



# ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

## AGENDA COMMUNICATION FORM

<b>ITEM DATE: November 29, 2022</b>	<b>ITEM TIME: 9:35 am</b>

<b>FROM:</b>	Alan Goldich
<b>TODAY'S DATE:</b>	November 22, 2022
<b>AGENDA TITLE:</b>	Snow Country Nursery

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

<b>I. DESCRIBE THE REQUEST OR ISSUE:</b>
<ol style="list-style-type: none"> <li>1. Final PUD; PL20220029</li> <li>2. Lot Line Adjustment; PL20220027</li> <li>3. Floodplain Development Permit; PL2022042</li> </ol>

<b>II. RECOMMENDED ACTION <i>(motion)</i>:</b>
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**Staff note: Bold language below has been changed from Planning Commission's recommendation.**

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.
6. **The Lot Line Adjustment will increase the size of the A/F zoned parcel from 4.3 acres to 5 acres, which is more in compliance with the Zoning Regulations than the existing conditions, and will result in a legal and buildable parcel.**

This approval is subject to the following conditions:

Rezoning



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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 **City of Steamboat Springs** shall be shown on the **Final Plat** and **Final PUD**. **The easement document shall be recorded prior to, or concurrently with, the Final Plat and Final PUD.**
10. **The following shall be shown on the Final PUD Plan and incorporated into the PUD Guide:**
  - a. **Landscape nursery**
  - b. **Storage of items associated with the nursery (plants, landscape rocks, soil, machinery, etc.)**
  - c. **Parking**
  - d. **Structures shown on PUD plan associated with the nursery**
  - e. **40' maximum building height**
  - f. **Open Space:**
    - i. **Core Trail**
    - ii. **Tree Storage Areas**
  - g. **Two dwelling units:**
    - i. **1,800 sq ft dwelling**
    - ii. **900 sq ft dwelling**
11. Notes on the Final PUD Plan shall include:



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- a. This PUD allows for the **uses and structures detailed on this Final PUD Plan.**~~operation of a landscape nursery, storage of items associated with a landscape nursery, and structures shown on this plan.~~ Accessory structures/uses **and minor variations qualifying as technical corrections as detailed in Section 7.4.1 of the Zoning Regulations** may be administratively approved by the Planning Director, without **public notice prior to the decision.**
- 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 until 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).



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- 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.
- p. **The existing A-Frame is allowed to stay in its current location as depicted on this PUD Plan. Once it is removed, or sewer service is extended to the site, all residential units shall be located in the northeast portion of the site as depicted on this PUD Plan.**

#### 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



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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.

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).



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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.

<b>III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):</b>
<b>PROPOSED REVENUE</b> <i>(if applicable)</i> : \$
<b>CURRENT BUDGETED AMOUNT:</b> \$
<b>PROPOSED EXPENDITURE:</b> \$
<b>FUNDING SOURCE:</b>
<b>SUPPLEMENTAL BUDGET NEEDED:</b> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
<b>Explanation:</b>
<b>IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):</b>
<b>V. BACKGROUND INFORMATION:</b>
<p>This item has been tabled three times; July 19, 2022, August 16, 2022, September 27, 2022, and November 1, 2022 to allow the applicant and the City time to discuss terms for the easement for the Core Trail. At the time of the writing of this form, they have agreed on the major issues surrounding this easement, however the final document has not been approved by both sides. There is a possibility that the final document will be approved by both sides prior to the hearing. An update on the status of the final document will be provided at the hearing.</p> <p>A revised site plan, PUD Plan, plat, and narrative have been submitted to show the location of the core trail, the removal of the easements that were originally proposed along the north, east, and west property lines, and to clean up minor discrepancies and changes that have occurred through the review of this application. All of these documents are attached for your review.</p>
<b>VI. LEGAL ISSUES:</b>
N/A
<b>VII. CONFLICTS OR ENVIRONMENTAL ISSUES:</b>
N/A
<b>VIII. SUMMARY AND OTHER OPTIONS:</b>
N/A
<b>IX. LIST OF ATTACHMENTS:</b>
<ol style="list-style-type: none"><li>1. Revised Narrative dated 11/9/22</li><li>2. Revised PUD Plan and Plat dated 11/4/22</li><li>3. Revised Site Plan dated 11/3/22</li><li>4. Board of County Commissioner minutes from 7/19/22</li><li>5. Planning Commission minutes from 7/7/22</li><li>6. Planning Staff Report</li></ol>