

August 8, 2024

Nicole R. Ament  
Attorney at Law  
303.223.1174 direct  
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## VIA EMAIL

Erik Knaus  
Routt County Attorney  
522 Lincoln Avenue  
Suite 34  
Steamboat Springs, CO 80487  
eknaus@co.routt.co.us

RE: Stagecoach Mountain Ranch – A 1041 Permit is Not Required

Dear Mr. Knaus:

Our firm represents Discovery Land Co. ("Discovery"), the developer of the proposed project known as "Stagecoach Mountain Ranch" (the "Project"). It is our understanding that the Routt County ("County") Planning Department ("Planning Dept.") has indicated that the County is considering Discovery obtain, as part of the required entitlements for development of the Project, approval of a 1041 permit on the basis that connecting to the Morrison Creek Metropolitan Water and Sanitation District (the "District") constitutes a "major extension of an existing domestic water and sewage treatment system" under Section 7.2.B of the County Unified Development Code ("UDC").

This letter sets forth the reasons why a 1041 permit is not required for the Project.

### **A. The Project is Exempt From the 1041 Permit Requirements Pursuant to the Statutory Exemptions Under the Areas and Activities of State Interest Act.**

The Areas and Activities of State Interest Act (the "Act") provides that, subject to certain exemptions, local governments are authorized to identify and designate any "area" or "activity" in their jurisdiction as a matter of statewide interest. *C.R.S. § 24-65.1-401*. The Act exempts certain activities and areas of state interest for which a 1041 permit is not required ("Statutory Exemptions"). As applicable here, development that qualifies for a Statutory Exemption includes development or activity on land, which as of May 17, 1974:

1. has been conditionally or finally approved by the appropriate local government for planned unit development or for a use substantially the same as planned unit development;

2. has been zoned by the appropriate local government for the use contemplated by such development or activity; or
3. with respect to which a development plan has been conditionally or finally approved by the appropriate government authority.

*See C.R.S. § 24-65.1-107; see also UDC § 7.1.D.1.*

Here, the Project has been generally approved by the County since before May 17, 1974 and thus meets the Statutory Exemption for a development on land which has been zoned by the appropriate local government for the use contemplated by such development or activity. C.R.S. § 24-65.1-107. According to the Stagecoach Community Plan (the “**Community Plan**”), in 1972, Routt County granted the Woodmoor Corporation (“**Woodmoor**”) urban-scale zoning for the Property, which allowed for both multi-family development and single family lots of less than 1 acre. *Community Plan*, p. 2. At that time, the vision for the Property included the following uses: residential, ski mountain, golf course, equestrian center, lake and full-service marina as part of the Stagecoach planned development. *Community Plan*, p.1. Prior to Woodmoor declaring bankruptcy mid-development, the County approved zoning for a total of over 4,500 more dwelling units for Stagecoach if developed at maximum density. *Community Plan*, p. 2. This is also supported by the minutes and records of meetings of the Routt County Board of County Commissioners (“**BCC**”) from 1972 and 1973, attached hereto as Exhibit A (the “**Original Approvals**”), which provided, *inter alia*, that the BCC approved zoning of portions of the Stagecoach property to “High Density Residential”, another portion of the property to “Low Density Residential”, that the sewage treatment facility at Stagecoach would eventually be capable of handling 4,000,000 gallons a day in accordance with the proposed development for Stagecoach, and that the area, including the 4,526 planned residential units, would be served by the Morrison Creek Water & Sanitation District. Further, according to the Original Approvals, Woodmoor received approval of a preliminary plan from the Routt County Planning Commission (the “**Planning Commission**”) on December 3, 1971 for several areas within Stagecoach, and all subdivisions had received preliminary or final approval from the BCC prior to May 29, 1972. The plats for these areas were also approved on or before March 16, 1972. The Property’s zoning has therefore effectively remained the same since the original approvals in 1972, and Discovery’s Project encompasses precisely the same types of development and uses as originally planned over 50 years ago and prior to May 17, 1974.

Additionally, the District was specifically created by Woodmoor to serve water and sewer to the Stagecoach development. *Community Plan*, p. 1. The District’s original Service Plan, approved on May 31, 1972, anticipated serving a development of approximately 12,000 single-family equivalent units with a cumulative demand of approximately 4,350 acre-feet. The District planned for an extensive water and wastewater supply system that included, among other components, a surface diversion from the Yampa River and extensive groundwater wells to serve a peak demand of 6.8 MGD (10.5 cfs), a water treatment plant to serve such peak demand, several water storage tanks to store 9,270,000 gallons (2,845 acre-feet), a 2.96-MGD tertiary wastewater treatment plant, extensive trunk lines and collection

components, and multiple lift stations and force mains. Discovery's Project entails far fewer equivalent units, significantly lower water and wastewater demands, and much less infrastructure. It is thus not only consistent with, but even less intensive than, what the County originally understood and approved through zoning.

Accordingly, the Project is exempt from the 1041 permitting requirements under the UDC by the Statutory Exemptions of the Act. Therefore, a 1041 permit is not required for development of the Project.

**B. The Project Does Not Require a Major Extension of an Existing Domestic Water and Sewage Treatment System Triggering a 1041 Permit.**

Even assuming the Project were not exempt from the 1041 permitting requirement, the Project still would not require 1041 permit review because it does not amount to a "major extension of an existing domestic water and sewage treatment system." The UDC is silent as to what constitutes a "major" extension of an existing domestic water and sewage treatment system; however, it appears that the County is interpreting it to mean any new connections to the District to serve property that is not currently within a District's boundaries. This interpretation would be flawed for several reasons.

First, the District's Service Plan has always contemplated development of recreational activities such as golf, skiing, water and equestrian sports, and planning may be revised to take changes into account and for the development to be carried out in phases. And as summarized above, the Service Plan shows that the original developer intended, and the County approved, much higher density, a far larger population, greater infrastructure requirements, and far greater water and wastewater demands. Similarly, all of the County's planning documents adopted since the original 1972 approvals show that significant development and density is planned for the area. For example, the 2022 Routt County Master Plan (the "**Master Plan**") designates the Stagecoach area as a "Tier 2 Targeted Growth Area . . . because it has an approved sub-area plan, platted lots, zoning appropriate for higher density development, and a special district to support infrastructure needs." *Master Plan*, p. 7, 29 (emphasis added). As such, the District was specifically formed to serve the full development at Stagecoach; therefore, the long-planned extension of District Service to the Project does not constitute a "major" extension of an existing domestic water and sewage treatment system.

Second, the County's 1041 regulations were not intended to cover an activity like the Project. As a general matter, where 1041 regulations have been adopted, they typically apply to projects of a larger scale, such as transbasin diversions and large water storage projects, rather than domestic water and sewer projects and wastewater treatment for a singular development project. *See e.g. City & County of Denver v. Bd. of County Comm'rs of Grand County*, 760 P.2d 656, 659 (Colo. 1988) (involving a transbasin diversion of water in Grand and Eagle counties); *see also City of Colo. Springs v. Bd. of County Comm'rs of Eagle County*, 895 P.2d 1105, 1113, 1116 (Colo. App. 1994) (involving the diversion of water from the

Eagle River basin for the storage of water in the Homestake II Reservoir near Minturn). This intent appears similar for Routt County:

- The County developed 1041 regulations in response to the prospect of large-scale transbasin diversions, like one studied by Northern Water Conservancy District.<sup>1</sup> According to the Colorado Local Governments' Use of 1041 Regulations dated May 11, 2017 prepared for the Colorado Department of Local Affairs (the "**Report**"), the County recently stated: "Because of the desire to maintain their rural character, to protect or have a say in transmountain diversion of water, to protect their natural amenities, and continue to be a tourist destination, the County was looking for a way to regulate development that would match those development pressures and priorities, especially water." *Report*, p. 32. The Project does not involve a transbasin diversion and proposes exactly what has been envisioned for this area since the 1970's so as to protect the natural amenities, maintain rural character while still allowing the area to be a tourist destination.
- Public statements indicate that the County never intended the 1041 regulations to cover extensions of water and wastewater service in local areas like Stagecoach. When the County Board of Commissioners (the "**Board**") first considered and adopted the County's initial 1041 regulations, "County planner Mitch Harvey said commissioners passed the regulations as amended and recommended by the [ ] Planning Commission on Sept. 20 [2007]. While significant, the regulations have generated little public interest or concern. County officials say that is probably because the regulations are not designed to entangle local projects. County officials have acknowledged that the regulations are more in response to massive projects such as proposed trans-basin diversions of Yampa River water."<sup>2</sup> This statement reveals that the County did not intend for the 1041 permitting requirements to apply to projects such as this one.

Requiring a 1041 permit in this case, where extension of a domestic sewer and water system will be to lands in the immediate Stagecoach area, for a project with uses and zoning that have been generally approved and always contemplated and for which the District was created to serve, is inconsistent with the purpose and intent of the Act and would not reach the high threshold of a "major" extension of an existing domestic water and sewage treatment system. The infrastructure improvements for the Project, which are more modest than the system components described in the District's Service Plan to serve approximately 12,000 single-family equivalent units, is set forth on Exhibit B attached hereto.

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<sup>1</sup> See, e.g., Brandon Gee, *Officials eye local regulations* (Sept. 20, 2007), available at <https://www.steamboatpilot.com/news/officials-eye-local-regulations/>

<sup>2</sup> Brandon Gee, *Commissioners enact 1041 Regulations*, STEAMBOAT PILOT (Oct. 17, 2004), available at <https://www.steamboatpilot.com/explore-steamboat/commission-enacts-1041-regulations/> [emphasis added].



Finally, the County's publicly available permitting history indicates that it has never required a 1041 permit for any other extension of water and wastewater service. The Report states that from 2007 to 2017, the County indicated that it had "two or three applicants [of 1041 permits], but all were approved through a less restrictive, Finding of No Significant Impact (FONSI) administrative approval." *Report, p. 18*. Although the Report does not provide detailed information regarding the prior 1041 permit approvals by way of a FONSI and this information is also not publicly available on the County website, it does not appear that the County has ever required a 1041 permit for any water and wastewater infrastructure projects in the County since the 1041 regulations were adopted in 2007—even where utility service was extended to new properties. An agenda from a January 20, 2020 BCC hearing provides that the construction of a partially buried 1 million gallon water storage tank and associated facilities, pipes and improvements, as more fully described on Exhibit C attached hereto, was classified as a "major extension of an existing domestic water and sewage treatment system" but that no 1041 permit was required because the Planning Director determined that a FONSI was appropriate. Similarly, an agenda from an August 24, 2021 BCC hearing indicates that a FONSI was also issued to the Mt. Werner Water and Sanitation District for the installation of the Yampa Meadows infiltration gallery, as set forth on Exhibit D attached hereto. The County has historically not required a 1041 permit for projects with more extensive improvements to an existing water and sewage system than the proposed Project. Accordingly, requiring a 1041 permit in this case would be contrary to the County's prior practice and decisions.

Based on the foregoing reasons, the Project is not a major extension of an existing domestic water and sewage treatment system, and a 1041 permit is not required.

### **C. Conclusion**

In summary, a 1041 permit is not required for approval of development of the Project for two reasons:

1. The Project meets the Statutory Exemptions for a 1041 permit under the Act; and
2. Even disregarding the Statutory Exemption, the Project is not a major extension of an existing domestic water and sewage treatment system triggering a 1041 permit.

Sincerely,



Nicole R. Ament

cc: Lynaia South, Assistant County Attorney  
Kristy Winser, County Planning Director  
Tom Sharp, District General Counsel

**EXHIBIT A**  
**Original Approvals**

[see attached]

WEISS AND VAN SCOYK

ATTORNEYS AT LAW  
SUITE 210, FIRST FINANCIAL CENTER  
2155 RESORT DRIVE  
P.O. BOX 880550  
STEAMBOAT SPRINGS, COLORADO 80488

ROBERT G. WEISS  
WARD L. VAN SCOYK

TELEPHONE: (303) 879-6053  
TELECOPIER: (303) 879-6058

February 11, 1993

Mr. Dan Ellison  
P.O. Box 773448  
Steamboat Springs, CO 80477

VIA FAX

Dear Dan:

It appears the Stagecoach Ski Area was constructed in the summer and fall of 1972, opened December 1972, and operated for the 1972/73 ski season. It did not open for the 1973/74 season and Woodmoor took bankruptcy in 1974.

In addition to the date of adoption of the County's first Building Code, I would like to know if any sort of approval was ever granted for operation of the ski area itself under Section 4.4 of the Zoning Regulations (special use allowed by permit only) or otherwise. Also, were there any building permits issued other than the ones we already have for ski area facilities.

Basically, we are looking for anything regarding Stagecoach from the date of adoption of the Zoning Regulations on March 7, 1972 until Woodmoor's bankruptcy in 1974.

Very truly yours,

WEISS and VAN SCOYK



Robert G. Weiss

RW/ph

cc: John Wittemyer





729 Lincoln  
P.O. Box 9017  
Steamboat Springs,  
Colorado 80477

PETITION FOR ZONING AMENDMENT

No. \_\_\_\_\_

Name of Petitioner STAGECOACH, THE WOODMOOR CORPORATION

Address Box AJ, Steamboat Springs, Colorado 80477 Phone No. 879-2000

Petition to Amend:

Zoning District Boundaries X

Zoning District Regulations \_\_\_\_\_

Reason for requested amendment: "To obtain second level zoning to "high density residential".

Location of Property (Address) Approximately 15 miles south of Steamboat Springs, Colorado; address same as above.

Subdivision STAGECOACH Block \_\_\_\_\_ Lot \_\_\_\_\_

Legal description of property: In Sections 14 and 15, T3N R85W, Project I and Project II; in Sections 15, 16 and 21, T3N R84W, Black Horse II.

Present Zone District First Level Urban Development Proposed Zone District Second Level, High Density residential.

Property owners located within 150 feet of subject property: (Name and address - See attached list and sketch)

Fee: \$ 100.00 Paid April 26, 1972 Not Paid \_\_\_\_\_

Signature of Petitioner BY THE WOODMOOR CORPORATION- Robert G. McCune

Signature of Property Owner Robert G. McCune Everett Northrup  
WOODMOOR CORPORATION Building Inspector  
By Robert G. McCune, Vice Pres. Everett Northrup

Hearing Date Scheduled May 29, 1972 Legal notice published date 4-26-72

Recommendations of Planning Commission:

(Reasons Attached)

Approval Frank Stetson  
Denial \_\_\_\_\_ Chairman of  
Date May 29, 1972 Board

Recommendations of Governing Body:  
(Reasons Attached)

Approved Frank Stetson Denial \_\_\_\_\_  
Date May 29, 1972

PROPERTY OWNERS LOCATED WITHIN 150 FEET OF SUBJECT PROPERTY

|   |  |
|---|--|
| United States Forest Service<br>Department of Agriculture | , Steamboat Springs, Colorado  |
| Miles, Frank W. and Lena D. E.                            | ' Oak Creek, Colorado  |
| Mountainair Corporation                                   | c/o Ogle Corporation<br>1026 Patterson Building<br>555 17th Street<br>Denver, Colorado 80202 |
| Palmer, Richard P., and Kathryn D.                        | Oak Creek, Colorado  |
| Statson, J. Frank and Lucienne J.                         | Oak Creek, Colorado  |
| Yowell, Truman V. and Mary M.                             | Steamboat Springs, Colorado  |



729 Lincoln  
P.O. Box 9017  
Steamboat Springs,  
Colorado 80477

PETITION FOR ZONING AMENDMENT

No. \_\_\_\_\_

Name of Petitioner STAGECOACH, THE WOODMOOR CORPORATION  
Address Box AJ, Steamboat Springs, Colorado 80477 Phone No. 379-1000

Petition to Amend: Zoning District Boundaries \_\_\_\_\_  
Zoning District Regulations \_\_\_\_\_

Reason for requested amendment: To obtain second level zoning to "low density residential" to permit development within the STAGECOACH area.

Location of Property (Address) Approximately 15 miles south of Steamboat Springs, Colorado; address same as above.  
Subdivision STAGECOACH - See attached list. Block \_\_\_\_\_ Lot \_\_\_\_\_  
Legal description of property: (See attached description)

Present Zone District First Level Urban Development Proposed Zone District Second Level, Low Density Residential

Property owners located within 150 feet of subject property: (Name and address - See attached list and sketch)

Fee: \$100.00 Paid April 25, 1972 Not Paid \_\_\_\_\_

Signature of Petitioner By The WOODMOOR CORPORATION - Robert G. McCune  
April 25, 1972

Signature of Property Owner Steven N. Arnold Everett Northrup  
April 25, 1972 Building Inspector  
Steven N. Arnold Everett Northrup

Hearing Date Scheduled May 29, 1972 Legal notice published date 4-26-72

Recommendations of Planning Commission: Approval Frank Stetson  
Denial \_\_\_\_\_ Chairman of  
(Reasons Attached) Date May 29, 1972 the Board

Recommendations of Governing Body: Approved Frank Stetson Denial \_\_\_\_\_  
(Reasons Attached) Date May 29, 1972

PROPERTY OWNER LOCATED WITHIN 150 FEET OF SUBJECT PROPERTY:

Mountainair Corporation  
c/o Ogle Corporation  
1026 Patterson Building  
555 17th Street  
Denver, Colorado 30202



LEGAL DESCRIPTION OF STAGECOACH PROPERTY  
(Attached to Petition for Zoning Amendment)

The following described areas of TON, R34W:

1. The Eagle's Watch Subdivision in Sections 5 and 3.
2. Section 21. The S 1/2 of the NW 1/4; that portion of the Black Horse I Subdivision filing in Section 21; the S 1/2 of the NE 1/4; the S 1/2.
3. Section 22. All of Section 22 except that portion of the Black Horse II Subdivision filing in Section 22.
4. Section 23. The W 1/2 of the NW 1/4; the N 1/2 of the SW 1/4; the SW 1/4 of the SW 1/4.
5. Section 26. The W 1/2 of the NW 1/4; the NW 1/4 of the SW 1/4.
6. Section 27. All of Section 27 except the SE 1/4 of the SE 1/4.
7. Section 28. The NE 1/4.

These areas described include the following previously filed Subdivisions of STAGECOACH: Eagle's Watch, Sky Hitch, Sky Hitch II, Sky Hitch III, Sky Hitch IV, Black Horse I, Overland (Preliminary Filing) and South Station (Pre-Preliminary filing).

729 Lincoln  
P.O. Box 9017  
Steamboat Springs,  
Colorado 80477

PETITION FOR ZONING AMENDMENT

No. \_\_\_\_\_

Name of Petitioner STAGECOACH - The Woodmoor Corporation  
Address Box AJ, Steamboat Springs, Colo 80477 Phone No. 879-2000

Petition to Amend: Zoning District Boundaries X  
Zoning District Regulations \_\_\_\_\_

Reason for requested amendment: To obtain second level zoning to C-1 -  
Commercial Center - Use by Right.

Location of Property (Address) Approximately 15 miles south of of  
Steamboat Springs, Colo., Address same.  
Subdivision STAGECOACH Block \_\_\_\_\_ Lot \_\_\_\_\_  
Legal description of property: Ten acres in the NW 1/4, Section 7; T3N R85W; and in  
SW 1/4, Section 6; T3N R85W; and one acre in SE 1/4 of Section 1; T3N R84W.

\*Present Zone District First Level Urban Development Proposed Zone District Second Level,  
C-1 Commercial  
Center.

Property owners located within 150 feet of subject property: (Name and address -  
See attached list and sketch) NONE

Fee: \$ 100.00 Paid May 11, 1972 Not Paid \_\_\_\_\_

Signature of Petitioner By the Woodmoor Corporation

Signature of Property Owner Robert G. McCune  
The Woodmoor Corporation Building Inspector  
by Robert G. McCune, Vice Pres

Hearing Date Scheduled July 12 11:30am Legal notice published date 5-18-72

Recommendations of Planning Commission: Approval \_\_\_\_\_  
Denial \_\_\_\_\_  
(Reasons Attached) Date \_\_\_\_\_

Recommendations of Governing Body: Approved \_\_\_\_\_ Denial \_\_\_\_\_  
(Reasons Attached) Date \_\_\_\_\_

\*This second level C-1 Commercial Center Zone will eventually be incorporated into a  
P.U.D. covering the complete first base village area.

Woodman  
Corp -

STAGECOACH

Legal description of property: Ten acres in the NW 1/4, Section 7; T3N R85W; and in  
SW 1/4, Section 6; T3N R85W; and one acre in SE 1/4 of Section 1; T3N R84W.

Section 7

Ten acres in the NW 1/4, Section 7, T3N R85W and  
in the SW 1/4, Section 6, T3N R85W and one acre in SE 1/4  
of Section 1 T3N R84W.

ROUTT COUNTY REGIONAL PLANNING COMMISSION  
729 LINCOLN

P. O. BOX 9017  
Steamboat Springs, Colorado 80477

PETITION FOR ZONING AMENDMENT

NO. \_\_\_\_\_

Name of Petitioner The Woodmoor Corporation - STAGECOACH

Address Box AJ, Steamboat Springs, Colorado 80477

Telephone No. 879-2000

Petition to Amend:

Zoning District Boundaries X

Zoning District Regulations \_\_\_\_\_

Reason for Requested Amendment: To obtain second level zoning to C-1 -

Commercial Center - Use by Right.

Location of Property (address) Approximately 16 miles south of Steamboat Springs, Colorado, address same as above.

Subdivision Ski Maintenance Building Area Lot N/A Block N/A

Legal Description of Property: See attached description.

|                       | First Level              |                        | Second Level                 |
|-----------------------|--------------------------|------------------------|------------------------------|
| Present Zone District | <u>Urban Development</u> | Proposed Zone District | <u>C-1 Commercial Center</u> |

Property Owners Located within 150 feet of Subject Property (Name and Address - See attached list and sketch): Bishop and Decker, 1601 South

Federal Boulevard, Denver, Colorado 80219

Fee: \$ 100.00 Paid X Not Paid

Signature of Petitioner \_\_\_\_\_

Signature of Property Owner \_\_\_\_\_

John R. Stevens  
Robert G. McCune, for The Woodmoor Corporation

[Signature]  
Zoning Administrator

Recommendations of Planning Commission: Approval [Signature]

(Reasons Attached)

Denial \_\_\_\_\_

Date 7/6/72

Recommendations of Governing Body:

(Reasons Attached)

Approval [Signature]

Denial \_\_\_\_\_

Date 7/12/72

The Woodmoor Corporation  
STAGECOACH

DESCRIPTION FOR ZONING PURPOSES

Ski Maintenance Building Area

A portion of land located in the Southeast Quarter (SE 1/4) of Section 1, Township 3 North, Range 85, West of the Sixth Principle Meridian, Routt County, Colorado, and being further described as follows:

The West 150 feet of the North 300 feet of the Southeast Quarter (SE 1/4) of Southeast Quarter (SE 1/4) of said Section 1;

The East 120 feet of the North 300 feet of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of the said Section 1.

ROUTT COUNTY REGIONAL PLANNING COMMISSION  
729 LINCOLN

P. O. BOX 9017  
Steamboat Springs, Colorado 80477

PETITION FOR ZONING AMENDMENT

NO. \_\_\_\_\_

Name of Petitioner The Woodmoor Corporation - STAGECOACH  
Address Box AJ, Steamboat Springs, Colorado 80477  
Telephone No. 879-2000

Petition to Amend: Zoning District Boundaries X  
Zoning District Regulations \_\_\_\_\_

Reason for Requested Amendment: To obtain second level zoning to HR, High Density Residential.

Location of Property (address) Approximately 16 miles south of Steamboat Springs, Colorado, address same as above.  
Subdivision Phase VII Lot \_\_\_\_\_ Block \_\_\_\_\_

Legal Description of Property: See attached description.

Present Zone District First Level Urban Development Proposed Zone District Second Level HR

Property Owners Located within 150 feet of Subject Property (Name and Address - See attached list and sketch):

Bishop and Decker, 1601 South Federal Boulevard, -Denver, Colorado 80219

Fee: \$ 100.00 Paid X Not Paid \_\_\_\_\_

Signature of Petitioner \_\_\_\_\_

Signature of Property Owner John R. Stevens

Robert G. McCune, for The Woodmoor Corporation

Zoning Administrator

Recommendations of Planning Commission: Approval ✓ 9/6/75  
(Reasons Attached) Denial \_\_\_\_\_

Date 9/6/75

Recommendations of Governing Body: Approval ✓

(Reasons Attached) Denial \_\_\_\_\_

Date 9/13/75

The Woodmoor Corporation  
STAGECOACH  
Steamboat Springs, Colorado

*Attachment*  
*"A"*

DESCRIPTION FOR ZONING PURPOSES

PHASE VII

A portion of land located in Section 31, Township 4 North, Range 84 West of the Sixth Principle Meridian; and Section 1, Township 3 North, Range 85 West of the Sixth Principle Meridian; and Section 6, Township 3 North, Range 84 West of the Sixth Principle Meridian, Routt County, Colorado, and being further described as follows:

The South Half (S 1/2) of the South Half (S 1/2) of said Section 31;

The Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 1;

All of said Section 6, excepting the South Half (S 1/2) of the South Half (S 1/2) of the South Half (S 1/2) of said Section 6.



COMMISSIONERS OF ROUTT COUNTY, COLORADO

MINUTES OF OCTOBER 11, 1972

Dr. J. A. Utterback, acting Chairman of the Commissioners of Routt County, Colorado, met with Ed Moore on October 11, 1972 at 9:50 p.m. in the County Commissioners' Room of the Routt County Courthouse to consider requests for zoning amendments.

STAGECOACH - SOUTH SHORE

Rod Stevens, on behalf of the Woodmoor Corporation, requested a zoning amendment for South Shore at Stagecoach from Urban Development to High Density Residential. Mr. Stevens explained that the Morrison Creek Metropolitan Water and Sanitation District, which would serve the Stagecoach Development, would collect an availability fee prior to the tap on fee. This availability fee would be put in escrow. Mr. Stevens said there would be one sewage treatment plant for the entire subdivision. He said the effluents from the plant will be pumped to holding ponds and then used to irrigate the golf course. Mr. Moore asked Mr. Stevens about the public access to the lake. Mr. Stevens said the public would have access from a re-routed Highway 18 to the northern edge of the lake. The southern edge would be kept private.

Mr. Stevens said there were 410 acres in the South Shore area of Stagecoach with 387 lots. He said there were 134 acres devoted to single-family units (or 32.7%), 142 acres for multiple-family units (or 34.6%), 7.3 miles of road covering 72 acres (or 17%), and 62 acres of open space (or 15.2%). The smallest lot was .33 acres, the largest lot .75 acres, with an average lot size of .57 acres. In answer to a question by Dr. Utterback, Mr. Stevens said the multiple-family units would be developed into townhouses.

Mr. Moore asked how much land was being devoted to the school. Mr. Stevens said there were 25 acres set aside for this purpose in another area of the development. Mr. Moore wondered if once the filings were approved, if the County would lose its chance to go back and get either the school land or the cash in lieu of land. Mr. Stevens said that he had thought the school system had not decided whether they wished the land or the cash. Mr. Moore said that he would like a more firm commitment on the school land. Mr. Dismuke, Chairman of the Routt County Regional Planning Commission, said that he thought the County probably should get the deed to this land. Mr. Stevens said that should the County decide to sell this school land, he hoped that the County would sell it back to the Woodmoor Corporation.



STAGECOACH - SOUTH SHORE (Continued)

Both Dr. Utterback and Mr. Moore were agreeable to giving Woodmoor the first option on the school land should the school land be sold.

Rod Stevens said that they would be going to the Colorado River District Court for a hearing on September 28th to ask for a storage decree. He said that Woodmoor also intended to put in a fire service and an ambulance service.

Dr. Utterback questioned Mr. Stevens again on the availability fee. Mr. Stevens said the fee would be one-half the minimum service charge per month until the owners actually tap onto the line. He said the money would go into escrow for two years. Mr. Stevens also pointed out that these school lands could be used for schools or recreation.

Dr. Utterback and Mr. Moore agreed to approve a zoning change from Urban Development to High Density Residential for South Shore at Stagecoach. (See attached legal description.)

EXEMPTION REQUESTS

Joe Robbins then presented a letter from Peter J. Braal. Mr. Braal wished to sell two twenty acre parcels of land and wanted the Commissioners to exempt him from being considered a subdivider under Senate Bill No. 35. Mr. Moore said that he thought an exemption would be unnecessary because Mr. Braal owned two separate tracts of land. Charles Jordan said if Mr. Braal had two separate deeds for these two tracts of land, then he would agree with Mr. Moore that an exemption would not be necessary. The Commissioners referred Mr. Braal's request for an exemption back to the Routt County Regional Planning Commission staff for more study to see if the exemption was necessary.

Mr. Robbins also presented an exemption request from R. W. Smith to build a home on 16.73 acres. Both Commissioners agreed to grant Mr. Smith the desired exemption.

A third exemption request from John Sandelin was presented. Mr. Sandelin wished to divide an 80 acre tract of land into 4 twenty acre parcels. The Commissioners tabled this request until their regular monthly meeting on November 6 and 7, so that they could consult with Robert Gleason.



The Woodmoor Corporation  
STAGECOACH  
Steamboat Springs, Colorado 80477

DESCRIPTION FOR ZONING PURPOSES

South Shore

A portion of land located in Section 5, Township 3 North, Range 84 West, of the Sixth Principal Meridian; and Section 32, Township 4 North, Range 84 West, of the Sixth Principal Meridian, Routt County, Colorado, and being further described as follows:

A portion of the North Half (N 1/2) of the North Half (N 1/2) of said Section 5;

All of said Section 32, except the East Half (E 1/2) of the East Half (E 1/2) and the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of said Section 32.

ROUTT COUNTY REGIONAL PLANNING COMMISSION  
729 LINCOLN

HORSEBACK  
- MOUNTAIN SIDE

P. O. BOX 9017  
Steamboat Springs, Colorado 80477

PETITION FOR ZONING AMENDMENT

NO. \_\_\_\_\_

Name of Petitioner The Woodmoor Corporation - STAGECOACH  
Address Box AJ, Steamboat Springs, Colorado 80477  
Telephone No. 879-2000

Petition to Amend: Zoning District Boundaries X  
Zoning District Regulations \_\_\_\_\_

Reason for Requested Amendment: To obtain second level zoning to HR,  
High Density Residential.

Location of Property (address) Approximately 16 miles south of Steamboat  
Springs, Colorado, address same as above.  
Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Legal Description of Property: See attached description.

Present Zone District First Level Urban Development Proposed Zone District Second Level HR

Property Owners Located within 150 feet of Subject Property (Name and Address - See attached list and sketch):

Frank and Lena Miles, and L. E. Dequigne, etal.

Mountainair Corporation, and U. S. Forest Service.

Fee: \$ 100.00 Paid X Not Paid \_\_\_\_\_

Signature of Petitioner John R. Stevens

Signature of Property Owner John R. Stevens  
John R. Stevens, for The Woodmoor Corporation

Zoning Administrator

Recommendations of Planning Commission: Approval X

(Reasons Attached) Denial \_\_\_\_\_

Date November 3, 1972

Recommendations of Governing Body: Approval Frank H. Stevens

(Reasons Attached) Denial \_\_\_\_\_

Date November 8, 1972

STAGECOACH

PHASE IX

LEGAL DESCRIPTION

A portion of the South Half (S1/2) of the South Half (S1/2) of Section 9.

A portion of Section 15, excepting the North Half (N1/2) of the Northeast Quarter (NE1/4) and the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) and the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section 15.

A portion of Section 16, excepting the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of said Section 16.

The East Half (E1/2) of the East Half (E1/2) of Section 17, all within Township 3 North, Range 84 West of the Sixth Principal Meridian, Routt County, Colorado. -?



# THE WOODMOOR CORPORATION

September 29, 1972

Board of County Commissioners  
Routt County, Colorado  
Steamboat Springs, Colorado 80477


Dear Members of the Board of County Commissioners:

In compliance with Section 12.5 of the Routt County Zoning Resolution, The Woodmoor Corporation has prepared a statement of our planned method of snow clearing, removal and storage for the STAGECOACH subdivision, Phase IX. It is planned that the roads intended for dedication to Routt County be maintained by the County following acceptance by the Board of County Commissioners. I realize that there may be a time lapse between Woodmoor's completion of the roads to County specifications and the acceptance of the roads by the County. During that period, The Woodmoor Corporation will provide the necessary maintenance, including snow removal, through the use of our organic equipment, or through the letting of a maintenance contract.

Provision for snow clearing, removal and storage will be accomplished as follows: Where possible, snow will be cleared from the roads and parking areas and stored within the road right-of-way. By use of front loaders and dump trucks, excessive accumulations of snow will be removed from problem areas and transferred to convenient locations within the extensive open area network of the development.

We remain ready to discuss this and any other matters with you at your convenience.

Sincerely,

  
John R. Stevens  
Acting Project Manager

JRS:pb



# THE WOODMOOR CORPORATION

September 29, 1972

Board of County Commissioners  
Routt County, Colorado  
Steamboat Springs, Colorado 80477


Dear Members of the Board of County Commissioners:

The Woodmoor Corporation, in its petition to amend the Official Zoning Map from first level urban development to second level High Density Residential - Use by Right - for STAGECOACH subdivision, Phase IX, submits the following information, as required by Section 12.5B, regarding the proposed method of water supply and sewage disposal.

The Morrison Creek Metropolitan Water and Sanitation District, Routt County, Colorado, was organized on August 15, 1972, and will provide central water and sewage disposal services to the entire STAGECOACH area, including the subdivision Phase IX. The Service Plan for this District was approved by the County Commissioners on May 31, 1972, and the primary sewage treatment plant is now under construction.

The Morrison Creek Metropolitan Water and Sanitation District has provided a letter, dated September 29, 1972, stating that these services will be provided by their District.

Sincerely,

  
John R. Stevens  
Acting Project Manager

JRS:pb

MORRISON CREEK METROPOLITAN  
WATER AND SANITATION DISTRICT  
P. O. Box AJ  
Steamboat Springs, Colorado 80477


September 29, 1972

Board of County Commissioners  
Routt County, Colorado  
Steamboat Springs, Colorado 80477

Dear Members of the Board of County Commissioners:

This is to advise that the Morrison Creek Metropolitan Water and Sanitation District, Routt County, Colorado, will provide public water and sewer services to the STAGECOACH subdivision, Phase IX, in accordance with Section 12.5, paragraph F.2, Zoning Resolution, Routt County, Colorado.

Sincerely,

  
John R. Stevens  
President

JRS:pb

cc: The Woodmoor Corporation  
Box AJ  
Steamboat Springs, Colorado 80477



# BOARD OF COUNTY COMMISSIONERS

January 10, 1973

## MINUTES

Dr. J. A. Utterback, Chairman, called to order a meeting of the Routt County Board of County Commissioners at 9:30 a.m., Wednesday, January 10, 1973, in the County Commissioners Room of the Routt County Courthouse, Steamboat Springs, Colorado. Present were Commissioners Kirk Crouner and Sumner Hockett; Charles Jordan, Zoning Administrator; and Daniel Mause, County Attorney.

### WINCHESTER AND MORRISON AT STAGECOACH - AF TO HR

Arden Larsen, Chief Planner for the Woodmoor Corporation, presented a request of zoning on two Stagecoach filings, Winchester and Morrison. Mr. Larsen said that this area would contain 85 single family units with an average density of 1.8 units per acre, 15 percent of the total area. There will be 10 project areas for multi-family dwelling units containing 860 units with an average density of 9.35 units per acre on 15 percent of the total area. The second 18-hole golf course will be located in this area, using 35.5 percent of the total area, and 62 percent of the area will be open space. In answer to Dr. Utterback's question regarding employee housing, Rod Stevens, project manager, told the Commissioners that Woodmoor is going to provide employee housing when there is a significant demand for it. He said that the company is presently looking at areas which would be suitable for this type of housing. Mr. Stevens also said that land has been set aside for schools, and that he is in the process of meeting with the Oak Creek School Board.

The Commissioners voted unanimously to grant approval of the Woodmoor Corporation's request for zoning change for Winchester and Morrison from Agriculture-Forestry to High Density Residential.

### THE GLADWYNE CORPORATION - SPECIAL USE PERMIT

William Peed, Vice President of the Gladwyne Corporation, requested a Special Use Permit to erect a sales structure and model condominium unit on property known as the Lufkin 40 acres at Mt. Werner, which the Gladwyne Corporation owns. Mr. Peed told the Commissioners that this unit would not be occupied for residential use and that he wished to have a Special Use Permit for a period of two years.

The Commissioners voted unanimously to grant approval of a Special Use Permit for the Gladwyne Corporation. This Permit is to expire on January 1, 1975.

### BEAR POLE RANCH - CONDITIONAL USE PERMIT

Glenn Poulter, owner and director of Bear Pole Ranch, came before the Board to request a Conditional Use Permit for this facility in Strawberry Park, which operates as a summer children's camp, a winter ski lodge, a pre-school, and a fall and winter guest ranch. Mr. Poulter said that a sewage treatment plan had been installed,

and that he does not plan any expansion, except for some additions necessary for the program.

The Commissioners voted unanimously to grant approval of a Conditional Use Permit for Bear Pole Ranch.

SI AND DARWIN LOCKHART - AF TO PUD

Although the Lockharts had withdrawn their request from this agenda, Si Lockhart and Al Shattuck came before the Commission to get a reading on their proposed plans for an area of 16 acres located adjacent to Highway 40 across from the Cave Inn. Mr. Shattuck, representing the Lockharts, told the Commission that he was proposing a mixed development with light commercial activity. He said that the buildings would probably be built on stilts or the ground would have to be built up because of the closeness to the Yampa River. He said that although the Lockharts have a sewer commitment from Mt. Werner Water and Sanitation District, they also have a water right (92nd priority) of one cubic foot per second. Mr. Shattuck also said that when Woodmoor builds the dam at Stagecoach, the river will slow down quite a bit and that he did not feel that diverting the river would be a good solution to the flooding problem as a diversion would cause problems for property owners downstream.

The Commissioners felt that the Lockharts and Mr. Shattuck were trying to do the best they could with a difficult piece of property, but that the flooding would cause serious problems and more thought should be given to the planning of this area. The Commissioners stated that they would make no commitment until they received a recommendation from the County Planning Commission.

WESTERN SLOPE CONCRETE, INC. - SPECIAL USE PERMIT

Vance Halvorson, representing Western Slope Concrete, Inc., came before the Board to request a Special Use Permit to erect a storage building to hold heated aggregate on property owned by Western Slope Concrete east of town. Mr. Halvorson said that in order to make the best concrete possible, the storage had to be close to construction areas (at this time, Mt. Werner) so that the aggregate could stay hot. Mr. Halvorson said that this storage building will be necessary in order to work twelve months of the year. Joe Bonny of Maher-Bonny said that he felt that this storage building is essential to provide concrete all year round, and that the present location of the plant is better for the construction at the Mt. Werner area. Mr. Harvey Beaver stated that Western Slope Concrete could not accept any time limitation on the Special Use Permit. Michael Holloran, representing Norman Buehling, Dr. Winter, Goddard Motors, Walton Creek Park, and the Holiday Inn, said that his clients do not feel that the location on Highway 40 is proper for this type of operation, and that they would rather see the operation phased out and relocated in an industrial park. Also present to object to the granting of this

permit were Mr. and Mrs. Loy Ardry and Louise Wilkin.

The Commissioners voted unanimously to grant approval of a Special Use Permit for Western Slope Concrete, Inc. subject to the following conditions: That the present building and silo be painted; That signs be brought into conformity with the current sign regulations; That an eight-foot high fence be erected on the present concrete retaining wall which borders the outside aggregate storage areas; That the existing 500 gallon gasoline tank and the 3,000 gallon diesel fuel tank be relocated below the ground surface; That a duster be installed to control particulate emission; and That all industrial use on the subject property terminate no later than June 1, 1983.

#### APPROVAL OF FINAL PLATS - SOUTH SHORE AND MORNINGSIDE I AT STAGECOACH

Arden Larsen told the Commissioners that the South Shore development is located on the south shore of the lake. It contains 512 acres with the following breakdown: Single family - 218 lots; average density, 1.72 dwelling units per acre; smallest lot, .36 acres; largest lot, 1.49 acres; average lot size, .58 acres. Multi-family - 109.73 acres; average density, 9.1 units per acre; 1,003 family units; average lot size, 2.86 acres. Mr. Larsen said that a sewage treatment plant has been built on 3.69 acres and that 142 acres, 27.7 percent, is open space. The breakdown for Morningside I is as follows: 62 percent of the area will be single family lots with a total of 183 lots, 1.65 dwelling units per acre with an average lot size of .6 acres. Sixteen percent of the area will be open space. Mr. Stevens said that the effluent from the treatment plant will be used for irrigation in the summer and in the winter it will go into Morrison Creek. Mr. Stevens presented the Commissioners with signed Subdivision Improvements Agreements for both subdivisions. The Commissioners voted unanimously to accept the Final Plats for both subdivisions, provided that the plats shall not be signed until Woodmoor presents the County with acceptable Letters of Credit as required by the Subdivision Improvements Agreements.

#### PROPOSED AMENDMENTS TO THE COUNTY ZONING RESOLUTION AND SUBDIVISION REGULATIONS

Charles Jordan, Zoning Administrator, presented the Commissioners with copies of the proposed amendments to the County Zoning Resolution and Subdivision Regulations. The Commissioners voted unanimously to adopt both sets of amendments. (See Resolutions attached)

#### HAYDEN VALLEY PRESS

Nick DeLuca, Editor of the Hayden Valley Press, came before the Commissioners to request an equitable splitting of the publishing of legal notices between the Steamboat Pilot and his publication. Mr. DeLuca said that at present the Pilot

EN RE: HIGH BUTTE AT STAGECOACH - AF TO HR

Arden Larson of the Woodmoor Corporation presented a request for zone change from Agriculture-Forestry to High Density Residential for High Butte which is located in the highest density area, close to the base of the ski area. Mr. Larson said that there will be 325 acres in High Butte with 28 single family lots, the largest being 1.77 acres and the smallest being .94 acres with an average of 1.24 acres. There will be 59 duplex lots on 71.97 acres with 118 units. The largest duplex lot will be 1.7 acres and the smallest will be .80 acres with an average density of 1.64 units per acre. Mr. Larson said that they were keeping the multi-family units in clusters with large amounts of open space all around. 28.1 acres have been devoted to the multi-family areas. There will be 12 lots with 333 units and an average density of 11.8 units per acre. The largest multi-family lots will be 5 acres and the smallest will be 1.59 acres. High Butte will contain 133.08 acres of common area and 57.4 acres of roads. There will be a total of 479 dwelling units. Rod Stevens told the Commissioners that the sewage treatment facility at Stagecoach is presently capable of handling 500,000 gallons a day and that it will eventually be capable of handling 4,000,000 gallons a day.

The Commissioners voted to grant approval of the Woodmoor Corporation's request for a zone change from Agriculture-Forestry to High Density Residential for the High Butte area.

EN RE: SILVER CREEK AT STAGECOACH - AF TO LR

Mr. Larson gave the following statistics concerning the Silver Creek area: There will be 138 single family lots on a total of 206.34 acres. The largest lot will be 1.36 acres, the smallest will be .44 acres, and the average lot size will be .77 acres. There will be 32.80 acres devoted to equestrian facilities, 44.47 acres for common areas, and 23.3 acres for roads.

The Commissioners voted to grant approval of the Woodmoor Corporation's request for a zone change from Agriculture-Forestry to Low Density Residential for the Silver Creek area.

EN RE: WHITECOTTON SUBDIVISION - FINAL PLAT

Jim Vogel of Dismuke & Dismuke told the Commissioners that he needed a letter of commitment from the Commissioners stating approval of this subdivision before the bank would release any funds for bonding. The Commissioners told Mr. Vogel to come back at 1:30 p.m. on March 27 to give a Final Plat presentation and that if the final plat was acceptable to them, they would give approval contingent upon bonding.

EN RE: BEAR RUN

In answer to a question from Mr. Dismuke, the Commissioners decided that the original developers of the Bear Run subdivision will be responsible for paying the \$70 per potential dwelling unit fee in lieu of land for schools.

Now further business coming before the Board, same adjourned sine die.

ATTEST:

Director

Chairman

Appendix Page 112A? Bd 13 C. Comm.

3/14/73



prices, or when there was a food shortage instead of a gasoline shortage.

Mr. Bartholomew said that all the ranchers were not contemplating selling. He said that each development should be considered on its own merits.

Jerry Fox said that he thought the existing plan for Route 1 County was sufficient and he didn't see why the Commissioners wanted to deviate from it. He said the laws that the County Commissioners had could control development.

Harold Brenner said that his biggest complaint was the limitation on development within one quarter mile of any river or major stream. He said there were restrictions on flood plain areas and he thought these restrictions would suffice.

Glen Paulk said that planning was new on the Eastern Slope and that development had occurred there before there was any planning. He said that the Comprehensive Plan was developing two classes of land, which he felt was harmful. He said that the County Commissioners and the Planning Commission had the power to control development without the proposed Comprehensive Plan.

Jack Moss said that the existing County regulations were adequate.

Mr. Hinsdale said that the proposed Comprehensive Plan contained many discrepancies and contradictory statements.

The Commissioners tabled the Comprehensive Plan for further study.

#### STONEWALL AT STAGECOACH - AF to HR

Rod Stevens presented the request for a change of zoning for Stonewall at Stagecoach from Agriculture and Forestry to High Density Residential. Stonewall contained 320 acres and 531 dwelling units. There were 96 single family lots on 87.2 acres or 27.3% of the total subdivision. The largest single family lot was 2.27 acres, the smallest lot .44 acres, and the average single family lot size was .91 acres. The multi-family area contained 74.3 acres or 23.2% of the total development of Stonewall. There were 10 multi-family lots and a total of 435 multi-family dwelling units. The largest multi-family lot was 13.2 acres, the smallest multi-family lot was 3.2 acres, with an average lot size of 7.4 acres. There were 31 acres of roads, or 9.7%. The area would be served by the Morrison Creek Metropolitan District. Mr. Stevens said that the possibility of including fire protection in the Morrison Creek Water & Sanitation District responsibilities was being explored. Mr. Stevens said there were 4,526 units platted to date at Stagecoach. Mr. Crowner asked if the roads in this subdivision were to be dedicated to the County. Mr. Stevens said that they were. Mr. Jordan said that the steepness of this area had caused concern. Mr. Stevens said that this plan was being reworked and possibly two lots would be eliminated due to the steepness of the area.

Cy Berthelson, an adjacent land owner, asked if the roads would be public and if he would be allowed to use them for access to his property. Mr. Stevens said the roads would be open to the public.

Mr. Hockett asked if the roads were to be paved. Mr. Stevens said the roads wouldn't be paved, they would be gravel roads. Mr. Crowner expressed concern over the cost to the County of oiling these roads. Mr. Stevens pointed out that in other areas of the country, the land owners were assessed if they wanted a road oiled or paved.

Mr. Kirk Crowner moved that the County Commissioners grant the zoning change from Agriculture and Forestry to High Density Residential for the area called Stonewall at Stagecoach. Mr. Hockett seconded the motion and the motion was carried.

Mr. Stevens said that he would like some indication from the County on the type of public lands that will be needed in the Stagecoach Development. He asked specifically if a road maintenance shop would be required.

#### YAMPA VALLEY ELECTRIC ASSOCIATION - SPECIAL USE PERMIT

Mr. Ev Bristol presented the Yampa Valley Electric Association's request for a Special Use Permit. Mr. Bristol explained that Yampa Valley Electric wished to replace an existing line with a 69 kv line in order to feed their main distribution center. He said that new poles would also have to be put in.

for land changes, it ought to be taken into consideration and more people would be aware of it.

Helen Rehder said that as an adjacent land owner, she did not object to the proposed development. She said that the developers were also taxpayers and they deserved some freedom of choice as far as the use of their land.

Emma Kuntz said that she was opposed to the development of Pleasant Valley and said she did not know of a more productive valley.

Elaine Gay said that agricultural products had been produced in this valley since 1890. She also pointed out that when people sold their land, it was not necessarily to support developments.

Sanse Neish said that because promoters are paid to develop land and speculators pay high prices for land is not an argument to build small cities throughout the country. She opposed the proposed development of Pleasant Valley.

Tom Hinsdale pointed out that several people speaking out against the Pleasant Valley Development weren't adjacent land owners. He said that since the Comprehensive Plan had not been approved by the County Commissioners, he didn't feel that it should be used as a basis for denial.

Bob Kossi said he was neither for nor against this particular development, but he was against the restrictions in the Comprehensive Plan limiting development within one quarter mile of major streams and restricting the development of agricultural land.

Bill Gay said that the Comprehensive Plan protected both the developer and the rancher.

Ron Burroughs said that he did not think Marvin Crawford should be discriminated against.

John Grassby said that he was a land owner in Routt County and as a lawyer he represented a number of developers. He said that he felt that the requirement in the Zoning Resolution to prove a need for a development was an example of the worst kind of insidious creeping socialism. He said that if there wasn't a need, then the developer would not develop the land.

Dee Richards said that if the developers felt that Senate Bill 35 was adequate, then they should be aware that the State of Colorado is working on more comprehensive planning bills.

Mr. Crawford read a portion of an article on land use controls. This article is on file in the office of the County Clerk and Recorder.

Maureen Gottrich said she was opposed to the development of Pleasant Valley.

The Commissioners tabled Pleasant Valley's appeal for further consideration.

#### EN RE: HIGH CROSS AT STAGECOACH - FINAL PLAT

Rod Stevens presented the Final Plat for High Cross at Stagecoach to the County Commissioners. High Cross contained 155.49 acres. There were 65 single family lots on 53.405 acres, or 34.6% of the subdivision devoted to single family lots. 7.02 acres, or 4.5% of the subdivision was devoted to roads. Common area consisted of 95.065 acres or approximately 61% of the subdivision. The largest single family lot contained 1.19 acres, the smallest single family lot was .61 acres, and the average lot size was .82 acres. Mr. Stevens told the Commissioners that those areas that did have geological problems had been withheld from this filing. Including High Cross, Mr. Stevens said that the total number of units approved to date was 4,591. Mr. Jordan pointed out that there was a high water table around some of the cul-de-sacs and asked if this fact would be made as a disclosure to the buyers of these lots. Mr. Stevens said that there would be a disclosure on all of the lots in question.

Dr. Utterback moved that the Commissioners approve the Final Plat for High Cross at Stagecoach, subject to the submission of a letter of credit for bonding. Kirk Crowner seconded the motion and the motion was carried.

7/11/73 BK 13 P159 C Comm.

DANIEL R. ELLISON

P. O. Box 773448  
24 Fifth Street  
Steamboat Springs  
Colorado 80477

Business - 879-2828  
FAX - 879-0149  
Residence - 879-3080

December 24, 1993

Robert Weiss, Esq.  
Weiss & VanScoyk  
P. O. Box 880550  
Steamboat Plaza, CO 80488

RE: Stagecoach

Dear Bob:

My December 5, 1993 letter had reviewed the in-place zoning at Stagecoach but research for that letter had not included any County records prior to May, 1972. You asked me to see if Woodmoor Corporation had appeared before the County Planning Commission prior to adoption of the Zoning Resolution by the County in March of 1972.

Woodmoor did in fact appear at the December 3, 1971 meeting of the Planning Commission and received approval of the Preliminary Plan for Eagle's Watch. On January 6, 1972 Planning Commission approved Preliminary Plans for Sky Hitch II and III and for Black Horse. On February 3 Planning Commission approval was given for the Sky Hitch II and III final plats. On February 17 Planning Commission gave approval for the Preliminary Plan for Sky Hitch IV. On March 16 Final Plats for Black Horse II, Sky Hitch IV and Project I, Phase II were approved by Planning Commission. The minutes for these meetings reflected no more than as stated above and so have not been included with this letter.

Minutes of the April 20 and May 9, 1972 Planning Commission meetings are enclosed as they provide some reporting of discussion. April 20 minutes contains four lines concerning the presentation of the master plan as well as pre-application consideration of South Station and final plat approval of Overland subdivision.

Planning Commission recommended approval of a number of rezonings at their May 9, 1972 meeting. From reading the Commission minutes over a period of time, all the developments mentioned had been reviewed as plats by the Commission but no zoning action had been taken; only plat or plan approval had been given. The County Commissioners had adopted the zoning resolution in March but apparently had not tried to incorporate a detailed zoning map which would reflect all the activity occurring at that time. It is interesting that Stagecoach was referred to only by the development name rather than by plat filing name.



The Commissioners' minutes enclosed include May 29, 1972 hearing on the rezoning and the May 31 hearing on the Service Plan for the Morrison Creek Water and Sanitation District.

Also enclosed is a copy of the Service Plan for the Morrison Creek Water and Sanitation District as found in the Court records. There were two large maps with the file, one showing proposed water facilities and the other showing proposed sewer facilities. The base map appears to be the same one that you gave me earlier which shows a conceptual development plan stating number of units in an area. D & D does not have these maps on file or other information concerning the service plan. In 1982 I did some work related to Stagecoach and had to go to the Greeley offices of ARIX (successor to NHPQ, Woodmoor's engineering firm) to get any information. It is possible that your client is the best current source for Stagecoach plans.

Should you have questions or comments, please contact me.

Sincerely,



Daniel R. Ellison

DRE/kme

Encls.



PRESENTATION OF MASTER PLAN - Stagecoach

The Woodmoor Corporation presented the Master Plan on Stagecoach. The showed several maps depicting vegetation, proposed resevoirs. ski area, etc. The public was invited to examine the maps and asked any questions after the meeting had adjourned.

PRE-APPLICATION - Stagecoach South Station

The Woodmoor Corporation presented the pre-application plans for South Station. 60.8% of the land was for residential and 32.3% for open space with the remainder for roads. Mr. McCune mentioned that Environmental Impact Studies were now underway. Ken Johnson gave a report on the test well. At this point, Greg Misbach of the Water Pollution Control Department gave a brief report stating that the necessary forms had not been sent to his office in order to get state approval on the site location of the water system. Since South Station was only to be considered by the commissioners as a pre-application it was moved that the commission approve the pre-application. The motion was carried.

APPROVAL OF FINAL PLAT - Stagecoach Overland

The Woodmoor Corporation asked for approval of the final plat on Overland subject to second level zoning. Mr. Conrow said they must have approval for any sewage disposal system from the state. Mr. Northrup said he had received several letters of complaint from land owners who thought they could get a building permit for Overland. It was moved that final approval of Stagecoach's Overland Plat be held until The Woodmoor Corporation receives state approval of their sewage system. The motion was carried with Melvin Myers as the only opposing vote.

Mr. Webb of the Water Pollution Control Department said there will be a meeting of that group in Steamboat Springs on May 11 or May 12.

PRE-APPLICATION - Ramada Inn

George Thorsen presented the plans for the proposed Ramada Inn. Mr. Thorsen pointed out that the number of units had been decreased from 475 to 463. Two adjacent land owners said they did not want a high density area next to their land. Mr. Northrup said they still needed a building permit. Mr. Dismuke mentioned that the commission would like to see the roads built to county standards. Mr. Thorsen said if the Mt. Werner District wouldn't serve this subdivision, then the city would.

ROUTT COUNTY REGIONAL PLANNING COMMISSION  
Special Meeting Minutes  
May 9, 1972

Mr. Dismuke, Chairman of the Routt County Regional Planning Commission, called a special meeting of the Commission on May 9, 1972 in the County Commissioners' Room of the County Courthouse at 7:40 p.m. to consider Second Level Zoning Requests. Members present were Vernon Summers, Bill MacFarlane, Melvin Myers, Joe Lasnik, J. C. Green, Fred Kraft and Bob Moss.

SPRING GREEN, COUNTRY GREEN and STEAMBOAT PINES

Mr. Dismuke pointed out that Spring Green, Country Green, and Steamboat Pines were three subdivisions that did not fit into any zoning classification because the lots in these subdivisions were under five acres, but had individual water and sewer systems. Mr. Dismuke stated that the only thing for these three subdivisions to do was to request Second Level Zoning for Mountain Residential Estates and when they received that zoning classification to go before the Board of Adjustment.

FISH CREEK HILLS

Mr. Dismuke also pointed out that the Fish Creek Hills Subdivision had followed zoning regulations subject to getting their water and sanitation approved.

DISCUSSION

Jay Green raised a question on the subdivision regulations. He wanted to know if any subdivision lots could be sold could be sold before they received final approval. He said they were frequently being sold before receiving final approval and nothing was being done about it. Mr. MacFarlane questioned the penalties in regard to this violation. Some discussion followed with regards to the difficulties involved in policing this situation and the shortage of personnel.

Mr. Dismuke said that those subdivisions being considered for recommendation to the County Commissioners at this meeting had all received either preliminary or final approval from the Routt County Regional Planning Commission.

Jay Green asked whether or not in the case of Yampa Valley Highlands an owner could subdivide his lot. Mr. Dismuke said that the Subdivision Covenants would put limits on the size of lots.

Jay Green moved that the following subdivisions being given a favorable recommendation from the Routt County Regional Planning Commission to the County Commissioners; Stagecoach, Whitewood, Bear River Highlands, Steamboat Pines, Country Green, Spring Green, Riverside I and II, Deer Mountain Estates, Ski Ranches No. 5,

Steamboat II, Yampa Valley Highlands, and Fish Creek Hills. Bill MacFarlane seconded the motion. Fred Kraft asked if there were any commercially zoned areas involved. Mr. Dismuke said there wasn't. The motion was carried.

Mr. Dismuke then told the Commission that there were several other Second Level Zoning Requests and Special Use Permit Requests scheduled to come before the County Commissioners which would need a recommendation from the Routt County Regional Planning Commission. He said they were not considered at this meeting because they lacked some of the necessary information.

Mr. Dismuke informed the Commission that he had finally received the material he had requested from the State Land Use Commission. He said that there were several discrepancies. He noted that the funds offered were \$14,000, not the \$21,000 that had been discussed. He also noted that under Method of Accomplishment they had requested a full-time Planner and in his discussion with them the funds were to be used for administration. He suggested that the Commission not sign them until he could get some clarification. The Commission agreed.

#### BUILDING INSPECTOR

It was brought up that possibly we would need an additional building inspector. Mr. Northrup stated that approximately \$9,700 had been brought in for building fees. It was asked if any of this money had come in from the town of Steamboat Springs. Mr. Northrup said it had not as the town had its own part-time building inspector. Some discussion followed as to whether or not Everett Northrup should do the inspecting for Steamboat Springs when his office was not receiving the money. Mr. Dismuke said that he would meet with town board on Friday and he would ask them about putting both the city and county under one head. Mr. MacFarlane asked if Mr. Northrup would do the inspecting for towns other than Steamboat Springs in Routt County. Mr. Dismuke said that if requested, the Routt County Regional Planning Commission Building Inspector, Everett Northrup, would police other towns if and when they adopt a uniform building code.

#### MOTION REGARDING PRESENTATIONS AT ROUTT COUNTY REGIONAL PLANNING COMMISSION MEETINGS

Bob Moss moved that no member of the staff of the Routt County Regional Planning Commission, nor Commission member, shall present a subdivision plat or request for zoning change to the Commission, unless he has an interest (financial or otherwise) therein. The motion was seconded and carried.

Jay Green asked if you could request second level zoning without having any plans for it. Mr. Dismuke pointed out that your reason for zoning request could be to enhance the value of

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

ATTEST

County Clerk

Chairman of the Board

STATE OF COLORADO } ss.  
COUNTY OF ROUTT }

OFFICE OF THE COUNTY CLERK

MAY 29, 1972

The Board of County Commissioners of Routt County, Colorado, convened at approximately 10:00 A.M., Monday, May 29, 1972, for consideration of approval of second level zoning for High and Low Density Residential area Within STAGECOACH (Descriptions of property attached to subject petitions.), as petitioned. Mr. Morton Dismuke, representing the Routt County Regional Planning Commission, stated:

"The Commission (Regional Planning) finds that Woodmoor has complied with all the regulations set forth in the Zoning Regulations and recommends they be granted second level zoning as applied for." Mr. Bob Gleason, County Attorney, stated his assumption that the County Planning Commission would adopt the Regional Planning Commission's recommendations and reviewed the two petitions for high and low density second-level zoning. Chairman of the Board, Commissioner Stetson, moved that the Regional Planning Commission's recommendation be accepted and that the second level zoning be granted.

At this point, Commissioners Moore and Utterback made it known that they were not fully aware of the ultimate results of their action in today's hearing, nor of their responsibilities in granting such approvals. Discussion ensued, explaining to Commissioners Moore and Utterback what actions had been previously taken; what previous approvals had been granted; and that their approval for second level zoning was necessary before Woodmoor could continue its due process for full and final approval of the subdivisions involved in today's petitions.

Commissioner Utterback's primary concern was whether or not Woodmoor does plan to proceed to form a municipal water and sanitation district sufficient to serve the property owners involved. The information provided him orally and his reading of certain correspondence contained in the STAGECOACH files addressed to the Routt County Planning Commission regarding the Morrison Creek Municipal Water and Sanitation District, satisfied Commissioner Utterback's objections and he stated his approval for granting the second level zoning.

Commissioner Moore's primary concern involved his insecurities about the availability of finances to meet Woodmoor's commitments to property owners, primarily in regard to water and sewer services, and he requested two days' delay to permit his consultation with local planning authorities. He was advised that the purpose of today's hearing was to agree or disagree that the land involved is suitable for Woodmoor's intended use and that his questions would be resolved in future actions by the Planning Commission. At the end of the discussion, Commissioner Moore withheld his approval for granting second level zoning as applied for.

Prior to adjournment, second level zoning was granted, the majority of Commissioners having approved. However, the original petitions were not available during the meeting. The Chairman, J. Frank Stetson, did during the course of that day, sign the petitions as "Approved", and the signed petitions are a matter of record and file.

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

ATTEST:

County Clerk

Chairman of the Board

5/29/72 BX 12 Pz 478 C. Comm.



These voting by 0. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

Ed Moore  
Dr. John Utterback

Those Voting Nay: None  
Those Absent: None

The presiding officer thereupon declared that a majority of all the commissioners elected having voted in favor thereof, the said motion was carried and the said resolution duly passed and adopted.

EN RE: PROPOSED MORRISON CREEK METROPOLITAN WATER AND SANITATION DISTRICT  
Thereupon Commissioner Dr. John A. Utterback introduced and moved the adoption of the following resolution:

RESOLUTION

WHEREAS, pursuant to the provisions of Chapter 89, Article 18, Section 8, Colorado Revised Statutes 1963 (1965 Supplement), the Board of County Commissioners of Routt County, Colorado, held a public Hearing on the service plan of the proposed Morrison Creek Metropolitan Water and Sanitation District on the 31st day of May, 1972; and

WHEREAS, Notice of the Hearing was duly published in the Steamboat Pilot, a newspaper of general circulation within the County, on May 4, 11, and 18, 1972 as required by law and Notice was forwarded to the Petitioner and to the governing body of each municipality and special district which has levied an ad valorem tax within the next preceding tax year and which has boundaries within a radius of three miles of the proposed District; and

WHEREAS, the Board has considered the service plan and all other testimony and evidence presented at the Hearing; and

WHEREAS, it appears that the service plan should be approved without condition or modification; THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ROUTT COUNTY, COLORADO:

1. That the Board of County Commissioners of Routt County, Colorado does hereby determine that all of the requirements of Chapter 89, Article 18, Colorado Revised Statutes 1963 (1965 Supplement), as amended, relating to the filing of a service plan for the proposed Morrison Creek Metropolitan Water and Sanitation District have been fulfilled and that Notice of the Hearing was given in the time and manner required by law.

2. That the service plan of the proposed Morrison Creek Metropolitan Water and Sanitation District is hereby approved without condition or modification.

3. That a certified copy of this Resolution be filed in the records of Routt County and submitted to the Petitioner for the purpose of filing in the District Court of Routt County.

Commissioner Ed B. Moore seconded the motion for the passage and adoption of said Resolution. The question being upon the passage and adoption of said Resolution, the roll was called with the following result:

Those voting AYE:

Commissioners: J. Frank Stetson  
Ed B. Moore  
Dr. John A. Utterback

Those voting NAY: None

The presiding officer thereupon declared that, a majority of all the Commissioners elected declared that, a majority of all the Commissioners having voted in favor thereof, the motion was carried and the Resolution duly passed and adopted.

5/31/72 BK12 Pg 48/ Comm.

**EXHIBIT B**  
**Infrastructure Improvements**

1. Expansion of the wastewater treatment facility from 0.350 MGD to ~1.0 MGD
2. 2 Water Storage Tanks (1x 1M gal, 1x 500k gal)
3. A new 500k gal water tank and appurtenances (for development currently within District; costs allocated to DLC (53%), Tailwaters (36%), and Landaulet (11%))
4. 3 Lift Stations (sanitary)
5. 2-4 Domestic Wells (TBD with District at a later phase)
6. 301 hydrants
7. 20 Pressure Reducing Valves (PRVs)
8. ~ 36,000 LF of Water Transmission main
9. ~ 141,000 LF of Water Distribution main
10. ~ 105,000 LF of Sanitary (gravity)
11. ~ 18,000 LF of Sanitary (low pressure force main)
12. ~ 20,000 LF of sanitary (high pressure force main from lift stations)



**EXHIBIT C**  
**JANUARY 20, 2020 BCC AGENDA**

[see attached]

# ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

Timothy V. Corrigan  
District I

Douglas B. Monger  
District II

M. Elizabeth Melton  
District III

## REGULAR MEETING

January 14, 2020

LIVE AUDIO WILL BE AVAILABLE FOR MONDAY AND TUESDAY MEETINGS BY CALLING (970)  
870-5499

EXCLUDES WORK SESSIONS

1. 10:30 A.M. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF ACCOUNTS PAYABLE, MANUAL WARRANTS, AND PAYROLL

4. 10:35 A.M. CONSENT AGENDA ITEMS

Items of routine and non-controversial nature are placed on the consent agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner may request that an item be "PULLED" from the consent agenda and considered separately. Any member of the public may "REQUEST" any item to be "PULLED" from the consent agenda.

A. APPROVAL OF COUNTY COMMISSIONERS MINUTES: REGULAR  
MEETING OF NOVEMBER 26, 2019;

Documents:

[11.26.19.PDF](#)

B. APPROVAL OF THE STATE HUMAN SERVICE ELECTRONIC BENEFIT  
TRANSFER IN THE AMOUNT OF \$153,827.17 THROUGH SEPTEMBER  
2019, AND \$167,653.06 THROUGH OCTOBER 2019.

"Executive session may be requested under C.R.S. 24-6-402 (4)(c) for matters required to be kept confidential by federal or state laws, rules or regulations.

Citations: 10 CCR 2506-1, Colorado Rules & Regulations, Volume 4, Food and Nutrition Act of 2008, 4.050, C.R.S. 19-1-303 (1), and C.R.S. 19-1-307."

5. 10:40 A.M. CONSIDERATION OF ITEMS PULLED FROM THE CONSENT  
AGENDA
6. 10:45 A.M. PUBLIC COMMENT  
Public Comment will be heard on any item except quasi-judicial land use items. County Commissioners will take public comment under consideration but will not make any decision or take action at this time.
7. 10:55 A.M. EMERGENCY MANAGEMENT  
David DeMorat, Emergency Operations Director
8. 11:15 A.M. PUBLIC HEALTH  
Kari Ladrow, Public Health Director

**A. CDPHE AMENDMENT #3 LPHA CONTRACT**

Consideration for approval and authorization for the Chair to sign the CDPHE Amendment #3 of the LPHA contract.

Documents:

[BCC COMMUNICATION FORM AMENDMENT 3.PDF](#)  
[ROUTT\\_AMENDMENT 3 WITH REVISED BUDGET\\_FY20.PDF](#)

**9. 11:20 A.M. PURCHASING**

Julie Kennedy, Purchasing Agent

**A. 2020 PSA SIGNATURE FOR SUBSTANCE ABUSE COUNSELING IN RC JAIL**

Consideration for approval and authorization for the Chair to sign the 2020 Professional Services Agreement (PSA) and the electronic signature of the County Manager on the PO to Thornhill Counseling, LLC in the amount of \$36,000 for Craig Thornhill, LPC, LAC weekly services in the Routt County Jail to support of the Jail Based Behavior Services (JBBS) awarded grant.

Documents:

[2020 PSA FOR SUBSTANCE ABUSE COUNSELING IN RC JAIL BCC AGENDA COMMUNICATION FORM -.PDF](#)  
[2020 PSA SUBSTANCE ABUSE COUNSELING IN RC JAIL.PDF](#)

**10. 12:00 P.M. LUNCH BREAK**

**11. 1:30 P.M. PLANNING**

Chad Phillips, Planning Director

**A. CITY OF STEAMBOAT SPRINGS WEST SIDE WATER TANK; PL-18-184, 185, AND 186**

Consideration of a Special Use Permit, Waterbody Setback Permit, and Division of Land for Public Purpose for the City of Steamboat Springs West Side Water Tank.

Documents:

[STAFF REPORT 12.19.19.PDF](#)  
[BCC COMM FORM 1.14.20.PDF](#)

**B. LAND DEDICATION REQUIREMENTS (SECTION 3.5 OF THE SUBDIVISION REGULATIONS) AND TERM OF APPROVAL (SECTION 3.2.9 OF THE ZONING REGULATIONS); PL-19-102**

Discussion of proposed changes to the Subdivision and Zoning Regulations concerning land dedications and fees-in-lieu and Term of Approval for land use permits.

Documents:

[BCC COMM FORM 1.14.20.PDF](#)  
[CHANGES FOR MEMO CLEAN 1.14.20.PDF](#)

**12. 2:30 P.M. COUNTY MANAGER PERFORMANCE REVIEW**

"Executive Session may be requested under C.R.S. Section 24-6-402(4)(f) (I)&(II) for personnel matters and not involving: any specific employees who have requested discussion of the matter in open session{ any

member of this body or any elected official; the appointment of any **person** to office of this body or of an elected official; or personnel policies that do not r/re the discussion of matters personal to particular employees; "

**13. 4:00 P.M. MEETING ADJOURNED**

LIVE AUDIO WILL BE AVAILABLE FOR MONDAY AND TUESDAY MEETINGS BY CALLING (970) 870-5499

**EXCLUDES WORK SESSIONS**

All regular meetings are open to the public unless otherwise noted.

All meetings will be held in the Routt County Historic Courthouse -  
522 Lincoln Avenue, Hearing Room, Steamboat Springs - or otherwise noted.

All programs, services and activities of Routt County are operated in compliance with the Americans with Disabilities Act. If you need a special accommodation as a result of a disability, please call the Commissioners Office at (970) 879-0108 to assure that we can meet your needs. Please notify us of your request as soon as possible prior to the scheduled event. Routt County uses the Relay Colorado service. Dial 711 or TDD (970) 870-5444.

**STATE OF COLORADO  
COUNTY OF ROUTT**

**OFFICE OF THE CLERK  
November 26, 2019**

Commissioner Beth Melton, Chair, called the regular meeting of the Routt County Board of County Commissioners to order. Commissioner Douglas B. Monger, Commissioner Tim V. Corrigan, Deputy County Manager Dan Weinheimer, and County Manager Tom Sullivan were also present. Those present recited the Pledge of Allegiance. Deanna Sanchez recorded the meeting and prepared the minutes.

**EN RE: WARRANTS**

Commissioner Monger moved to approve and authorize the Commissioners to sign the Warrants Sheets that included:

|  |                   |                       |
|--|-------------------|-----------------------|
| Accounts Payable<br>Check- Cycle Date: | 11/18-11/22       | \$1,370,728.30        |
| Accounts Payable<br>Check: Manuals     | -                 | \$                    |
| Accounts Payable<br>Wires:             | -                 | \$                    |
| Total:                                 |                   | \$1,370,728.30        |
| Payroll Checks- Cycle<br>Date:         | -                 | \$                    |
| Payroll Checks-<br>Manuals             | -                 | \$                    |
| Payroll – IRS & State<br>Income Tax    | -                 | \$                    |
| Total:                                 |                   | \$                    |
| Total Disbursements<br>Approved:       | 11/18/19-11/22/19 | <u>\$1,370,728.30</u> |

Commissioner Corrigan seconded.

Mr. Sullivan advised of the 2019 Accounts Payable.

| Vendor                              | Amount     | Department  |
|-------------------------------------|------------|---|
| TUCK COMMUNICATION SERVICES<br>INC. | 5,281.00   | IT: Replacement Phones for Mitel<br>System (12)             |
| COLORADO KENWORTH INC               | 279,742.00 | Heavy Equipment Pool: 2020 KW<br>T800 Plow Truck with blade |



|  |                |   |
|--|----------------|---|
| CML SECURITY LLC   | 20,361.02      | Building & Plant Pool: Video Camera Replacements at Adult Detention Center                                    |
| DUCKELS CONSTRUCTION INC   | 59,327.98      | Road & Bridge Infrastructure Budget Pool: Green Truss Bridge: Paid \$1,045,629.53 with \$128,007.97 remaining |
| Distribution of Last Quarter funding distribution of Dedicated mill levies and budget support to District Attorney |                |   |
| LEWAN & ASSOCIATES INC   | 117,798.00     | IT Pool: ExaGrid Backup Storage System with 5-Year Support and Maintenance                                    |
| MUNICIPAL EMERGENCY SVCS INC   | 8,370.00       | YVRA: Emergency Bunker Gear   |
| NORTH ROUTT FIRE PROTECTION DI   | 1,502.00       | Wildfire Budget: MILL CREEK 2 FIRE:NORTHROUTT FPD:AUGUST 21, 2019   |
| NORTH ROUTT FIRE PROTECTION DI   | 953.00         | INDIAN RUN FIRE:NORTH ROUTT FPD:AUGUST 18, 2019   |
| OAK CREEK FIRE PROTECTION DIST   | 3,900.91       | Wildfire Budget: INDIAN RUN FIRE:OAK CREEK FPD: AUGUST 19-21, 2019  |
| PRECISION EXCAVATING INC   | 213,212.67     | Road and Bridge Infrastructure Budget: Roper Bridge west Fork Elk River, includes retained earnings           |
| CITY OF STEAMBOAT SPRINGS  | 230,129.90     | Building & Plant Budget Pool: CLEF September billing  |
| WEST ROUTT FIRE PROTECTION DISTRICT  | 14,821.81      | Wildfire Budget: INDIAN RUN FIRE:OAK CREEK FPD: AUGUST AUG 17-29, 2019  |
| WEST ROUTT FIRE PROTECTION DISTRICT  | 7,536.25       | Wildfire Budget: MILL CREEK 2 FIRE:WEST ROUTT FPD:AUGUST 19-23 2019   |
| CALCON CONSTRUCTORS INC  | 37,754.00      | Building & Plant Budget: Sheriff/Adult Detention Hardscape Project  |
| ABS AVIATION CONSULTANCY INC   | 18,500.00      | YVRA: Market Rent Analysis  |
| AP Run Date November 2019      Total   | \$1,369,730.68 |   |

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 County Commissioners Minutes: Regular Meeting of September 24, 2019, and October 1, 2019;
- B. Approval and authorization of the Office of Emergency Preparedness and Response contract with revised scope of work;
- C. Approval of and authorization for the Chair to sign the CDHS Certification of Compliance County Personnel and Merit System 2020;
- D. Approval of and authorization to ratify the Chair's signature on the agreement between Northwest Data Services, INC. that waived the formal purchasing process and authorized the County Manager to electronically sign the purchase order for security camera updates installation at Yampa Valley Regional Airport in the amount of \$30,743.35;
- E. Approval of and authorization for the Chair to sign a Perpetual Easement agreement for the purpose of a public road turnaround south of the terminus of Routt County Road 50;
- F. Approval of and authorization for the Chair to sign a resolution 2019-061 vacating a portion of Routt County Road 50;
- G. Approval of and authorization for the Chair to sign the West Routt Library board member resolution;
- H. Approval of and authorization for the Chair to sign a resolution designating December 6<sup>th</sup>, 2019, as Yampa Valley Gives Day.

## **MOTION**

Commissioner Corrigan moved to approve items A, B, C, D, E, F, G, and H on the consent agenda and authorized the Chair to sign the related documents.

Ms. Sanchez noted item H's final resolution for signatures language has been changed to "December 10<sup>th</sup>" to reflect the accurate date.

Commissioner Melton stated item F would be resolution number 2019-061, item G would be resolution number 2019-062, and item H would be resolution number 2019-063.

Commissioner Monger seconded; the motion carried 3-0.

## **EN RE: PUBLIC COMMENT**

Troy Brookshire, Routt County Planning Commission (RCPC), stated he wanted to share feelings from the RCPC. The latest timeline for the County Master Plan brings the deadline for public outreach out to August of 2021. The RCPC does not think that amount of time is necessary. The RCPC is not trying to prevent public input. They feel the plan for public outreach

is broader than it needs to be. There is a need for deadlines on these public outreach efforts. The RCPC suggest public outreach could be finished by the second quarter of 2020.

The RCPC also feels \$200,000 for public outreach is unnecessary. They would rather see the board apply for \$50,000 from the Department of Local Affairs (DOLA).

Commissioner Melton thanked Mr. Brookshire for his comments. She stated the Commissioners and Mr. Phillips, Routt County Planning Director, are discussing focus groups and phases for public outreach.

Commissioner Monger stated he is not pleased with the \$200,000 amount either. He believes the plan has been dramatized.

Commissioner Corrigan stated he is concerned about rushing this project. He would rather the public feel they had an appropriate amount of time and methods to share their input than set strict deadlines.

#### **EN RE: ROUTT COUNTY BOARD OF HEALTH**

Kari Ladrow, Public Health Director, and Shawn Sonnkalb, Accounting, were present.

#### **PUBLIC HEALTH IMMUNIZATIONS SUBCONTRACT WITH NORTHWEST COLORADO HEALTH**

Ms. Ladrow stated Moffat County and Routt County intend to set forth in this Agreement the terms and conditions under which the Subcontractor Northwest Colorado Health (NWCH) will provide Immunization services on behalf of Routt County Public Health. Moffat County has difficulties getting documentation needed for auditing purposes. If this is signed today, the County could hold payment until documentation is complete.

Mr. Sonnkalb stated NWCH has received their first quarterly payment for services provided.

Commissioner Monger suggested Commissioner Melton sign the documents today while authorizing Ms. Ladrow to manage the logistics.

Commissioner Corrigan noted a typo in the documents stating "June 2019".

Ms. Ladrow stated she would change the typo to "2020".

Commissioner Melton stated she would sign the documents today because she knows the County Attorneys have been involved in this process. However, she would like the Attorney stamp on the documents after the hearing.

Commissioner Melton asked what the deliverables from NWCH are.

Ms. Ladrow stated NWCH provides services for uninsured individuals as well as VFC (vaccines for children) and adults. NWCH uses evidence-based strategies to show they are following the terms of the contract. NWCH is supposed to be doing clinics in response to scares such as hepatitis B. Ms. Ladrow stated she has been running into documentation issues regarding which County the vaccines were administered at and what vaccines they are.

### **MOTION**

Commissioner Monger moved to approve and authorized the Chair to sign the Public Health Immunizations Subcontract with Northwest Colorado Health.

Commissioner Corrigan seconded; the motion carried 3-0.

### **PUBLIC HEALTH IMPROVEMENT SUBCONTRACT**

Ms. Ladrow stated her request for the Chair to sign the subcontract to the Health Partnership for sub-contracting the writing of the Public Health Improvement Plan and implementation strategies. Sub-Contract has been reviewed by attorney, Erick Knaus. The 2020-2024 Public Health Improvement Plan for Moffat and Routt Counties is a mandatory requirement in the State of Colorado for Local Public Health Agencies to complete. The development of the Public Health Improvement Plan has gone through several different evolutions within the past 5 years without being completed and it is Ms. Ladrow's opinion this is because there are so many entities attempting to work without a cohesive, strategic plan. Therefore, to bring together all of the various medical and health service providers with a few tangible goals for the two communities in coordination with the Health Partnership, the Wellness Consortium has been started. A small snapshot is listed in the agenda packet of the various entities and efforts that have been identified as happening simultaneously within Routt County communities which gives an understanding of why the first step towards attaining measurable outcomes is to have a clearly defined community plan by the key health influencers in the community. The writer of the Public Health Improvement Plan is a former CDPHE employee with experience in the Community Health Assessment Planning process as well as having her Masters in Public Health.

Commissioner Melton noted exhibit A from the provided documentation has an incomplete sentence. She advised Ms. Ladrow to get the Attorney stamp on the documents.

### **MOTION**

Commissioner Corrigan moved to approve and authorized the Chair to sign the sub-contract to the Health Partnership for services in writing the Public Health Improvement Plan.

Commissioner Monger seconded; the motion carried 3-0.

### **EN RE: ENVIRONMENTAL HEALTH / SCOTT COWMAN**

Julie Kennedy, County Purchasing Agent, was also present.

## **PHIPPSBURG LAGOON LINER REPLACEMENT PROJECT**

Mr. Cowman stated a compliance schedule with a deadline of December 31, 2018, was issued by CDPHE to complete lagoon liner replacement at the Community of Phippsburg Wastewater Treatment Facility. Funding had been secured based on a cost estimate from RG and Associates in the amount of \$300,000. A Water Pollution Control Revolving Fund Direct Loan (Disadvantaged Communities Loan Program) was approved in the amount of \$124,000 (plus \$26,000 for Design and Engineering) to help fund the project. DOLA provided a 50% match (\$150,000) to reach the total estimate of \$300,000.

The window for construction at the facility is narrow (typically mid-July to the end of October) because of late snowmelt and runoff, early freezes and chance of snowfall. Delays with review and approval of the final engineering by the CDPHE in 2018 resulted in the project being pushed to 2019. A Permit Narrative Conditions Report Form (and request for guidance) was submitted to CDPHE at the beginning of January 2019 that included details behind construction delays.

An advertisement went out in March 2019, but unfortunately, no bids were received. The project was put out for bid again (June 7th) with expanded advertising in an effort to identify a contractor and complete construction within the 2019 field season. One bid was finally submitted but the cost estimate was approximately three times the budgeted amount (\$274,000 vs \$890,000). Because timelines were again running short, an extension request was submitted and approved by DOLA to extend the deadline of the grant to December 2020. Per conversations with the CDPHE Grants and Loans Unit, it was confirmed that pushing the project back to 2020 would have no effect on the loan; although payments on the loan would need to commence.

After speaking with relevant agencies, doing some research and giving careful consideration; Mr. Cowman thinks the best way to proceed is to cancel the DOLA grant and pay back the loan to Colorado Water and Power Development Authority (CWPDA). The County does not have adequate funding to proceed and both funding sources expire at the end of 2020. Mr. Cowman has become aware of two other potential funding sources that could pay up to 75% of total costs:

1. FEMA funding via the updated Hazard Mitigation Plan (considered a mitigation planning activity)
2. USDA Rural Development

DOLA only covers about 50% of total costs. Mr. Cowman has considered using the DOLA grant to help with sludge removal but would still need to seek additional funding to cover total costs beyond the 50%. He is estimating the total costs for the project should be in the neighborhood of \$600,000. If 75% is covered that would leave the County with a similar amount (\$150,000) on a new loan. He is proposing to prepare a new RFP to cover the following:

1. Develop an updated and accurate cost estimate for both sludge removal and liner replacement, including installation of infrastructure to continue operation while undergoing liner replacement
2. Assist with acquiring appropriate funding



### 3. Provide engineering support services for bidding and construction

Mr. Cowman will call Greg Winkler and the CWPDA representative once he gets confirmation from the Commissioners on the current plan. He will also reach out to CDPHE to make sure the County continues to be on track for compliance. He has spoken to both of the County Managers individually and they have not expressed any concerns other than to be mindful of the County's relationship with DOLA and CWPDA. He also plans to meet with the County Finance department regarding budget changes. Finally, he will terminate the County's relationship with RG and Associates (contracting engineer).

Ms. Kennedy went to the Northwest Colorado Contractors Association recently and found three potential contractors.

Commissioner Monger stated he is unhappy that CDPHE said the County is in non-compliance regarding the seepage. CDPHE is now saying clay liners are unacceptable.

Mr. Cowman stated he agrees with Commissioner Monger. Any change at the State level to try to address Commissioner Monger's concerns can only be done by Commissioners.

Commissioner Monger stated it is a political battle.

Mr. Cowman stated regulations certify a certain amount of seepage and clay liners aren't able to meet that. The County did a seepage study anyways and found a pipe had burst, so the study was not successful.

Commissioner Melton agreed with Mr. Cowman to give back the loan.

Commissioners Corrigan and Monger agreed.

The Commissioners directed Mr. Cowman to work with Greg Winkler to decide to give the DOLA grant back or not, to give back the loan, and do a seepage study with funding from the reserves.

Ms. Kennedy suggested combining the seepage study from Milner with Phippsburg's.

Mr. Cowman stated that could be a good idea.

### **ROUNDTABLE**

The Commissioners, Mr. Cowman, and Ms. Kennedy discussed combining the seepage studies. The Commissioners decided to not move forward with the Milner seepage study for now.

### **EN RE: PURCHASE OF DEVELOPMENT RIGHTS ADVISORY BOARD (PDR)**

Megan Knott, Bryce Hinchman, CCALT; Lynaia South, County Attorney; Claire Sollars, Chair of PDR; and Kendra Alfieri, County Commissioners' and Manager's Office Manager were present.

### **CCALT GRANT LETTER OF SUPPORT**

Mr. Hinchman stated he is here to discuss the Regional Conservation Partnership Program which is an NRCS grant round. Through the 2018 Farm Bill NRCS has money to allocate for this program. Their funds need to be leveraged on a 1 to 1 or greater ratio. The goal of this project is to address and document concerns in specific areas in Northwest Colorado. The request presented today is a soft commitment of \$2,000,000 from the County.

Commissioner Monger asked what a soft commitment is.

Ms. Sollars stated she could put language into the letter to ensure the projects are approved before full funding is confirmed. Ms. Sollars has worked with the County Attorney's on this. A soft commitment means expressing support in a way that will help leverage taxpayer dollars. It is not a guarantee of funds.

Ms. Knott stated each project has to be approved by NRCS first before funding is approved.

Commissioner Corrigan stated he is comfortable with the change in language.

Ms. Sollars stated the documents will need minor changes regarding acreage and the total combined value.

### **MOTION**

Commissioner Monger moved to approve and authorized the Chair to sign the CCALT Grant letter of support.

Commissioner Corrigan seconded; the motion carried 3-0.

### **PDR 196**

### **EXECUTIVE SESSION:**

Commissioner Melton stated, "The time is now 1:10 p.m. I, acting as Chair, move that the Board of County Commissioners go into executive session to discuss PDR Project 196. This executive session is being electronically recorded but minutes of the meeting will not be produced".

Commissioner Melton stated the time is now 1:24 p.m. and the executive session has been concluded. The following persons were present at this executive session: Commissioner Corrigan, Commissioner Monger, Kendra Alfieri, Claire Sollars, Lynaia South, Dan Weinheimer, and Tom Sullivan. The Board limited its discussion to the purpose stated in the motion to go into executive session and no formal action was taken.

Commissioner Melton directed staff to add consideration of PDR project 196 to the agenda for December 10<sup>th</sup>, 2019.

**EN RE: PLANNING / CHAD PHILLIPS**

Kristy Winser, Assistant Planning Director, was also present.

**KING CREEK RANCH, LLC; PL-19-184 - REQUEST TO TABLE**

Mr. Phillips stated his request to table King Creek Ranch, LLC PL-19-184 until January 28, 2020.

**MOTION**

Commissioner Monger moved to table King Creek Ranch, LLC PL-19-184 until January 28, 2020.

Commissioner Corrigan seconded; the motion carried 3-0.

**DOLA GRANT FOR DEVELOPMENT OF THE ROUTT COUNTY MASTER PLAN UPDATE; PL-19-107**

Mr. Phillips stated Routt County is requesting funding assistance in the amount of \$100,000 to match with \$100,000 of funding from County to fund the revision of the 2003 Master Plan for Routt County, Colorado. The financial support will be used for a planning consultant/firm through an RFP process in 2020. Prior to the selected consultant's participation (before any DOLA grant funds are spent), the County will continue to participate in public engagement to determine the community's overall voice in regards to the major topics facing Routt County today. Comments from the Grant Review Committee will be available prior to the hearing.

**ROUNDTABLE:**

The Commissioners, Mr. Weinheimer, and Mr. Philips discussed the financial logistics of the grant.

**MOTION**

Commissioner Corrigan moved to approve an application to the Department of Local Affairs for an Energy and Mineral Impact Assistance Fund grant in the amount of \$100,000 to help fund a consultant to assist the community with the update of the 2003 Master Plan, knowing that the application will include updated itemization of expenses.

Commissioner Monger seconded; the motion carried 3-0.

**RESIDENTIAL CARE FACILITY STANDARDS; PL-19-141**

Ms. Winser presented a PowerPoint to the Commissioners. She stated a permit process specifically for treatment facilities would improve transparency by processing a request for what it is instead of land uses such as a Guest Ranch or Bed and Breakfast, that share similarities and impacts with the proposed use. County staff's survey of other communities and how they process applications for treatment facilities of different types and sizes found a higher level of review is almost always required for large facilities that would allow for more residents that are allowed under the definition of family.

The previous discussion had support for allowing small facilities in any zone district where single-family residences are allowed, with more robust review required for larger facilities. The Commissioners directed staff to draft standards for residential treatment facilities and present them to Planning Commission. They included standards that would require facilities to obtain and maintain appropriate licenses, locational standards to avoid high concentrations of facilities within a single neighborhood and recommended requiring facilities to be in keeping with the residential and rural character of the area to ensure that the facilities could be reverted to another compatible and conforming use in the future if the treatment use ends. Staff also offered that criteria should be established for what residential and rural character actually means.

Commissioner Corrigan asked if the language of "individuals with physical disabilities", was limited to behavioral issues.

Ms. Winser state the law requires this language.

#### **ROUNDTABLE:**

The Commissioners, Ms. Winser, and Mr. Phillips discussed the requirements for physical and behavioral disability services. The Commissioners directed Ms. Winser to add language to include developmental disabilities in the definition in the documentation.

#### **ROUNDTABLE:**

The Commissioners, Ms. Winser, and Mr. Phillips discussed the Use By Right language and purpose. The Commissioners direct Ms. Winser and Mr. Phillips to provide them with options for other language for Use By Right.

#### **ROUNDTABLE:**

The Commissioners, Ms. Winser, and Mr. Phillips discussed the requirement to be near growth centers to allow proper response time to emergency services, the definition for transportation, and a maximum amount of people requirements. The Commissioners directed Ms. Winser to redefine the "close to growth center" language to a 5 minutes response time for emergency services, create a better definition of transportation, and look into the limiting factors of having a maximum amount of people allowed.

Commissioner Melton stated the next steps are drafting regulations and meeting with County Attorney.

#### **RECREATIONAL FACILITY STANDARDS; PL-19-164**

Ms. Winser stated the overnight accommodations component of Recreational Facilities came into focus following the approval of the STARS application under the CUP process. The initial feedback indicated that any Recreational Facility with overnight accommodations should require a SUP, regardless of the size or complexity of the operation.

The Recreational Facility category (like the PUD category) has been used as a catch-all for uses not otherwise listed in the use chart. The discussion is also an opportunity to review all of the uses that allow overnight accommodations. The issue is what types of applications should be reviewed by the BCC based on the likelihood of off-site impacts.

BCC and Planning Commission agree that whether facilities are public or private should not matter the standards should be based on the intensity of use. BCC supported amending the regulations for applications that allow overnight accommodations, including Bed & Breakfasts, Recreational Facilities, and agro-tourism Enterprises. Wedding facilities will be excluded to a separate line item.

The Planning Commission further discussed amending the regulations for applications that allow overnight accommodations and the concept of distinguishing between active and passive recreation for Recreational Facilities. County staff suggested that facilities with active recreation could require a SUP, and facilities with inactive forms of recreation could require a CUP, regardless of whether they had overnight accommodations. Active recreation could be separated into the high-impact and low-impact categories. Under this scheme, the level of review would be determined by the type of recreation. PC recommended the following considerations:

- If the general public is allowed, a higher level of review is needed.
- The intensity of use and off-site impacts should be the determining factors; even if the facility is private, the number of participants or the frequency of events should be the trigger.

#### **ROUNDTABLE:**

The Commissioners, Ms. Winser, and Mr. Phillips discussed allowing secondary units, which are not attached to the primary unit, with an onsite manager. The Commissioners agreed that should be allowed.

The Commissioners, Ms. Winser, and Mr. Phillips discussed CUP versus SUP, agro-tourism regulations, passive and active language regarding recreational facilities, secondary language, and active and inactive definitions. The Commissioners directed Ms. Winser to use a CUP for agro-tourism, change the language for active and passive uses for recreational facilities to be clearer, to clarify secondary, and create more accurate definitions for active and inactive.

The Commissioners, Ms. Winser, and Mr. Phillips discussed the options for primary use. Commissioner Corrigan did not support option 2 for a few types of activities listed as very low-impact (CUP), with most falling into the SUP category. A list of activities that could be considered for CUPs in mostly all circumstances as:

- 2 or fewer activities such as cross-country skiing, trails, fishing, hunting and riding stables that are private,



non-commercial with less than 50 trips per day  
(including customers, employees, and deliveries.)

- Everything else is an SUP such as commercial use, overnight accommodations, public access, frequency and numbers of users (more than 50+ trips per day.)

Commissioner Corrigan was in support of option 1 because he felt there needs to be more predictability for the public. Commissioner Melton was in support of option 2 because she felt option 1 made the applicant go through potentially unnecessary procedures. Commissioner Melton directed Ms. Winsor to add more information in the regulations on what is a Use By Right and what needs a permit.

#### **ROUNDTABLE:**

The Commissioners, Ms. Winsor, and Mr. Phillips discussed hunting regulations compared to recreational facilities regulations. The Commissioners directed Ms. Winsor to use the hunting regulations to help create clarity in the recreational facilities regulations.

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

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Kim Bonner, Clerk and Recorder

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Tim V. Corrigan, Chair

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Date

# ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

## AGENDA COMMUNICATION FORM

|  |  |
|--|--|
| <b>ITEM DATE:</b>  | <b>ITEM TIME:</b>                                    |
| <b>FROM:</b>   | KARI LADROW, PUBLIC HEALTH DIRECTOR                  |
| <b>TODAY'S DATE:</b>   | 12/31/19   |
| <b>AGENDA TITLE:</b>   | Request for Signature of Amendment #3 CDPHE contract |
| <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>   |  |
| <p>The previous CDPHE LPHA contract has been signed twice. This 3<sup>rd</sup> Amendment sent by CDPHE includes additional funding for work on opioid prevention. CDPHE is making the funds dispersal once the signed contract is returned.</p> <p>Routt County LPHA is currently meeting the requirements of the deliverables of the opioid work through the HRSA grant work of Memorial Regional Health for regional opioid prevention work.</p> |  |
| <b>II. RECOMMENDED ACTION:</b>   |  |
| Signature of Amendment #3  |  |
| <b>III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):</b>   |  |
| <b>PROPOSED REVENUE:</b> \$7020.68 in additional revenue for Routt County Public Health  |  |
| <b>PROPOSED EXPENDITURE:</b> n/a   |  |
| <b>FUNDING SOURCE:</b>   |  |
| Colorado Department of Public Health and Environment, Office of Planning and Partnership Improvement Funding.  |  |
| <b>IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):</b>  |  |
| Moffat County LPHA and Routt County LPHA are both receiving separate opioid funding increases.   |  |

**ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS**  
**AGENDA COMMUNICATION FORM**

**V. BACKGROUND INFORMATION:**

Amendment #1, Amendment #2 were previously signed.

**VI. LEGAL ISSUES:**

None

**VII. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None

**VIII. SUMMARY AND OTHER OPTIONS:**

**CONTRACT AMENDMENT #3****SIGNATURE AND COVER PAGE(S)**

| State Agency :<br><b>Colorado Department Of Public Health and Environment<br/>4300 Cherry Creek Drive South<br/>Denver, CO 80246</b>   |                        |                        |                      | Original Contract Number<br><b>18 FAAA 97494</b>           |                         |              |
|--|------------------------|------------------------|----------------------|--|-------------------------|--------------|
| Contractor<br><b>Board of County Commissioners of Routt County<br/>(a political subdivision of the state of Colorado)<br/>for the use and benefit of<br/>Routt County Public Health Agency<br/>135 6th Street<br/>PO Box 773598<br/>Steamboat Springs, CO 80477-3598</b> |                        |                        |                      | Amendment Contract Number<br><b>2019*1055 Amendment #3</b> |                         |              |
| Contract Performance Beginning Date :<br><b>The later of the Effective date or November 1, 2019</b>  |                        |                        |                      | Current Contract Expiration Date :<br><b>June 30, 2020</b> |                         |              |
| <b>CONTRACT MAXIMUM AMOUNT TABLE</b>   |                        |                        |                      |  |                         |              |
| Document Type  | Contract Number        | Federal Funding Amount | State Funding Amount | Other Funding Amount                                       | Term (dates)            | Total        |
| Original Contract  | 18 FAAA 97494          | \$17,117.00            | \$23,294.25          | \$0.00   | 07/01/2017 - 06/30/2018 | \$40,411.25  |
| Amendment #1   | 19 FAAA 107491         | \$17,117.00            | \$74,079.00          | \$0.00   | 07/01/2018 - 06/30/2019 | \$91,196.00  |
| Amendment #2   | 2019*1055 Amendment #2 | \$17,117.00            | \$80,248.68          | \$0.00   | 07/1/2019 - 06/30/2020  | \$97,365.68  |
| Amendment #3   | 2019*1055 Amendment #3 | \$0.00                 | \$7,020.68           | \$0.00   | 11/1/2019 - 06/30/2020  | \$7,020.68   |
| <b>Current Contract Maximum Cumulative Amount</b>  |                        |                        |                      |  |                         | \$235,993.61 |

## THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT

Each person signing this Amendment represents and warrants that he or she is duly authorized to execute this Amendment and to bind the Party authorizing his or her signature.

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|--|---|
| <p><b>CONTRACTOR</b><br/>Board of County Commissioners of Routt County<br/>(a political subdivision of the state of Colorado)<br/>for the use and benefit of<br/>Routt County Public Health Agency</p> <hr/> <p>By: Print Name &amp; Title</p> <p>Date: _____</p>    | <p><b>STATE OF COLORADO</b><br/>Jared S. Polis, Governor<br/><b>Colorado Department Of Public Health and Environment</b><br/>Jill Hunsaker Ryan, MPH<br/>Executive Director</p> <hr/> <p>By: Lisa McGovern, Procurement and Contracts Section<br/>Director, CDPHE</p> <p>Date: _____</p>                                  |
| <p><b>PROGRAM APPROVAL</b><br/>Colorado Department of Public Health and Environment<br/>Anne-Marie Braga<br/>Director of Office of Planning, Partnerships and Improvement</p> <p>By: _____<br/>Signature of Authorized CDPHE Program Approver</p> <p>Date: _____</p> | <p>In accordance with §24-30-202 C.R.S., this Amendment is not valid until signed and dated below by the State Controller or an authorized delegate.</p> <p><b>STATE CONTROLLER</b><br/><b>Robert Jaros, CPA, MBA, JD</b></p> <p>By: _____<br/>David Norris, Controller, CDPHE</p> <p>Amendment Effective Date: _____</p> |

### 1. PARTIES

This Amendment (the “Amendment”) to the Original Contract shown on the Signature and Cover Page for this Amendment (the “Contract”) is entered into by and between the Contractor, and the State.

### 2. TERMINOLOGY

Except as specifically modified by this Amendment, all terms used in this Amendment that are defined in the Contract shall be construed and interpreted in accordance with the Contract.

### 3. AMENDMENT EFFECTIVE DATE AND TERM

#### A. Amendment Effective Date

This Amendment shall not be valid or enforceable until the Amendment Effective Date shown under the State Controller Signature. The State shall not be bound by any provision of this Amendment before that Amendment Effective Date, and shall have no obligation to pay Contractor for any Work performed or expense incurred under this Amendment either before or after of the Amendment term shown in **§3.B** of this Amendment.

#### B. Amendment Term

The Parties’ respective performances under this Amendment and the changes to the Contract contained herein shall commence on the Amendment Effective Date shown under the State

Controller Signature or **November 1, 2019**, whichever is later and shall terminate on the termination of the Contract or **June 30, 2020**, whichever is earlier.

#### **4. PURPOSE**

The Parties entered into the agreement to Provide support for public health services, as established by the State Board of Health pursuant to §25-1-503(1), C.R.S. and in accordance with Section §25-1-512 C.R.S. and Section §24-75.1104.5 (1.5) (a) (IV) C.R.S. The district public health agency shall participate in assessment and planning efforts at the state, regional, and local level facilitated by the Office of Planning of Partnerships. These efforts shall include maintaining and improving local capacity to provide services as established by the State Board of Health.

The Parties now desire to increase funding and change Statement of Work for the following reason: to address opioid and other substance use through public health interventions per Senate Bill 19-228.

#### **5. MODIFICATIONS**

The Contract and all prior amendments thereto, if any, are modified as follows:

- A. The Contract Maximum Amount is deleted and replaced with the Current Contract Maximum Amount shown on the Signature and Cover Page for this Amendment.
- A. The Amendment and all prior amendments thereto, if any, are modified as follows:
  - i. The Parties now agree to modify Exhibit: J, Budget of the agreement. Exhibit J is deleted and replaced in its entirety with Revised Exhibit J To add opioid funds to the Local Planning and Support Amount column.
  - ii. The Parties now agree to add Section: Primary Activity #2, to Work Plan Part A. Local Core Public Health Services, on Page 1 of Revised Exhibit I.
  - iii. The Parties now agree to add Section: Standards and Requirements #7, to Work Plan Part A. Local Core Public Health Services, on Page 2 of Revised Exhibit I.
  - iv. The Parties now agree to add Section: Expected Results of Activity(s) #3, to Work Plan Part A. Local Core Public Health Services, on Page 2 of Revised Exhibit I.

#### **6. LIMITS OF EFFECT AND ORDER OF PRECEDENCE**

This Amendment is incorporated by reference into the Contract, and the Contract and all prior amendments or other modifications to the Contract, if any, remain in full force and effect except as specifically modified in this Amendment. Except for the Special Provisions contained in the Contract, in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Contract or any prior modification to the Contract, the provisions of this Amendment shall in all respects supersede, govern, and control. The provisions of this Amendment shall only supersede, govern, and control over the Special Provisions contained in the Contract to the extent that this Amendment specifically modifies those Special Provisions.



**STATEMENT OF WORK**  
 To Original Contract Routing Number 18 FAAA 97494  
 Routing Number 2019\*1055 Amendment #3

**These provisions are to be read and interpreted in conjunction with the provisions of the contract specified above.**

**I. Project Description:**

Local public health agencies are essential to the provision of quality and comprehensive public health services throughout the state and are critical partners with the Colorado Department of Public Health and Environment in maintaining a strong public health system. Each local public health agency shall assure the provision of Core Public Health Services within their jurisdiction. The scope of the provision of each Core Public Health Service is determined at the local level, and may differ across agencies based on community needs, priorities, funding and capacity. The Office of Planning, Partnerships and Improvement and the local public health agency are accountable in assuring state moneys are being used effectively to provide Core Public Health Services.

**II. Definitions:**

1. CDPHE: Colorado Department of Public Health and Environment
2. CDS: CYSHCN Data System
3. CFPS: Child Fatality Prevention System
4. CRS: Case Reporting System
5. CYSHCN: Children and Youth with Special Health Care Needs
6. FTP: File Transfer Protocol
7. HCP: Program for Children and Youth with Special Health Care Needs
8. MCH: Maternal and Child Health
9. SUID: Sudden Unexpected Infant Death

**III. Work Plan:**

**A. Local Core Public Health Services**

|  |  |
|--|--|
| <b>Goal #1:</b> Strengthen Colorado's public health system by ensuring core public health services are available statewide.              |  |
| <b>Objective #1:</b> No later than the expiration of the contract, the contractor shall provide support for Core Public Health Services. |  |
| <b>Primary Activity #1</b>   | The Contractor shall provide or assure the provision Core Public Health Services within their jurisdiction.  |
| <b>Sub-Activities #1</b>   | 1. The Contractor shall comply with the <i>Core Public Health Services Rule 6 CCR 1014-7</i> and Colorado State Board of Health Rules 6 CCR 1010-7, 6 CCR 1010-6. These documents are incorporated and made part of this contract by reference and is available on the following website <a href="http://www.sos.state.co.us/CCR/NumericalDeptList.do">http://www.sos.state.co.us/CCR/NumericalDeptList.do</a> .   |
| <b>Primary Activity #2</b>   | The Contractor shall prepare reports.  |
| <b>Sub-Activities #2</b>   | <ol style="list-style-type: none"> <li>1. The Contractor shall prepare at least four (4) compliance progress summaries.</li> <li>2. The Contractor shall prepare an annual report.</li> </ol>  |
|  |  |
| <b>Standards and Requirements</b>  | <ol style="list-style-type: none"> <li>1. The content of electronic documents located on CDPHE and non-CDPHE websites and information contained on CDPHE and non-CDPHE websites may be updated periodically during the contract term. The contractor shall monitor documents and website content for updates and comply with all updates. CDPHE will send notification when updates are made.</li> <li>2. The Contractor shall participate in assessment and planning efforts at the state, regional and local level facilitated by the Office of Planning, Partnerships and Improvement. The</li> </ol> |

|  |   |  |
|--|---|--|
|  | <p>Contractor shall utilize the Colorado Health Assessment and Planning System (CHAPS) guidance as a technical assistance resource for all activities. These efforts shall assist in defining the core services delivery appropriate to meet local needs and in identifying strategies to improve local health outcomes. This information is located on the CDPHE local public health and environmental resources website <a href="https://www.colorado.gov/cdphe-lpha">https://www.colorado.gov/cdphe-lpha</a> and is incorporated and made part of this contract by reference.</p> <p>3. The Contractor shall be guided by <i>Colorado Minimum Quality Standards for Public Health Services 6CCR 1014-9</i>. This document is incorporated and made part of this contract by reference and is available on the following website: <a href="http://www.sos.state.co.us/CCR/Welcome.do">http://www.sos.state.co.us/CCR/Welcome.do</a>.</p> <p>4. The Contractor shall conduct or assure that regulatory inspections and regulatory compliance for schools and child care facilities in accordance with state laws, regulations and standards are completed. This information is located on the CDPHE Division of Environmental Health and Sustainability website <a href="https://www.colorado.gov/cdphe-lpha">https://www.colorado.gov/cdphe-lpha</a> and is incorporated and made part of this contract by reference.</p> <p>5. The Contractor shall contribute funding for its local health services as determined necessary by the Contractor to meet their local health needs.</p> <p>6. CDPHE will compile data that has been provided by the Contractor to other CDPHE programs to verify services provided or assured.</p> <p>7. The Contractor shall be guided by Colorado Opioid Overdose Prevention Guidance. This document is incorporated and made part of this contract by reference and is available on the following website: <a href="https://www.colorado.gov/pacific/cdphe-lpha/resources-core-service">https://www.colorado.gov/pacific/cdphe-lpha/resources-core-service</a></p> |  |
| <b>Expected Results of Activity(s)</b> | <ol style="list-style-type: none"> <li>1. Increase or maintain core public health services within the Contractor's jurisdiction to meet local needs.</li> <li>2. Complete inspections and assure regulatory compliance in child care facilities and schools in proportion with the resources and funding available to each of these programs.</li> <li>3. Address opioid and other substance use priorities through the implementation of evidence based interventions and prevention activities that address local substance use priorities.</li> </ol>  |  |
| <b>Measurement of Expected Results</b> | <ol style="list-style-type: none"> <li>1. Data provided in the Contractor annual report provides evidence of the services provided or assured through another local public health agency and how these core services are funded. Additional data is provided at the program level to CDPHE.</li> <li>2. School and child care inspection data is provided in the Contractor's quarterly inspection data and compliance progress summary via email provides evidence of the services provided or assured.</li> </ol>   |  |
|  |   | <b>Completion Date</b>   |
| <b>Deliverables</b>                    | <ol style="list-style-type: none"> <li>1. The Contractor shall submit an annual report electronically to the Administrative Manager in a format provided by the Office of Planning, Partnerships and Improvement.</li> <li>2. If not using the State's digital database, the Contractor shall submit a quarterly inspection data and compliance progress summary via email in a format provided by the Division of Environmental Health and Sustainability (DEHS).</li> </ol>   | <p>No later than April 30</p> <p>No later than October 31, January 31, April 30, and June 30</p> |

**B. Maternal and Child Health Services**

**Goal #1:** Optimize the health and well-being of mothers and children by employing primary prevention and early intervention public health strategies.

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|---|--|
| <b>Objective #1:</b> No later than the expiration of the contract, the Contractor shall identify and address maternal and child health needs within their county jurisdiction to improve the health and well-being of mothers and children. |  |
| <b>Primary Activity #1</b>  | The Contractor shall implement evidence-based strategies to improve maternal and child health.   |
| <b>Sub-Activities #1</b>  | <ol style="list-style-type: none"> <li>1. The Contractor shall select one or more of the identified MCH priorities on which to focus.</li> <li>2. The Contractor shall complete the electronic MCH and HCP Annual Report and Planning Form, including identification of selected priority(ies) and strategy(ies) to be implemented.</li> <li>3. The Contractor shall meet with internal partners to identify ongoing areas of alignment between MCH and local public health improvement plan strategies, with the goal of accelerating the achievement of mutual objectives.</li> <li>4. The Contractor shall implement activities to impact the MCH priority indicated on the electronic MCH and HCP Annual Report and Planning Form.</li> <li>5. Contractors receiving less than \$40,000 in MCH funding shall participate in a minimum of two progress check in calls with their MCH Consultant. Contractors receiving more than \$40,000 in MCH funding shall participate in a minimum of two progress check in calls and participate in an additional consultation opportunity with their MCH consultant.</li> <li>6. The Contractor shall complete the MCH portion of the Office of Planning, Partnerships, and Improvement's Local Planning and Support Annual Report.</li> </ol> |
| <b>Primary Activity #2</b>  | The Contractor shall provide information and resources for community partners and families of children and/or youth with special health care needs, within their agreed upon jurisdiction.   |
| <b>Primary Activity #3</b>  | The Contractors receiving less than \$40,000 and selecting HCP on their electronic MCH and HCP Annual Report and Planning Form, or Contractors receiving greater than \$40,000 in MCH Block Grant Funding, shall implement HCP, a Program for Children and Youth with Special Health Care Needs, within their agreed upon jurisdiction.  |
| <b>Sub-Activities #3</b>  | <ol style="list-style-type: none"> <li>1. The Contractor shall conduct outreach to community organizations to establish connections and strengthen referral systems with HCP.</li> <li>2. The Contractor shall provide the HCP model of care coordination as outlined in the HCP policies and guidelines.</li> <li>3. Contractors receiving greater than \$40,000 in MCH funding shall participate in HCP statewide meetings via webinar every other month as scheduled.</li> <li>4. The Contractor shall participate in a progress check-in call with their HCP consultant to review their annual electronic MCH and HCP Annual Report and Planning Form..</li> </ol>   |
| <b>Standards and Requirements</b>   | <ol style="list-style-type: none"> <li>1. The content of electronic documents located on CDPHE and non-CDPHE websites and information contained on CDPHE and non-CDPHE websites may be updated periodically during the contract term. The contractor shall monitor documents and website content for updates and comply with all updates.</li> <li>2. The Contractor's work shall be guided by the MCH priority local action plans that correspond with their selected priorities. This information is located on the MCH website <a href="http://www.mchcolorado.org">www.mchcolorado.org</a> and incorporated and made part of this contract by reference.</li> <li>3. The Contractor shall comply with HCP policies and guidelines, if HCP is selected on the electronic MCH and HCP Annual Report and Planning Form. This information is located on the HCP website <a href="http://www.hcpcolorado.org">http://www.hcpcolorado.org</a> and incorporated and made part of this contract by reference.</li> <li>4. The Contractor shall use the electronic MCH and HCP Annual Report and Planning Form provided by the Office of Planning, Partnerships and Improvement.</li> </ol>   |

|  |  |                        |
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| <b>Expected Results of Activity(s)</b> | Improve the health status and address the needs of the maternal and child health population within the Contractor's jurisdiction.  |                        |
| <b>Measurement of Expected Results</b> | <p>The expected results will be measured based on selections made to the electronic MCH and HCP Annual Report and Planning Form. All listed expected results may not apply.</p> <ol style="list-style-type: none"> <li>1. Performance toward MCH objectives (Objective 1) shall be measured through completion of the MCH portion of the Office of Planning, Partnerships and Improvement's Local Planning and Support Contract electronic annual report.</li> <li>2. The Contractor meets at least 75% of their information and resource target as calculated in their electronic MCH and HCP Annual Report and Planning Form. .</li> <li>3. The Contractor meets at least 75% of their care coordination target as calculated in their electronic MCH and HCP Annual Report and Planning Form.</li> <li>4. Data contained in CDS provides evidence of the children and/or youth provided with HCP care coordination services.</li> </ol> |                        |
|  |  | <b>Completion Date</b> |
| <b>Deliverables</b>                    | 1. The Contractor shall complete and submit the electronic MCH and HCP Annual Report and Planning Form for the next contract period.   | No later than June 1   |

**C. Child Fatality Prevention System**

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|---|--|
| <b>Goal #1:</b> Reduce the number of child deaths in Colorado due to the following causes: undetermined, unintentional injury, homicide, motor vehicle incidents, child abuse and neglect, sudden unexpected infant deaths (SUID), and suicide. |  |
| <b>Objective #1:</b> No later than the expiration date of this Contract, the Contractor shall conduct individual, case-specific, multidisciplinary reviews of child fatalities assigned to the local child fatality prevention review team.     |  |
| <b>Primary Activity #1</b>  | The Contractor shall conduct individual, case-specific, multidisciplinary reviews of child fatalities assigned to the local team based on coroner jurisdiction.  |
| <b>Sub-Activities #1</b>  | <ol style="list-style-type: none"><li>1. The Contractor shall conduct individual, case-specific, multidisciplinary reviews of child fatalities assigned to the local team based on coroner jurisdiction.</li><li>2. The Contractor shall gather case records from the coroner’s office, law enforcement agencies, county department of human services, hospitals, and other agencies for each child fatality assigned to the local team.</li><li>3. The Contractor shall abstract critical data from case records and enter the data into the National Center for Fatality Review and Prevention’s Case Reporting System (CRS) for each child fatality assigned to the local team.</li><li>4. The Contractor shall develop case summaries for the purpose of completing the “Narrative” section (Section O) of the National Center for Fatality Review and Prevention’s CRS for each child fatality assigned to the local team.</li><li>5. The Contractor shall coordinate and facilitate local team meetings with multidisciplinary local team members to conduct individual, case-specific reviews of child fatalities for the purpose of discussing and identifying prevention recommendations in the “Prevention Initiatives Resulting from the Review” section (Section L) of the National Center for Fatality Review and Prevention’s CRS.</li><li>6. No later than two (2) months after reviewing a child fatality, the Contractor shall complete data entry for Sections A-O and click “Data entry completed for this case” (in Section P) of the National Center for Fatality Review and Prevention’s CRS for each child fatality assigned to the local team.</li></ol> |
|   |  |
| <b>Objective #2:</b> No later than the expiration date of this Contract, the Contractor shall participate in statewide efforts to implement the Colorado Child Fatality Prevention System (CFPS).   |  |
| <b>Primary Activity #1</b>  | The Contractor shall promote evidence-based injury and violence prevention strategies.   |

|                                   |   |
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| <b>Sub-Activities #1</b>          | <ol style="list-style-type: none"> <li>1. The Contractor shall provide input and vote on state-level prevention recommendations to be prioritized by the CFPS State Review Team for the CFPS annual legislative report.</li> <li>2. The Contractor shall apply a public health approach to identify trends and patterns of child fatalities using state and local team data reports.</li> <li>3. The Contractor shall apply a public health approach to identify prevention strategies and systems improvements to implement at the local level.</li> <li>4. The Contractor shall implement evidence-based child fatality prevention strategies and system improvements at the local level.</li> <li>5. The Contractor shall share information on any prevention strategies and system improvements that are promoted and implemented at the local level.</li> </ol>  |
| <b>Primary Activity #2</b>        | The Contractor shall participate in training opportunities facilitated by CFPS support staff at CDPHE.  |
| <b>Sub-Activities #2</b>          | <ol style="list-style-type: none"> <li>1. The Contractor shall attend any local team training hosted by CFPS State Support Team at CDPHE.</li> <li>2. The Contractor shall participate in web-based trainings facilitated by CFPS support staff at CDPHE.</li> </ol>  |
| <b>Primary Activity #3</b>        | The Contractor shall participate in statewide evaluation of the Colorado CFPS and complete state-level data collection tools and surveys.   |
| <b>Sub-Activities #3</b>          | <ol style="list-style-type: none"> <li>1. The Contractor shall complete and submit the CFPS Local Team Survey when administered.</li> </ol>   |
| <b>Standards and Requirements</b> | <ol style="list-style-type: none"> <li>1. The content of electronic documents located on CDPHE and non-CDPHE websites and information contained on CDPHE and non-CDPHE websites may be updated periodically during the Contract term. The Contractor shall monitor documents and website content for updates and comply with all updates.</li> <li>2. The Contractor shall comply with the Child Fatality Prevention Act C.R.S. 25-20.5-404-409. This document is incorporated and made part of this contract by reference and is available on the following website <a href="http://www.sos.state.co.us/CCR/Welcome.do">http://www.sos.state.co.us/CCR/Welcome.do</a>.</li> <li>3. The Contractor shall adhere to processes and policies outlined in the <a href="#"><i>Colorado Child Fatality Prevention System (CFPS): An Introduction to the System</i></a> to conduct individual, case-specific review of fatalities, identify prevention recommendations, and enter information regarding the child fatality into the National Center for Fatality Review and Prevention's CRS. This document is incorporated and made part of this contract by reference and is available on the following website <a href="http://www.cochildfatalityprevention.com/p/cfps-operations-manual.html">http://www.cochildfatalityprevention.com/p/cfps-operations-manual.html</a>.</li> <li>4. Reviewable child fatalities include one or more of the following causes: undetermined causes, unintentional injury, homicide, motor vehicle incidents, child abuse/neglect, sudden unexpected infant death (SUID), and suicide.</li> <li>5. The Contractor shall maintain access and ensure the local team coordinator has login credentials to the FTP Website and the National Center for Fatality Review and Prevention's CRS. This website content is incorporated and made part of this contract by reference and is accessible at <a href="https://data.ncfrp.org">https://data.ncfrp.org</a>.</li> <li>6. CDPHE will assign child fatalities for review to the Contractor based on coroner jurisdiction using the FTP Website on a weekly basis. This website content is incorporated and made part of this contract by reference and is accessible at <a href="https://secft2.dphe.state.co.us/thinclient/Login.aspx">https://secft2.dphe.state.co.us/thinclient/Login.aspx</a>.</li> <li>7. The Contractor shall complete individual, case-specific, multidisciplinary reviews and data entry of child fatalities in the National Center for Fatality Review and Prevention's CRS.</li> <li>8. CDPHE will conduct quality assurance checks as defined on the CFPS website on the data entered into the National Center for Fatality Review and Prevention's CRS for child fatalities reviewed by the Contractor. This information is incorporated and made part of this</li> </ol> |

|  |  |  |
|--|--|--|
|  | <p>contract by reference and is available on the following website<br/> <a href="http://www.cochildfatalityprevention.com/">http://www.cochildfatalityprevention.com/</a>.</p> <p>9. The Contractor shall request technical assistance and training from the CFPS State Support Team at CDPHE by completing and submitting an online form. This form is incorporated and made part of this contract by reference and is available on the following website<br/> <a href="http://www.cochildfatalityprevention.com/p/contact-cfps-staff.html">http://www.cochildfatalityprevention.com/p/contact-cfps-staff.html</a>.</p> <p>10. CDPHE will analyze and aggregate child fatality data and disseminate this data to the Contractor in local team data reports and on the online <a href="#">CFPS Data Dashboard</a>. In addition, CDPHE will provide information and resources for evidence-based injury and violence prevention strategies and will make this information available on the CFPS website. This information is incorporated and made part of this contract by reference and is accessible at <a href="http://www.cochildfatalityprevention.com/">http://www.cochildfatalityprevention.com/</a>.</p> <p>11. The Contractor shall incorporate information from the CFPS website on acceptable and approved uses of funding for child fatality, injury, and violence prevention strategies when implementing local prevention strategies.</p> <p>12. The Contractor shall share information on local level prevention strategies and system improvements.</p> <p>13. The Contractor shall notify the CFPS State Support Team at CDPHE within thirty (30) calendar days of a change of the local team coordinator responsible for the performance of services provided under this contract.</p> <p>14. Travel may be required from time to time by CDPHE. The Contractor shall attend meetings as requested by CDPHE.</p> |  |
| <b>Expected Results of Activity(s)</b> | <ol style="list-style-type: none"> <li>Improved understanding of child fatality data in Colorado including circumstances, risk and protective factors, trends, and patterns surrounding child deaths.</li> <li>Identification of evidence-based prevention recommendations to prevent future child fatalities from occurring in Colorado.</li> <li>Implemented and evaluated child fatality prevention strategies at the state and local levels.</li> </ol>  |  |
| <b>Measurement of Expected Results</b> | <ol style="list-style-type: none"> <li>Sections A-O of the National Center for Fatality Review and Prevention's CRS will be completed for 100% of child fatalities that occurred in Colorado and meets CFPS' review criteria within the local team's jurisdiction.</li> <li>Increased number of prevention strategies implemented at the state and local levels as documented in the CFPS annual report, the CFPS Local Team Survey, and through prevention stories.</li> </ol>  |  |
|  |  | <b>Completion Date</b>   |
| <b>Deliverables</b>                    | 1. The Contractor shall complete entry of all child fatality data into the National Center for Fatality Review and Prevention's CRS for each child fatality case assigned to the local team by the CFPS State Support Team at CDPHE.   | No later than January 1  |
|  | 2. The Contractor shall complete entry of all child fatality data into the National Center for Fatality Review and Prevention's CRS for each child fatality case assigned to the local team by the CFPS State Support Team at CDPHE.   | No later than two months after conducting the child fatality review meeting. |
|  | 3. The Contractor shall submit the web-based CFPS Local Team Survey administered by the CFPS State Support Team at CDPHE.  | No later than June 30  |
|  | 4. The Contractor shall provide input and vote on state-level prevention recommendations via a web-based survey provided by the CFPS State Support Team at CDPHE.  | No later than April 15   |
|  | 5. The Contractor shall share information about any prevention strategies that are promoted and implemented at the local level as requested by the CFPS State Support Team at CDPHE.   | No later than September 30; January 31; and May 31                           |



|  |  |  |
|--|--|--|
|  | 6. The Contractor shall submit progress reports via email to the CFPS State Support Team at CDPHE. | No later than November 30 and April 30 |
|--|--|--|

**D. Monitoring:**

CDPHE's monitoring of this contract for compliance with performance requirements will be conducted throughout the contract period by the Office of Planning, Partnerships and Improvement's Contract Monitor. Methods used will include a review of documentation determined by CDPHE to be reflective of performance to include progress reports, site visits and other fiscal and programmatic documentation as applicable. The Contractor's performance will be evaluated at set intervals and communicated to the contractor. A Final Contractor Performance Evaluation will be conducted at the end of the life of the contract.

**E. Resolution of Non-Compliance:**

The Contractor will be notified in writing within (7) calendar days of discovery of a compliance issue. Within (30) calendar days of discovery, the Contractor and the State will collaborate, when appropriate, to determine the action(s) necessary to rectify the compliance issue and determine when the action(s) must be completed. The action(s) and timeline for completion will be documented in writing and agreed to by both parties. If extenuating circumstances arise that requires an extension to the timeline, the Contractor must email a request to the Contract Monitor and receive approval for a new due date. The State will oversee the completion/implementation of the action(s) to ensure timelines are met and the issue(s) is resolved. If the Contractor demonstrates inaction or disregard for the agreed upon compliance resolution plan, the State may exercise its rights under the provisions of this contract.

**BUDGET**  
**To Task Order - Contract Routing Number 18 FAAA 97494**  
**Routing Number 2019\*1055 Amendment #3**

**I. Entity Name:** Routt County Public Health

**II. Budget:**

| <b>Quarter</b>                      | <b>Local Planning and Support Amount</b> | <b>Maternal Child Health Amount</b> | <b>Child Fatality Prevention Amount</b> | <b>TOTAL Payment</b>   |
|-------------------------------------|--|-------------------------------------|---|------------------------|
| July 1 through September 30, 2019   | \$17,807.00                              | \$4,279.25                          | \$500.00                                | <b>\$22,586.25</b>     |
| October 1 through December 31, 2019 | \$17,807.00                              | \$4,279.25                          | \$500.00                                | <b>\$22,586.25</b>     |
|                                     | <del>\$17,807.00</del>                   |                                     |   | <del>\$22,586.25</del> |
| January 1 through March 31, 2020    | \$21,317.34                              | \$4,279.25                          | \$500.00                                | <b>\$26,096.59</b>     |
|                                     | <del>\$17,807.00</del>                   |                                     |   | <del>\$22,586.25</del> |
| April 1 through June 30, 2020       | \$21,317.34                              | \$4,279.25                          | \$500.00                                | <b>\$26,096.59</b>     |
|                                     | <del>\$71,228.00</del>                   |                                     |   | <del>\$90,345.00</del> |
| <b>Total</b>                        | \$78,248.68                              | \$17,117.00                         | \$2,000.00                              | <b>\$97,365.68</b>     |



# ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

## AGENDA COMMUNICATION FORM

|                    |            |
|--------------------|------------|
| ITEM DATE: 1/14/20 | ITEM TIME: |
|                    |            |

|  |  |
|--|--|
| FROM:  | J. Kennedy/J. Boyle                                      |
| TODAY'S DATE:  | 1/6/20   |
| AGENDA TITLE:  | Substance Abuse Counseling Services in Routt County Jail |
| CHECK ONE THAT APPLIES TO YOUR ITEM:   |  |
| <input checked="" type="checkbox"/> ACTION ITEM  |  |
| <input type="checkbox"/> DIRECTION   |  |
| <input type="checkbox"/> INFORMATION   |  |
| <b>I. DESCRIBE THE REQUEST OR ISSUE:</b>   |  |
| Consideration by the Board of County Commissioners to approve the signature of the Chair on the 2020 Professional Services Agreement (PSA) and the electronic signature of the County Manager on the PO to Thornhill Counseling, LLC in the amount of \$36,000 for Craig Thornhill, LPC, LAC weekly services in the Routt County Jail to support of the Jail Based Behavior Services (JBBS) awarded grant. |  |
| <b>II. RECOMMENDED ACTION (<i>motion</i>):</b>   |  |
| Motion to approve the signature of the Chair on the 2020 Professional Services Agreement (PSA) and the electronic signature of the County Manager on the PO to Thornhill Counseling, LLC in the amount of \$36,000 for Craig Thornhill, LPC, LAC weekly services in the Routt County Jail to support of the Jail Based Behavior Services (JBBS) awarded grant.   |  |
| <b>III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):</b>   |  |
| PROPOSED REVENUE ( <i>if applicable</i> ): \$  |  |
| CURRENT BUDGETED AMOUNT: \$85,000  |  |
| PROPOSED EXPENDITURE: \$36,000   |  |
| FUNDING SOURCE: JBBS Grant for Mental Health Services 10194404 720929  |  |
| SUPPLEMENTAL BUDGET NEEDED: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>  |  |
| <i>Explanation:</i>  |  |
|  |  |
| <b>IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):</b>  |  |
| None   |  |



## ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

### AGENDA COMMUNICATION FORM

#### **V. BACKGROUND INFORMATION:**

Lt. Joseph Boyle, Routt County's Sheriff's office, applied for and received a Jail Based Behavior Services (JBBS) Grant to provide group therapy counseling to inmates who have been screened and identified with a substance abuse diagnosis in 2019. The intent was to develop a program to work in tandem with medical treatment for withdrawal that are currently being administered to inmates with the therapy for life skills to reduce recidivism rates of drug related arrests. Craig Thornhill was selected for his vast experience in the field and the success of the program he developed for Moffat County.

#### **VI. LEGAL ISSUES:**

None

#### **VII. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None

#### **VIII. SUMMARY AND OTHER OPTIONS:**

Recommendation to the BCC to approve the signature of the Chair on the 2020 Professional Services Agreement (PSA) and the electronic signature of the County Manager on the PO to Thornhill Counseling, LLC in the amount of \$36,000 for Craig Thornhill, LPC, LAC weekly services in the Routt County Jail to support of the Jail Based Behavior Services (JBBS) awarded grant.

#### **IX. LIST OF ATTACHMENTS:**

PSA to Thornhill Counseling, LLC with Exhibit A

Craig Thornhill Certificate of Insurance

## **AGREEMENT REGARDING PROVISION OF PROFESSIONAL SERVICES**

This Agreement Regarding Provision of Professional Services (the "Agreement") dated as of January 7, 2020, is between Thornhill Counseling, LLC ("Contractor") and Routt County, Colorado ("County"), by and through its Board of County Commissioners ("Board").

### Recitals

A. County has heretofore requested a proposal from Thornhill Counseling, LLC for: 1 Weekly Substance Abuse Counseling Session for Men and 1 Weekly Substance Abuse Counseling Session for Women in Routt County Jail (the "Project") on a consistent basis with the exception of vacation or schedule conflict by the counselor;

B. Contractor has submitted to the County a proposal for the Project and represented to County that it has the expertise and personnel necessary to properly complete the Project;

C. After considering the proposal submitted by Thornhill Counseling, LLC for the Project, the Board has decided to accept the proposal of Contractor for the Project subject to the execution of a contract between the Contractor and County acceptable to the Board; and

D. Contractor and County intend by this Agreement to set forth the scope of the work to be done by Contractor in connection with the Project and related terms and conditions to govern the relationship between Contractor and County in connection with the Project.

### Terms and Conditions

1. Scope of Project: Contractor shall perform the work described in the attached Exhibit A entitled "Substance Abuse Counseling in Routt County Jail" which was submitted by Contractor as part of its proposal. Contractor shall perform the work for the Project in a skillful, professional and competent manner and in accordance with the standards of care, skill and diligence applicable to consultants in the field in which Contractor practices with respect to such work. The Routt County Detention Facility staff will make reasonable attempts to maintain the safety for Craig Thornhill and all Thornhill Counseling, LLC representatives while on site.

2. Compensation and Payment: As consideration for the work to be performed by Contractor hereunder, County shall pay to Contractor an amount not to exceed a total of \$36,000.00. The compensation to be paid to Contractor shall be paid per monthly invoice at \$135.00 per hour, minimum of 4 hours per week, for 52 weeks.

During the Project, Contractor shall submit billings for its reimbursable costs and work performed in connection with the Project on a monthly basis no later than the 10th day of the month following the month in which the work billed was done.

Such billings shall be submitted to Joseph Boyle for review and approval and shall segregate reimbursable costs from charges for professional services and, upon request, Contractor shall provide County with such other supporting information as County may request. County shall pay all properly submitted invoices within 30 days after receipt of each such invoice and any supporting information requested by County. All billings shall include the Contractor's taxpayer identification number or social security number.

In the event that the Compensation to be paid to Contractor for the Project exceeds \$50,000, the Contractor shall deliver properly executed and issued payment and performance bonds meeting the requirements of C.R.S. § 38-26-105 in the penal sum of the amount set forth in Section 2 above. The payment and performance bonds are required to provide assurance to the County that Contractor will promptly make payments of all amounts lawfully due to persons or subcontractors used in connection with the Project and that Contractor will indemnify and save County harmless to the extent of any payments due to persons or subcontractors used by Contractor in connection with the Project.

County is subject to the provisions of Section 20 of Article X of the Colorado Constitution (also referred to as the "TABOR Amendment") which limits its ability to enter into multiple-fiscal year financial obligations. Therefore, any financial obligation of County under this Agreement beyond the current fiscal year (calendar year) is subject to and conditioned upon the due adoption of a budget for the year in which the obligation is due by the Board of County which budget provides for or appropriates funds for such obligation. The financial obligation of County under this Agreement shall be from year to year only and shall not constitute a multiple-fiscal year direct or indirect debt or other financial obligation or any obligation payable in any fiscal year beyond the fiscal year for which funds are appropriated for the payment thereof.

3. Time for Completion of Project: Contractor shall work diligently to complete the work described in Exhibit A by December 31, 2020. County recognizes however, that there may be delays in the completion of the work beyond the control of the Contractor and County, therefore, agrees that Contractor's obligation hereunder is one of diligence and is not a covenant or representation that the Project will be completed within said time period. Contractor shall, however, be responsible for promptly notifying County of delays in the completion of the Project which Contractor believes are attributable to County.

4. Personnel: Contractor understands that in retaining Contractor, County is relying primarily upon the expertise and personal abilities of Craig Thornhill. This Agreement is conditioned upon the continuing direct personal involvement of Craig Thornhill in the Project. County understands that others may work on portions of the Project. However, those employees shall be under the direct supervision of Craig Thornhill. In the event that Craig Thornhill, for any reason, is unable to remain involved in the Project, or in the event that Craig Thornhill ceases to be involved in the Project as planned,



Contractor shall immediately advise County of such fact and County shall have the option to terminate this Agreement.

5. Insurance: Contractor shall be responsible for worker's compensation and all other benefits for Contractor and its employees working on the Project and such employees shall not, for any reason, be deemed the agents, servants or employees of County. **Neither the Contractor nor any employee of Contractor shall be entitled to unemployment insurance benefits through the County and the Contractor shall be obligated to pay any federal or state income taxes due with respect to any sum payable by County hereunder.** Contractor shall maintain commercial general liability insurance providing bodily injury and property damage coverage with a combined single limit of at least \$1,000,000 and a deductible of not more than \$1,000. Prior to commencement of work on the Project, Contractor shall cause County to be named as an additional insured and shall provide County with evidence, acceptable to County, that the insurance required hereby is in full force and effect. Contractor shall immediately provide County with written notice in the event any portion of the insurance coverage required by this Agreement is cancelled or if the insurer gives Contractor notice of its intent to cancel such insurance.

6. Employment of Illegal Aliens: This Agreement is subject to the provisions of the Illegal Aliens-Public Contracts for Services Act found at C.R.S. Section 8-17.5-101 *et seq.* By execution of this Agreement, Contractor certifies that it does not knowingly employ or contract with an illegal alien who will perform work under this Agreement and that Contractor will participate in either the E-Verify Program or Department Program in order to confirm the eligibility of all employees who are newly hired for employment to perform work under this Agreement.

A. Specifically, Contractor shall not:

(1) Knowingly employ or contract with an illegal alien to perform work under this Agreement; or

(2) Enter into a contract with a subcontractor that fails to certify to Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement.

B. Contractor has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement through participation in either the E-Verify Program or Department Program.

C. Contractor shall not use either the E-Verify Program or Department Program to undertake pre-employment screening of job applicants while this Agreement is in effect.

D. If Contractor obtains actual knowledge that any of its subcontractors performing work under this Agreement knowingly employs or contracts with an illegal alien, Contractor shall:

(1) notify the subcontractor and County, within three days of discovery of such fact, that Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and

(2) terminate the contract with the subcontractor if, within three days of receiving the notice required by subpart D.(1) above, the subcontractor does not stop employing or contracting with the illegal alien; except that Contractor need not terminate the contract

with the subcontractor if, during such three days, the subcontractor provides information establishing that the subcontractor has not knowingly employed or contracted with an illegal alien.

E. Contractor shall comply with any reasonable request by the Department made in the course of an investigation that the Department is undertaking pursuant to the authority established in C.R.S. Section 8-17.5-102(5).

F. If Contractor violates any of the provisions of this section, County shall have the right to terminate the Agreement for breach of contract and, in such case, Contractor shall be liable to County for all actual and consequential damages incurred by County as a result of such breach and the termination of this Agreement.

G. County will notify the Office of the Secretary of State if Contractor violates this provision of this Agreement and the County terminates this Agreement for such breach.

As used in this provision, "Department" means the Colorado Department of Labor and Employment.

7. No Assignment: The parties to this Agreement recognize that the services to be provided pursuant to this Agreement are professional in nature and that in entering into this Agreement, County is relying upon the personal services and reputation of Craig Thornhill. Therefore, Contractor may not assign its interest in this Agreement without the prior written consent of County, which may withhold such consent in its sole discretion. Except as so provided, this Agreement shall be binding on and inure to the benefit of the parties hereto, their respective successors and assigns, and shall not be deemed to be for the benefit of or enforceable by any third party.

8. Conflicts of Interest: Neither Contractor nor any of its employees shall, at any time during the term of this Agreement, do work for, nor shall they have any financial interest or other relationship with any entity or project which would constitute a conflict of interest or influence or otherwise jeopardize the professional judgment of Contractor in connection with the Project.

9. Confidentiality: Contractor acknowledges that it may receive confidential information from County in connection with the Project or, as part of the Project, develop such information. Contractor shall take all precautions necessary to maintain and protect the confidentiality of any such information and to ensure that it shall be used only for the purposes of the Project.

10. Ownership of Work: Subject to County's obligation to compensate Contractor, all work, reports, designs, drawings, renderings and other work product produced by Contractor in connection with the Project shall belong to County and Contractor shall not use any part thereof for purposes other than the Project without the written consent of County.

11. Indemnification: Each party hereto shall indemnify the other party and hold and defend the other party and its officials, officers and employees harmless from all costs, claims and expenses arising from claims made by any person in connection with the acts or

omissions of, or representations by, the indemnifying party if such cost, claim or expense is caused by, or is claimed to be caused by, the acts or omissions of the indemnifying party or its officials, officers or employees. This indemnification shall not apply to claims by third parties against the indemnified party to the extent that the indemnified party is liable to such third party for such claim without regard to the involvement of the indemnifying party. It shall be a condition to liability under this paragraph that the indemnified party promptly provide to the indemnifying party a copy of any summons, complaint or other notice of claim with respect to any claim for which the indemnified party may seek indemnification or defense hereunder. Within 10 days following the giving of such notice of claim by the indemnified party, the indemnifying party shall acknowledge receipt of such notice in writing to the indemnified party and, in such notice, accept the defense and obligation to indemnify the indemnified party hereunder. Following such acknowledgment, the indemnifying party shall take all actions reasonably necessary to protect the indemnified party from such claim and the indemnified party shall cooperate in such defense. In the event that the indemnifying party fails or refuses to give such acknowledgment of receipt and acceptance to the indemnified party within the 10 day period specified, the indemnified party may, but shall not be obligated, to assume its own defense and thereafter recover all costs of such defense from the indemnifying party.

12. Termination: County may terminate this Agreement at any time during the Term of this Agreement upon 10 days' written notice to Contractor without cause; provided, however, that within 30 days following such termination Contractor shall render a final billing for work completed and expenses incurred to the date of termination which shall be paid by County in accordance with Paragraph 2 hereof. In the event that County fails to pay any billing by Contractor for Work hereunder when due, then upon 10 days' written notice to County of such delinquency and the failure of County to pay all amounts then due to Contractor within such 10 day period, Contractor may, at its election cease work hereunder and terminate this Agreement by giving a written notice to County advising of such election. Such written notice of Contractor's election to terminate this Agreement may, but need not, be included in the notice of delinquency required hereunder. In such case such notice of the election to terminate shall be stated in the conditional form that the Agreement shall be terminated if payment is not received within the 10 day period provided for payment of any delinquency.

13. Notices: Any notice required under this Agreement may be personally delivered or mailed in the United States mails, first class postage prepaid to the party to be served at the following addresses:

|             |                               |
|-------------|-------------------------------|
| Contractor: | Thornhill Counseling, LLC     |
|             | PO Box 770147                 |
|             | 810 Lincoln Avenue, Suite 200 |
|             | Steamboat Springs, CO 80477   |
|             | Attn: Craig Thornhill         |

County: Routt County Board of Commissioners  
522 Lincoln Avenue, Suite 30  
Steamboat Springs, Colorado 80487

Notices personally served shall be deemed served on the date of delivery. Notices mailed shall be deemed served the next business day following the date of mailing if mailed in the State of Colorado otherwise on the date which is two business days following the date of mailing.

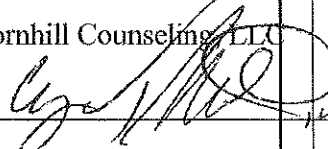
14. Attorney Fees: In the event either party to this Agreement brings suit to enforce or interpret any portion of this Agreement, the party substantially prevailing in such action shall be entitled to recover all costs incurred in such action, including without limitation reasonable attorney's fees.

15. Entire Agreement: This Agreement constitutes the entire agreement between the parties concerning the Project and may not be amended except by a written document executed by both parties hereto.

16. Counterparts: This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and which together shall constitute a single instrument.

17. Choice of Laws and Venue: This Agreement shall be governed by and construed in accordance with the internal laws of the State of Colorado without reference to choice of laws rules. The parties agree that venue in any action to enforce or interpret this Agreement shall be in the District Court in the Fourteenth Judicial District for the State of Colorado.

Thornhill Counseling LLC

By:  LLC

Printed Name: Craig Thornhill, LLC

Title: Owner, manager

Routt County, Colorado

By: \_\_\_\_\_  
M. Elizabeth Melton, Chair  
Board of County Commissioners

ATTEST:

\_\_\_\_\_  
Kim Bonner

Routt County Clerk

EXHIBIT A: Substance Abuse Counseling in Routt County Jail

Scope of Work

Contractor will perform the following tasks on a weekly/monthly/quarterly basis:

- 1.5 Hour counseling session for up to 6 Male inmates weekly
- 1.5 Hour counseling session for up to 6 Female inmates weekly
- Weekly reporting of counseling session within the parameters of confidentiality
- Quarterly Jail Based Behavior Services (JBBS) required grant reporting
- Monthly statistics and analysis of program effectiveness reporting
- Inmate assessments of Deputy Screening process of new inmate within statute guidelines
- Weekly updates and discussion with the jail nurse, and other mental health professionals working with the inmate population to identify issues or concerns and program progress
- Weekly check in with Lt. Joseph Boyle or his staff on current issues within the inmate population prior to counseling session
- Ability and flexibility to add counseling sessions as needed to prevent attendance exceeding 6 inmates in group

Contractor shall be responsible for custody and maintenance of Contractor's client records. The Routt County Sheriff's office shall not have access to those records.



HEALTHCARE PROVIDERS SERVICE  
ORGANIZATION PURCHASING GROUP



**Certificate of Insurance**  
OCCURRENCE POLICY FORM

Print Date: 4/12/2019

**Producer** 018098 **Branch** 970 **Prefix** HPG **Policy Number** 0677898091 **Policy Period** from 03/11/19 to 03/11/20 at 12:01 AM Standard Time

**Named Insured and Address:**  
Thornhill Counseling LLC  
810 Lincoln Ave Ste 200  
Steamboat Springs, CO 80487-4972

**Program Administered by:**  
Healthcare Providers Service Organization  
1100 Virginia Drive, Suite 250  
Fort Washington, PA 19034  
1-888-288-3534  
www.hpso.com

**Medical Specialty:**  
Licensed Professional Counselor Firm

**Code:**  
80723

**Insurance is provided by:**  
American Casualty Company of Reading, Pennsylvania  
333 S. Wabash Avenue, Chicago, IL 60604

Excludes Cosmetic Procedures

**Professional Liability** \$1,000,000 each claim \$ 5,000,000 aggregate

Your professional liability limits shown above include the following:

- \* Good Samaritan Liability
- \* Malplacement Liability
- \* Personal Injury Liability
- \* Sexual Misconduct Included in the PL limit shown above subject to \$ 25,000 aggregate sublimit

**Coverage Extensions**

|   |           |                |            |           |
|---|-----------|----------------|------------|-----------|
| License Protection                          | \$ 25,000 | per proceeding | \$ 25,000  | aggregate |
| Defendant Expense Benefit                   | \$ 1,000  | per day limit  | \$ 25,000  | aggregate |
| Deposition Representation                   | \$ 10,000 | per deposition | \$ 10,000  | aggregate |
| Assault                                     | \$ 25,000 | per incident   | \$ 25,000  | aggregate |
| Includes Workplace Violence Counseling      |           |                |            |           |
| Medical Payments                            | \$ 25,000 | per person     | \$ 100,000 | aggregate |
| First Aid                                   | \$ 10,000 | per incident   | \$ 10,000  | aggregate |
| Damage to Property of Others                | \$ 10,000 | per incident   | \$ 10,000  | aggregate |
| Enterprise Privacy Protection - Claims Made | \$ 25,000 | per incident   | \$ 25,000  | aggregate |

Retroactive Date: 3/11/2019  
(Defense inside limits)

**Workplace Liability**

Workplace Liability Included in Professional Liability Limit shown above  
Fire & Water Legal Liability Included in the PL limit shown above subject to \$150,000 aggregate sublimit  
**Total: \$ 540.00**

Base Premium \$540.00

**Policy Forms & Endorsements**(Please see attached list for a general description of many common policy forms and endorsements.)

|            |            |            |            |              |          |          |
|------------|------------|------------|------------|--------------|----------|----------|
| G-121500-D | G-121503-C | G-121501-C | G-145184-A | G-147292-A   | GSL15564 | GSL15565 |
| GSL17101   | GSL13424   | GSL13425   | CNA80052   | G-123846-C05 | CNA81753 | CNA81758 |
| CNA82011   | G-123828-B | CNA79516   | CNA79575   |              |          |          |

Chairman of the Board

Secretary

Keep this document in a safe place. It and proof of payment are your proof of coverage. There is no coverage in force unless the premium is paid in full. In order to activate your coverage, please remit premium in full by the effective date of this Certificate of Insurance.  
Master Policy # 188711433

G-141241-B (03/2010)

Coverage Change Date:

Endorsement Change Date: 4/12/2019

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# City of Steamboat Springs Water Storage Tank Special Use Permit, Waterbody Setback and Division of Land for Public Purpose

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**ACTIVITY #:** 1. PL-18-184  
2. PL-18-185  
3. PL-18-186

**HEARING DATES:** Planning Commission (PC) 12/19/19 at 6:00 pm  
Board of County Commissioners 1/14/20 at 1:30 pm

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**PETITIONER:** City of Steamboat Springs  
**PETITION:** 1. Special Use Permit for a Major Facility of a Public Utility  
2. Waterbody Setback permit for water lines associated with the west side water tank.  
3. Division of Land for Public Purpose for the west side water tank.

**ZONE DISTRICT:** Agriculture/Forestry (A/F)

**LOCATION:** East side of Elk River Road across from the Steamboat Springs airport.

**AREA:**

|                                 |   |
|---------------------------------|---|
| <u>Existing:</u><br>35.08 acres | <u>Proposed:</u><br>Lot 1 – 33.477 acres<br>Lot 2 – 1.595 acres |
|---------------------------------|---|

**STAFF CONTACT:** Alan Goldich; [agoldich@co.routt.co.us](mailto:agoldich@co.routt.co.us)

**ATTACHMENTS:**

- Narratives
- Vicinity Map
- CPW comments and mapping
- Rendering of tank
- Photos of location
- Site Plan Drawings
- Proposed plat

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### **History:**

A Class 1 Cultural Resources Study was performed on the site. No known historic or archaeological resources were found in the project area.

### **Site Description:**

The subject parcel is approximately 1,000' northeast of city limits. It is accessed off of Elk River Rd. via Game Trails Dr. and Woodchuck Trail. An application for a Division of Land for Public Purposes has been submitted to create the 1.595 acre parcel that the tank will be on. The topography of the subject site and roadway are on a hillside, which slopes to the southwest. There is an approximate 200' vertical difference between where the water pipeline leaves Elk River Rd. and the tank site. According to Routt County geologic hazard information, the site is mapped as potentially unstable slopes. There is a waterbody that runs along Woodchuck Trail.

### **Project Description:**

#### **Special Use Permit:**

The project is to construct a partially buried 1 million gallon water storage tank and associated facilities and pipes. It is being undertaken by the City of Steamboat Springs. When the water tank and related structures are completed, the water tank and related structures will become a part of the municipal water system.

The project includes the following improvements:

- Construction of a partially buried 1 million gallon water tank
- Approximately 290 lineal feet of a 16' wide gravel driveway and three parking spaces
- Miscellaneous connections and appurtenances for site drain, overflow, and supply/feed piping
- Overflow pipe consisting of approximately 42 lineal feet of 18" steel pipe and the overflow outlet structure
- Supply/distribution pipe consisting of approximately 2,900 lineal feet of 16" PVC
- Drain line for site drainage includes:
  - approximately 145 linear feet of 18" PVC pipe
  - approximately 60 linear feet of 8" steel pipe
  - approximately 8 linear feet of 8" ductile iron pipe
  - approximately 71 linear feet of 10" water quality management source pipe where water quality samples will be obtained
  - approximately 424 linear feet of 6" high density polyethylene pipe
- Approximately 580 lineal feet of 6' brown PVC coated chain link fence faced with brown fabric surrounding the entire tank

#### **Waterbody Setback Permit:**

Pipes associated with this project are proposed to run downhill underneath Woodchuck Trail. When the pipes get to the intersection of Woodchuck Trail and Game Trails Dr., they will go under the road and head directly east across Yampa Valley Electric Association (YVEA) land and connect with the existing water system piping adjacent to Elk River Rd.

There is a water feature, that meets the definition of a Waterbody, which runs along portions of Woodchuck Trail to Game Trails Dr. The pipes fall within the 50' setback from the Waterbody. The pipes then cross under the Waterbody when the pipes head east across YVEA land.

Division of Land for Public Purpose:

The City has also applied for a Division of Land for Public Purpose to create a 1.595 acre lot, which will be known as Lot 2. Lot 1 will consist of 33.477 acres. The City, on behalf of the landowner, has requested that Lot 1 be able to retain all of development rights of a 35 acre parcel.

**Designated Areas and Activities of State Interest:**

The project has been identified as an Activity of State Interest as a major extension of an existing domestic water and sewage treatment system and as such, is subject to the regulations known as the Routt County 1041 Regulations. After review of the information submitted by the applicant describing the impacts of the proposed project as it relates to the applicability of the 1041 Permit Requirements, on December 9, 2019, the Planning Director determined that a Finding of No Significant Impact (FONSI) is **APPROPRIATE** in this instance for the following reason:

- The Project is consistent with Routt County zoning regulations so long as a Special Use Permit is obtained and is not inconsistent with the County master plan for the area.
- That review of the pre-submittal submittals and the information obtained at the pre-submittal meeting, determined that no significant impacts are likely to occur from the proposed project.
- The construction or operation of the proposed project, without additional mitigation, in its proposed location is unlikely to have any significant adverse impact to the County in consideration of all of the Approval Criteria in Section VI of the Routt County 1041 regulations.

**Referral Agency Comments:**

- Routt County Building confirmed that the tank meets the snow load requirements. They did not have any other comments or concerns.
- Colorado Department of Public Health and Environment had general comments on waste generation, water quality impacts, air quality impacts, and health equity and environmental justice. The applicant has stated that waste will be handled appropriately on site (see conditions of approval) and that they will obtain a state stormwater permit.
- Colorado Geological Survey stated that appropriate soil stabilization measures have been incorporated into the construction drawings.
- CPW stated that there are some concerns with wildlife in the area. Please see their comments which are attached. Conditions of approval have been suggested that address these concerns.

**Staff Comments:**

The County has experienced issues with the City's water tank off of Fish Creek Falls Rd. Several times that tank has overflowed sending large volumes of water down the roadside ditch and damaging the ditch. This has occurred due to outdated controls, the lack of a functioning back up and the alert alarm uses an old dialer and land line that often lose service. The applicant has stated that the new tank will have all new controls and telemetry, as well as significantly more reliable back up controls.

### **Issues for Discussion:**

1. Should additional landscaping be required to help lessen the visual impact of the tank and to replace the vegetation that is removed (for tank and pipeline) during construction?
2. Should Lot 1 be able to retain all of the development rights of a 35 acre parcel?

## **Compliance with the Routt County Master Plan, Sub Area Plans and Zoning Resolution**

The Routt County Master Plan, Sub Area plans and Zoning Resolution contain dozens of policies and regulations regarding land use. Section 5 of the regulations are designed to limit or eliminate conditions that could negatively impact the environment and/or use of surrounding properties, and shall apply in all Zone Districts and to all land uses unless otherwise noted. Section 6 Regulations apply to all Minor, Administrative, Conditional or Special uses allowed by permit only, PUD plans, Site plans, and Subdivisions. Section 9 Regulations apply to all mining operations and uses.

The following checklist was developed by Planning Staff to highlight the policies and regulations most directly applicable to this petition. The checklist is divided into nine (9) major categories:

1. Public Health, Safety and Nuisances
2. Regulations and Standards
3. Major Facilities of a Public Utility
4. Central Water and Sewage Treatment Systems
5. Community Character and Visual Issues
6. Roads, Transportation and Site Design
7. Waterbody Setback Standards
8. Natural Environment
9. Mitigation

Interested parties are encouraged to review the Master Plan, Sub Area plans and Zoning Resolution to determine if there are other policies and regulations that may be applicable to the review of this petition.

Staff Comments are included at the end of each section, highlighting items where the public, referral agencies, or planning staff have expressed questions and/or comments regarding the proposal. **Staff comments regarding compliance with regulations and policies are noted in bold below.**

## **Public Health, Safety and Nuisances**

### **Applicable Regulations – Routt County Zoning Resolution**

- 5.1.1 Every use shall be operated so that it does not pose a danger to public health, safety or welfare.
- 5.1.2 Every use shall be operated in conformance with all applicable federal, state and local regulations and standards. Failure to comply with any and all applicable federal, state and local regulations and standards may be cause for review and/or revocation of any Land Use Approval granted pursuant to these regulations.

- 6.1.2 The proposal shall be consistent with applicable Master Plans and sub-area plans.
- 6.1.7.C Natural Hazards
- 6.1.7.H Wildland Fire
- 6.1.7.I Noise
- 6.1.7.L Odors
- 6.1.7.M Vibration

**Staff comments:** This application does not appear to pose a danger to public health, safety, or welfare and appears to be in compliance with the Master Plan. A condition of approval is suggested requiring compliance with all federal, state, and local laws. This site is mapped as potentially unstable slopes. A geotechnical investigation was performed to assess the underlying soils and geology and to make construction recommendations. The Colorado Geologic Survey stated that it appears that those recommendations were incorporated into the construction drawings. The site is mapped as a low wildfire danger. Except for during construction, no impacts from noise, odors, or vibration are expected.

*\*\*Is the application in compliance with the Policies and Regulation outlined above? Yes or No*

## **Regulations and Standards**

### **Applicable Regulations – Routt County Zoning Resolution**

- 5.2 Dimensional Standards:
- 5.4 Parking Standards:
- 6.1.2 The proposal shall be consistent with applicable Master Plans and sub-area plans.
- 6.1.5 The proposal shall meet or exceed accepted industry standards and Best Management Practices (BMP's).

### **Applicable Regulations – Routt County Subdivision Resolution**

- 2.7.2 A Division of Land for Public Purposes Plat shall meet all the applicable requirements of sections 3, 4, and 7 of these Regulations and the Routt County Zoning Regulations, except the Planning Director may waive certain requirements if the strict application of those requirements is not in the public interest.
- 3.1.O No subdivision of land shall occur on an area of land with commercial mining potential when such subdivision would preclude the extraction of a mineral resource of a commercial value greater than that of the proposed subdivision. This shall not apply in a case where the surface rights and the mineral rights are owned by the same individual.
- 3.1.P Proposed subdivisions shall be in substantial conformance with the Routt County Master Plan and all adopted sub-area plans.

- 3.1.Q Proposed subdivisions shall be in substantial conformance with Section 6 of the Routt County Zoning Regulations.

### **Applicable Policies – Routt County Master Plan**

- 5.3.A The County encourages the use of “green” building techniques that lead to the conservation of energy and overall reduction of pollution in our environment.
- 5.3.D Require Best Management Practices and grading plans and strongly discourage overlot grading.

### **Applicable Policies – Steamboat Springs Area Community Plan**

- CF-1.1 Adequate public facilities and services will be provided for and maintained, with reliable funding to protect investments in existing facilities and ensure appropriate levels of service.
- CF-1.2 Utility and public facility requirements shall be determined using level of service (LOS) standards.

### **Applicable Policies – Yampa Basin Watershed Plan (Regional 208 Plan)**

#### **8.1.1 Water Quality**

The surface water and groundwater of the region will be protected to maintain the present uses of those waters. The physical, chemical, and biological conditions will be maintained for the benefit of the environment and present and future generation of residents and visitors to the region. Waters of the region not currently supporting classified uses will be restored as soon as is financially and technically practicable.

#### **8.1.2 Water Use and Development**

The use and development of the waters of the region will maintain the quality necessary to protect present uses.

#### **8.1.3. Land Use and Disturbance**

The surface and groundwater of the region will be protected from land uses and management practices which could cause significant degradation of water quality or impairment of the natural protection and/or treatment process provided by wetlands, floodplains, shorelines, and riparian areas.

#### **8.1.4 Domestic, Municipal and Industrial Waste Treatment**

Decisions to locate water supplies and wastewater treatment systems, and to extend utilities will be made in a manner that protects water quality. Decisions regarding facility location will also recognize the protection of floodplains, geologic hazard areas, wildlife habitats, wetlands, shorelines, and agricultural land. Plans for facilities that divert water or discharge wastes, will be consolidated wherever appropriate, with existing facilities to protect water quality.

**Staff comments: The application appears to be in compliance with the Policies and Regulations outlined above and appears to be in compliance with the Routt County Master**

Plan and the Steamboat Springs Area Community Plan. The development will require a Grading and Excavation permit and will include erosion control best management practices. A condition of approval addressing Best Management Practices (BMPs) is suggested. The only surface water feature is along Woodchuck Trail. Any water quality concerns will be localized and dealt with through BMPs proposed by the applicant and required through the County's Grading and Excavation permit and the state's storm water permit.

Based on the review materials submitted it appears any water quality concerns with respect to the Regional Water Quality Management Plan (the "208 Plan"), would be localized and would be mitigated through the use of best management practices to oversee erosion control, stormwater management, spill prevention, and overall site management as described in the project specifications.

*\*\* is the application in compliance with the Policies and Regulation outlined above? Yes or No*

## **Standards for Major Facilities of a Public Utility**

### **Applicable Regulations – Routt County Zoning Resolution**

- 8.8.1.A Such uses shall serve a documented public need.
- 8.8.1.B A minimum of 200 feet shall separate such uses from abutting properties that might otherwise be damaged due to the operation of the proposed use.
- 8.8.1.C Such use shall minimize the use of intensive cropland, including irrigated meadows and pasture land, cropland used for dry land agriculture, lands along valley floors that intermingle with but not dedicated to cropland, and farm and ranch headquarters.
- 8.8.1.D Such uses shall minimize conflicts with existing and planned uses.
- 8.8.1.E Such use shall reflect site selection to minimize adverse impacts on subsequent development of mineral resource areas, approved or planned reservoir sites, and deposits of construction aggregates.
- 8.8.1.F All proposed above-ground appurtenances of such shall:
  - 8.8.1.F.1. Avoid "tunnel effect" of clearing that is or that may be visible from a population concentration or major transportation route.
  - 8.8.1.F.2 Use existing utility and transportation corridors wherever possible.
  - 8.8.1.F.3 Follow property, section and fence lines to minimize surface disturbance.
  - 8.8.1.F.4 Protect and maintain flows in affected irrigation ditches.
  - 8.8.1.F.5 Avoid clear-stripping of right-of-way or easement. Any required clearing shall be designed to create a natural appearance that blends with surrounding vegetation by using variations in clearing width.
  - 8.8.1.F.6 Avoid creation of access scars.
  - 8.8.1.F.7 Avoid visually important scenic vistas.
  - 8.8.1.F.8 Preserve as much as possible the natural landscape.
  - 8.8.1.F.9 Minimize alteration of the slope or aspect of any hillside.

- 8.8.1 .G Before any Special Use Permit may be issued for a major facility of a public utility, the applicant shall furnish evidence of a bank letter of credit in favor of Routt County, a bond or certified check in an amount calculated by the Board of County Commissioners, to secure the site restoration in a workmanlike manner and in accordance with specifications and construction schedule established or approved by the appropriate engineer and the Board of County Commissioners. Such letter of credit, bond or check shall be payable to or drawable by, and held by the Board of County Commissioners of Routt County.

**Staff comments:** The City's Water and Wastewater Master Plan identified a need for an additional two million gallons of storage capacity on the west side of the city. This project is intended to aid overall system operations which includes improved fire flows, redundancy to the existing water services, and to serve identified growth on the west side of town. It is not anticipated that abutting property will be damaged by the operation of the proposed use. The current use of the property is agricultural. Steps have been taken to minimize conflicts with this use. This use will not affect development of mineral resources or reservoir sites. Some clearing will have to take place to construct the tank and pipeline. The tank, and some of the pipeline corridor, will be visible from Elk River Rd. The applicant has proposed a set of four, 4' retaining walls that would facilitate the partial burying of the tank. These walls will reflect the final grading of the site once construction is complete and will be visible from Elk River Rd. The pipeline will follow Woodchuck Trail, thereby minimizing the visual impact of the pipeline corridor. Except for tank site and pipeline preparation, land clearing will be kept to a minimum. No new access scars will result from construction. The slope of the hill will be modified in order to partially bury the tank. A condition requiring the City to post a bond or other surety with Routt County is suggested, as required by Section 8.8.1.G. Best management practices will be utilized to minimize any off site impacts to the surrounding properties and environment.

*\*\*Is the application in compliance with the Policies and Regulation outlined above? Yes or No*

## **Standards for Central Water and Sewage Treatment Systems**

### **Applicable Regulations – Routt County Zoning Resolution**

- 8.9.2.B The installation of the new central water and/or sewage treatment system or the extension of an existing central water and/or sewage treatment system does not conflict with the Routt County Master Plan or such other adopted plans and policies as may be in effect for the property.
- 8.9.2.C The installation of the new central water and/or sewage treatment system or the extension of an existing central water and/or sewage treatment system will not materially decrease the quality of surface or subsurface water resources.
- 8.9.2.D Age of existing water and sewage treatment systems, operational efficiency, state of repair, and level of treatment is such that replacement is warranted, or existing facilities cannot be upgraded or expanded to meet increased demand or the discharge permit conditions of Colorado Water Quality Control Division.



- 8.9.2.E Area and community development and population trends demonstrate clearly a need for such development.
- 8.9.2.F New or expanded central water or sewer treatment systems shall be under the control of a public entity or shall be privately owned in common by all lots served by the system.
- 8.9.2.G Applicant has demonstrated that the system has been provided with adequate financial resources to ensure that both ongoing maintenance and long-term capital replacement needs will be met.

**Staff comments: The application does not appear to be in conflict with the Master Plan. As long as BMPs are appropriately utilized, no impacts to the surface or subsurface water resources are anticipated. The City has identified a need for additional storage capacity on the west side of the city and the system will be owned and operated by the City of Steamboat Springs. The applicant is in the final stages of wrapping up its 2019 utility rate study. The projected expenditures and revenues from this study were provided. These numbers show that the financial resources are available to ensure that ongoing maintenance is provided for.**

*\*\*Is the application in compliance with the Policies and Regulation outlined above? **Yes or No***

## **Community Character and Visual Concerns**

### **Applicable Regulations – Routt County Zoning Resolution**

- 5.1.4 Outdoor storage of materials which might cause fumes, odors, dust, fire hazard, or health hazards is prohibited unless such storage is within enclosed containers or unless a determination is made that such use will not have a detrimental impact on the environment
- 5.9 Sign Standards
- 6.1.6 Outdoor Lighting: The proposal shall comply with the Outdoor Lighting Standards in Section 6.3 of these Regulations.
- 6.1.7.G Visual Amenities and Scenic Qualities.
- 6.1.7.K Land Use Compatibility.
- 6.1.7.O Historical Significance.

### **Applicable Regulations – Routt County Subdivision Resolution**

- 3.1.K The proposed subdivision shall not create water, air, noise or visual impacts that cannot be mitigated.
- 3.1.L The proposed subdivision shall include plans for adequate screening from major access roads, including landscaping and other means to preserve privacy and mitigate visual impacts to surrounding areas.
- 4.5.5 All fixtures shall be downcast and opaquely shielded. For purposes of this section, opaquely shielded shall mean fixtures constructed so that light rays emitted are projected below, and not above, the horizontal plane of the fixture and not onto the facades of nearby residential dwellings.

- 4.6 The planting of vegetation of an appropriate native, drought tolerant species or xeriscaping at appropriate locations may be required by the Planning Commission or Board to be constructed at the subdivider's expense within such time and in conformance with the General Design Standards in Section 3.1 and as deemed necessary and appropriate.

### **Applicable Policies – Routt County Master Plan**

- 5.3.E Routt County requires that all new developments do not contribute to light pollution.
- 5.3.F Routt County will continue to consider the impacts of development and uses on view corridors, water, wetland, and air.

### **Applicable Policies – Steamboat Springs Area Community Plan**

- CD-4.1 Major highways and arterials shall maintain a high quality of design.
- CD-4.2 Protect Scenic Corridors and the community's key gateways.
- NS-4.1 Maintain the quality of visually sensitive areas.

**Staff comments:** There is no outdoor storage or signs proposed with this application. One solar powered light is proposed at the parking area. The standard condition requiring the lighting to be downcast and opaquely shielded is suggested. This site will be visible from Elk River Rd. as one travels north. The only vegetation proposed for post construction is re-seeding with grasses. No vegetative screening is proposed so the four, 4' retaining walls will be visible from Elk River Rd. Planting vegetation would help hide the retaining walls and soften their appearance on the landscape. This tank is in the immediate vicinity of the City of Steamboat Springs. It is not anticipated that this subdivision of land will create impacts that cannot be mitigated.

*\*\*Is the application in compliance with the Policies and Regulation outlined above? **Yes** or **No***

## **Roads, Transportation and Site Design**

### **Applicable Regulations – Routt County Zoning Resolution**

- 5.7 Right of Way Access Standards: A Right of Way Access Permit is required prior to construction of any new access point onto a County Road or other Local Public Road or Right of Way.
- 6.1.7.A Public Roads, Services and Infrastructure
- 6.1.7.B Road Capacity, traffic, and traffic safety
- 6.1.7.N Snow Storage

### **Applicable Regulations – Routt County Subdivision Resolution**

- 3.1.H The proposed subdivision shall not create undue traffic congestion or traffic hazards.

### **Applicable Policies – Routt County Master Plan**

- 11.3.P Discourage new use permits and zone changes that increase density that will exceed acceptable traffic levels.
- 11.3W. Routt County shall strongly discourage proposals which include driveways and road-cuts that have visual impacts and erosion issues that cannot be mitigated.

**Staff comments:** The application appears to be in compliance with the Policies and Regulation outlined above. Traffic concerns do not appear to be an issue with most traffic occurring during the construction phase. Routt County Public Works has reviewed the application. They did not have any comments due to the fact that the access is a private road (Game Trails Dr. and Woodchuck Trail) and these roads come off of Elk River Rd. which is within the city limits.

*\*\*Is the application in compliance with the Policies and Regulation outlined above? Yes or No*

## **Waterbody Setback Standards**

### **Section 5.11.6 Waterbody Setback Permits**

Construction of roads, driveways, structures or improvements within the waterbody setback, otherwise prohibited by this section, may be permitted by the Planning Director upon the application for and granting of an Administrative Permit pursuant to Section 3.2.1, and pursuant to the following standards:

No such permit shall be issued unless the applicant has shown that the activity proposed within the Waterbody Setback falls into one of the following categories

- A.1 The activity is avoidable. A showing of unavailability may be made by showing at least one of the following to the satisfaction of the Planning Director:
  - A.1.a Because of the physical features, other restrictions, and conditions of the Buildable Lot, construction outside of the Waterbody Setback is not technically feasible (i.e. the entire Buildable Lot is within the Waterbody Setback), or would contribute to a hazardous condition on the property;
  - A.1.d For the purposes of paragraphs (a) and (b) above:
    - A.1.d.1 Any such features, restrictions, or conditions of a Buildable Lot which make construction outside of the Waterbody Setback unavoidable, must have been in existence on the original effective date (July 26, 1996) of this section, or been created subsequently through no fault of the owner of land or the applicant; and
    - A.1.d.2 Construction outside of the Waterbody Setback may be technically feasible even if such construction requires a different permit or variance to build in the area outside of the Waterbody Setback, in which case the Planning Directory shall grant an Administrative Permit under this section only if the applicant has applied for such other permit or variance and has been denied or, even after grant of such other permit or variance, there remains insufficient area to build outside of the Waterbody Setback.

- B The structure or improvement shall be designed, sited, and constructed in accordance with the currently effective CDOT Erosion Control and Storm Water Quality Guide or other recognized Best Management Practices (BMPs) so as to minimize: (1) the encroachment of the structure or improvement into the water body setback area; and (2) the impact of the structure or improvement on the water quality, drainage, vegetation, wildlife habitat, or other functional characteristics of the Waterbody.
- C It shall be the responsibility of the person proposing the structures or improvement to provide a Restoration Plan (Plan) which is limited to the subject property, and includes, at a minimum, provisions for erosion control, appropriate drainage, grading, bank protection and stabilization, revegetation, native plantings or seedlings, enhancement of wildlife habitat, monitoring and a schedule for monitoring not to exceed five (5) years, and other reasonable factors as the Planning Director may deem appropriate. Said Plan may be required to be prepared under the authority and direction, and submitted by a qualified professional, as detailed in Section 5.11.3. As part of the Plan, the person proposing the structure or improvement may be required to post a performance bond, letter or credit, or other security as may be acceptable to the decision maker, in in conformance with Section 3.2.14 of the Zoning Regulations.

**Staff comment:** The waterbody is unavoidable in conjunction with the installation of the pipeline for the tank. This is based on numerous reasons. They include the desire for the pipeline to be in an already disturbed area, being in the vicinity of other utilities, ease of access for construction and maintenance, ease of access for future connections, and the favorable slope of the existing road which is preferred for hydraulic reasons. The applicant will need to obtain a Grading and Excavation Permit from the County. A condition of approval for the Waterbody Setback permit is suggested to address this. A stormwater management plan showing the erosion and sedimentation controls was submitted with the application. Public Works stated that the applicant's plan satisfies their requirements. A revegetation plan for the entire project, not just those areas within the Waterbody Setback, was submitted. It is limited to re-seeding of disturbed areas. It does not include the replacement of plants. Planning Commission and the Board could require additional plantings be included to replace the ones that are removed to offset any resulting visual impacts. A monitoring plan was not submitted with the application. A condition of approval is suggested requiring the submission of a monitoring plan prior to the permit being issued.

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

## Natural Environment

### Applicable Regulations – Routt County Zoning Resolution

- 6.1.7.D Wildlife and Wildlife Habitat.
- 6.1.7.E Water Quality and Quantity.
- 6.1.7.F Air Quality.
- 6.1.7.J Wetlands.
- 6.1.7.P Reclamation and Restoration.

6.1.7.Q Noxious Weeds.

### **Applicable Policies – Routt County Master Plan**

- 5.3.B While respecting private property rights, the County will not approve development applications or special use permits that would lead to the degradation of the environment without proper mitigation that would bring the proposal into compliance with the Master Plan, appropriate sub-area plans, Zoning Resolution, and Subdivision Regulations.
- 5.3.F Routt County will continue to consider the impacts of development and uses on view corridors, water, wetlands, and air.
- 9.3.E Review the impacts on wildlife caused by recreational use, residential developments and other developments and permits, then adjust, amend, terminate, or revoke as maybe deemed beneficial to wildlife.
- 10.3.G Noxious weeds should be controlled at the expense of the landowner.

### **Applicable Policies – Steamboat Springs Area Community Plan**

- NS-1.2 Provide water body and riparian area buffers from development to protect water quality.
- NS-2.1 Conserve water and increase water storage capacity.
- NS-2.2 The city and county will ensure that both groundwater and surface waters are protected from degradation and are of a high quality.

**Staff comments:** CPW stated that black bears are active in this area and recommended that Interagency Grizzly Bear Committee resistant trash containers be used. The project area is within elk winter range and elk severe winter range. CPW recommends that construction activity not take place from December 1 – April 30 and that a wildlife exclusion fence at 7' in height be used to prevent wildlife from damaging any infrastructure. This area is also likely to be used by raptors and migratory birds. CPW recommends that a raptor nest survey be conducted from January 1 – July 31 and a migratory bird survey be conducted from April 15 – July 15. The results of these surveys should be used to plan construction activities that avoid nesting periods of raptors and migratory birds. All of CPW's recommendations have been included as conditions of approval.

Through the use of BMPs, any nearby waterbodies, water quality and quantity, and wetlands should be protected from development impacts. Except during construction, no impacts to air quality are anticipated. A condition requiring a bond or other type of surety is suggested to ensure site restoration. The standard condition addressing noxious weeds is suggested. No degradation of the environment is anticipated with this application.

*\*\*Is the application in compliance with the Policies and Regulation outlined above? **Yes** or **No***

## Mitigation Techniques

### Applicable Regulations – Routt County Zoning Resolution

#### **Mitigation Techniques for Development Within a Natural Hazard Area –**

6.5.5.B Use of engineered design for buildings in areas where instability is moderate.

#### **Mitigation Techniques to Reduce Water Quality and Quantity Impacts:**

6.7.C Limit the size of the excavated or disturbed area.

6.7.G Avoid sites that would present a high probability of surface or ground water pollution.

6.7.H Provide buffers from waterbodies, rivers, streams, wetlands etc; buffers/setbacks in excess of 50 feet may be required depending on site conditions and proposed use.

#### **Mitigation Techniques to Reduce Air Quality Impacts:**

6.8.B Gravel, water, or chemically stabilize public and private access roads, stripped areas, transfer points and excavations to minimize dust.

6.8.E Revegetate disturbed areas as soon as possible. Plant stripped areas and soil stockpiles that are planned to remain uncovered for more than one season with rapid growing vegetative cover to minimize dust, erosion and weeds.

**Staff comments:** A geotechnical study was conducted and appropriate measures are incorporated into the construction drawings to ensure a stable structure. A condition is suggested requiring appropriate measures to be implemented in response to dust conditions that this project may cause. The standard condition requiring revegetation within one growing season is suggested.

*\*\*Is the application in compliance with the Policies and Regulation outlined above? Yes or No*

## Special Use Permit

### **Planning Commission and Board of County Commissioners Options:**

1. **Approve the Special Use Permit request without conditions** if it is determined that the petition will not adversely affect the public health, safety, and welfare and the proposed use is compatible with the immediately adjacent and nearby neighborhood properties and uses and the proposal is in compliance with the Routt County Zoning Regulations and complies with the guidelines of the Routt County Master Plan and sub area plans.
2. **Deny the Special Use Permit request** if it is determined that the petition will adversely affect the public health, safety, and welfare and/or the proposed use is not compatible with the immediately adjacent and nearby neighborhood properties and uses and/or the proposed use is not in compliance with the Routt County Zoning Regulations and/or the Routt County Master Plan and sub area plans. Make specific findings of fact; cite specific regulations or policies by number from the Routt County Master Plan and the Routt County Zoning Regulations.
3. **Table the Special Use Permit request** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.

4. **Approve the Special Use Permit request with conditions and/or performance standards** if it is determined that certain conditions and/or performance standards are necessary to ensure public, health, safety, and welfare and/or make the use compatible with immediately adjacent and neighborhood properties and uses and/or bring the proposal into compliance with the Routt County Zoning Regulations and Routt County Master Plan and sub area plans.

### **Findings of Fact**

Findings of Fact that may be appropriate if the Special Use Permit is **approved**:

1. 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 9 of the Routt County Zoning Regulations.
2. The Special Use Permit with the following conditions will not adversely affect the public health, safety, and welfare.
3. The proposal with the following conditions is compatible with the immediately adjacent properties.

**CONDITIONS** that may be appropriate may include the following:

#### **General Conditions:**

1. The Special Use Permit (SUP) is valid for the life of the use provided it is acted upon within one year of approval. The SUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
2. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 5, 6, and 8.
3. The SUP is limited to uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application. Accessory structures/uses associated with this permit can be administratively approved by the Planning Director.
4. Any complaints or concerns which may arise from this operation may be cause for review of the SUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
5. In the event that Routt County commences an action to enforce or interpret this SUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
6. No junk, trash, or inoperative vehicles shall be stored on the property.
7. 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. 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. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in the amount of no less than \$1,000,000 per occurrence. Routt County shall be named as an additional insured on the policy. Permittee shall notify the Routt County Planning Department of any claims made against the policy. Certificate of liability insurance shall include all permit numbers associated with the activity.



10. 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.
11. 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:**

12. Permittee shall obtain a Grading and Excavation permit for the onsite construction activities.
13. Erosion and sediment from land disturbance activities associated with this project shall be controlled to the greatest practical extent through the use of appropriate Best Management Practices (BMPs).
14. Prior to issuance, the permittee shall provide Routt County with a bond or other surety in the amount of 150% of the cost of the work to ensure site restoration. Such surety shall be payable to or drawable by, and held by the Routt County Board of County Commissioners. Prior to the release of the surety, permittee shall show that the revegetation is equal to or better than pre-construction vegetation.
15. Interagency Grizzly Bear Committee bear resistant trash containers shall be made available for use on the project site during construction activities.
16. Construction activities shall not take place from December 1 – April 30 to avoid disturbing wintering elk.
17. Permittee's contractor shall maintain the site, storage areas, and active construction areas in a manner to minimize access and impact by and to wildlife.
18. In collaboration with the local CPW District Wildlife Manager, a nesting raptor and migratory bird survey shall be conducted two weeks prior to the start of construction. If nesting raptors or migratory birds are located in the project area, the permittee shall work with CPW to plan construction activities to avoid disturbance.

## **Waterbody Setback Permit**

### **Planning Commission and Board of County Commissioners Options:**

1. **Approve the Waterbody Setback Permit request without conditions.**
2. **Deny the Waterbody Setback Permit request.**
3. **Table the Waterbody Setback Permit request.**
4. **Approve the Waterbody Setback Permit request with conditions and/or performance standards.**

### **FINDINGS OF FACT** that may be appropriate if the Waterbody Setback application is approved:

1. The proposal with the following conditions meets the standards of Section 5.11 of the Routt County Zoning Regulations (Waterbody Setback Standards and Permits), as construction outside of the waterbody setback is not technically feasible.
2. The placement of the pipeline in the waterbody setback is necessary in order to be located in an already disturbed area, being in the vicinity of other utilities, ease of access for construction

and maintenance, ease of access for future connections, and the favorable slope of the existing road which is preferred for hydraulic reasons.

**CONDITIONS** that may be appropriate may include the following:

1. This permit is limited to the project presented in the plans. Any changes must be applied for in a new or amended application.
2. A Grading and Excavation permit shall be obtained from Routt County Public Works prior to the commencement of construction. Evidence of an approved state stormwater permit shall be submitted prior to the commencement of construction.
3. Accessory structures/uses associated with this permit can be approved administratively by the Planning Director.
4. Revegetation of disturbed areas shall occur within one growing season with a seed mix which contains vegetation indigenous to the area and that avoids the use of aggressive non-native grasses.
5. This approval is contingent upon 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 the commencement of operations.

## **Division of Land for Public Purpose**

### **Planning Commission and Board of County Commissioners Options:**

1. **Approve the Division of Land for Public Purpose request without conditions.**
2. **Deny the Division of Land for Public Purpose request.**
3. **Table the Division of Land for Public Purpose request.**
4. **Approve the Division of Land for Public Purpose request with conditions and/or performance standards.**

**FINDINGS OF FACT** that may be appropriate if the Division of Land for Public Purpose is approved:

1. The Routt County Master Plan does not specifically address this type of application however the proposal with the following conditions is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations and Sections 3 and 4 of the Routt County Subdivision Regulations.
2. The proposal with the following conditions is in general conformance with the Steamboat Springs Area Plan.

**CONDITIONS** that may be appropriate may include the following:

#### **General Conditions:**

1. All property taxes must be paid prior to the recording of the plat.
2. Address signage shall be in conformance with the Routt County Addressing, Naming, and Signage Policy shall be located at the entrance to the driveway.

3. A plat finalizing this subdivision shall be recorded within 12 months of approval. Extensions of this timeframe may be approved administratively.

# **West Steamboat 1 Million Gallon Water Storage Tank**

**Original Plans produced July, 2013**

**Updated: August 8, 2019**

## **Item 1: Application Fee**

Application Fee is not applicable.

## **Item 2: Information Describing the Applicant**

Applicant: City of Steamboat Springs, Attn: Michelle Carr, Distribution and Collection Manager

Address: 137 10th Street, Steamboat Springs, Colorado 80477

Email: [mcarr@steamboatsprings.net](mailto:mcarr@steamboatsprings.net)

Telephone: (970) 871-8204

Form and business of applicant: Colorado municipality

Drexel, Barrell & Co. (DBC) is the prime consultant to the City of Steamboat Springs (owner), managed the project and designed the off-site water line and prepared the subdivision plat. Structural engineer and subconsultant Bates Engineering, Inc. prepared the water storage tank plans. This project was originally designed and approved for a Colorado Department of Public Health and Environment (CDPHE) permit in 2013. The project was placed on hold due to the economy later in 2013.

After completion of construction, the project will be maintained by the City of Steamboat Springs (City), who will operate the waterline and tank as part of the City water system. The City has experience operating and maintaining a water system and has qualified public works employees on staff.

## **Item 3: Information Describing the Project**

See provided Construction Drawings dated August 8, 2019 and Specifications for detailed plans and specifications.

Three locations were initially considered during a preliminary investigation phase including geotechnical investigations, site assessment, drainage analysis, preliminary design, cost estimate, and public input. The three choices of across from the airport, north of the cemetery, and east of Downhill Drive were considered. The current location on a hill across from the airport was determined by the City as the preferred location due to location, cost, and functionality.

The work involved consists of excavation and removal of existing earth fill material, rock excavation and removal, constructing a new one million gallon capacity buried concrete water storage tank, water piping, a controls, valves and metering building to allow for the eventual filling of this tank by a future Elk River Water Treatment Plant, tank access driveway and parking, security fencing, and supporting instrumentation, telemetry and electrical systems. The water tank and related facilities and equipment are designed to operate automatically and remotely so the site will be

accessed by very few people and only when repair, maintenance, or inspection is necessary. Due to the limited visits the parking provided will be adequate.

Through a master planning process, the City determined a need for additional potable water storage capacity to accommodate water service redundancy, and fire flow demands. In addition, the Water Tank will allow for the capability to store water for a future Elk River Water Treatment Plant. The Water and Wastewater Master Plan Updates, dated December, 2009 (WWMP) determined that a new one million gallon underground concrete storage tank on the west area of the City was needed to meet these and future demands.

The project was designed by DBC and Bates in 2013, but was delayed for implementation due to budget constraints. The project was reinstated in 2019 and the submittal and permitting process will continue as necessary. The project is scheduled to proceed to construction, pending approval in 2019 and be used by the City throughout its useful life.

#### **Item 4: Property Rights, Permits and other Approvals**

The City is requesting approval for Division of Land for Public Purpose to repurpose the property to a subdivision and a Special Use Permit for the proposed improvements. See the subdivision plat for proposed property delineation. The City will purchase the tank lot from the property owner.

The City will also be applying for waterline easement along Woodchuck Trail and temporary construction easements near the water tank. The City will also be applying for a grading and excavation permit, road access permit, and R.O.W. permit to allow construction of the waterline along ~~Airport Circle, County Road 129, and Woodchuck Trail.~~

**\*WM install along Airport Cir and Cty Rd 129 completed in 2016**

The City received a Drinking Water Design permit from the Colorado Department of Public Health and Environment (CDPHE) for the project when it was previously submitted in July 2013. The permit has expired and an application for the permit will be resubmitted to CDPHE pending County comments. Preliminary discussions with CDPHE indicate that since this has been previously reviewed and approved, the reapplication process should be relatively straightforward.

The WWMP identified total additional distribution storage requirements of 2.0-MG on the west side of town. This 1.0-MG tank will serve identified growth on the west side of town and aid overall system operations. The tank has been sized to balance storage volume with demand requirements to limit water age in the tank. The City has sufficient water rights for the project.

#### **Item 5: Regional Water Quality Management Plan**

In review of the Regional Water Quality Management Plan (208) it has been determined that any and all water quality concerns will be localized to the site and will be mitigated via the use of Best Management Practices (BMPs) to oversee erosion control, stormwater management, spill prevention and overall site management as described on the construction documents and project specifications. The project is

consistent with Routt County zoning regulations so long as the special use permit is obtained and is not inconsistent with the County Master Plan for the area.

#### **Item 6: Land Use**

The land use surrounding the project site consists mostly of private rural residences or farmland. Steamboat Airport is located approximately 2,000 ft. southwest of the site. No adverse affects on surrounding land are anticipated as a result of the construction and operation of the tank.

#### **Item 7: Local Government Services**

The WWMP identified total additional distribution storage requirements of 2.0-MG on the west side of town. This 1.0-MG tank will serve identified growth on the west side of town and aid overall system operations. The tank will provide potable water storage capacity to accommodate water service redundancy, and fire flow demands.

#### **Item 8: Environmental Impact Analysis**

The Project is expected to have negligible impacts on air quality during construction due to excavation and construction traffic. Erosion control including BMPs will be used during the construction process to minimize any adverse effects. Any disturbed areas shall be revegetated to match existing conditions as closely as possible, which will shield against any wind scouring.

The project is located on a hillside on the northwest side of Steamboat Springs. The location does not contain any scenic vistas or unique landscapes. See Biological Resource Report (BRR), dated June 4, 2013 for detailed description of vegetation. The project shall not disturb the visual quality due to the tank being mostly buried and only a small portion of wall being exposed to the natural gradient of the project site. The rest of the site shall be revegetated to match the surrounding area.

Due to the site being on a hillside, there are no regular surface waters on the site. other than small tributarial drainages during snow melts and large storm events. The existing roadside ditch along Woodchuck Trail will receive any drainage from the site, matching existing conditions, as well as infrequent overflow from the tank. See construction documents for drainage off the tank site. The nearest surface waters is Woodchuck Creek approximately 1,000 ft. west of the site, Wheeler Spring approximately 500 ft. west of the site and Deline Spring approximately 500 ft. south of the site. See attached CDSS Map.

The project is located on a hillside and above the regional water table and the wells throughout the valley. The nearest well is located approximately 200 southwest of the site and has a depth of 70 ft. See attached CDSS Map.

There is an emergent wetlands area west of the waterline along Woodchuck Trail Road consisting of various sedges, rushes, and mix bunch grasses. The wetland area does not intersect with the project vicinity. For more detailed information see the BRR. The site is not located within a floodplain.

There are no aquatic plants or habitats on or near the tank site. Per the BRR there are no federally listed threatened or endangered species that will be affected by the

Project. The site falls within the Elk habitat, however there biologist reviewed the Project area and concluded that there are no issues related to the project construction.

NWCC performed a Geotechnical Investigation for the site. See Geotechnical Investigation, February 9, 2012.

#### **Item 9: Nuisances**

With the exception of the construction phase, the Project will not produce significant noise, glare, dust fumes, vibrations, or odors.

#### **Item 10: Areas of Paleontological, Historic or Archaeological Importance**

There are no known paleontological, historic or archaeological significant sites located within the project limits.

#### **Item 11: Hazardous Materials Description**

There will be no hazardous, toxic, or explosive substances used onsite other than those required for Project construction. Upon construction completion, potable drinking water will be the only substance stored within the Project site.

#### **Item 12: Monitoring and Mitigation Plan**

This Project is expected to have little or no effect on any of its surroundings. Despite this, a mitigation plan has been submitted to Routt County. The plan uses BMPs to mitigate any direct adverse effects to surface water during Project construction.

#### **Item 13: Transportation Impacts**

Except during construction phase, the Project will generate little traffic. An access drive and parking is provided off the roadway. The only projected traffic to the Project site is a maximum of once daily visit by public works staff during normal operating conditions.

#### **Item 14: Engineering Studies**

It has been determined that a drainage study, GESC or traffic study will not be required for this project. A grading and excavation permit is required and will include erosion control BMPs. A cost estimate and Preliminary Construction Plans have been included in this submittal.

#### **Mitigation Plan**

Any significant negative impacts will be mitigated through standard BMPs incorporated into the construction plans and specifications. Specifically, to mitigate direct adverse impacts to surface water, BMPs will be utilized during construction for erosion control and stormwater management and spill prevention. See the following pages of the construction plans and specifications for further detail.



Pg. 2 NT-01-General Notes and Legends

Pg. 24-29 EC01-EC06-Erosion Control Plan

Pg. 30-32 EC-D1-EC-D3 Erosion Control Details

Specification 31 25 00 Erosion and Sedimentation Control Pg. 272-275.

A review shall be done by the CDPHE for permitting, pending County comments.

## Waterbody Setback – Evidence of Unavoidability:

Engineering design for the proposed water tank and watermain began in 2012; in 2013 City staff was coordinating with Routt County Planning staff in preparation of the land subdivision application. Correspondence between City and County Planning staff in 2013 saved to the project file indicate that the City and County staff discussed revising the originally proposed watermain alignment in an attempt to further avoid/minimize impacts to the wetland and waterbody in the vicinity of the intersection of Game Trails Drive and Woodchuck Trail.

Based on these discussions, the City worked with the design engineer, Drexel Barrel, to revise the watermain alignment to the currently proposed alignment in an effort to avoid impacts to the wetland if possible and minimize impacts where impacts are unavoidable. After working to revise the alignment the City and Drexel Barrel were unable to identify an alignment that would completely avoid impacts to the wetland. The current alignment is anticipated to temporarily impact approximately 57 ft<sup>2</sup> or 0.001 acres of the wetland area.

The current alignment cannot be further revised to completely avoid temporarily impacting the 57ft<sup>2</sup> wetland area without resulting in impacts to the wetland area located to the north of Game Trails Drive. However, it should be noted that the temporary impacts to 0.001 acres of wetland is the maximum possible area of impact based on open trench installation of the proposed watermain. If the contractor is able to jack and bore the watermain under Game Trails Drive and Woodchuck Trail the area of temporary impact will likely be less than the 0.001 acres and possibly eliminated.

The non-perennial tributary identified within the project limits in the vicinity of Game Trails Drive and Woodchuck Trail consists primarily of roadside ditch and is routed through an 18" culvert under Game Trails Drive between the wetland areas identified on the north and south side of Game Trails Dr. The USGS 7.5 Minute Topographic map of the area indicates that the non-perennial tributary crosses under Woodchuck Trail twice however, there are no visible culverts in the field within the vicinity of crossings as shown on the map. Instead, it appears from the survey contours that the tributary is located entirely on the west side of Woodchuck Trail. The ditch along the east side of Woodchuck Trail is heavily vegetated with no discernable evidence of an OHWM. The location of the proposed watermain alignment along Woodchuck Trail is located along the east side of the road but not within the ditch. Most of the proposed watermain alignment is located adjacent to an existing underground telephone line. Although, the proposed watermain alignment appears to be within the 50 ft setback from the tributary, the watermain and tributary are separated by Woodchuck Trail which will almost entirely prevent any impacts to the tributary due to the watermain construction. Also, because the tributary flows through an 18" culvert under Game Trails Dr. the installation of the watermain under Game Trails Dr. will not impact the tributary as the watermain is to be installed below the culvert which is to remain in place.

## Mitigation Plan – Additional Items:

- A. **Public Roads, Services and Infrastructure:** Any impacts to public roads will be temporary during construction. However, the contractor will be required to maintain access at all times during

## Resubmittal to Address 9/18/19 Routt County Planning Comments

construction and stage construction so as to minimize impacts to public roads. Upon completion of construction all roads will be returned to a condition that is equal to or better than the preconstruction condition.

- B. **Road Capacity, traffic, and traffic safety:** Item 13 of the previously submitted 1041 Application Narrative addresses transportation impacts: Except during construction phase, the Project will generate little traffic. An access drive and parking is provided off the roadway. The only projected traffic to the Project site is a maximum of once daily visit by public works staff during normal operating conditions.
- C. **Natural Hazards:** There are no anticipated natural hazards associated with the proposed project. See previously submitted Geotechnical Report.
- D. **Wildlife and Wildlife Habitat:** Wildlife and Habitat are addressed in Item 8 of the previously submitted 1041 Application Narrative and in the previously submitted Biological Resources Report. There are no significant impacts to wildlife or habitat associated with the proposed project.
- E. **Water Quality and Quantity:** This item is addressed in the previously submitted Mitigation Plan that is included in the 1041 Application Narrative.
- F. **Air Quality:** Air Quality is addressed in Item 8 of the previously submitted 1041 Application Narrative. There are no significant impacts to air quality associated with the proposed project.
- G. **Visual Amenities and Scenic Qualities:** This issue is addressed in Item 8 of the previously submitted 1041 Application Narrative. There are no significant impacts to the area visual and scenic qualities associated with the proposed project.
- H. **Wildland Fire:** There are no significant impacts to the potential for wildland fire associated with the proposed project.
- I. **Noise:** This issue is addressed in Item 9 of the previously submitted 1041 Application Narrative.
- J. **Wetlands:** Wetlands are addressed in Item 8 of the previously submitted 1041 Application Narrative and in the previously submitted Biological Resources Report. Only temporary impacts to approximately 57 ft<sup>2</sup> of emergent wetlands are proposed. Any impacts to the wetland area during construction will be mitigated through the use of standard BMPs, as identified in the previously submitted mitigation plan, and the area will be restored to preexisting conditions including grades and revegetation using a wetland seeding mix approved by the NRCS.
- K. **Land Use Compatibility:** This issue is addressed in Item 6 of the previously submitted 1041 Application Narrative.
- L. **Odors:** This issue is addressed in Item 9 of the previously submitted 1041 Application Narrative.
- M. **Vibration:** This issue is addressed in Item 9 of the previously submitted 1041 Application Narrative.
- N. **Snow Storage:** Minimal snow storage will only be required for the small parking area at the tank site. The water tank cover was designed to withstand the anticipated snow loads for the area as dictated by the building code.
- O. **Historical Significance:** This issue is addressed in Item 10 of the previously submitted 1041 Application Narrative and in the Cultural Resources Report.
- P. **Reclamation and Restoration:** All disturbance due to construction will be restored to a condition equal to or better than the preexisting conditions.
- Q. **Noxious weeds:** All seed mixes used for revegetation of disturbed areas will be in accordance with the City of Steamboat Springs Specification Section 22 – Revegetation (attached) which requires the contractor to submit seed and fertilizer mixes proposed for use on the project to approval prior to application.

### Additional Narrative Information:

The City of Steamboat Springs West Area Water Tank property is proposed for use as a new water storage tank site. The City is requesting approval for a Division of Land for Public Purpose and a Special Use Permit. The proposed site for the construction of the tank will consist of 1.595 acres to be subdivided from a 35 acre parcel currently owned by Steven Deline. The project site and proposed land subdivision is described in detail and depicted on the Deline Lot Line Adjustment & Dedication of Land for Public Purpose survey plat previously submitted.

The City of Steamboat Springs and the property owner, Steven Deline, have come to an agreement on terms for the purchase of the land needed to construct the water tank. The term sheet has been submitted to County Planning as part of this application process. These terms include the conveyance of the utility easement along woodchuck trail. The City is aware that some terms included in the term sheet are subject to approval by Routt County including item 4a of the term sheet which states that after the subdivision of the property to create the 1.595 acre site to be conveyed to the City and a 33.405 acre remainder parcel, Mr. Deline will be able to retain all County planning and zoning rights as though the remainder parcel were 35 acres. Term 4a further states that the final plat shall contain no public dedications, plat notes, easements, or restrictions, and shall contain no conditions of approval unless approved by the City. Therefore the City is requesting that the Board of County Commissioners allow Mr. Deline's remainder 33.405 acre parcel retain the full rights of a 35 acre parcel to satisfy the terms agreed upon for the purchase of the tank site.



# COLORADO

## Parks and Wildlife

Department of Natural Resources

Steamboat Springs Service Center  
925 Weiss Drive  
Steamboat Springs, CO 80487  
P 970.870.2197

December 3, 2019

Alan Goldich  
Routt County Planning Department  
PO Box 773749  
Steamboat Springs, CO 80477

RE: TPL-18-184, TPL-18-185, & TPL-18-186 (West Area Water Tank).

Dear Mr. Goldich,

Thank you for the opportunity to comment on the Steamboat Springs West Area Water Tank project. Colorado Parks and Wildlife (CPW) has a statutory responsibility to manage all wildlife species in Colorado. CPW encourages Routt County and the City of Steamboat Springs to afford the highest protection for Colorado's wildlife species and habitats. CPW has reviewed the proposal and would like to offer the following comments.

### Wildlife Use and Associated Impacts

#### **Black Bears**

Black bears are active in this area throughout the spring, summer, and fall months. If construction activities occur during this time, CPW recommends that the City of Steamboat Springs educate workers and require the use of Interagency Grizzly Bear Committee (IGBC) bear resistant trash cans and dumpsters for all human refuse to reduce attractants and minimize potential conflicts with bears. Additional resources and brochures about bears and other local wildlife species can be found on our website at:

<http://wildlife.state.co.us/WildlifeSpecies/LivingWithWildlife/Pages/LivingWith.aspx>

#### **Elk, Mule Deer, and Moose**

The project area is within elk winter range and elk severe winter range. CPW recommends that construction activity not occur from December 1 - April 30 annually to avoid disturbing wintering elk. Elk, deer, and moose will periodically move through the project area. CPW recommends that the City of Steamboat Springs consider the use of a wildlife exclusion fence, chain link of at least 7 feet, to prevent wildlife from damaging any sensitive infrastructure that may be constructed.

#### **Raptors and Migratory Birds**

The project area is likely to be used by raptors and migratory birds. CPW recommends the City of Steamboat Springs conduct a nesting migratory bird and raptor survey in the project area two weeks prior to construction beginning. The local CPW District Wildlife Manager will work with the City of Steamboat Springs to collaborate on the survey. If nesting raptors or migratory birds were located at the project area, CPW would appreciate the opportunity to



work with the City of Steamboat Springs to plan construction activities that avoid disturbance until the end of the nesting season.

#### **Wildlife Habitat Improvement Endowment Fund**

CPW staff in Steamboat Springs have been working to develop and implement a Wildlife Habitat Improvement Endowment Fund. The purpose of this fund is to improve and enhance wildlife habitat in areas critical for survival, forage, and refuge. This idea embraces a philosophy that recognizes the importance of connecting people to the outdoors and how human activity and development have an impact on our natural resources. The fund allows our community, land managers, and conservation agencies to consider the effects of activities that are contrary to minimizing human disturbance on the landscape.

Several successful habitat improvement projects have been implemented in the Steamboat Springs area. These projects were the result of a collaborative effort between the United States Forest Service, CPW, Colorado State Forest, and the City of Steamboat Springs. These habitat improvement projects focused on a variety of factors that benefited wildlife; increased diversity of flora to improve forage for a variety of species; created diverse vegetative mosaics by removing decadent monocultures; improved understory for small mammals; habitat for passerines and nesting birds. New projects could include spring and water development and the planting of native species and high quality forage. The only drawback to these projects is the lack of adequate funding to continue. A habitat improvement project completed today will likely need to be repeated again in two decades. An endowment fund can help solve this problem by having a fund that is perpetual and will benefit wildlife and our natural resources for the long-term.

CPW encourages and recommends that any new disturbance to wildlife and habitat in the project area be offset with habitat improvement work in areas where wildlife are most constrained during critical periods of the year and in areas where improving habitat can help increase the probability of over-winter survival. CPW would appreciate the opportunity to engage in collaborative discussions to solve how this Wildlife Habitat Improvement Endowment Fund should be funded and utilized to offset the impacts from human development.

Thank you for the opportunity to provide comments and recommendations related to the Steamboat Springs West Area Water Tank. For any further questions regarding this matter, please contact District Wildlife Manager Jack Taylor at (970) 846-2798.

Sincerely,

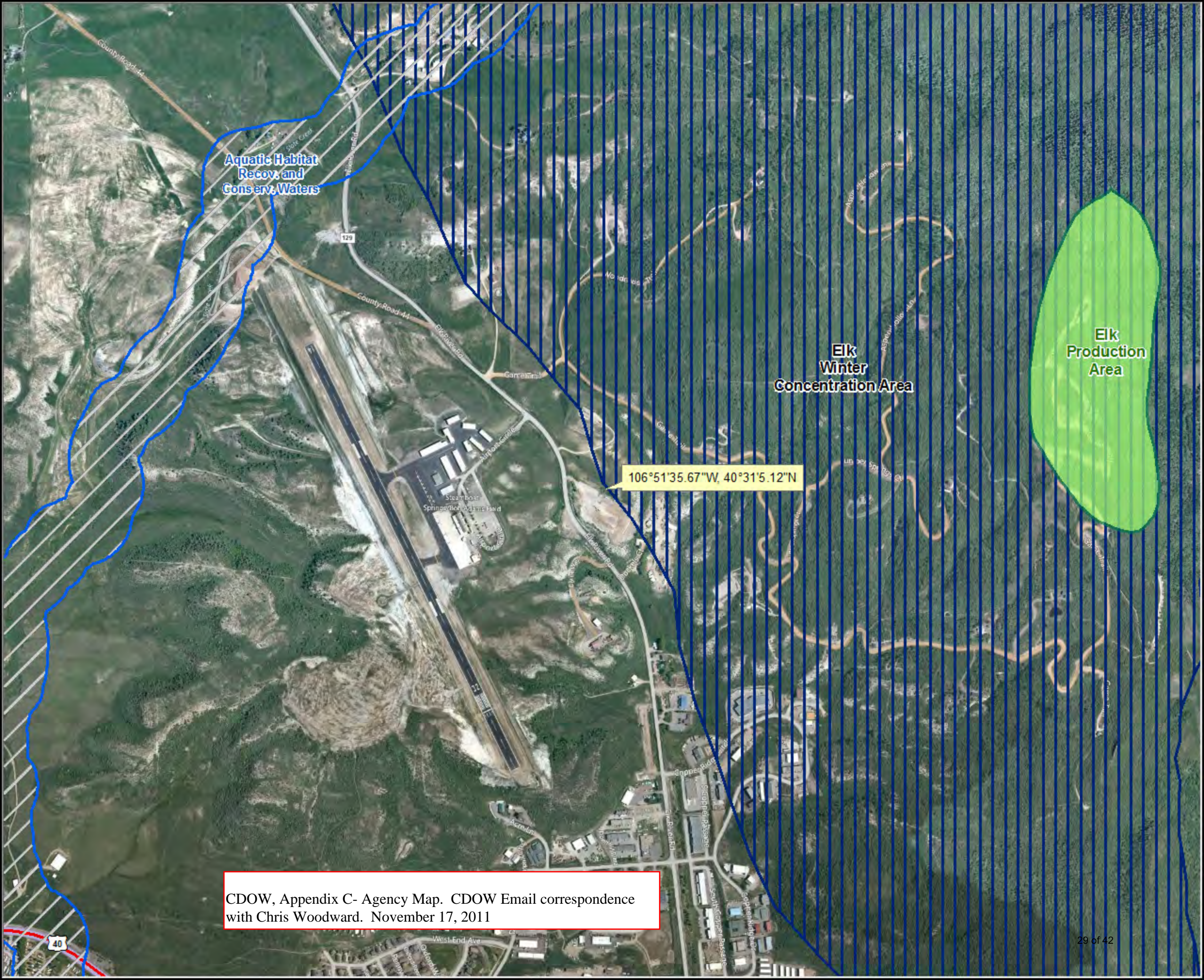


Kris Middledorf, Area Wildlife Manager - Area 10

Cc:

JT Romatzke, Northwest Regional Manager  
Jack Taylor, District Wildlife Manager





CDOW, Appendix C- Agency Map. CDOW Email correspondence with Chris Woodward. November 17, 2011

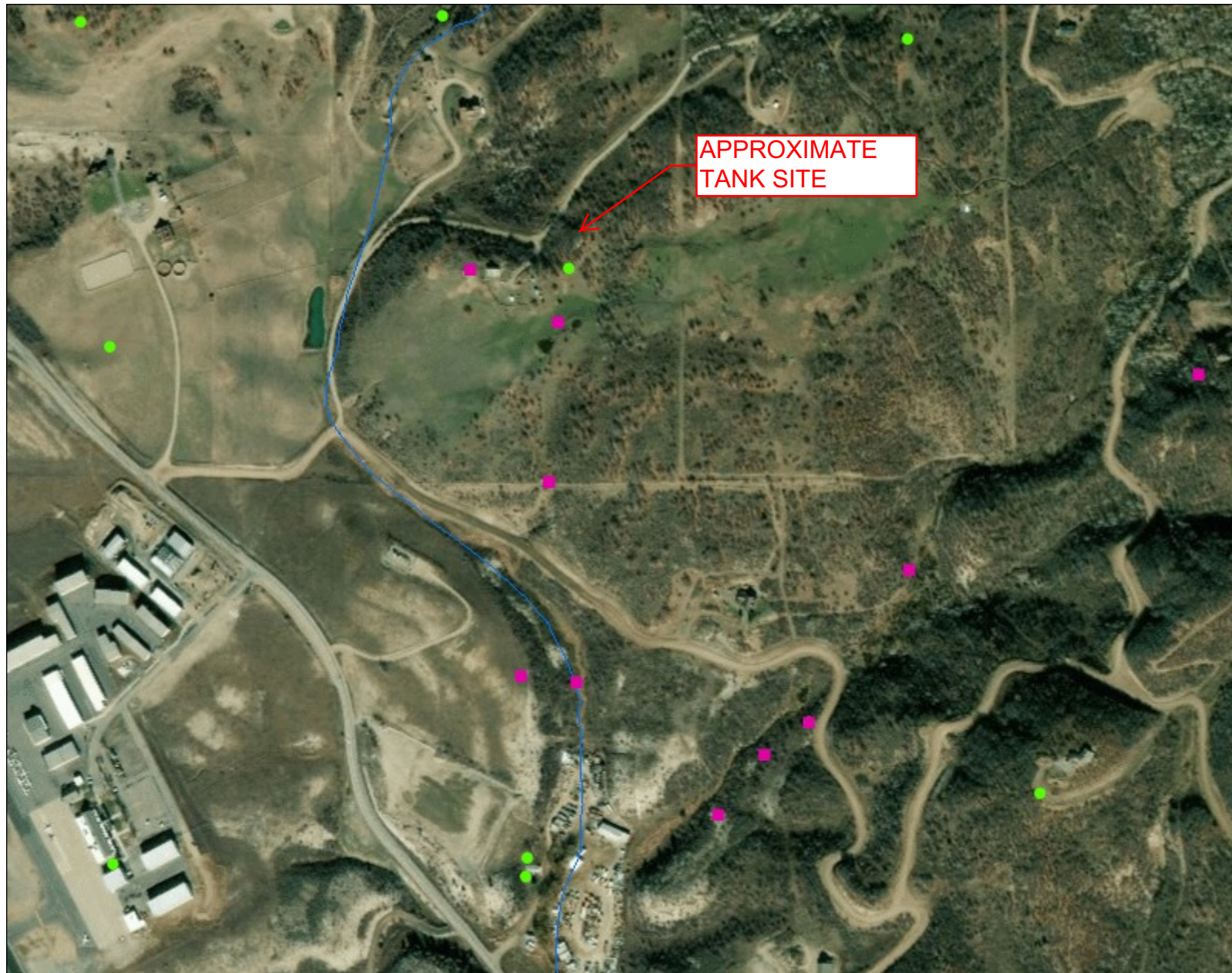




CDSS

Colorado's Decision Support Systems

## Map Viewer



### Legend

- Surface Water
- ▲ All Points of Interest
- Well Constructed
- Final Permit
- ◆ Geophysical Log
- Active Gage - Diversion
- Active Gage - Reservoir
- Active Gage - Stream
- All Stations
- Confluence Point
- Source Water Route Framework
- County

### Location



### Notes

1,169 0 585 1,169 Feet

1: 7,016



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Date Prepared: 3/21/2019 8:09:45 AM







## Photo Log



1 – View of vegetation near proposed 100' diameter water storage tank facing east. Vegetation consists of mixed bunch grass, Gamble oak, and sagebrush.



2 - View of Woodchuck Trail and proposed route for 16" waterline facing southwest . Vegetation consists of mixed bunch grass, Gamble oak, and sagebrush.



## Photo Log



3 - View of Woodchuck Trail and proposed route for 16" waterline facing northeast . Vegetation consists of mixed bunch grass and Gamble oak.



4 - View of Woodchuck Trail and proposed route for 16" waterline facing northeast. Vegetation consists of mixed bunch grass and Gamble oak.



## Photo Log



5 – View of Woodchuck Trail and proposed route for 16" waterline facing northeast. Vegetation consists of mixed bunch grass and Gamble oak.



6 – View of Woodchuck Trail and proposed route for 16" waterline facing south looking at potential Palustrine Emergent (PEM) wetland (upper right). Vegetation consists of mixed bunch grass and Gamble oak.

## Photo Log



7 – View of intersection at Woodchuck Trail and Game Trail Road and proposed route for 16" waterline facing north looking at potential PEM wetland (upper left). Vegetation consists of mixed bunch grass and Gamble oak.



8 – View of intersection at Woodchuck Trail and Game Trail Road and proposed route for 16" waterline facing north looking at potential PEM wetland (top half). Vegetation consists of mixed bunch grass and various weeds.



## Photo Log



9 – View of County Road 129 looking south at proposed route for 16" waterline. Vegetation consists of mixed bunch grass and various weeds.



10 – View of County Road 129 at proposed route for 16" waterline south . Vegetation consists of mixed bunch grass and various weeds.

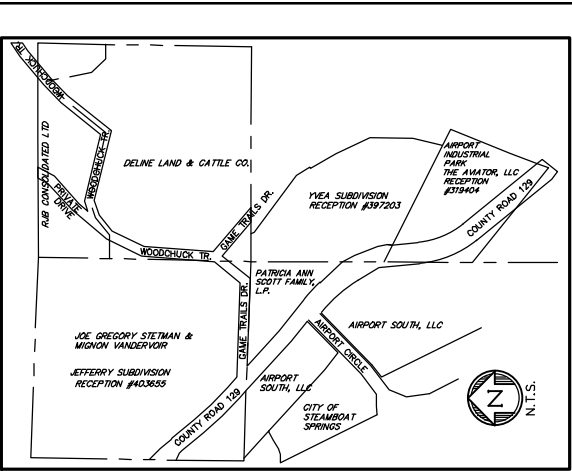
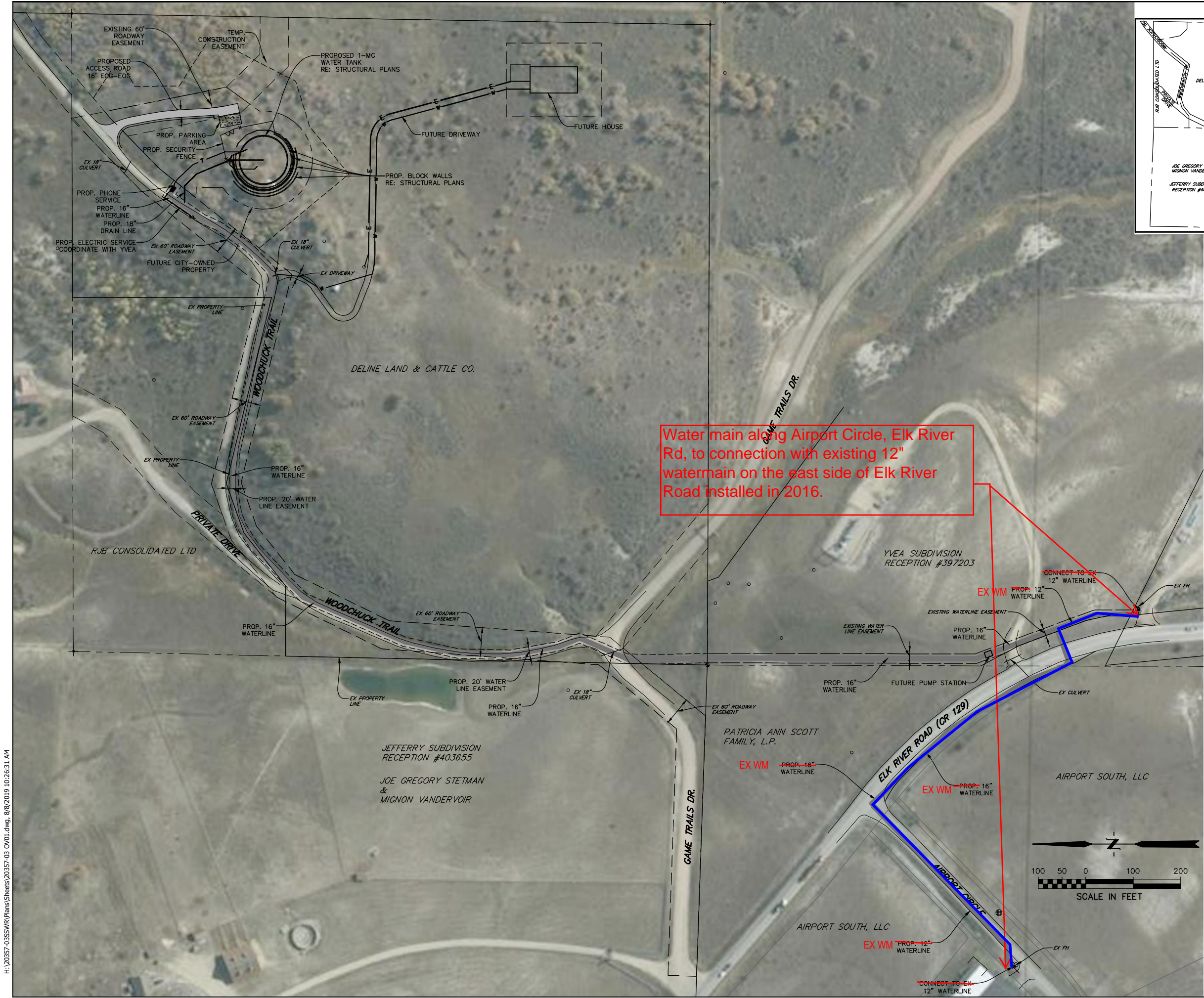
## Photo Log



11 – View of County Road 129 looking west at end of proposed route for 16" waterline. Vegetation consists of mixed bunch grass and various weeds. Steamboat Springs – Bob Adams Field Stolport Airport buildings in the background view.



H:\20357-03SSSWR\Plans\Sheets\20357-03 OV01.dwg, 9/8/2019 10:26:31 AM



KEY MAP

PREPARED BY:

**DBC**  
Drexel, Barrell & Co.  
Engineers • Surveyors  
1800 38TH STREET  
BOULDER, COLORADO 80301  
CONTACT:  
MIKE D. MIDDLETON, P.E.  
(303) 442-4338  
BOULDER • GREELEY  
COLORADO SPRINGS

OWNER/CLIENT:

City of  
Steamboat Springs

P.O. BOX 775088  
137 10TH STREET  
STEAMBOAT SPRINGS  
COLORADO 80477  
(970) 871-8207  
CONTACTS: JON SNYDER, P.E.

CONSTRUCTION PLANS FOR:

**W. STEAMBOAT WATER TANK**  
WATERLINE AND SITE PLAN  
CITY OF STEAMBOAT SPRINGS  
ROUTT COUNTY, COLORADO

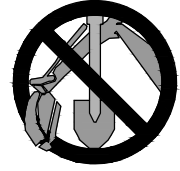
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|---------------|---------------|
| COUNTY REVIEW | 8/8/19        |
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|               |               |
| DESIGNED BY:  | MDM           |
| DRAWN BY:     | MDM           |
| CHECKED BY:   | TJS           |
| FILE NAME:    | 20357-03 OV01 |

DRAWING SCALE:  
HORIZONTAL: 1" = 100'  
VERTICAL: N/A

OVERALL  
SITE PLAN

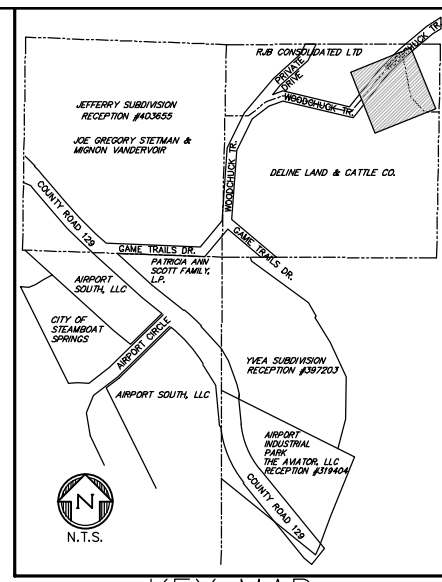
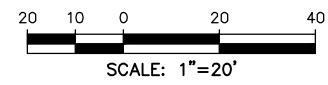
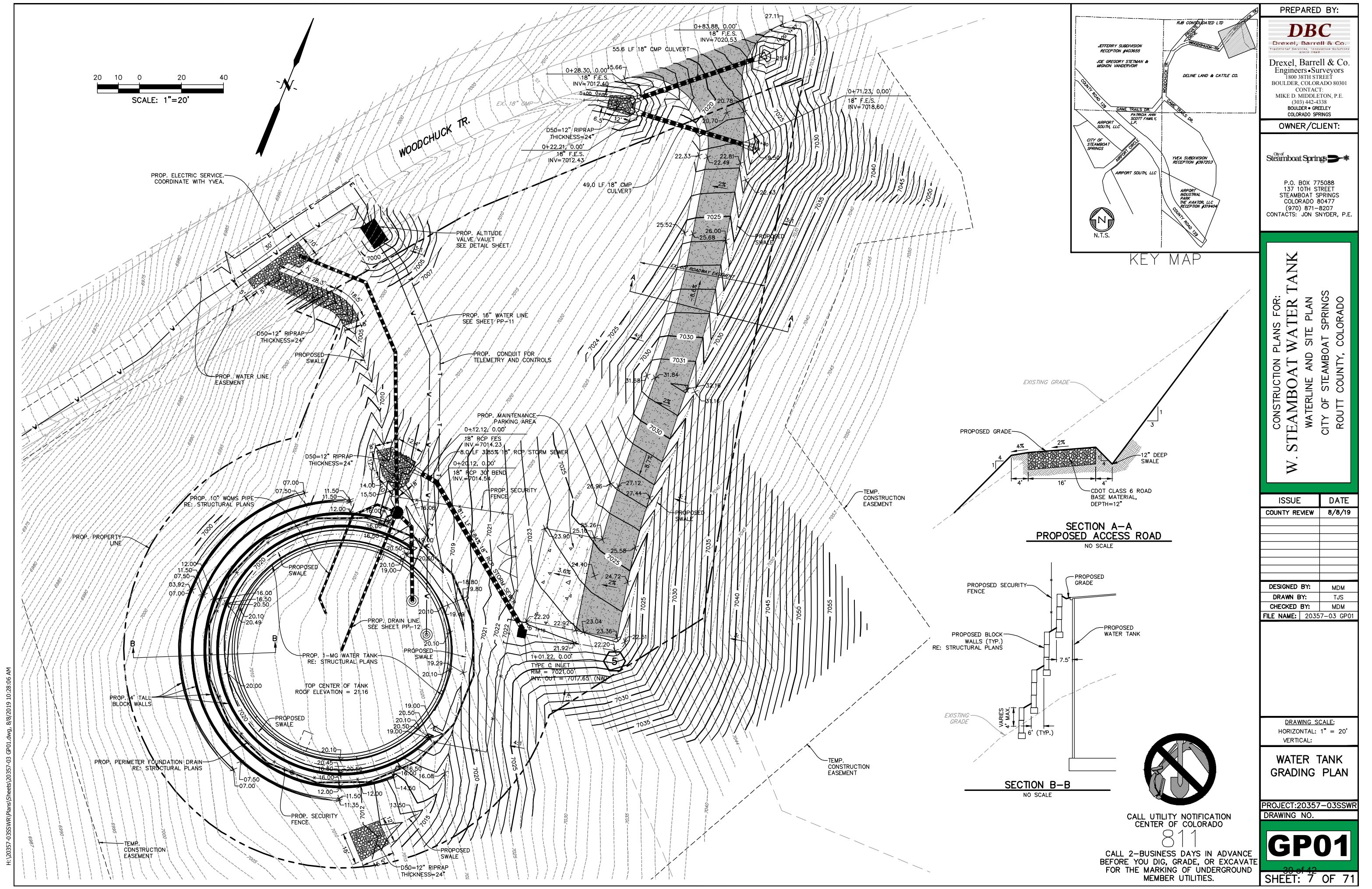
PROJECT:20357-03SSSWR  
DRAWING NO.

**OV01**



CALL UTILITY NOTIFICATION  
CENTER OF COLORADO  
811  
CALL 2-BUSINESS DAYS IN ADVANCE  
BEFORE YOU DIG, GRADE, OR EXCAVATE  
FOR THE MARKING OF UNDERGROUND  
MEMBER UTILITIES.





PREPARED BY:

**DBC**  
Drexel, Barrell & Co.  
Engineers & Surveyors  
1800 38TH STREET  
BOULDER, COLORADO 80301  
CONTACT:  
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CONSTRUCTION PLANS FOR:

**W. STEAMBOAT WATER TANK**  
WATERLINE AND SITE PLAN  
CITY OF STEAMBOAT SPRINGS  
ROUTT COUNTY, COLORADO

| ISSUE         | DATE          |
|---------------|---------------|
| COUNTY REVIEW | 8/8/19        |
| DESIGNED BY:  | MDM           |
| DRAWN BY:     | TJS           |
| CHECKED BY:   | MDM           |
| FILE NAME:    | 20357-03 GP01 |

DRAWING SCALE:  
HORIZONTAL: 1" = 20'  
VERTICAL:

**WATER TANK GRADING PLAN**

PROJECT: 20357-03SSWR  
DRAWING NO.

**GP01**

30 of 42  
SHEET: 7 OF 71

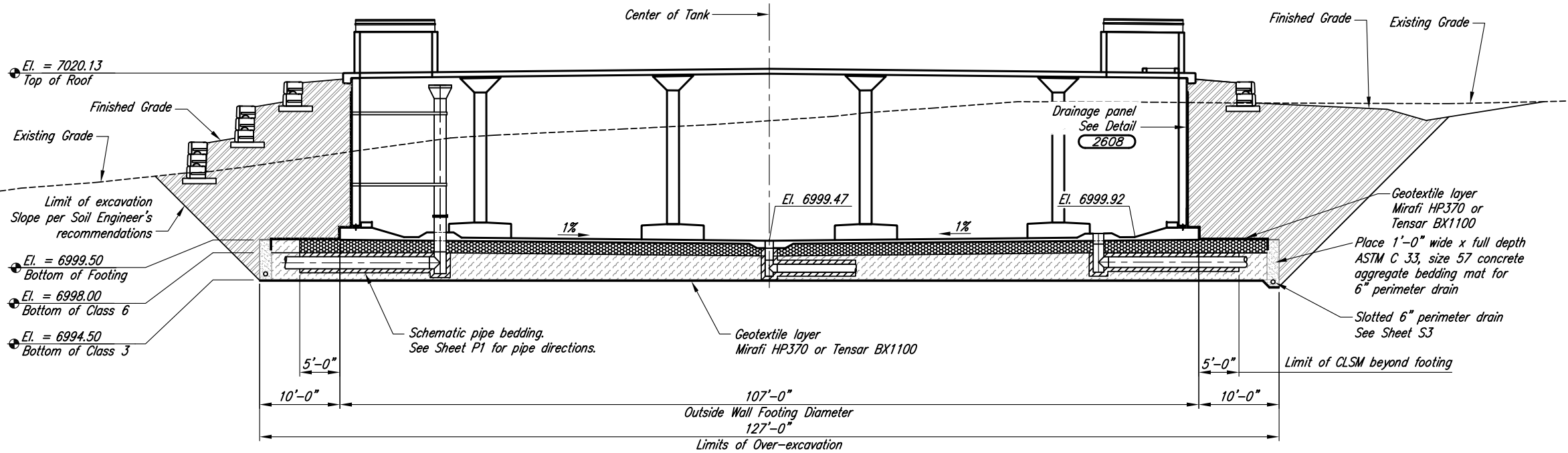


CALL UTILITY NOTIFICATION  
CENTER OF COLORADO  
811  
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BEFORE YOU DIG, GRADE, OR EXCAVATE  
FOR THE MARKING OF UNDERGROUND  
MEMBER UTILITIES.

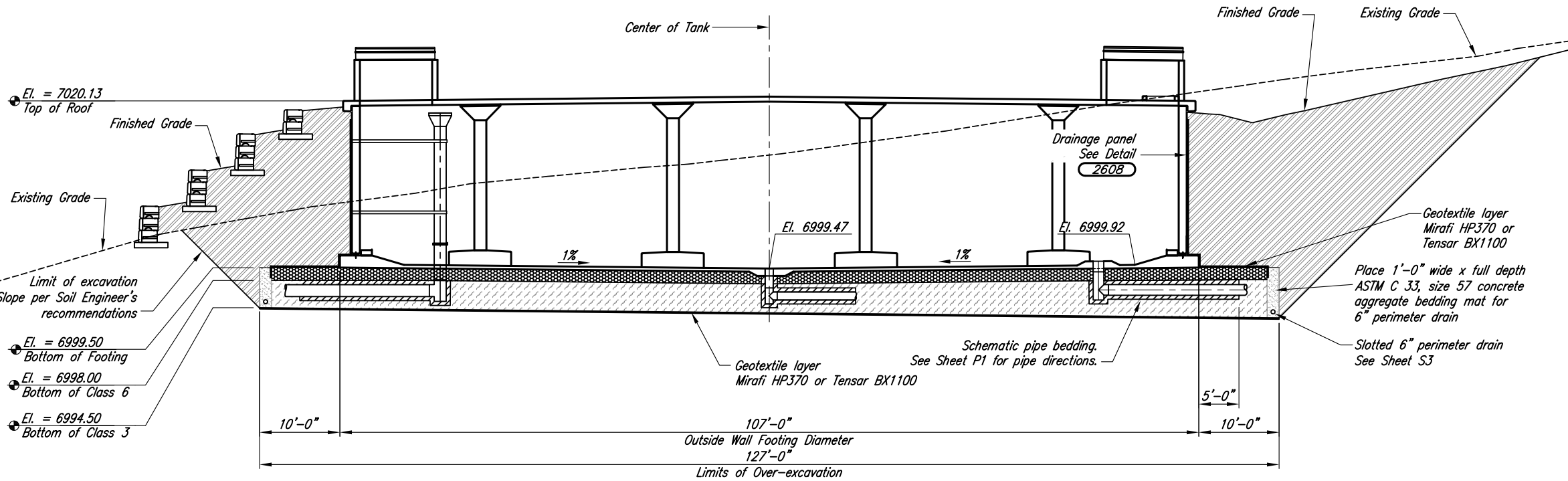
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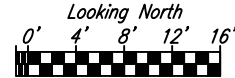
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PLOT DATE: 3/7/2019 3:04 PM  
DATE: 3/7/2019 11:39 AM



**ENGINEERED FILL CROSS SECTION**



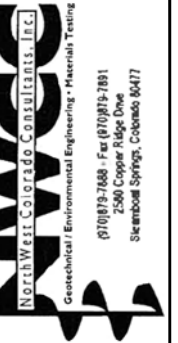
**ENGINEERED FILL CROSS SECTION**



**SUBGRADE MATERIALS LEGEND**

- On-site soils. Compact to at least 90% of the maximum standard Proctor density at a moisture content near optimum
- Imported CDOT Class 3 Structural fill "Pit Run" gravel material. Compact to 100% of the maximum standard Proctor density within 2% of optimum moisture content, determined in accordance with ASTM D698.
- ASTM C 33, size 57 concrete aggregate
- CLSM
- Imported CDOT Class 6 ABC. 1'-6" thick. Compact to 100% of the maximum standard Proctor density within 2% of optimum moisture content, determined in accordance with ASTM D698.

FOR CDPHE REVIEW ONLY  
March 7, 2019



| No. | Description    | Date | By |
|-----|----------------|------|----|
| 1   | AS CONSTRUCTED |      |    |

STEAMBOAT SPRINGS UTILITIES DIVISION  
1.0 MG WATER STORAGE TANK  
STRUCTURAL  
ENGINEERED FILL CROSS SECTION

March 7, 2019  
DATE:  
RFH  
DRAWN BY:  
DESIGNED:  
CHECKED BY:

PROJECT NO.  
19.003

SHEET  
S2

NAME: P:\project\19003 Steamboat Springs Utilities Division 1.0 MG WST Drawings\Structural\19003S17 RETAINING WALL - ELEVATION AND SECTION\_Revise.dwg  
PLOT DATE: 3/7/2019 3:08 PM  
DATE: 3/7/2019 2:46 PM  
XREF: "NWCC\JMS\DWG\19003S17.dwg"

Wall Units

- A. Wall units shall be Redi-Rock® as produced by a licensed manufacturer.
- B. Wall units shall be made with Ready-Mixed concrete in accordance with ASTM C94, latest revision, and shall have an air content of 4½%-7½%, Fc = 4,000 psi (at 28 days) with a slump of 5" ± 1 ½".
- C. Exterior block dimensions shall be uniform and consistent. Maximum dimensional deviations shall be 1% excluding the architectural surface. Maximum width (face to back) deviation including the architectural surface shall be 1.0 inch.
- D. Exposed face shall be finished as specified. Other surfaces to be smooth formed surfaces. Dime-size bug holes on the block face may be patched and/or shake-on color stain can be used to blend into the remainder of the block face.

Free Draining Backfill

- A. Free Draining Backfill material shall be washed stone and shall be placed between adjacent blocks and a minimum of 1' width behind the back of the wall and shall extend vertically from the concrete footer to an elevation 4" below the top of wall.
- B. Backfill material shall be approved by the geotechnical engineer. Site excavated soils may be used if approved unless otherwise specified in the drawings. Unsuitable soils with a PL>6, organic soils and frost susceptible soils shall not be used within a 1 to 1 influence area.
- C. Non-woven geotextile cloth shall be placed between the Free Draining Backfill and retained.
- D. Where additional fill is needed, Contractor shall submit sample and specifications to the Engineer for approval.

Geogrid

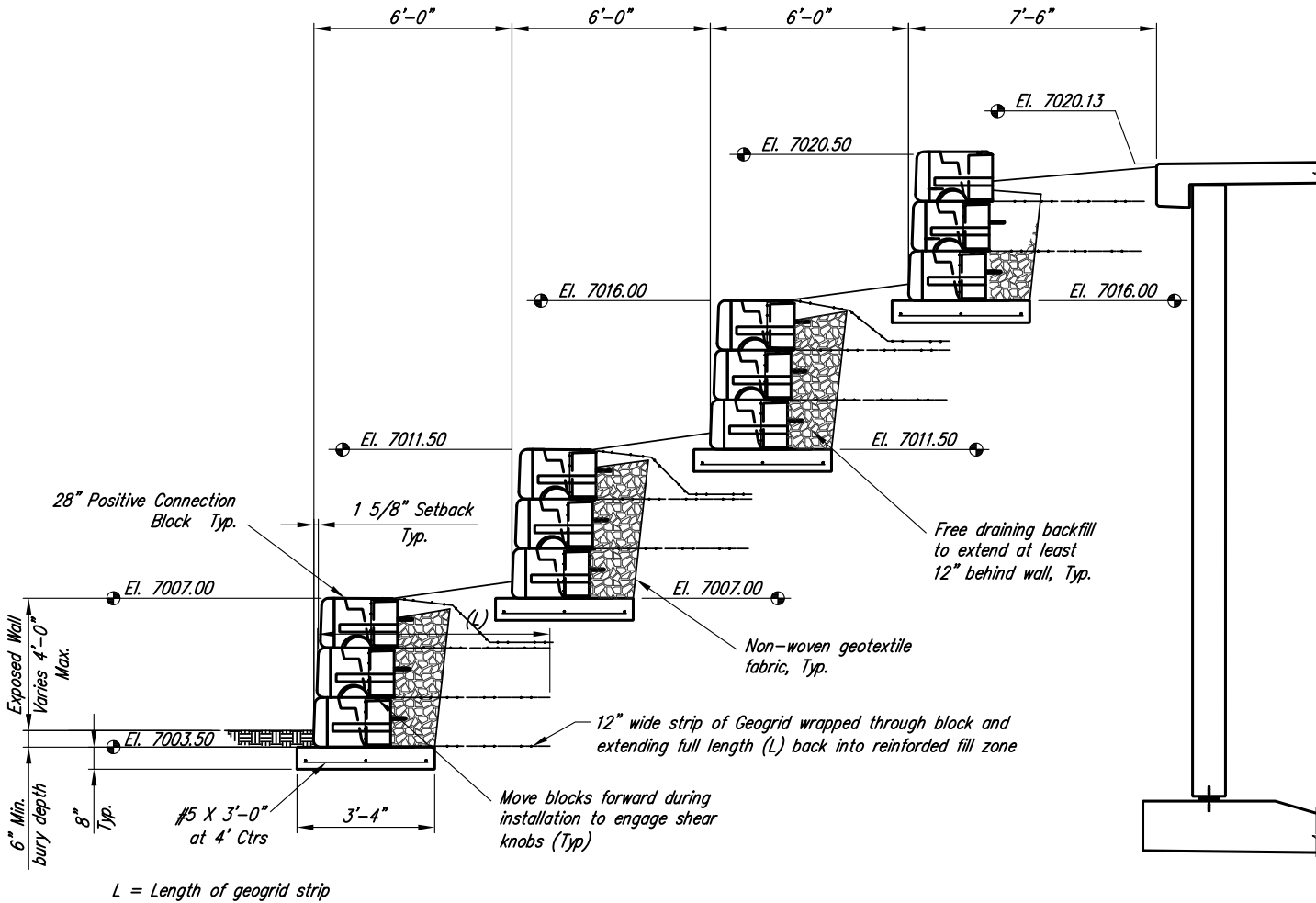
- A. Geogrid reinforcement shall be Miragrid XT Geogrids as manufactured by TenCate Geosynthetics of Pendergrass, Georgia. The geogrid shall be furnished in nominal, prefabricated roll widths of 12 inches. The geogrid rolls shall be certified for width, product integrity, and minimum average roll strength by the geogrid manufacturer.
- B. A positive connection between the blocks and the geogrid strips is achieved by threading a continuous length of geogrid through the Redi-Rock PC Block and extending the top and bottom geogrid layers to the specified length measured from the back of the block.

Foundation Soil Preparation

- A. Native foundation soil shall be compacted to 95% of standard proctor or 90% of modified proctor prior to placement of the concrete footer.
- B. In-situ foundation soil shall be examined by the Engineer to ensure that the actual foundation soil strength meets or exceeds assumed design strength. Soil not meeting the required strength shall be removed and replaced with acceptable, compacted material.

Unit Installation

- A. The first course of wall units shall be placed on the concrete footer with the aesthetic surface facing out and the front edges tight together. Thread geogrid strips through the blocks. Pull bottom layer of geogrid into place and anchor. All units shall be checked for level and alignment as they are placed.
- B. Ensure that units are in full contact with concrete footer. Proper care shall be taken to develop straight lines and smooth curves on base course as per wall layout.
- C. The backfill in front and back of entire base row shall be placed and compacted to firmly lock them in place. Make sure to infill the triangular space between blocks with Free Draining Backfill before installing next course of blocks. Pull the top layer of geogrid into place, pull tight and anchor. Fill PC slot with drain stone before installing next course of blocks. Check all units again for level and alignment. All excess material shall be swept from top of units.
- D. Install next course of wall units on top of base row. Position blocks to be offset from seams of blocks below. Blocks shall be placed fully forward so knob and groove are engaged. Check each block for proper alignment and level. Thread geogrid strip through blocks and pull bottom layer into place, tighten and anchor. Backfill the triangular space between adjacent blocks and at least 12 inches behind the blocks with Free Draining Backfill. Spread backfill in uniform lifts not exceeding 9 inches. Employ methods using lightweight compaction equipment that will not disrupt the stability or batter of the wall. Hand-operated plate compaction equipment shall be used around the block and within 3 feet of the wall to achieve consolidation. Compact backfill to 95% of standard proctor (ASTM D 698, AASHTO T-99) density within 2% of its optimum moisture content. Pull top layer of geogrid into place, tighten and anchor. Fill PC slot with drain stone before installing next course of blocks.
- E. Install each subsequent course in like manner. Repeat procedure to the extent of wall height.
- F. Allowable construction tolerance at the wall face is 2 degrees vertically and 1 inch in 10 feet horizontally.
- G. All walls shall be installed in accordance with local building codes and requirements.



FOR CDPHE REVIEW ONLY  
March 7, 2019



| No. | Description    | Date | By |
|-----|----------------|------|----|
| 1   | AS CONSTRUCTED |      |    |

STEAMBOAT SPRINGS UTILITIES DIVISION  
1.0 MG WATER STORAGE TANK  
STRUCTURAL  
RETAINING WALL  
TYPICAL BLOCK WALL SECTION

|               |
|---------------|
| March 7, 2019 |
| DATE:         |
| RFH           |
| DRAWN BY:     |
| DESIGNED:     |
| CHECKED BY:   |

PROJECT NO.  
19.003

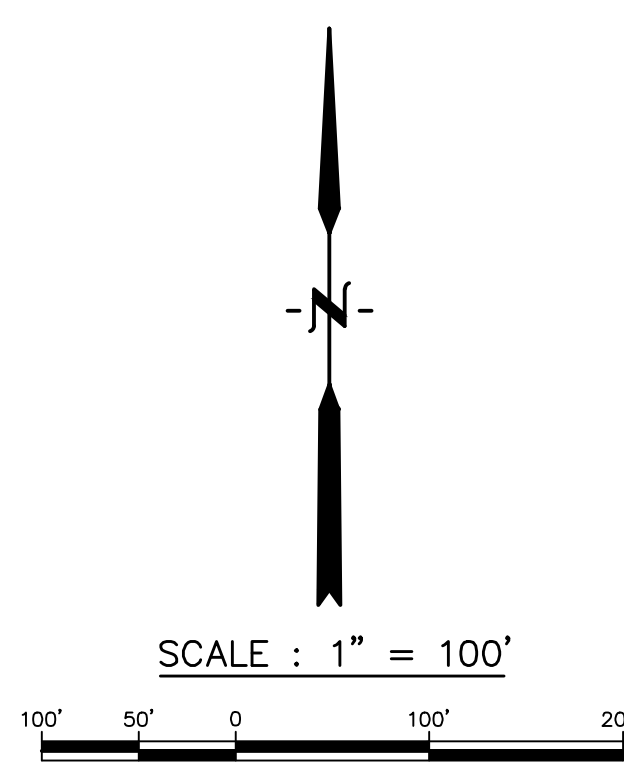
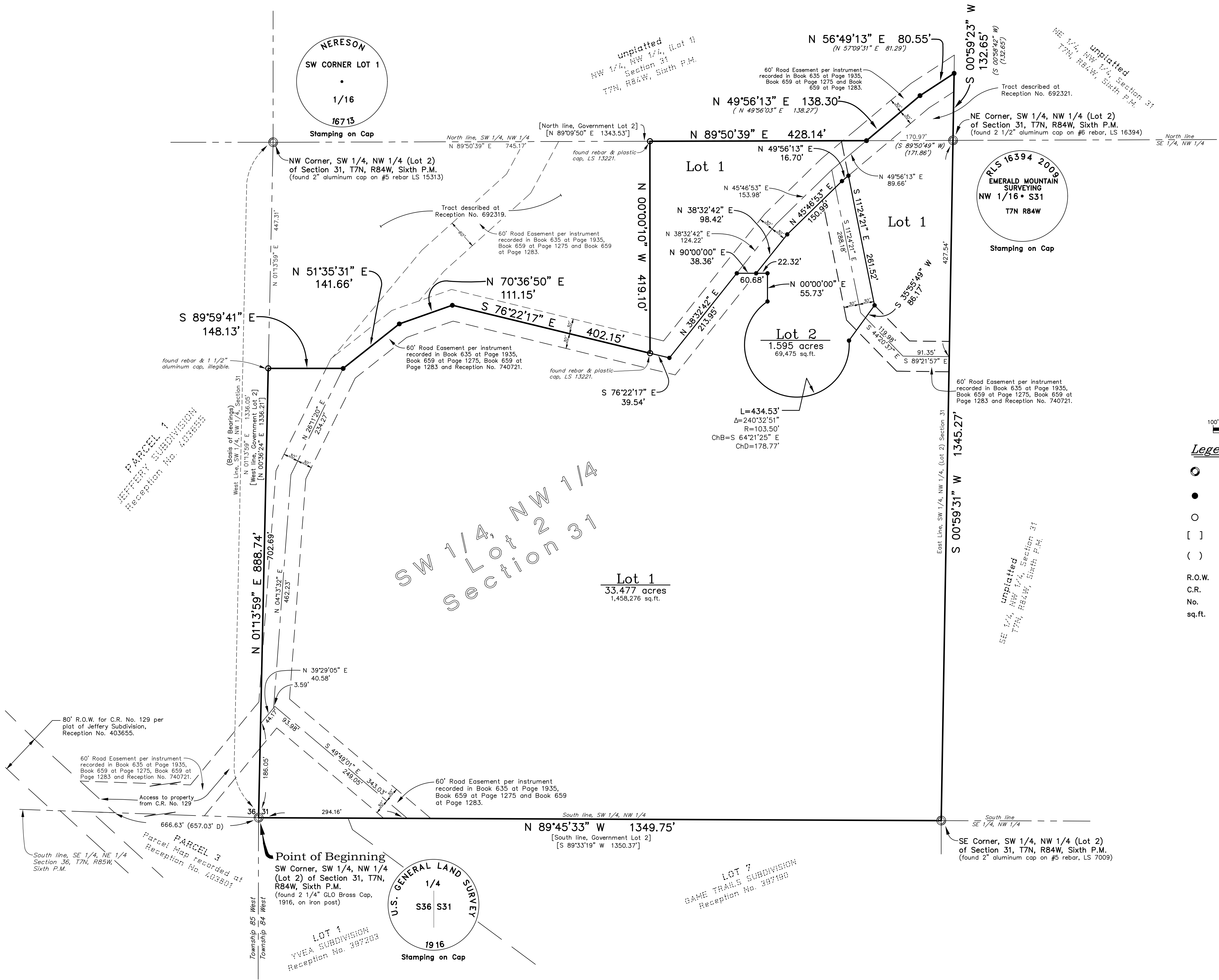
SHEET  
S17



DELINE LOT LINE ADJUSTMENT AND DEDICATION OF LAND FOR PUBLIC PURPOSE

A TRACT OF LAND BEING A PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 7 NORTH, RANGE 84 WEST OF THE SIXTH PRINCIPAL MERIDIAN  
COUNTY OF ROUTT, STATE OF COLORADO

SHEET 2 OF 2



- Legend**
- Found Aliquot Section Corner as indicated.
  - Set 5/8" x 24" rebar with 1 1/2" aluminum cap stamped D.B. & CO. / PLS 23515
  - Found Rebar & plastic cap as indicated
  - Record dimension per document recorded at Reception Number 698147.
  - Record dimension per document recorded at Reception Number 692321.
  - R.O.W. right of way
  - C.R. County Road
  - No. number
  - sq.ft. square feet

|  |            |             |  |
|--|------------|-------------|--|
| Sheet 2 - Plat Graphic   |            |             |  |
| Drexel, Barrell & Co. Engineers/Surveyors                        |            |             |  |
| 3 South 7th Street COLORADO SPRINGS, COLORADO 81501 719-260-0887 |            |             |  |
| BOULDER, COLORADO (303)-442-4338                                 |            |             |  |
| Date   | Drawn By   | Job No.     |  |
| 10/16/19   | GS/PCO     | 20357-00    |  |
| Scale  | Checked By | Drawing No. |  |
| 1"=100'  | PCO        | 20357EP     |  |



## ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

### AGENDA COMMUNICATION FORM

|                                    |                           |
|------------------------------------|---------------------------|
| <b>ITEM DATE:</b> January 14, 2020 | <b>ITEM TIME:</b> 1:30 pm |
|                                    |                           |

|                      |   |
|----------------------|---|
| <b>FROM:</b>         | Alan Goldich  |
| <b>TODAY'S DATE:</b> | January 7, 2020   |
| <b>AGENDA TITLE:</b> | City of Steamboat Springs West Side Water Tank; PL-18-184, 185, and 186 |

**CHECK ONE THAT APPLIES TO YOUR ITEM:**☒ **ACTION ITEM**☐ **DIRECTION**☐ **INFORMATION****I. DESCRIBE THE REQUEST OR ISSUE:**

1. PL-18-184 - Special Use Permit for a Major Facility of a Public Utility
2. PL-18-185 - Waterbody Setback permit for water lines associated with the tank
3. PL-18-186 – Division of Land For Public Purpose for the tank

**II. RECOMMENDED ACTION (*motion*):****Special Use Permit****Findings of Fact:**

1. 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 9 of the Routt County Zoning Regulations.
2. The Special Use Permit with the following conditions will not adversely affect the public health, safety and welfare.
3. The proposal with the following conditions is compatible with the immediately adjacent properties.

This approval is subject to the following conditions:

**General Conditions:**

1. The Special Use Permit (SUP) is valid for the life of the use provided it is acted upon within one year of approval. The SUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
2. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 5, 6, and 8.
3. The SUP is limited to uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application. Accessory structures/uses associated with this permit can be administratively approved by the Planning Director.
4. Any complaints or concerns which may arise from this operation may be cause for review of the SUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.





## **ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS**

### **AGENDA COMMUNICATION FORM**

5. In the event that Routt County commences an action to enforce or interpret this SUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
6. No junk, trash, trailers, equipment, or inoperative vehicles shall be stored on the property.
7. 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. 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. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in the amount of no less than \$1,000,000 per occurrence. Routt County shall be named as an additional insured on the policy. Permittee shall notify the Routt County Planning Department of any claims made against the policy. Certificate of liability insurance shall include all permit numbers associated with the activity.
10. Revegetation of disturbed areas shall occur within one growing season with a seed mix which avoids the use of aggressive grasses. Seeding shall take place in between the individual retaining walls. See the Colorado State University Extension Office for appropriate grass seed mixes.
11. 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:**

12. Permittee shall obtain a Grading and Excavation permit for the onsite construction activities.
13. Erosion and sediment from land disturbance activities associated with this project shall be controlled to the greatest practical extent through the use of appropriate Best Management Practices (BMPs).
14. Prior to issuance, the permittee shall provide Routt County with a bond or other surety in the amount of 150% of the cost of the work to ensure site restoration. Such surety shall be payable to or drawable by, and held by the Routt County Board of County Commissioners. Prior to the release of the surety, permittee shall show that the revegetation is equal to or better than pre-construction vegetation.
15. Interagency Grizzly Bear Committee bear resistant trash containers shall be made available for use on the project site during construction activities.
16. Construction activities shall not take place from December 1 – April 30 to avoid disturbing wintering elk.
17. Permittee's contractor shall maintain the site, storage areas, and active construction areas in a manner to minimize access and impact by and to wildlife.
18. In collaboration with the local CPW District Wildlife Manager, a nesting raptor and migratory bird survey shall be conducted two weeks prior to the start of construction. If nesting raptors or migratory birds are located in the project area, the permittee shall work with CPW to plan construction activities to avoid disturbance.
19. The retaining wall and fence shall be a neutral color similar to the surrounding vegetation. The color and texture of the retaining wall and the fencing shall be approved by the Planning Director prior to the commencement of construction.



## **ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS**

### **AGENDA COMMUNICATION FORM**

#### **Waterbody Setback Permit**

##### **Findings of Fact:**

1. The proposal with the following conditions meets the standards of Section 5.11 of the Routt County Zoning Regulations (Waterbody Setback Standards and Permits), as construction outside of the waterbody setback is not technically feasible.
2. The placement of the pipeline in the waterbody setback is necessary in order to be located in an already disturbed area, being in the vicinity of other utilities, ease of access for construction and maintenance, ease of access for future connections, and the favorable slope of the existing road which is preferred for hydraulic reasons.

##### **Conditions of Approval:**

1. This permit is limited to the project presented in the plans. Any changes must be applied for in a new or amended application.
2. A Grading and Excavation permit shall be obtained from Routt County Public Works prior to the commencement of construction. Evidence of an approved state stormwater permit shall be submitted prior to the commencement of construction.
3. Accessory structures/uses associated with this permit can be approved administratively by the Planning Director.
4. Revegetation of disturbed areas shall occur within one growing season with a seed mix which contains vegetation indigenous to the area and that avoids the use of aggressive non-native grasses.
5. This approval is contingent upon 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 the commencement of operations.

#### **Division of Land for Public Purpose**

##### **Findings of Fact:**

1. The Routt County Master Plan does not specifically address this type of application however the proposal with the following conditions is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations and Sections 3 and 4 of the Routt County Subdivision Regulations.
2. The proposal with the following conditions is in general conformance with the Steamboat Springs Area Plan.

##### **Conditions of Approval:**

1. All property taxes must be paid prior to the recording of the plat.
2. Address signage shall be in conformance with the Routt County Addressing, Naming, and Signage Policy shall be located at the entrance to the driveway.
3. A plat finalizing this subdivision shall be recorded within 12 months of approval. Extensions of this timeframe may be approved administratively.
4. Documentation for the legal access to the site shall be submitted to the Planning Department prior to the recordation of the plat.



## ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

### AGENDA COMMUNICATION FORM

5. Lot 1 shall retain all of the rights of a 35-acre parcel.
6. The plat shall contain a note stating that Lot 2 has not been approved for residential uses.

|   |
|---|
| <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 type="checkbox"/>                      |
| <i>Explanation</i> : N/A  |
| <b>IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS<br/>(IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):</b> |
| N/A   |
| <b>V. BACKGROUND INFORMATION:</b>   |

These applications were reviewed by Planning Commission at their January 19, 2019 hearing. Michelle Carr, Distribution and Collection Manager, represented the City during this hearing. No public comments have been received.

#### Special Use Permit:

The bulk of discussion focused on the visual impact that the tank would have. Ms. Carr stated that the tank is proposed to be partially buried to balance the cut and fills required for construction. The actual tank would not be visible however the retaining walls on the downhill side would be. These walls are proposed to be staggered so the height of any one individual wall would be no more than 4'. There will be four of these 4' walls. On each bench, grasses would be planted to help blend the structure into the surrounding landscape. Planning Commission also suggested that the color of the retaining walls be a neutral color. The color and texture of the walls would have to be approved by the Planning Director prior to the commencement of construction. Planning Commission was ok with the visual mitigation measures that are proposed for the tank.

Commissioner Brookshire had concerns regarding the City's proposal to extend services outside of the district to four lots. He stated that this is in not in compliance with policy CF-1.7 of the Steamboat Springs Area Community Plan (SSACP). This policy states, "*The provision of water and sewer service by the City shall be limited outside of the Urban Growth Boundary.*"

He also questioned whether the water tank was needed, since the City has stated that they have adequate water to serve future development. The City has stated that this tank is needed to improve overall system operation, increase fire flows, improve water pressure, and to facilitate growth on the west side of the City.

Planning Commission recommended approval of the SUP with a 6-1 vote. Commissioner Brookshire was the dissenting vote. He stated he has concerns with the visual impact of the tank and that it is out of character with the area. He also stated he did not think that the tank was needed, and the proposal to supply four lots with water service was not in compliance with SSACP policy CF-1.7.



## ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

### AGENDA COMMUNICATION FORM

#### Waterbody Setback Permit:

There was no discussion directly related to this aspect of the project. It was recommended for approval with a 7-0 vote.

#### Division of Land for Public Purpose:

Discussion on this application was limited whether the request for the remaining 33.5 acres after the subdivision occurs should retain the rights of a 35 acre parcel. The only thing that this would provide the landowner is the ability to locate a secondary dwelling unit 300' from the primary dwelling unit, instead of 200'. The requirement for a plat note to appear on the plat stating that this lot was not reviewed for residential uses was also suggested.

This aspect of the project was recommended for approval with a 7-0 vote.

#### **VI. LEGAL ISSUES:**

N/A

#### **VII. CONFLICTS OR ENVIRONMENTAL ISSUES:**

N/A

#### **VIII. SUMMARY AND OTHER OPTIONS:**

1. Deny
2. Table for more information

#### **IX. LIST OF ATTACHMENTS:**

- DRAFT Planning Commission minutes from December 19, 2019
- Staff packet

## ROUTT COUNTY PLANNING COMMISSION

### DRAFT MINUTES

DECEMBER 19, 2019

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, Bill Norris, Troy Brookshire, Billy Mitzelfeld, John Merrill, Roberta Marshall and Greg Jaeger. Commissioners Brian Kelly, Peter Flint and Andrew Benjamin were absent. Planning Director Chad Phillips and staff planner Alan Goldich also attended. Sarah Katherman prepared the minutes.

#### PUBLIC COMMENT

There was no public comment.

Commissioner Jaeger disclosed that he works for the City of Steamboat Springs, but not in the same department as Ms. Carr. He stated the he could make an impartial and unbiased decision. There were no objections to the participation of Commissioner Jaeger.

**ACTIVITY:** PL-18-184, PL-18-185 and PL-18-186

**PETITIONER:** City of Steamboat Springs

**PETITION:**

1. Special Use Permit for a Major Facility of a Public Utility
2. Waterbody Setback Permit for water lines associated with the west side water tank
3. Division of Land for Public Purposes for the west side water tank

**LOCATION:** East side of Elk River Road, across from the Steamboat Springs airport

Mr. Goldich reviewed the petition and noted that it includes three parts: the Special Use Permit (SUP), the Waterbody Setback Permit and the Division of Land for Public Purposes. He stated that because the project is being evaluated as a whole, Planning Commission would be making a recommendation to the Board of County Commissioners regarding each of the three parts.

Mr. Goldich presented a vicinity map and a detailed site plan. He said that the proposed site is approximately 1000 ft. outside the City limit, and overlooks CR 129. He described the proposed tank, which would be partially buried. He indicated the location of the water lines that would be associated with the tank. Mr. Goldich stated that the tank is intended to improve the overall operation of the City water system, increasing fire flows, improving water pressure and facilitating growth on the west side of the City.

Mr. Goldich reviewed a map of the alternate sites that were considered. He stated that all of the sites are outside of the City limit, and as such would be required to go through the same process as the proposed location. Mr. Goldich indicated the location of the drainage that qualifies as a waterbody, requiring the applicant to obtain a Waterbody Setback Permit for the pipe that would be within 50 ft. of the drainage. He stated that the applicant had submitted a Stormwater Management Plan that meets the criteria for obtaining a Grading and Excavation Permit.



Mr. Goldich reviewed the proposed plat. He said that the property owner has requested that Lot 1, which will contain approximately 33.5 acres following the division of land, be allowed to retain all of the development rights of a 35 acre parcel. He noted that the only difference in the development rights between a parcel of 35 acres and a smaller one is the distance allowed between the primary and secondary units.

Mr. Goldich said that the proposal was reviewed under the 1041 regulations regarding matters of state interest. The review resulted in a finding of no significant impact, provided that an SUP was obtained. Mr. Goldich reviewed the referral agency comments, as summarized in the staff report. He stated that the Colorado Parks and Wildlife recommendations had been included in the suggested conditions of approval (COAs).

Mr. Goldich stated that the City had entered into an agreement with the landowner, who also owns two other nearby parcels, to provide residential water taps for each of these lots.

Mr. Goldich asked Planning Commission for input regarding the visual impact and whether the proposed mitigation measures were sufficient, and regarding the request for Lot 1 to retain the same rights as if it were a 35-acre parcel.

Commissioner Brookshire stated that he had some concerns regarding the City's proposal to extend services outside of the district to three lots. He also questioned whether the water tank was needed.

Ms. Michelle Carr, Distribution and Collection Manager for the City of Steamboat Springs, stated that the proposed tank would initially store water from existing sources, but that eventually the City would like to develop a water treatment plant and utilize water rights that it holds on the Elk River. She stated that although the Elk River project has been discussed for many years, it is not on the 20 year horizon. Ms. Carr stated that the water tank is needed now, based on the water supply master plan, which is reviewed every 10 years. The water storage tank will push farther into the future the need to develop new water sources. The tank will also allow the development of phase 3 of the Sunlight subdivision without the need for residential sprinkler systems.

Mr. Goldich said that the Planning Department is generally consulted when the City wants to provide service outside the City limit. He said that no such requests have been received in recent years. Regarding the potential density of the area to which the City is proposing to extend water service, Mr. Goldich said that it is unlikely to increase, based on the Routt County Master Plan and the Steamboat Springs Area Community Plan (SSACP) which state that all urban level density shall occur inside the Urban Growth Boundary (UGB). He reviewed the growth management policies in the SSACP.

In response to a question from Commissioner Brookshire regarding the potential for the water taps to serve a higher density development, Ms. Carr stated that the water taps will be small diameter lines which would only be sufficient to serve one primary and one secondary dwelling. She stated that the City would also like to offer a water tap to the Schraders, who maintain the road, but added that their property is higher up and may be a challenge.

Commissioner Brookshire asked why the proposed tank is only partially buried. Ms. Carr stated that the project was designed to balance the cut and fill. She stated that the retaining wall is designed to make the tank as inconspicuous as possible. She described the retaining wall and stated that it would be colored to match the existing background.

Commissioner Merrill asked about the long-term need for additional water supply. Ms. Carr stated that the City does not have a site for a new water treatment plant and the project to develop one is not included on the 20 year plan. Commissioner Merrill asked about monitoring of the tank. Ms. Carr stated that the controls would employ wireless technology and not be subject to the problems that have occurred at the tank off of Fish Creek Falls Road. She added that the City is working on upgrading the controls on that tank.

Commissioner Marshall asked about a "future house" included on the site plan. Ms. Carr said that the house was the property owner's original plan, and that the house is not part of the current application.

Mr. Goldich described the proposed division of land. He noted that no alternative reconfiguration of the Deline properties would result in three 35-acre parcels in addition to the site for the tank. The proposed 33.5-acre parcel would be a legal non-conforming lot on which a primary and a secondary dwelling could be built. The request to retain the rights of a 35-acre parcel would allow the primary and secondary dwelling to be 300 ft. apart instead of 200 ft. apart.

In response to a question from Commissioner Marshall, Ms. Carr reviewed the proposed grass mix to be used for revegetation. She noted that the land currently also has some sagebrush and some gambles oaks. Ms. Carr described how the grass would be planted on the tops of each level of the retaining wall. Any exposed retaining wall would be colored to match the surroundings.

Commissioner Brookshire asked about the road maintenance agreement. Mr. Carr said that the City intends to enter into the road maintenance agreement that covers the private road and provides access to the Deline and Schrader properties. She stated that the City has an easement through the YVEA property for the water line. She clarified that the water line crossing CR 129 was previously installed to create a looped system.

There was a discussion of the proposal to cover the chain link fence with fabric.

Commissioner Brookshire asked why the tank could not be buried deeper. Mr. Goldich described the difficulties of the cut and fill.

#### **Public Comment**

Mr. Clay Schrader, the owner of the lot above the tank, clarified that he holds an easement to use the road, which he maintains, through the Deline property. He stated that his only concern with the water tank project is that the access to his property will remain open throughout the construction of the tank. He added that getting a water tap would be very beneficial to him, as the water from his well is not potable. He said that he would not be able to see the tank from his house.

Seeing no further comment, Chairman Warnke closed public comment.

Ms. Marshall said that she was okay with the proposed landscaping plan, but would prefer if oak and other shrubs were included in the plantings. Commissioner Merrill agreed, and asked about dust mitigation prior to the growth of the grasses. Mr. Goldich discussed the Grading and Excavation Permit that includes measures to control erosion. The mat used for revegetation will control dust.

Commissioner Mitzelfeld suggested that better screening of the tank should be required and that the retaining wall should be textured. Following further discussion of the retaining wall, Mr. Goldich reviewed a new possible COA to address the color and texture of the retaining wall. He added that gambles oak are very slow growing, but that other types of landscaping could help to mitigate the visual impact of the tank.

Regarding the visual impact and the need for additional mitigation, Commissioner Brookshire noted that CR 129 is designated as a gateway into Steamboat Springs. He said that COA #10 should include a requirement that each bench of the wall be planted. He also noted that SSACP policy CF 1.7 states that municipal services will not be extended or expanded outside of the UGB. He said that the taps offered to the Delines and the Schraders are out of compliance with the SSACP. Commissioner Brookshire added that City Council has stated that the City has sufficient water supply to serve the development described in the West of Steamboat Springs Area Plan. He said that he does not understand why the tank is needed.

Ms. Carr cited the City's water supply master plan and infrastructure master plan regarding the need for the tank. Regarding the extension of water taps, Ms. Carr cited the Municipal Code that states that properties outside the City limit would not be served without approval by City Council. She offered that because the tank is needed for fire flows and future developments, City Council was likely to approve the taps.

Commissioner Brookshire suggested that the permit should state that the taps may only be used for four lots.

There was additional discussion of the proposed fence.

Commissioner Jaeger stated that he feels that the tank is needed, given the limitations on the Fish Creek tank and the need for redundancy in the system, as well as future growth to the west. He said that the proposed planting on each bench of the retaining wall and requiring the color of the wall to blend in would provide sufficient screening, and that other landscaping would look unnatural and wouldn't be effective. Commissioner Jaeger added that if the County receives complaints about the visual impact of the tank, the permit could be reviewed and additional mitigation measures could be required.

Commissioner Brookshire asked if the tank could provide water for pumper trucks, in the event of wildland fire. Ms. Carr said that it could, but also pointed out that there is a hydrant at CR 129.

Chairman Warnke said that he was okay with the proposed landscaping. He reviewed the new suggested COA #19. Ms. Carr said that none of the concrete of the tank should be visible.

Ms. Marshall suggested that in the future, requiring the submittal of a colors and materials board would streamline the review process for such facilities.

Commissioner Mitzelfeld expressed concern with the vehicles that would be required to maintain the tank. Ms. Carr stated that regular pick-up trucks would be used, and that keeping the road open would be included in the road maintenance agreement.

#### MOTION

Commissioner Marshall moved to approve the Special Use Permit for the west side water tank with the following findings of fact:

1. 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 9 of the Routt County Zoning Regulations.
2. The Special Use Permit with the following conditions will not adversely affect the public health, safety and welfare.
3. The proposal with the following conditions is compatible with the immediately adjacent properties.

This approval is subject to the following conditions:

#### General Conditions:

1. The Special Use Permit (SUP) is valid for the life of the use provided it is acted upon within one year of approval. The SUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
2. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 5, 6, and 8.
3. The SUP is limited to uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application. Accessory structures/uses associated with this permit can be administratively approved by the Planning Director.
4. Any complaints or concerns which may arise from this operation may be cause for review of the SUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
5. In the event that Routt County commences an action to enforce or interpret this SUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
6. No junk, trash, trailers, equipment, or inoperative vehicles shall be stored on the property.
7. 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. 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. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in the amount of no less than \$1,000,000 per occurrence. Routt County shall be named as an additional insured on the policy. Permittee shall notify the Routt County Planning Department of any claims made against the policy. Certificate of liability insurance shall include all permit numbers associated with the activity.
10. Revegetation of disturbed areas shall occur within one growing season with a seed mix which avoids the use of aggressive grasses. Seeding shall take place in between the individual retaining walls. See the Colorado State University Extension Office for appropriate grass seed mixes.
11. 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:**

12. Permittee shall obtain a Grading and Excavation permit for the onsite construction activities.
13. Erosion and sediment from land disturbance activities associated with this project shall be controlled to the greatest practical extent through the use of appropriate Best Management Practices (BMPs).
14. Prior to issuance, the permittee shall provide Routt County with a bond or other surety in the amount of 150% of the cost of the work to ensure site restoration. Such surety shall be payable to or drawable by, and held by the Routt County Board of County Commissioners. Prior to the release of the surety, permittee shall show that the revegetation is equal to or better than pre-construction vegetation.
15. Interagency Grizzly Bear Committee bear resistant trash containers shall be made available for use on the project site during construction activities.
16. Construction activities shall not take place from December 1 – April 30 to avoid disturbing wintering elk.
17. Permittee's contractor shall maintain the site, storage areas, and active construction areas in a manner to minimize access and impact by and to wildlife.
18. In collaboration with the local CPW District Wildlife Manager, a nesting raptor and migratory bird survey shall be conducted two weeks prior to the start of construction. If nesting raptors or migratory birds are located in the project area, the permittee shall work with CPW to plan construction activities to avoid disturbance.
19. The retaining wall and fence shall be a neutral color similar to the surrounding vegetation. The color and texture of the retaining wall and the fencing shall be approved by the Planning Director prior to the commencement of construction.

Commissioner Merrill seconded the motion.

The motion carried, 6 – 1 with the Chair voting yes.



Commissioner Brookshire stated that his dissenting vote was based on his concerns regarding the negative visual impact of the proposed tank. He said that the structure was out of character with the area. He added that he did not think the tank was necessary and stated that supplying water service to four lots outside of the district is contrary to SSACP policy CF 1.7.

#### MOTION

Commissioner Marshall moved to approve the Water Body Setback Permit for the west side water tank with the following findings of fact:

1. The proposal with the following conditions meets the standards of Section 5.11 of the Routt County Zoning Regulations (Waterbody Setback Standards and Permits), as construction outside of the waterbody setback is not technically feasible.
2. The placement of the pipeline in the waterbody setback is necessary in order to be located in an already disturbed area, being in the vicinity of other utilities, ease of access for construction and maintenance, ease of access for future connections, and the favorable slope of the existing road which is preferred for hydraulic reasons.

This approval is subject to the following conditions:

1. This permit is limited to the project presented in the plans. Any changes must be applied for in a new or amended application.
2. A Grading and Excavation permit shall be obtained from Routt County Public Works prior to the commencement of construction. Evidence of an approved state stormwater permit shall be submitted prior to the commencement of construction.
3. Accessory structures/uses associated with this permit can be approved administratively by the Planning Director.
4. Revegetation of disturbed areas shall occur within one growing season with a seed mix which contains vegetation indigenous to the area and that avoids the use of aggressive non-native grasses.
5. This approval is contingent upon 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 the commencement of operations.

Commissioner Merrill seconded the motion.

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

#### MOTION

Commissioner Marshall moved to approve the division of land for public purposes for the west side water tank with the following findings of fact:

1. The Routt County Master Plan does not specifically address this type of application however the proposal with the following conditions is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations and Sections 3 and 4 of the Routt County Subdivision Regulations.

2. The proposal with the following conditions is in general conformance with the Steamboat Springs Area Plan.

This approval is subject to the following conditions:

**General Conditions:**

1. All property taxes must be paid prior to the recording of the plat.
2. Address signage shall be in conformance with the Routt County Addressing, Naming, and Signage Policy shall be located at the entrance to the driveway.
3. A plat finalizing this subdivision shall be recorded within 12 months of approval. Extensions of this timeframe may be approved administratively.
4. Documentation for the legal access to the site shall be submitted to the Planning Department prior to the recordation of the plat.
5. Lot 1 shall retain all of the rights of a 35-acre parcel.
6. The plat shall contain a note stating that Lot 2 has not been approved for residential uses.

Commissioner Merrill seconded the motion.

**Discussion and friendly amendments**

There was a discussion of the access to the site. Mr. Goldich said that he had reviewed an unsigned terms sheet stating that access would be granted. Ms. Carr explained that the City would join an existing road maintenance agreement. It was suggested that a condition should be added requiring the petitioner to submit documentation of the legal access. This condition was approved, as indicated above.

Mr. Phillips suggested that a condition be added clarifying that the 33.5-acre parcel would retain all of the development rights associated with a 35-acre parcel. This recommendation was accepted, as indicated above.

Following a discussion of what would become of Lot 2 if the tank is not built, Planning Commission agreed to add a condition stating that the lot was not approved for residential uses.

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

Following the vote, Commissioner Mitzelfeld suggested that when the project is reviewed by the Board of County Commissioners, motion sensitive lighting should be considered, given that no lighting would be needed except when people were present.

**ADMINISTRATOR'S REPORT**

Mr. Phillips reviewed the upcoming agendas. He noted that the March 5<sup>th</sup> meeting would be a joint meeting with the Board to discuss progress on the Master Plan update and review of the initial public engagement. Mr. Phillips said that the community survey would remain open until February 14<sup>th</sup>.

The meeting was adjourned at 8:00 p.m.



# ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

## AGENDA COMMUNICATION FORM

|                             |                    |
|-----------------------------|--------------------|
| ITEM DATE: January 14, 2020 | ITEM TIME: 1:30 pm |
|                             |                    |

|               |   |
|---------------|---|
| FROM:         | Alan Goldich  |
| TODAY'S DATE: | January 7, 2020   |
| AGENDA TITLE: | Land Dedication Requirements (Section 3.5 of the Subdivision Regulations) and Term of Approval (Section 3.2.9 of the Zoning Regulations); PL-19-102 |

**CHECK ONE THAT APPLIES TO YOUR ITEM:**

☐ ACTION ITEM

☒ DIRECTION

☐ INFORMATION

**I. DESCRIBE THE REQUEST OR ISSUE:**

Review proposed changes to the Subdivision and Zoning Regulations concerning land dedications and fees-in-lieu and Term of Approval for land use permits.

**II. RECOMMENDED ACTION (*motion*):**

N/A

**III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):**

PROPOSED REVENUE (*if applicable*): \$

CURRENT BUDGETED AMOUNT: \$

PROPOSED EXPENDITURE: \$

FUNDING SOURCE:

SUPPLEMENTAL BUDGET NEEDED: YES ☐ NO ☐

Explanation: N/A

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

N/A

**V. BACKGROUND INFORMATION:**

### Land Dedication and Fee-In-Lieu

#### Background

The Board has had several hearings to discuss development fees in general and land dedication requirements and fees-in-lieu (FIL). At the last hearing the Board gave staff direction to present proposed changes to the Subdivision Regulations based on the most recent conversation on how the regulations should be structured. To summarize, the Board decided:

- The formula for determining the amount of land to be dedicated is to be contained within the regulations.
- The FIL of land dedication is to be based on the value of the platted but unimproved (without



## ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

### AGENDA COMMUNICATION FORM

any of the required infrastructure installed) land.

- The value is to be agreed upon by the Planning Director and the applicant. If the value cannot be agreed upon, an appraisal paid for by the applicant shall be obtained.
- The FIL of land dedication is to be paid directly to the entity in which the subdivision is located.
- Insert a clause stating that the land dedication requirements do not apply lot consolidations.

#### **Proposed Formula**

Staff has created formulas for determining the amount of land for parks and schools that need to be dedicated. Both formulas use the estimated household size for Routt County, which is 2.3. This is based on the Department of Local Affairs' (DOLA) most recent projection and estimate for Routt County.

- **School Land**

Staff consulted with the Steamboat Springs School District (SSSD) to determine how much land is needed per student. They responded with 17 acres per 1,000 residents. The South Routt and Hayden school district were consulted and they referenced the same numbers as the SSSD.

The formula for schools is:

$$.017 \text{ acres} \times 2.3 \times \# \text{ of additional dwellings} = \text{land area to be dedicated}$$

- **Park Land**

According to the DOLA Small Community Parks and Recreation Standards publication and consultation with the City of Steamboat Springs Parks and Recreation Director, 13 acres per 1,000 residents is required.

The formula for parks is:

$$.013 \text{ acres} \times 2.3 \times \# \text{ of additional dwellings} = \text{land area to be dedicated}$$

#### **Staff Comments**

1. Provisions to challenge the County's determination of land area to be dedicated is contained in the regulations.
2. The amount of land to be dedicated and the FIL amount is the maximum the Board could require. The Board has the option to require less. Although not specifically stated, it is staff's opinion that the wording of the regulations permits this.

#### **Issues for Discussion**

1. Does the ability for the Board to require less than the amount determined through the calculations need to be more clearly stated?
2. It is staff's opinion that the proposed regulations are clear on how to determine the value of the land, i.e. value mutually agreed upon by the applicant and the Planning Director or obtaining an appraisal. Does the Board want to give the applicant the ability to negotiate the value with the Board?



# ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

## AGENDA COMMUNICATION FORM

### **Term of Approval**

#### **Background**

Sometimes Permittees are not aware of when their permit expires and it does not come to staff's attention until it is too late to have a new permit in place prior to the expiration date. In the past, the Board has extended the permit, and allowed the operation to continue, in order for the permittee to acquire a new permit without having to stop operating. The proposed change is meant to provide a process for these types of requests. The below statement is proposed to be added to Section 3.2.9 of the Zoning Regulations.

*The expiration date of a permit may be extended without notice by the Planning Director for a period not to exceed 90 days. Requests submitted to extend the permit must be accompanied by a complete application for renewal.*

|   |
|---|
| <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>   |
| <ul style="list-style-type: none"><li>• Proposed changes to the Subdivision Regulations</li><li>• DOLA Small Community Parks and Recreation Standards</li></ul> |

### 3.5 Open Spaces & Public Sites

The Commission and the Board shall require, in addition to ~~subdivision streets~~the requirements of Section 4.2 of these regulations, the dedication of sufficient open spaces ~~(parks, greenbelts, trails, etc.) and other park lands, and school sites~~ of a character, extent, and location suitable for a use that is essential to the public. Such essential uses ~~may~~ include open spaces, schools, and active park lands~~fire stations, and similar facilities. In determining an essential public use, the Commission and Board shall consider:~~

- ~~the Master Plan;~~
- ~~nearby recreational amenities;~~
- ~~nearby public buildings and facilities; and~~
- ~~the particular type of development proposed in the subdivision.~~

~~The total requirement for public sites and open space shall be 15% of the gross area of the proposed subdivision.~~

The requirements of this section do not alter and shall not be in addition to the twenty-five percent (25%) “useable open space” requirement as set forth in the Planned Unit Development Zone District of the Routt County Zoning Regulations. However, the ~~5%~~ dedication for ~~public sites~~park lands and school sites is still required for Planned Unit Developments and is included within the 25% total.

Lot Consolidations are not subject to the requirements of Section 3.5.

#### 3.5.1 On-Site Open Space

A. All subdividers in Routt County not applying for a PUD shall convey a minimum of ten percent (10%) of the gross area of the subdivision as open space, ~~parks, or recreation area.~~ Such open space shall be dedicated for the purpose of passive and active recreation to serve the future residents of the project.

~~A.B.~~ The conveyance shall be to a property owners association or similar organization formed for purposes including the perpetual maintenance of such designated areas within the subdivision. Any such organization must provide for funding of said maintenance. The open space area must meet the following requirements:

- 1) The use of the open space must be restricted for ~~park, recreation, or passive open space~~passive and active recreation purposes on the plat.
- 2) ~~A percentage of the open space shall be reasonably adapted for use for park and recreational purposes, taking into consideration such factors as the number of proposed lots, size, geology, presence and condition of ground cover and timber, condition of soil, drainage topography, access and availability of water.~~ Active park lands shall contain land suitable for the type of recreational amenity proposed. Development constraints such as, but not limited to, wetlands, Waterbodies and Waterbody Setbacks, slopes greater than 30%, and critical wildlife habitat, shall not be counted towards the minimum required dedication.



- 3) Be designed to assist in enhancing the environment and in preserving community integrity in the most practical, attractive manner possible.
- 4) Promote continuity of open space links, trails and an overall recreation system.
- 5) Be consistent with the Master Plan and applicable sub-area plans.
- 6) Protect natural and historical features, scenic vistas or watercourses.

B.C. With respect to proposed public trail dedications, the Board shall consider:

- 1) The minimum width for such trail easement shall be based on the particular reasonable needs of the trail, its location, the surrounding terrain and the projected usage. In all cases the easement shall be of adequate width to handle the proposed uses.
- 2) There shall be adequate provision for public access to the trail easement within the subject property.
- 3) The trail easement may overlap and include other property previously included in other easements such as ditch, canal or utility, public open space or other easement provided no easement compromises the functional use of any other easement.

### **3.5.2 ~~Public Sites~~Park Lands**

The proposed subdivision shall contain lands dedicated for the purpose of active recreation to accommodate some of the recreational needs of the proposed project's residents. Such dedication shall be .013 acres multiplied by the estimated residential population of the proposed subdivision. The estimated residential population shall be calculated by multiplying the proposed number of dwellings by 2.3, or a current household size for the project area as determined by the Colorado Department of Local Affairs.

### **3.5.3 ~~School Sites~~**

~~In addition to the requirement for Open Space in Section 3.5.1, the County shall require the dedication of land and/or payment in lieu thereof for public sites such as~~ The proposed subdivision shall contain lands dedicated for the purpose of schools sites, fire stations, or other necessary public facilities, as determined by the Board. ~~Such dedication shall be .017 acres multiplied by the estimated residential population five percent (5%) of the gross land area of the proposed subdivision. The estimated residential population shall be calculated by multiplying the proposed number of dwellings by 2.3, or a current household size for the project area as determined by the Colorado Department of Local Affairs. The developer shall have the option, in its sole discretion, to accept the County's calculation of the required dedication, or to perform studies to demonstrate the actual impact of the subdivision upon public services and facilities and the resulting appropriate dedication or other contribution.~~

### **3.5.3 ~~3.5.4~~ Conveyance of Open Space, Park Lands, School Sites and ~~Public Sites and Alternatives~~**

- A. Prior to final plat recordation for all subdivisions, the developer shall satisfy the requirements for Open Space, Park Lands, and School Sites ~~and public sites~~ through one (1) or a combination of the following:

- 1) **Conveyance** - Open Space, Park Lands, and/or public School Sites to be conveyed to a homeowners association and/or public agency may be dedicated on the Final Plat, conveyed by Warranty Deed, or other instrument acceptable to the Routt County Planning Department. Any property to be conveyed shall be free and clear of all liens and encumbrances at the time of conveyance.
  - 2) **Cash-Fee-in-Lieu for ~~Public Sites~~ Park Lands and School Sites** - When, after recommendation of the Commission, dedication of all or portions of the land for ~~public sites~~ Park Lands, and/or School Sites is not deemed feasible or in the public interest, the Board may require the subdivider, in lieu thereof, to pay the County a fee. Such payment shall be based on the fair market value, ~~based~~ assessed on completion of proposed platting, of the entire property as it may exist ~~when all required infrastructure is completed and functioning~~ without the required infrastructure. The fee shall not exceed the full fair market value of the acreage required by the Park Lands and School Sites calculation as stated in Sections 3.5.1 and 3.5.2 or, 5% of the entire subdivision or pertinent phase thereof, as applicable, as determined by the Board. ~~In determining the fair market value of land for purposes of calculating a fee-in-lieu payment, the County may require that the developer obtain an appraisal. The value of the combination of both the land dedication and the cash-in-lieu of land shall not exceed the full fair market value of the total required dedication of sites and land areas.~~
- B. The County and, in certain cases as outlined above, the subdivider, in formulating the appropriate combination of the options set forth in Subsection 3.5.3.A above, shall take into consideration the following standards:
- 1) The size of the proposed subdivision.
  - 2) The projected additional population associated with the proposed subdivision.
  - 3) The projected need generated by the subdivision for Park Lands and School Sites. ~~public services and facilities, particularly recreational, educational, and emergency services, the provision of which is not covered by other requirements herein.~~
  - 4) The impact of the proposed subdivision on the implementation of the County's Master Plan and its component parts, including transportation, parks, and recreation.
- C. In determining the fair market value of the land for purposes of calculating a fee-in-lieu payment, the applicant and Planning Director shall determine a mutually agreed upon value. If such value cannot be agreed upon, the applicant shall obtain an appraisal of the land. The applicant shall be responsible for the cost of such appraisal.
- ~~G.D.~~ In the event that the subdivider disagrees with the County's determination of required dedication, the subdivider may prepare a study evaluating the demand for public land and improvements made necessary ~~impacts of or generated by~~ the proposed subdivision on area Park Lands and School Sites. Such study shall be undertaken at the subdivider's cost by a ~~licensed~~

~~professional engineer or other~~ professional approved in advance by the County. To the greatest extent possible, the study shall include an evaluation of the ~~County's~~ present supply or capacity and present demand for all ~~public services~~ Park Lands and School Sites required by the proposed subdivision. The study shall identify and quantify the additional demand placed upon such ~~public services~~ Park Lands and School Sites by the proposed subdivision. The study shall identify the necessary ~~public land and improvements~~ Park Lands and School Sites required to be dedicated ~~or constructed~~ by the developer in order to serve the demand generated by the proposed subdivision. The study shall be considered by the County in determining the required dedication of land.

- ~~D.E.~~ E. All land to be dedicated shall be designated on the approved final ~~approved~~ plat as parcels, and the restrictions or conditions of development for the parcels shall be shown on the plat. Such land shall be deeded to any entities as specified by the Board, at the time of recording of the final plat, or by dedication on the final plat. A title commitment and prepaid fees for a policy of title insurance acceptable to the County provided by a title insurance company authorized to do business in the State shall be required for all such lands prior to recording of final plat.
- ~~E.F.~~ F. All monies ~~collected by the County under~~ required to be paid under Sub-section 3.5.34.A.2 ~~above~~ shall be paid directly to the entity in which the subdivision is located. ~~deposited in an interest-bearing account which clearly identifies the category, amount or fund of capital expenditure for which the moneys were collected. Each such category, account or fund shall be accounted for separately. Any interest or other income earned on such monies shall be credited to the account.~~

the acreage requirement reflects *both* citizen demand for and capacity of these facility types. This table is the simplest presentation of the accumulated data, the numbers may be customized; see section A of this document or the electronic workbook for more detail.

| Facility Category   | Total acres required per<br>1000 Residents |
|---|--|
| Sports Fields<br>(soccer, multi/use, baseball/softball )                                      | 4.4  |
| Courts<br>(tennis, basketball, volleyball)  | .3   |
| Outdoor Recreation<br>(skatepark, BMX ,paved & dirt trails, fishing<br>access, river put-ins) | 8.5  |
| Leisure<br>(playgrounds, picnic, general park land)   | .8   |
| Other Recreational Facilities<br>(swimming pool, hockey, outdoor events<br>venue)             | 1.5  |

Finally, if a community prefers, it may simply adopt a single land dedication standard of 14 acres per 1000 residents. This standard represents the land needed to house the facilities listed above (excluding a few of the facilities not always appropriate, possible, or necessary in many towns including swimming pools and other water features). The total recommended, general land planning and dedication standard for small Colorado communities is:

|   |                                    |
|---|------------------------------------|
| General Park Land Planning & Dedication Standard: | <i>14 acres per 1000 residents</i> |
|---|------------------------------------|

The general park land planning and dedication standard can serve as a target number for all future community park planning and is also appropriate for adoption by local governments as a dedication standard for all new development (i.e. for each thousand new residents a development generates 14 acres should be dedicated to parkland). See section A for a simple worksheet and example code language to adopt this number as a development dedication requirement.

In addition to providing planning standards this report contains detailed information on the following:

1. Open space information and survey of small town programs – page 17
2. Legal information including example code language – page 19
3. Regulation field dimensions and diagrams – page 24
4. Financing parks and recreation systems – page 38

### **3.5 Open Spaces & Public Sites**

The Commission and the Board shall require, in addition to the requirements of Section 4.2 of these regulations, the dedication of sufficient open spaces park lands, and school sites of a character, extent, and location suitable for a use that is essential to the public. Such essential uses include open spaces, schools, and active park lands.

The requirements of this section do not alter and shall not be in addition to the twenty-five percent (25%) "useable open space" requirement as set forth in the Planned Unit Development Zone District of the Routt County Zoning Regulations. However, the dedication for park lands and school sites is still required for Planned Unit Developments and is included within the 25% total.

Lot Consolidations are not subject to the requirements of Section 3.5.

#### **3.5.1 On-Site Open Space**

- A. All subdividers in Routt County not applying for a PUD shall convey a minimum of ten percent (10%) of the gross area of the subdivision as open space. Such open space shall be dedicated for the purpose of passive and active recreation to serve the future residents of the project.
- B. The conveyance shall be to a property owners association or similar organization formed for purposes including the perpetual maintenance of such designated areas within the subdivision. Any such organization must provide for funding of said maintenance. The open space area must meet the following requirements:
  - 1) The use of the open space must be restricted for passive and active recreation purposes on the plat.
  - 2) Active park lands shall contain land suitable for the type of recreational amenity proposed. Development constraints such as, but not limited to, wetlands, Waterbodies and Waterbody Setbacks, slopes greater than 30%, and critical wildlife habitat, shall not be counted towards the minimum required dedication.
  - 3) Be designed to assist in enhancing the environment and in preserving community integrity in the most practical, attractive manner possible.
  - 4) Promote continuity of open space links, trails and an overall recreation system.
  - 5) Be consistent with the Master Plan and applicable sub-area plans.
  - 6) Protect natural and historical features, scenic vistas or watercourses.
- C. With respect to proposed public trail dedications, the Board shall consider:
  - 1) The minimum width for such trail easement shall be based on the particular reasonable needs of the trail, its location, the surrounding terrain and the projected usage. In all cases the easement shall be of adequate width to handle the proposed uses.
  - 2) There shall be adequate provision for public access to the trail easement within the subject property.
  - 3) The trail easement may overlap and include other property previously included in other easements such as ditch, canal or

utility, public open space or other easement provided no easement compromises the functional use of any other easement.

### **3.5.2 Park Lands**

The proposed subdivision shall contain lands dedicated for the purpose of active recreation to accommodate some of the recreational needs of the proposed project's residents. Such dedication shall be .013 acres multiplied by the estimated residential population of the proposed subdivision. The estimated residential population shall be calculated by multiplying the proposed number of dwellings by 2.3, or a current household size for the project area as determined by the Colorado Department of Local Affairs.

### **3.5.3 School Sites**

The proposed subdivision shall contain lands dedicated for the purpose of school sites. Such dedication shall be .017 acres multiplied by the estimated residential population of the proposed subdivision. The estimated residential population shall be calculated by multiplying the proposed number of dwellings by 2.3, or a current household size for the project area as determined by the Colorado Department of Local Affairs.

### **3.5.4 Conveyance of Open Space, Park Lands, School Sites and Alternatives**

- A. Prior to final plat recordation for all subdivisions, the developer shall satisfy the requirements for Open Space, Park Lands, and School Sites through one (1) or a combination of the following:
  - 1) **Conveyance** - Open Space, Park Lands, and/or public School Sites to be conveyed to a homeowners association and/or public agency may be dedicated on the Final Plat, conveyed by Warranty Deed, or other instrument acceptable to the Routt County Planning Department. Any property to be conveyed shall be free and clear of all liens and encumbrances at the time of conveyance.
  - 2) **Fee-in-Lieu for Park Lands and School Sites** - When, after recommendation of the Commission, dedication of all or portions of the land for Park Lands, and/or School Sites is not deemed feasible or in the public interest, the Board may require the subdivider, in lieu thereof, to pay the County a fee. Such payment shall be based on the fair market value, assessed on completion of proposed platting, of the entire property as it may exist without the required infrastructure. The fee shall not exceed the full fair market value of the acreage required by the Park Lands and School Sites calculation as stated in Sections 3.5.1 and 3.5.2 or, as determined by the Board.
- B. The County and, in certain cases as outlined above, the subdivider, in formulating the appropriate combination of the options set forth in Subsection 3.5.3.A above, shall take into consideration the following standards:
  - 1) The size of the proposed subdivision.
  - 2) The projected additional population associated with the proposed subdivision.
  - 3) The projected need generated by the subdivision for Park Lands and School Sites.



- 4) The impact of the proposed subdivision on the implementation of the County's Master Plan and its component parts, including transportation, parks, and recreation.
- C. In determining the fair market value of the land for purposes of calculating a fee-in-lieu payment, the applicant and Planning Director shall determine a mutually agreed upon value. If such value cannot be agreed upon, the applicant shall obtain an appraisal of the land. The applicant shall be responsible for the cost of such appraisal.
- D. In the event that the subdivider disagrees with the County's determination of required dedication, the subdivider may prepare a study evaluating the impacts of the proposed subdivision on area Park Lands and School Sites. Such study shall be undertaken at the subdivider's cost by a professional approved in advance by the County. To the greatest extent possible, the study shall include an evaluation of the present supply or capacity and present demand for all Park Lands and School Sites required by the proposed subdivision. The study shall identify and quantify the additional demand placed upon such Park Lands and School Sites by the proposed subdivision. The study shall identify the necessary Park Lands and School Sites required to be dedicated by the developer in order to serve the demand generated by the proposed subdivision. The study shall be considered by the County in determining the required dedication of land.
- E. All land to be dedicated shall be designated on the approved final plat as parcels, and the restrictions or conditions of development for the parcels shall be shown on the plat. Such land shall be deeded to any entities as specified by the Board, at the time of recording of the final plat, or by dedication on the final plat. A title commitment and prepaid fees for a policy of title insurance acceptable to the County provided by a title insurance company authorized to do business in the State shall be required for all such lands prior to recording of final plat.
- F. All monies required to be paid under Sub-section 3.5.4.A.2 shall be paid directly to the entity in which the subdivision is located.

**EXHIBIT D**  
**AUGUST 24, 2021 BCC AGENDA**

[see attached]



# ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

## AGENDA COMMUNICATION FORM

|                                   |                            |
|-----------------------------------|----------------------------|
| <b>ITEM DATE:</b> August 24, 2021 | <b>ITEM TIME:</b> 11:15 am |
|                                   |                            |

|                      |  |
|----------------------|--|
| <b>FROM:</b>         | Alan Goldich                                     |
| <b>TODAY'S DATE:</b> | August 17, 2021                                  |
| <b>AGENDA TITLE:</b> | Mt. Werner Water Infiltration Gallery; PL-21-158 |

**CHECK ONE THAT APPLIES TO YOUR ITEM:**☒ **ACTION ITEM**☐ **DIRECTION**☐ **INFORMATION****I. DESCRIBE THE REQUEST OR ISSUE:**

Authorize the Chair's signature on the Cash Collateral agreement between the County and Mt. Werner Water and Sanitation District for the installation of the Yampa Meadows infiltration gallery.

**II. RECOMMENDED ACTION (motion):**

I move to authorize the Chair's signature on the Cash Collateral agreement between the County and Mt. Werner Water and Sanitation District for the installation of the Yampa Meadows infiltration gallery.

**III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):****PROPOSED REVENUE (if applicable):** \$**CURRENT BUDGETED AMOUNT:** \$**PROPOSED EXPENDITURE:** \$**FUNDING SOURCE:****SUPPLEMENTAL BUDGET NEEDED:** YES ☐ NO ☐*Explanation:* N/A**IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):**

N/A

**V. BACKGROUND INFORMATION:**

Mt. Werner Water and Sanitation District (District) received a Finding of No Significant Impact (FONSI) under the County's 1041 Regulations, which designate Matters of State Interest. This finding was conditioned that the District supply surety for the removal of the gallery unless the land is annexed into the District's boundaries or a Special Use Permit is obtained. The attached agreement lays out the amount of the surety as well as the conditions on which it can be released. The District has already signed the agreement and has supplied the required surety.



# ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

## AGENDA COMMUNICATION FORM

**VI. LEGAL ISSUES:**

The agreement has been reviewed and approved by the County Attorney's office.

**VII. CONFLICTS OR ENVIRONMENTAL ISSUES:**

N/A

**VIII. SUMMARY AND OTHER OPTIONS:**

1. Decline to authorize legal action.
2. Table for more information

**IX. LIST OF ATTACHMENTS:**

- Agreement

## CASH COLLATERAL AND SECURITY AGREEMENT

This Reclamation Cash Collateral and Security Agreement (the "Agreement"), dated as of \_\_\_\_\_, 2021, is between Mt. Werner Water and Sanitation District ("Applicant"), and Routt County, Colorado, a body corporate and politic, by and through the Board of County Commissioners of the County of Routt ("County").

### Recitals

A. Applicant is the developer of an infiltration gallery and associated uses and structures (the "Project"), for which a determination of Finding of No Significant Impact for the Project was approved (the "Approval"), pursuant to the County's Resolution Designating Matters of State Interest, Resolution 2007-P-059, which adopted Regulations Governing Areas and Activities of State Interest in Routt County.

B. The conditions of Approval include:

1. The land that the infiltration gallery is proposed to be constructed on shall be annexed into the boundaries of the District by November 1, 2021. Evidence of such annexation shall be provided to the Planning Department.

2. If the land is not annexed into the District by November 1, 2021, the District shall apply for a Special Use Permit for the gallery.

3. Surety in the amount of 150% of an engineer's cost estimate to remove the infiltration gallery shall be submitted prior to the final approval being granted.

C. On or about August \_\_, 2021, Applicant submitted to County a check in the amount of \$117,000 (the "Cash Collateral") in satisfaction of Condition #3 of the Approval.

D. County and Applicant intend by this Agreement to set forth the terms and conditions under which County shall hold and, if necessary, apply the Cash Collateral.

### Terms and Conditions

1. Release of Agreement. The Cash Collateral will be released within 30 days after presentation of evidence of the annexation of the Property in to the District. If the Property is not annexed in to the District by November 1, 2021, the Cash Collateral will be released only upon final issuance of a Special Use Permit. By Resolution No. 2017-004, the Board delegated to the Planning Director (the "Director") the authority to release cash collateral, securities, or bonds (the "Securities") associated with land use approvals. If, under the authority granted by Resolution No. 2017-004, the Director determines that the Securities can be released, the Director shall have the ability to release this agreement.

2. Pledge and Grant of Security Interest. By delivering the Cash Collateral to County, Applicant has pledged the Cash Collateral to County and hereby grants to County a security interest in the Cash Collateral and the proceeds, issues and profits therefrom.

3. Obligations Secured. The Cash Collateral shall secure prompt and timely performance by Applicant of all requirements under the Approval, which have been estimated as set forth in the engineer cost estimate from Applicant's consultant, attached hereto as Exhibit A.

4. County's Rights with Respect to the Cash Collateral. County shall have all rights of a secured creditor with respect to the Cash Collateral as granted hereunder or under the Colorado Uniform Commercial Code. Upon the occurrence of any default by Applicant of any of its obligations of reclamation under the Approval, which is not cured within any applicable cure period, County may apply the Cash Collateral or any portion thereof as is necessary to satisfy Applicant's obligation which is in default. County shall be entitled to hold the Cash Collateral until the applicable date of release under Paragraph 1 above, or if such Paragraph 1 is not applicable, then until all of Applicant's obligations under the Agreement have been approved by County, such approval not to be unreasonably withheld. County need not segregate the Cash Collateral from funds of the County and need not pay interest or otherwise account for the profits or interest earned on the Cash Collateral. If Paragraph 1 is not applicable, then within 20 days after County's written approval of all of Applicant's obligations under the Approval, County shall return to Applicant the Cash Collateral or, if any portion has been applied to satisfy Applicant's obligations under the Agreement, the portion remaining, together with a written reconciliation showing the application of any portion of the Cash Collateral.

5. Attorney Fees. In the event either party to this Agreement brings suit to enforce or interpret any portion of this Agreement, the party substantially prevailing in such action shall be entitled to recover all costs incurred in such action, including without limitation reasonable attorney's fees.

6. Choice of Law and Venue. This Agreement shall be governed by and construed in accordance with the internal laws of the State of Colorado without reference to choice of laws rules. The parties agree that venue in any action to enforce or interpret this Agreement shall be in the District Court in the Fourteenth Judicial District for the State of Colorado.

7. Entire Agreement. This Agreement shall be binding on and inure to the benefit of the parties hereto, their respective successors and assigns, and shall not be deemed to be for the benefit of or enforceable by any third party. This Agreement and the Approval constitute the entire agreement between the parties concerning the Cash Collateral and may not be amended except by a written document executed by both parties hereto.

*Signatures on following page*



STATE OF COLORADO     )  
  )ss.  
COUNTY OF ROUTT        )

\_\_\_\_\_  
Frank Alfone, General Manager

The foregoing instrument was acknowledged before me \_\_\_\_ of August, 2021, by Frank Alfone, as General Manager of Mt. Werner Water and Sanitation District.

Witness my hand and official seal.  
My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

ROUTT COUNTY, COLORADO

\_\_\_\_\_  
Timothy V. Corrigan, Chairman  
Board of County Commissioners

ATTEST:

\_\_\_\_\_  
Kim Bonner, Routt County Clerk

# Exhibit A



**PROJECT NAME:** MWW YW Infiltration Gallery - Gallery Removal

**PROJECT NUMBER:** 20189

**CALCULATED BY:** CMM

**CHECKED BY:**

**DATE:** 8/9/2021

| PUMP STATION REMOVAL    |   |          |       | SUBTOTAL    |             |
|-------------------------|---|----------|-------|-------------|-------------|
| ITEM NO                 | DESCRIPTION   | QUANTITY | UNIT  | UNIT COST   | TOTAL COST  |
| 1                       | Mechanical Equipment Removal                        | 1        | LS    | \$5,000.00  | \$5,000.00  |
| 2                       | Electrical Equipment Removal                        | 1        | LS    | \$3,000.00  | \$3,000.00  |
| 3                       | Site Piping (does not include gallery pipe) Removal | 1        | LS    | \$5,000.00  | \$5,000.00  |
| 4                       | Pump Station Vault Removal                          | 1        | LS    | \$25,000.00 | \$25,000.00 |
| 5                       | Bentonite Seal 30" Sumps                            | 20       | LF    | \$200.00    | \$4,000.00  |
| 6                       | Revegetation  | 0.5      | ACRES | \$4,000.00  | \$2,000.00  |
|                         |   |          |       |             |             |
| GALLERY DECOMMISSIONING |   |          |       | SUBTOTAL    |             |
| ITEM NO                 | DESCRIPTION   | QUANTITY | UNIT  | UNIT COST   | TOTAL COST  |
| 1                       | Bentonite Seal 6" Gallery Pipe > 10ft below grade   | 1600     | LF    | \$10.00     | \$16,000.00 |
| 2                       | Remove Gallery Pipe < 10ft below grade              | 30       | LF    | \$50.00     | \$1,500.00  |
| 3                       | Seal pipe at Demo Interface                         | 1        | LS    | \$1,000.00  | \$1,000.00  |
| 4                       | Revegetation  | 0.5      | ACRES | \$4,000.00  | \$2,000.00  |

|                             |     |                    |
|-----------------------------|-----|--------------------|
| SUBTOTAL                    |     | \$64,500.00        |
| GC OH & MARKUP              | 10% | \$6,450.00         |
| CONTINGENCY                 | 10% | \$6,450.00         |
| <b>TOTAL COST ESTIMATE:</b> |     | <b>\$78,000.00</b> |