PL20250022 Conditional Use Permit

| ACTIVITY #: HEARING DATES: | PL20250022 Planning Commission: | 4/17/2025 at 6:00pm |
|-------------------------------|---|----------------------|
| PETITIONER: PETITION: | Elam Swarey Conditional Use Permit for the millir | ng and processing of |
| LEGAL: | lumber TRS IN SE4SE4, SW4SE4 LYING S OF CO RD 5 SEC 16- | |
| LOCATION: | 1N-84W 32755 COUNTY ROAD 5 , ROUTT, CO 80479, PIN 969164001 | |
| ZONE DISTRICT: | Agriculture and Forestry | |
| AREA: STAFF CONTACT: | 61.85 acres Greg Jaeger gjaeger@co.routt.co.u | c |
| ATTACHMENTS: | Applicant's Narrative | 5 |
| | Applicant's Mitigation Plan | |
| | Site MapCPW comments | |
| | | |

History:

In 2024 a neighboring property, located to the south and east of the subject parcel, sold off 61.85 acres of their property to form this parcel. They sold the parcel to the current owners (the Swareys). Later the same year, the Swareys obtained a building permit to construct a 1,600 square foot single family residence with 2 bedrooms and 1 bath on the property; this structure is currently being built. The Swareys have future plans, through this application process, to build a 5,000 square foot hooped structure for purposes of running an owner-operated sawmill business.

Site Description:

The operation is about .64 miles from the intersection of Highway 131 and Highway 134 on County Road 5. The parcel is bounded by County Road 5 to the north and King Creek running through the southern part of the property. Most of the property is composed of sagebrush and hay pastures with emergent wetlands surrounding King Creek on the south end of the property. The sawmill operation itself is proposed to be located in the north central part of this property, more than 900 feet away from the high-water mark of King Creek. It is proposed to have a 5,000 square foot building and additionally some area for outdoor storage. This operation would be around 425 feet to the east of residence on the property that is under construction.

Project Description:

The proposed use falls under the industrial category as a milling and processing of lumber use. In the Agriculture/Forestry (AF) zone district this is allowed with a conditional use permit. The proposal is to operate the mill to process lumber for future furniture manufacturing. The milling would take place in a 5,000 square foot hooped structure that is 23 feet high. It would operate from 8:00 am to 4:00 pm October through the end of February, then from 9:00 am to 4:00 pm March 1st through May 15th, and from May 16th through the end of September from 7:00 am to 6:00 pm. No lighting is proposed for this use and so the use would only operate during daylight hours. The equipment used for the sawmill will be enclosed in the structure with lumber and lumber by-product "green material" being stored outside adjacent to the structure. No landscaping or screening is proposed. The operation is planned to have one to three employees. Traffic is anticipated to be around 5 trips a day with hauling of aspen and other species from nearby ranches and forests to the property. If approved, the residence and business would be intertwined, with the owners living in the residence and working at the saw mill. The residence would also be utilized to provide a restroom for the business and fulfill the requirements of providing employee housing associated with this proposed use.

Staff Comments:

With mitigations being taken into consideration through conditions of approval, staff does not anticipate significant impacts from the operation to adjacent properties, wildlife, or the County roads and therefore staff supports approval of this application.

Issues for Discussion

 Should the outdoor lumber storage be required to be screened or does it meet visual mitigations?

<u>Staff Recommendation</u> Staff recommends that the application be **APPROVED**.

Compliance with the Routt County Master Plan, Sub Area Plans and Unified Development Code

The Routt County Master Plan (Master Plan), Sub Area Plans, and Unified Development Code contain dozens of land use policies and regulations that are intended to reinforce the guiding principles of the Master Plan. This report categorizes subject matter content that is important to consider when reviewing. The categories include:

- 1. Public Health, Safety and Nuisances
- 2. Regulations and Standards
- 3. Community Character and Visual Impacts
- 4. Roads, Transportation, and Site Design
- 5. Natural Environment
- 6. Mitigation

Within each category are applicable policies and regulations. Specific UDC sections include:

- Chapter 3 of the UDC is 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. It also contains mitigation techniques that apply to use permits, PUD plans, site plans, and subdivisions.
- Chapter 4 Section 5 of the UDC contains applicability criteria, standards, and procedures for different types of subdivisions. When applicable, it also requires dedications, fees-in-lieu,

and infrastructure installation to ensure that developments are designed to best serve the public and contain all the required infrastructure necessary to serve the development.

Interested parties are encouraged to review the Master Plan, Sub Area plans and Unified Development Code to determine if there are additional policies and regulations that may be applicable to the review of this petition.

Planning Staff comments are included in bold at the end of each category and highlight questions and/or comments from the general public, referral agencies, and Planning Staff.

1. Public Health, Safety and Nuisances

Applicable UDC Regulations

3.2 Lighting

3.3 Signage

Applicable Master Plan Policies

- 10.1 Support sustainable design and development practices that encourage use of low carbon and renewable energy in land use and development.
- 11.11 In addition to the HMP, the Master Plan also recognizes strategies in the Community Wildfire Protection Plan (CWPP) in reference to wildfire hazards and acknowledges associated implementation measures including partnering on fuels treatment projects designed to reduce overall wildfire risk.
- 11.12 Discourage land uses that increase the potential for wildfires in high risk wildfire hazard areas.

Staff comments: With the suggested conditions of approval, this application does not appear to pose a danger to the public. The suggested conditions have taken into account impacts from natural hazards, noise, odors, and vibration. There will be no outdoor lighting, nor a sign. The site is mapped as a low to moderate wildfire risk. A referral was sent to Yampa Fire Protection District and they had no issues with this operation. Staff recommends keeping grasses surrounding the facility cut to less than 3 inches in height during fire prone times of the year. Grasses are considered "flashy fuel" that can carry wildfire quickly when wind driven, and while the flame length is low, it can drive fire into more intense fuel loads and create a larger fire. This operation will put material that is being removed from the forest to increase forest health and mitigation against wildfire to beneficial use.

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

2. Regulations and Standards

Applicable UDC Regulations

- 3.1 General Provisions
- 3.20 Development in Tier 2/3 Growth Areas
- 3.21 Employee Housing
- 3.22 Public Benefit
- 4.53.B.4 Essential Housing

Staff comments: This operation is outside of the Toponas Tier 3 growth area and no public benefit nor essential housing are required because the application type does not meet the

applicability for those sections of the UDC. This use, milling and processing of lumber, has no specific standards other than parking. Parking requirements for this use are 2 spots per 3 employees, which the applicant has met. General provisions have been looked at and addressed through conditions in the permit. Employee housing is required with this application. Under 3.21.D.2.a.ii for every 2,250 net floor area of development, the applicant shall provide deed-restricted housing for one employee. With the principal use being proposed at 5,000 square feet, staff has required 2 deed-restricted housing units to accommodate this use. The applicant has proposed the residence's 2 bedrooms be used for this requirement. Since the applicant and family will be the operators of the business and also living in the residence, the home on the property can be used to fulfill the deed restriction requirement. Staff has put in a condition of approval so this will be met.

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

3. Community Character and Visual Concerns

Applicable UDC Regulations

3.2 Lighting

Applicable Master Plan Policies

- 4.1 Direct new growth and development to Tier 1, Tier 2, and Tier 3 Future Growth Areas, in that order and as defined in the Growth & Land Use Chapter.
- 4.6 Support efforts to maintain Dark Skies and control light pollution.
- 6.4 Small-scale developments should be considered in Tier 3 Small Established Communities like Phippsburg and Milner if they provide community benefits such as low income or workforce housing, or services.
- 6.19 Allow commercial development in Tier 1 municipalities, allow appropriately scaled commercial development Tier 2 Targeted Growth Areas and, on a case-by-case basis, in Tier 3 Small Established Communities if determined to address a community need.
- 9.3 Discourage development that changes the rural character or historic agricultural uses and/or practices.
- 9.7 Protect prime agricultural areas from the impacts of developments and commercial recreation.

Staff comments: Elements of the operation occurring outside of the structure will be the storing of lumber and green material, and parking. The parking and snow storage will be hidden from view by the lumber. The green material will be contained in a chip/ dust storage bin located next to the proposed structure. It is staff's opinion that the lumber storage is consistent with the rural character in the A/F zone district, therefor staff believes this meets the intent of this requirement. This will be a topic of discussion for Planning Commissioners to ultimately decide. The hoop structure will be able to be seen from State Highway 131. This proposed structure is commonly used in agriculture operations and if the use ceases it can be converted into an agricultural use readily without needing to go through a new permit process. The hooped structure is proposed to be white in color, which is a natural color fitting the characteristics of the rural environment in the area. No outdoor lighting is proposed with this application and operations will only occur during the daylight hours.

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

4. Roads, Transportation and Site Design

Applicable UDC Regulations 2.1-2.21 Zoning and Land Uses

- Zoning and Land Uses
- 3.4 Utilities
- Stormwater Management 3.5
- 3.6 Access Management
- 3.8 Parking & Loading
- Landscaping 3.9
- 3.10 Snow Storage
- Transportation 3.23

Applicable Master Plan Policies

Ensure that future development occurs where roads can accommodate projected traffic 7.15 volumes and patterns.

Staff comments: Road and Bridge stated that the road's shoulders and surface are considered adequate for this use and with its close proximity to the State highway impact to County Roads is anticipated to be minimal. Depending on how the site is accessed, there are two bridges that could be crossed. Both have load restrictions, however trucks associated with this operation meet the restrictions. There already is a valid access to CR 5 with no new roads or accesses being proposed. Road and Bridge has requested that their standard conditions of approval for uses of this type be applied. There also appears to be adequate space for the storage of snow and parking on the property.

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

5. Natural Environment

Applicable UDC Regulations

- 3.31 **Development Adjacent to Waterbodies**
- 3.33 Development within a Natural Hazard Area
- 3.34 Development within a Sensitive Wildlife Area

Applicable Master Plan Policies

- Apply best practices and data to inform decisions impacting sensitive ecological and 4.5 wildlife areas throughout the County.
- Noxious weeds must be controlled at the expense of the landowner. 9.12
- 9.13 Enforce the weed management program and educate new or unaware landowners or those that refuse to manage weeds.
- 11.3 Protect wildlife species and their habitats.
- 11.4 Include wildlife habitat and species information in land use and site plan decision making.
- 11.5 Encourage land use practices that will minimize conflicts between wildlife and human uses.
- 11.6 Consider impacts on wildlife before approving new recreational uses, residential developments, and other developments and permits.
- 11.7 Minimize the cumulative impacts of development on wildlife and wildlife habitat.
- 11.9 Protect and/or improve the diversity of native vegetation.

Staff comments: The proposed use and structure will be located in the northern section of the property around 900 feet way from King Creek and near an already approved residence that is currently under construction. The area surrounding the proposed site provides habitat for various species throughout the year. The project site falls within the overall, summer, and winter ranges for elk; the overall and summer ranges for mule deer; the overall and summer ranges for moose; the overall range for pronghorn; the overall range for bears; and the overall range for mountain lions. This property is included in the winter range of the Columbian Sharp-tailed Grouse. This property is also included in the Greater Sage Grouse Priority Habitat management area. When considering the overall scope of the proposed project, in concert with local knowledge regarding the impact to wildlife, it is believed to be mitigated through conditions proposed by CPW. CPW's recommendation for this project is to have the activities for this use be limited to between 9:00 am and 4:00pm from March 1st through May 15th for consideration to the Greater Sage-Grouse. They also request the applicant avoid any ground disturbance within 500 feet of the common high water mark of King Creek. These concerns have been addressed in conditions of approval for this application.

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

6. Mitigation Techniques

Applicable UDC Regulations

- 3.35 Migitation Techniques to Reduce Air Quality Impacts
- 3.36 Migitation Techniques to Reduce Noise Impacts
- 3.37 Migitation Techniques to Reduce Scenic Quality
- 3.38 Migitation Techniques to Reduce Water Quality and Quantity Impacts

Staff comments: Mitigation techniques have been looked at and addressed through conditions in the permit including the structure being of a natural color. Noise impacts have been mitigated by limiting the hours of operation and the distance between the site and the neighboring residences.

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

PLANNING COMMISSION OPTIONS:

- 1. Approve the Conditional 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 Unified Development Code and complies with the guidelines of the Routt County Master Plan.
- 2. Deny the Conditional 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 Unified Development Code and/or the Routt County Master Plan, <u>Make specific findings of fact; cite specific regulations or policies by number from the Routt County Master Plan, and the Routt County Unified Development Code.</u>
- 3. **Table the Conditional Use Permit request** if additional information is required to fully evaluate the petition. <u>Give specific direction to the petitioner and staff</u>.

4. Approve the Conditional Use Permit request with conditions and/or performance standards 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 Unified Development Code and the Routt County Master Plan.

FINDINGS OF FACT that may be appropriate if the Conditional Use Permit is approved:

- 1. The proposal with the following conditions complies with the applicable guidelines of the Routt County Master Plan and is in compliance with Chapters 3 and 4 of the Routt County Unified Development Code.
- 2. The proposed lumber storage as presented complies with Chapter 3.9 Landscaping intent of ensuring that the man-made improvements are consistent with the rural character of the County.

TERMS OF APPROVAL that may be appropriate may include the following:

General Approval Requirements:

- 1. The CUP approval is contingent upon compliance with all applicable provisions of the Routt County Unified Development Code.
- 2. The CUP 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.
- 3. Any complaints or concerns that may arise from this operation may be cause for review of the CUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
- 4. In the event that Routt County commences an action to enforce or interpret this CUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
- 5. Permits will be assessed an Annual Fee in accordance with the Fee Schedule maintainted by the Routt County Planning Department.
- 6. This approval is contingent upon the acquisition of and compliance with any required federal, state and local permits. The operation shall comply with all federal, state and local laws. Copies of permits or letters of approval shall be submitted to the Routt County Planning Department prior to the commencement of operations.
- 7. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in compliance with the County's Insurance and Surety Requirements policy then in effect. The certificate of insurance shall include all permit numbers associated with the activity and Routt County shall be named as an additional insured. Permittee shall notify the Routt County Planning Department of any claims made against the policy.
- 8. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
- 9. Transfer of this CUP may occur only after a statement has been filed with the Planning Director by the transferee guaranteeing that they will comply with the terms and conditions of the permit. If transferee is not the landowner of the permitted area, transferee shall submit written consent for the transfer by the landowner. Failure to receive approval for the transfer shall constitute sufficient cause for revocation of the permit if the subject property is transferred. Bonds, insurance certificates or other security required in the permit shall also be filed with the Planning Director by the transferee to assure the work will be completed as specified. Any proposal to change the terms and conditions of a permit shall require a new permit.
- 10. The Permittee shall prevent the spread of weeds to surrounding lands and comply with the most current version of the Colorado Noxious Weed Act and Routt County regulations for noxious weeds.

Specific Conditions:

- 11. The Conditional Use Permit (CUP) is valid for the life of the use provided it is acted upon within one year of approval. The CUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
- 12. All operations and maintenance activities be limited to the hours 8:00 am to 4:00 pm October through the end of February, then from 9:00 am to 4:00 pm March 1st through May 15th, and from May 16th through the end of September from 7:00 am to 6:00 pm.
- 13. The operators shall avoid any ground disturbances associated with this use within 500 feet of the common high-water mark of King Creek.
- 14. Grasses surrounding the facility shall be cut to less than 3 inches in height during fire prone times of the year.
- 15. The fabric covering for the structure shall be white.
- 16. All operations and pile sizes must meet the requirements of current Fire Code.
- 17. No burning of waste materials is permitted on this site.
- 18. All green waste shall be contained in the chip/dust storage bin area. Green waste shall be removed from the property in a time period suitable to the permittee as long it does not overflow outside of this area.
- 19. Routt County has the authority to close any county road at its sole discretion if damage to the road may occur by its use. To the extent that a road closure may affect Permittee's operations, Routt County will cooperate with Permittee to allow operations to be continued to a safe and practicable stopping point.
- 20. Routt County roads shall not be completely blocked at any time. If traffic regulation is deemed necessary, the Permittee shall notify the Routt County Road and Bridge Director, or designee thereof, in advance (if possible), who may then require:
 - a. The Permittee to place traffic control signage along routes and at intersections as specified by the Routt County Road and Bridge Director and at Permittee's expense; and types and placement of signs shall be in conformance with the Model Traffic Code.
- 21. Routt County roads affected by this CUP will be inspected by the Routt County Road and Bridge Department at intervals determined by same. Any road damage, repair or maintenance needs above and beyond typical maintenance, attributable to this use, shall be made by the County, or a third-party contractor as selected by the Routt County Road and Bridge Department and on a schedule determined by same. Road and Bridge shall inform permittee of such maintenance or repair activities prior to work being performed. Permittee shall bear their share of repair costs. Share being defined as traffic counted that is generated from permittee's use compared to most recent traffic counts as whole on road. If damage to the road is the sole responsibility of the permittee then the permittee shall solely bear the costs to the repair the roadway.
- 22. For the duration of the use, the rooms listed below shall be rented only to an employee of the operation. This condition shall constitute the deed restriction required by UDC section 3.21.D.2.a.ii. Any proposed change or modification to this unit's arrangement is subject to planning review to determine compliance with section 3.21.D.2.a.ii.
 - a. Single family residence located at 32755 County Road 5 2 of bedrooms



2/13/25; updated 3/25/25&4/1/25

SWAREY SAW MILL CUP APPLICATION

Elam Swarey as owner of a parcel of land located in the SE1/4 of Section 16, T1N, R84W, 6th P.M, said land being located approximately one mile southwest of Toponas, is hereby applying for a Conditional Use Permit to erect and operate a sawmill.

This sawmill will be housed in a building 5000 square feet in size. It will be located approximately 425 feet east of the existing house with access off of Routt County road no. 5. It will operate from 8am to 4pm(October thru March) and summer hours of 7am to 6 pm. and seasonally employ the owner of the property, who is technically an employee. There is a bathroom in the nearby house for use of the Elam Swarey as needed.

Traffic will be upwards of 5 vehicles/trucks a day. Aspen and other species will be hauled in from nearby ranches and forests and deposited in the widened areas shown on the site plan. This will help with fire migration in those areas the wood products came from.

The equipment used for the sawmill is a LT50 Woodmizer, an EG300Woodmizer edger, a small cantex moulder/planer, Kiln Direct Kiln, a 4000lb Capacity Forklift, and a R630 Kubota wheel loader.

Landscaping will be all natural as this is an area devoid of trees for miles around.

Since the hours of operation will be 8-4 October to March, and 7-6 April to September lighting will not be needed .

The grades for the driveway, parking and storage areas are very flat. Only minimal grading is anticipated to get water to flow away from the Sawmill structure.

This use is compatible with the surrounding area and uses a nearby resource to be processed into future furniture. The sawmill use is also secondary to the properties primary function, which is residential. The current zoning of the property is A/F.

Respectfully submitted,

Brian T. Kelly, Vice-President PLS in New Mexico, Arizona, Colorado and Utah



2/13/25; updated 3/25/25&4/1/25

SWAREY SAW MILL CUP APPLICATION

Elam Swarey as owner of a parcel of land located in the SE1/4 of Section 16, T1N, R84W, 6th P.M, said land being located approximately one mile southwest of Toponas, is hereby applying for a Conditional Use Permit to erect and operate a sawmill.

This sawmill will be housed in a building 5000 square feet in size. It will be located approximately 425 feet east of the existing house with access off of Routt County road no. 5. It will operate from 8am to 4pm(October thru March) and summer hours of 7am to 6 pm. and seasonally employ the owner of the property, who is technically an employee. There is a bathroom in the nearby house for use of the Elam Swarey as needed.

Traffic will be upwards of 5 vehicles/trucks a day. Aspen and other species will be hauled in from nearby ranches and forests and deposited in the widened areas shown on the site plan. This will help with fire migration in those areas the wood products came from.

The equipment used for the sawmill is a LT50 Woodmizer, an EG300Woodmizer edger, a small cantex moulder/planer, Kiln Direct Kiln, a 4000lb Capacity Forklift, and a R630 Kubota wheel loader.

Landscaping will be all natural as this is an area devoid of trees for miles around.

Since the hours of operation will be 8-4 October to March, and 7-6 April to September lighting will not be needed .

The grades for the driveway, parking and storage areas are very flat. Only minimal grading is anticipated to get water to flow away from the Sawmill structure.

This use is compatible with the surrounding area and uses a nearby resource to be processed into future furniture. The sawmill use is also secondary to the properties primary function, which is residential. The current zoning of the property is A/F.

Respectfully submitted,

Brian T. Kelly, Vice-President PLS in New Mexico, Arizona, Colorado and Utah



2/24/25; updated 3/25/25,4/1/25 Routt County Planning

re: PL20250022, Conditional Use Permit, Swarey Sawmill, located in Section 16, T1N, R84W, 6th P.M., Routt County, Colorado STM 0403-070 Winter Park

Via email

Routt County Planning,

This letter is specifically addressing the mitigation and "impacts" of the proposed Swarey Sawmill as referenced above. I have looked at Chapter 3 and Chapter 4 of the UDC have the following comments concerning potential impacts and the overall Mitigation Plan. They are as listed below.

1) Lighting- as the proposed sawmill will be operated during the October- March business hours of 8-4, there will be no lighting on the proposed sawmill building as it is light year round during those operational hours. April to September hours are 7 am to 6 pm.

2) Wildlife- there is a minimal amount of wildlife that moves through this area, but they are more prone to be near King Creek along the southerly property line of the property, over 900 feet away.

3) Water body setbacks- As noted above, the nearest water body to the proposed structure is King Creek, over 900 feet away.

4) Noise- this structure is over 1000 feet from the nearest neighbors house and whatever noise is generated by the sawmill will likely not be heard as the wind is typically louder than the noise emitted at that distance. The sawmill will only operate during daylight hours, 8-4.

5) Dust, as noted above, the nearest structure is over 1000' away and the dust generated by the sawmill operations will be contained with the building. Erosion logs or silt fence will be used during initial grading operations. The dust and chips generated by onsite cutting will be given away or sold as landscape material. This pick-up should be occurring every two weeks, but to be double sure, a Storage bay for the chips will be created.

6) Traffic- as noted in the application letter, there will be approximately 5 vehicles a day at the most, as employees will be limited to 1, and truck traffic both dropping off and picking up will be limited. The one employee lives on site.

7) Signage- we will certainly construct a sign if required, but the property will be addressed which should be sufficient for the amount of traffic and the people visiting the property. This is not a retail site!

8) Visual impact- as noted on the building plans, the proposed sawmill structure is 23 feet high, which is less than many two story buildings. It is not in a skyline area. The colors of the structure will be white with a black trim. Part of this is 3.37.C.7.

9) Employee Housing- Elam Swarey, the applicant, is the only employee of this project. He will be deed restricting his own house accordingly, which for the 5000 square foot structure will be two deed restrictions. This is 3.21.C.4.

If you have any further questions, please feel free to contact us.

Respectfully submitted,

Brian T. Kelly, Vice-President PLS in New Mexico, Arizona, Colorado and Utah

Phone: 970.879.0045 | fax: 970.879.9450 | P.O.B 770967, Steamboat, Spgs, CO 80477 <u>/btksurvey@comcast.net</u> Serving COLORADO-UTAH-ARIZONA-NEW MEXICO; QUALITY SERVICE FOR OVER 25 YEARS



2/24/25; updated 3/25/25,4/1/25 Routt County Planning

re: PL20250022, Conditional Use Permit, Swarey Sawmill, located in Section 16, T1N, R84W, 6th P.M., Routt County, Colorado STM 0403-070 Winter Park

Via email

Routt County Planning,

This letter is specifically addressing the mitigation and "impacts" of the proposed Swarey Sawmill as referenced above. I have looked at Chapter 3 and Chapter 4 of the UDC have the following comments concerning potential impacts and the overall Mitigation Plan. They are as listed below.

1) Lighting- as the proposed sawmill will be operated during the October- March business hours of 8-4, there will be no lighting on the proposed sawmill building as it is light year round during those operational hours. April to September hours are 7 am to 6 pm.

2) Wildlife- there is a minimal amount of wildlife that moves through this area, but they are more prone to be near King Creek along the southerly property line of the property, over 900 feet away.

3) Water body setbacks- As noted above, the nearest water body to the proposed structure is King Creek, over 900 feet away.

4) Noise- this structure is over 1000 feet from the nearest neighbors house and whatever noise is generated by the sawmill will likely not be heard as the wind is typically louder than the noise emitted at that distance. The sawmill will only operate during daylight hours, 8-4.

5) Dust, as noted above, the nearest structure is over 1000' away and the dust generated by the sawmill operations will be contained with the building. Erosion logs or silt fence will be used during initial grading operations. The dust and chips generated by onsite cutting will be given away or sold as landscape material. This pick-up should be occurring every two weeks, but to be double sure, a Storage bay for the chips will be created.

6) Traffic- as noted in the application letter, there will be approximately 5 vehicles a day at the most, as employees will be limited to 1, and truck traffic both dropping off and picking up will be limited. The one employee lives on site.

7) Signage- we will certainly construct a sign if required, but the property will be addressed which should be sufficient for the amount of traffic and the people visiting the property. This is not a retail site!

8) Visual impact- as noted on the building plans, the proposed sawmill structure is 23 feet high, which is less than many two story buildings. It is not in a skyline area. The colors of the structure will be white with a black trim. Part of this is 3.37.C.7.

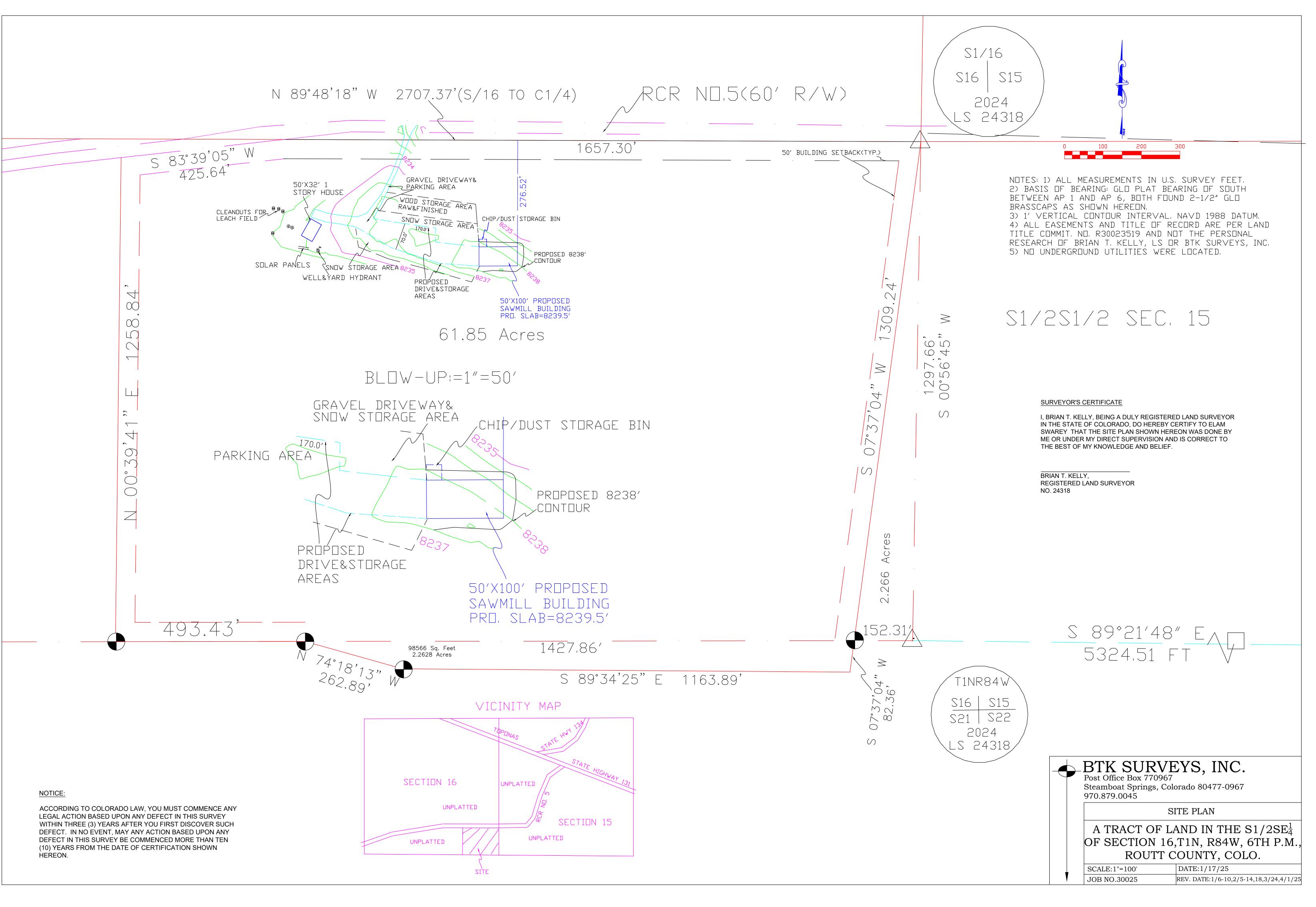
9) Employee Housing- Elam Swarey, the applicant, is the only employee of this project. He will be deed restricting his own house accordingly, which for the 5000 square foot structure will be two deed restrictions. This is 3.21.C.4.

If you have any further questions, please feel free to contact us.

Respectfully submitted,

Brian T. Kelly, Vice-President PLS in New Mexico, Arizona, Colorado and Utah

Phone: 970.879.0045 | fax: 970.879.9450 | P.O.B 770967, Steamboat, Spgs, CO 80477 <u>/btksurvey@comcast.net</u> Serving COLORADO-UTAH-ARIZONA-NEW MEXICO; QUALITY SERVICE FOR OVER 25 YEARS





COLORADO Parks and Wildlife Department of Natural Resources

Steamboat Springs (Area 10) Service Center P.O. Box 775777 | 925 Weiss Drive Steamboat Springs, Colorado 80487 P. 970.870.3333

March 27, 2025

Greg Jaeger Routt County Planning Department 136 6th Street, Suite 200 Steamboat Springs, CO 80487

RE: Swarey Sawmill Project

Dear Mr. Jaeger,

Thank you for the opportunity to comment on the Swarey Sawmill Project in Routt County. Colorado Parks and Wildlife (CPW) has a statutory responsibility to manage all wildlife species in Colorado; this responsibility is embraced and fulfilled through CPW's mission to protect, preserve, enhance, and manage the wildlife of Colorado for the use, benefit, and enjoyment of the people of the State and its visitors. CPW encourages the Swarey Sawmill 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 on potential impacts on wildlife.

The entire property is approximately 62 acres, with King Creek running through it at the southerly end. The proposed building will be adjacent to the existing residential building on the property and will extend the drive to accommodate employee parking and snow removal. This building is proposed to be about 5000 square feet (50'X100') and 23 feet tall. The existing and proposed buildings are located more than 900 feet away from the high-water mark of King Creek, which runs through the property. The property is bounded by Routt County Road No. 5 on the North. Most of the property is composed of sagebrush and hay pastures with emergent herbaceous wetlands surrounding King Creek on the South end of the property.

The area surrounding the proposed site provides habitat for various species throughout the year. The project site falls within the overall, summer, and winter ranges for elk; the overall and summer ranges for mouse; the overall range for pronghorn; the overall range for bears; and the overall range for mountain lions. This property is included in the winter range of the Columbian Sharp-tailed Grouse. This property is also included in the Greater Sage Grouse Priority Habitat management area. Several other animals may utilize this area throughout the year, including songbirds, foxes, coyotes, and other small mammals.



Jeff Davis, Director, Colorado Parks and Wildlife Parks and Wildlife Commission: Dallas May, Chair · Richard Reading, Vice-Chair · Karen Bailey, Secretary · Jessica Beaulieu Marie Haskett · Tai Jacober · Jack Murphy · Gabriel Otero · Murphy Robinson · James Jay Tutchton · Eden Vardy CPW appreciates the prior communication with the applicant regarding state-listed species. Reviewing the project summary and purpose, as well as the need, we found that the preferred alternative is located within CPW high-priority habitats for the Columbian Sharptailed Grouse Winter Range and the Greater Sage-Grouse Priority Habitat Management Area. The proposed project area is also adjacent to a high-value CPW Conservation Easement. which provides critical habitat for sage grouse. When considering the overall scope of the proposed project, in concert with local knowledge of grouse use, both general and seasonally, of the proposed site, CPW staff do not believe that the proposed project is likely to result in any long-term negative impacts on Columbian Sharp-tailed Grouse and Greater Sage-Grouse use of the project area or to these local grouse populations. However, in order to minimize the potential for short-term impacts to breeding Greater Sage-Grouse, CPW staff recommend that all operations and maintenance activities be limited to between 9:00 am and 4:00 pm during the lekking, nesting, and early brood-rearing seasons (March 1st through May 15th). Based on our project review, we have determined that any additional timing limitation recommendations are not warranted in this instance, given the limited disturbance duration and the proximity to the core habitat.

CPW has also identified Sportfish Management Waters along King Creek on the South end of the property. CPW recommends the applicant avoid any ground disturbance within 500 feet of the common high water mark of King Creek. CPW recognizes that the proposed building location will be 900 feet away from the high water mark and commends the applicant for their wise planning to avoid disturbing the fishery.

CPW appreciates the opportunity to be involved in planning and would be happy to discuss any wildlife issues with Elam Swarey. If you have any questions, please contact District Wildlife Manager Elijah Columbia at 970-896-6353, <u>elijah.columbia@state.co.us</u>.

Sincerely,

H Middledorf

Kris Middledorf Area Wildlife Manager - Area 10 Colorado Parks and Wildlife

Cc: Elijah Columbia, District Wildlife Manager Libbie Miller, Conservation Biologist Molly West, Northwest Region Landuse Specialist Jeanette Sawa, Administrative Assistant





