicant with the conditions or triggers included in COA #9 applied to them. The onus would then be on the City to negotiate with the landowner and to pursue the options for extending the trail with the other relevant landowners.

In response to a question from staff, a large majority of Planning Commission determined that the tree storage areas should qualify as open space. Mr. Goldich noted that those areas are sufficiently large that the 25% open space requirement would be satisfied without any of the easements being included. Mr. Magill clarified that the easements along the perimeter proposed by the applicant would be publicly dedicated in any case, without compensation.

Commissioner Miller noted that, as written, suggested COA #9 does not refer specifically to the easement along the river.

Commissioner Kelly expressed concern with allowing the Core Trail to be built right up to the water infiltration gallery. He stated that while trails are important, water is more important.

When surveyed regarding their preferred location for the trails easement, Commissioners Benjamin, Kelly and Martyn stated that the easements along the perimeter as proposed by the applicant were preferable. Commissioner Miller suggested that the easement along the river should be required, either without any of the triggers listed under COA #9, or at least without the time limit (COA #9.f). Commissioner Norris supported the river easement without COA #9.F, but with all the other triggers. Commissioner Weese stated that he would support the river easement only if COA #9.f were included, but that he would support a timeframe of no more than 20 years. He stated that if COA #9.f were deleted, he would not support the river easement.

MOTION

Commissioner Miller moved to recommend approval of the Final PUD and Lot Line Adjustment (items PL20220029 and PL20220027) with the following findings of fact:

1. The proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and Steamboat Springs Area Community Plan and is in compliance with the applicable provisions of Sections 5, 6, 7, and 8 of the Routt County Zoning and Sections 2 and 3 of the Routt County Subdivision Regulations.
2. In review of the Final PUD and Zoning Amendment standards, it has been determined that the Zoning Amendment standards have been met.
3. The Final PUD is substantially similar to the use that has been approved through Planning permit PP2011-012.
4. The proposal is located within the Urban Growth Boundary.
5. The residences have received approval for sewer service from the Mt. Werner Water and Sanitation District.

This approval is subject to the following conditions:

Rezoning

1. The Zone Change Resolution shall be recorded concurrently with the Final PUD Plan and Final Plat if applicable.

Final PUD:

1. This approval shall become effective upon the recording of the Final PUD plan.
2. 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.
3. Prior to operation, permittee shall submit to Routt County proof of a Sales Tax Account /License.
4. The Final PUD Plan shall be recorded concurrently with the Final Plat and Zone Change Resolution.
5. Prior to recording the Final PUD Plan, 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.
6. Prior to recording the Final PUD Plan, evidence of approval of Out of District sewer service by Steamboat Springs City Council and Mt. Werner Water and Sanitation District shall be submitted.
7. Prior to recording the Final PUD Plan, an issued Watershed Protection Permit from the City shall be submitted.
8. The abandonment of the septic system shall follow all procedures as outlines in Regulation 43 for Onsite Wastewater Treatment Systems.

9. A 20' trail easement along the eastern bank of the Yampa River dedicated to the public, and accepted by Routt County shall be shown on the plat and PUD. Routt County shall draft a document that is recorded concurrently with the Final PUD Plan that contains the following conditions:
 - a. The City shall purchase the easement from the landowner.
 - b. The City shall not act on the easement until all easements are in place to extend it to the City's Legacy Ranch.
 - c. The City shall not act on the easement until all funding is in place to construct it to Legacy Ranch.
 - d. The City shall construct the trail at its expense
 - e. The City shall construct fencing and/or other natural barriers to prevent trespass onto the subject property.
 - f. If not acted upon within 20 years, this easement shall be void.
10. Notes on the Final PUD Plan shall include:
 - a. This PUD allows for the operation of a landscape nursery, storage of items associated with a landscape nursery, and structures shown on this plan. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
 - b. Any complaints or concerns which may arise from this operation may be cause for review of the Administrative Permit, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
 - c. No junk, trash, or inoperative vehicles shall be stored on the property.
 - d. All exterior lighting shall be downcast and opaquely shielded in accordance with Section 6.3 of the Routt County Zoning Regulations.
 - e. The permittee shall prevent the spread of weeds to surrounding lands, and comply with the most current version of the Colorado Noxious Weed Act and Routt County regulations for noxious weeds. No chemical pesticides, herbicides, fertilizers, or hazardous material shall be stored, used, or located on the site.
 - f. Vehicle and equipment maintenance including fueling and oil changes are to be conducted on an impermeable membrane with containment.
 - g. Stormwater from parking area, office area, or snow storage site to be directed to the east towards the US 40 ditch.
 - h. In case of spill or release of any hazardous materials, Snow Country will notify the Mount Werner Water District immediately.
 - i. Trash collection facilities or dumpsters will be situated to prevent effluent contribution to surrounding soils.
 - j. Use of IGBC certified bear-resistant canisters shall be used to reduce human-bear conflict.

- k. Any fencing installed on the property should be wildlife friendly to prevent entanglement and entrapment of wildlife. Recommendations can be found in CPW's Fencing with Wildlife in Mind publication.
- l. Prior to Planning signing off on any building permits for the residential structures, the City of Steamboat Springs and/or Mt. Werner Water and Sanitation District have signed off on the building permit.
- m. The lowest floor of all residential structure shall be elevated to 2' above the base flood elevation. Building plans indicating the finished floor elevation of such structures shall be submitted with the building permit. Elevation Certificates for the lowest floor of the structures must be submitted to the Floodplain Administrator at three different points during development. These are:
 - During building permit review and prior to signing off on the foundation only building permit, and
 - Once forms have been constructed and prior to signing off on the full building permit, and
 - Prior to the issuance of a Certificate of Occupancy (as built).
- n. The landowner shall be aware of river flows during the spring runoff season and shall remove items from the floodway if flows are expected at a volume that will overtop the riverbank.
- o. An access permit from CDOT for the main nursery access shall be obtained by April 1, 2023. An extension of up to one year for this requirement may be granted administratively without notice by the Planning Director.

Lot Line Adjustment:

1. The 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 to up to one (1) year may be approved administratively.
2. The Final Plat shall be recorded concurrently with the final PUD Plan and Zone Change Resolution.
3. 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.
4. All property taxes must be paid prior to the recording of the plat.
5. A 'no build' zone shall be indicated on the plat for Lot 2 to avoid construction of structures and septic fields within the special flood hazard area. The "no build" zones shall be approved by the Planning Director before the plat is recorded.
6. The notes on the plat shall include, but are not limited to the following:
 - a. Routt County is not responsible for maintaining or improving subdivision roads. The roads shown hereon have not been dedicated nor accepted by the County.

- b. The suitability of these lots for an individual septic disposal system and the availability of permits for individual septic disposal systems have not been established. The issuance of permits for individual septic disposal systems shall be a condition of obtaining a building permit for these lots.
- c. Existing and new accesses shall meet access standards set forth by the Routt County Road and Bridge Department and Fire Prevention Services.
- d. The availability of water and permits for wells on the lots or parcels hereon shown has not been established.
- e. 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.
- f. 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.
- g. Address signage in conformance with Routt County Road Addressing, Naming, and Signing Policy shall be located at the entrance to the driveway.
- h. A current soils test showing that the soil is of a sufficient stable nature to support development will be required before obtaining a building permit.
- i. Prior to Planning signing off on a building permit for development on Lot 2, a development permit from the Army Corps of Engineers shall be submitted, if required.

Commissioner Weese seconded the motion,

The motion carried 4 – 3, with the Chair voting yes.

Commissioners Benjamin, Kelly and Martyn voted in dissent.

MOTION

Commissioner Kelly moved to recommend approval of the Floodplain Development Permit (item PL20220042) with the finding of fact that the proposal with the following conditions is in compliance with the applicable provisions of Sections 5.13 of the Routt County Zoning Regulations.

This approval is subject to the following conditions:

Floodplain Development

1. This Permit is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Section 5.13.

2. This Permit is limited to uses and facilities presented in the project plan approved through this permit and through PL20220029. Any additional structures or grading must be applied for in a new or amended application.
3. In the event that Routt County commences an action to enforce or interpret this Permit, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
4. This approval is contingent upon any required federal, state and local permits being obtained and complied with; the operation shall comply with all federal, state and local laws.
5. Revegetation of disturbed areas shall occur within one growing season following completion of the project, with a seed mix which avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass seed mixes.
6. The lowest floor of all residential structure shall be elevated to 2' above the base flood elevation. Building plans indicating the finished floor elevation of such structures shall be submitted with the building permit. Elevation Certificates for the lowest floor of the structures must be submitted to the Floodplain Administrator at three different points during development. These are:
 - a. During building permit review and prior to signing off on the foundation only building permit, and
 - b. Once forms have been constructed and prior to signing off on the full building permit, and
 - c. Prior to the issuance of a Certificate of Occupancy (as built).
7. The landowner shall be aware of river flows during the spring runoff season and shall remove items from the floodway if flows are expected at a volume that will overtop the riverbank.

Commissioner Norris seconded the motion.

The motion carried 7 – 0, with the Chair voting yes.

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