

# Town of Oak Creek Waste Water Treatment Facility

## Minor Amendment to Special Use Permit

### Planning Director's Findings

**ACTIVITY #:** PP2009-038

**PETITIONER:** Town of Oak Creek

**PETITION:** Renovations to the existing Waste Water Treatment Plant (WWTP)

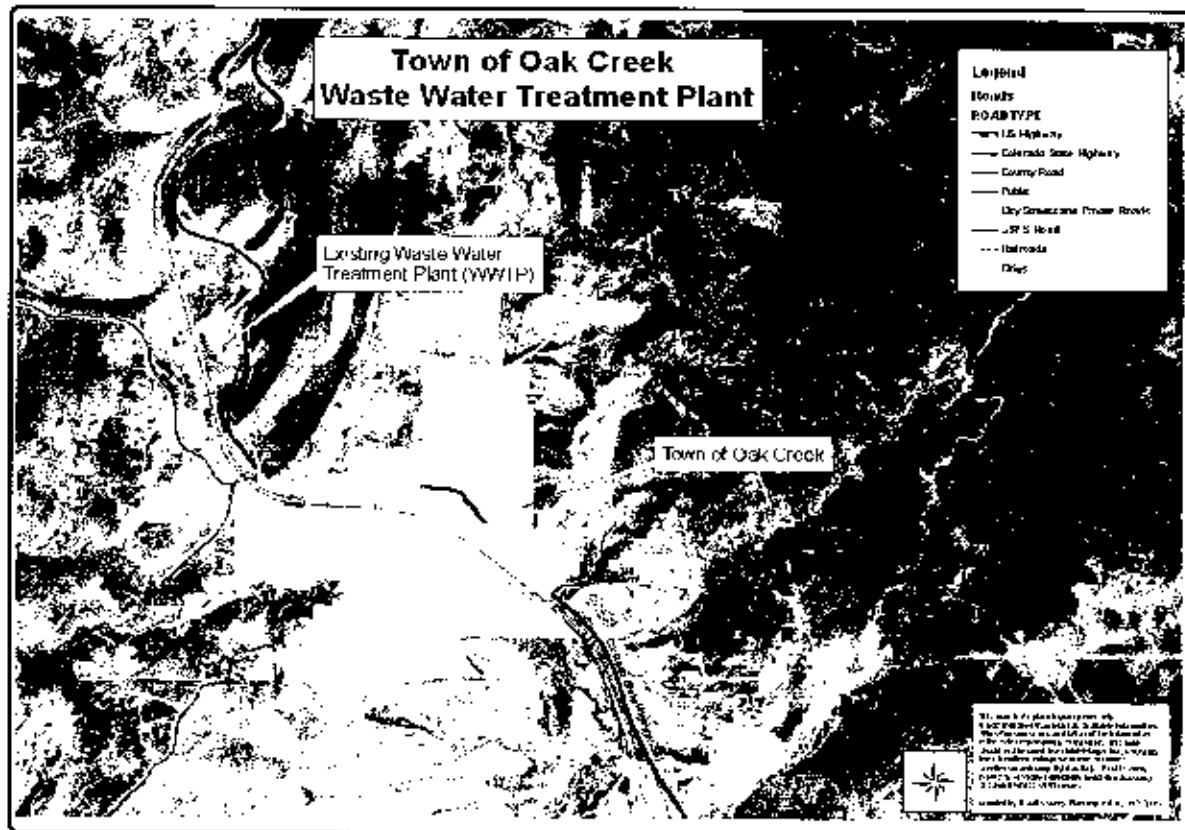
**LOCATION:** A tract of land in North 2 Northeast 4 between Highway 131 and the railroad in Section 31, Township 4 and Range 85  
24895 State Highway 131 Oak Creek, CO 80467

**ZONE DISTRICT:** Agriculture and Forestry (AF)

**AREA:** 20.22 Acres

**STAFF CONTACT:** Connie Staponski

**ATTACHMENTS:** Site Plan



## Compliance with Routt County Zoning Resolution (RCZR)

### Section 3.2.10 – Minor Amendments to a CUP, SUP or Site Plan Approval

The Planning Director may authorize the review of Minor amendments to a CUP, SUP, or Site Plan approval through the Administrative Permit process. Applications that meet one or more of the following criteria are eligible to be processed as Minor Amendments.

Complies Yes      No		Section	Regulations ( <i>staff comments in italics</i> )
<input type="checkbox"/>	<input type="checkbox"/>	A.	The proposed amendment will not increase permitted building square footage by more than 25% (building permits may still be required). <i>Staff Comment: The proposed renovations to the existing Waste Water Treatment Plant (WWTP) include underground piping, construction of a mechanical plant by-pass structure and additional lined cells within the existing lagoons. The existing chemical control building to remain is 800 square feet. The proposed MBBR is approximately 672 square feet of non-livable space and will not increase the permitted building square footage by more than 25%.</i>
<input type="checkbox"/>	<input type="checkbox"/>	B.	The proposed amendment will not increase traffic generated by more than 25%. <i>Staff comment: The applicant is not proposing any new roads on the site. According to the Routt County Road and Bridge Department the proposed amendment will not increase traffic by more than 25%. There will be additional truck traffic related to the renovation to the existing facility during the construction phase of the project which will commence upon the approval of the administrative permit from the Planning Department.</i>
<input type="checkbox"/>	<input type="checkbox"/>	C.	There is sufficient land available to support any increased intensity of use. <i>Staff comment: The proposal does not increase the intensity of use on the parcel. The applicant is not proposing to increase or decrease the 20.22 acre developed site. See comment above RCZR, Section 3.2.10.A.</i>
<input type="checkbox"/>	<input type="checkbox"/>	D.	The proposed amendment is to amend or delete conditions of approval that are either obsolete or no longer serve the intended purpose. <i>Staff comment: The conditions of approval for the original Special Use Permit (SUP) Planning Activity Number PP1984-043 will remain. An amendment to the original Special Use Permit (SUP) is authorized by the RCZR, Section 3.2.1-Review Process Chart. See above comment Routt County Zoning Regulation (RCZR) 3.2.10.A-Minor Amendments to a CUP, SUP or Site Plan Approval.</i>

## Sections 5– General Performance and Development Standards

Complies		Section	Regulations <i>(staff comments in italics)</i>
Yes	No		
<input type="checkbox"/>	<input type="checkbox"/>	5.1.1	Every use shall be operated so that it does not pose a danger to public health, safety or welfare. <i>Staff comment: Routt County Environmental Health, Road and Bridge and Building Departments have no concerns regarding this application. Staff has suggested a condition of approval.</i>
<input type="checkbox"/>	<input type="checkbox"/>	5.1.2A	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. <i>Staff comment: The Colorado Department of Public Health is working closely with the Town of Oak Creek to review the design for the WWTP and inspect the renovations to meet current health standards mandated by the State. See comment above RCZR, Section 5.1.1. Staff has suggested a condition of approval.</i>
<input type="checkbox"/>	<input type="checkbox"/>	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. <i>Staff comment: The applicant is not proposing to store materials outside. Staff has suggested a condition of approval.</i>
<input type="checkbox"/>	<input type="checkbox"/>	5.5	Addressing Standards <i>Staff comment: The Routt County GIS Department has assigned an address to the WWTP, it is 24895 State Highway 131. Staff has suggested a condition of approval.</i>
<input type="checkbox"/>	<input type="checkbox"/>	5.7	Right of Way Access Standards <i>Staff comment: Colorado Department of Transportation (CDOT) issued a permit on April 13, 1987-permit number 387018 for an ingress and egress unto Colorado State Highway 131.</i>
<input type="checkbox"/>	<input type="checkbox"/>	5.9	Sign Standards <i>Staff comment: Staff has suggested a condition of approval.</i>
<input type="checkbox"/>	<input type="checkbox"/>	5.11	Waterbody Setback Standards <i>Staff comment: The Army Corps of Engineers (ACOE) permit number 8532A, was issued for the construction of the WWTP in Oak Creek to discharge fill material for the construction of two sewer lagoons and installation of 1,400 linear feet (lf) of sewer line including two crossings of Oak Creek. The permit was extended to March 31, 1989. There is no active permit at this time.</i>

## Section 6 - General Standards & Mitigation Techniques for Land Use Approvals

The following standards shall apply to all Minor, Administrative, Conditional or Special uses allowed by permit only, PUD plans, Site plans, and Subdivisions:

Complies		Section	Regulations ( <i>staff comments in italics</i> )
Yes	No		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6.1.2	The proposal shall be consistent with applicable Master Plans and sub-area plans. <i>Staff comment: This application is consistent with applicable Master Plans and sub-area plans.</i>
<input type="checkbox"/>	<input type="checkbox"/>	6.1.4	Public Road Use Performance Standards: The proposal shall comply with the Public Road Use Performance Standards in Section 6.2 of these Regulations. <i>Staff comment: The Routt County Road and Bridge Department has no concerns regarding this proposal. See comment above RCZR Section 3.2.10.B.</i>
<input type="checkbox"/>	<input type="checkbox"/>	6.1.5	Industry Standards: The proposal shall meet or exceed accepted industry standards and Best Management Practices (BMP's). <i>Staff comment: The Routt County Road and Bridge Department will require a grading and excavating permit if more than 300 cubic yards of soil is displaced. Staff has suggested a condition of approval.</i>
<input type="checkbox"/>	<input type="checkbox"/>	6.1.6	Outdoor Lighting: The proposal shall comply with the Outdoor Lighting Standards in Section 6.3 of these Regulations. <i>Staff comment: All exterior lighting shall be downcast and opaquely shielded. Staff has suggested a condition of approval.</i>

### Section 6.1.7 – Significant Negative Impacts

The proposal shall not create any significant negative impact in surrounding areas. Significant negative impacts are generally considered to be impacts that do not meet regulatory and/or generally accepted performance and environmental standards. If the Planning Director, Planning Commission or County Commissioners determine a proposed Land Use Change has the potential to create a significant negative impact in the surrounding area mitigation may be required, any such mitigation shall meet the Standards of Sections 6.4 through 6.13. If adequate mitigation cannot be accomplished, the use shall not be permitted.

Issues that may be reviewed for potentially significant negative impacts include, but are not limited to:

Complies		Section	Issue ( <i>staff comments in italics</i> )
Yes	No		
<input type="checkbox"/>	<input type="checkbox"/>	6.1.7 Q	Noxious Weeds <i>Staff comment: Staff has suggested a condition of approval.</i>

## PLANNING DIRECTOR OPTIONS:

Yes      No

- ☐ ☐ **Approve the Minor Amendment 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. The applicable provisions of Sections 5 and 6 have been reviewed and appropriate findings and conditions are included in the approval outlined herein.
- ☐ ☐ **Deny the Minor Amendment 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.
- ☐ ☐ **Table the Minor Amendment request** if additional information is required to fully evaluate the petition.
- ☐ ☐ **Approve the Minor Amendment 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 nearby neighborhood properties and uses and/or bring the proposal into compliance with the Routt County Zoning Regulations and Routt County Master Plan.

## FINDINGS OF FACT that may be appropriate if the Minor Amendment 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 3, 5 and 6 of the Routt County Zoning Regulations.
2. The proposed amendment will not increase permitted building square footage by more than 25% (building permits may still be required); or
3. The proposed amendment will not increase traffic generated by more than 25%.

**CONDITIONS** that may be appropriate may include the following: (Conditions in **BOLD** font are new conditions for PP2009-038)

### General Conditions:

1. **The Special Use Permit is contingent upon compliance with the applicable conditions of the Routt County Zoning Regulations including but not limited to Sections 3, 5 and 6.**
2. **The Special Use Permit 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.**

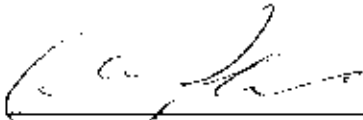
3. Any complaints or concerns which may arise from this operation may be cause for review of the Special Use Permit, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
4. In the event that Routt County commences an action to enforce or interpret this permit, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
5. No junk, trash, or inoperative vehicles shall be stored on the property.
6. This permit 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.
7. 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.
8. All exterior lighting shall be downcast and opaquely shielded in accordance with Section 6.3 of the Routt County Zoning Regulations.
9. The permittee shall prevent the spread of weeds to surrounding lands, and comply with the Colorado Noxious Weed Act and Routt County Noxious Weed Management Plan.
10. 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 with either unlimited aggregate or a policy endorsement requiring notice to Routt County of all claims made. Routt County shall be named as an additional insured on the policy. Certificate of liability insurance shall include all permit numbers associated with the activity.
11. Revegetation of disturbed areas shall occur within one growing season with a seed mix which avoids the use of aggressive grasses.
12. The Special Use Permit (SUP) is valid for the Life of Use, provided it is acted upon within one (1) year of approval.
13. Any land survey monuments on the site shall be recorded in the Colorado Land Survey Monument Records prior to the commencement of construction, and if moved, shall be replaced following reclamation.
14. All new signage will meet the requirements set forth by the Routt County Zoning Regulations, Section 5.9-Sign Standards and Permits.
15. A grading and excavating permit will be obtained from the Routt County Road and Bridge Department if more than 300 cubic yards of soil is displaced.
16. The property address will be displayed on site according to requirements set forth by the Routt County Zoning Regulations, Appendix D.11-Address Number Signage.

Specific Conditions: (Conditions from the original Special Use Permit issued in 1984 by Resolution Number 84-P-030)

17. An Army Corps of Engineers (ACOE) permit will be obtained to infill material in a wetland adjacent to Oak Creek.

18. The design of the Waste Water Treatment Plant (WWTP) will mitigate impacts in the one hundred (100) year floodplain.
19. Colorado Department of Transportation (CDOT) will provide a permit for ingress and egress off Colorado State Highway 131.
20. The State Department of Public Health and Water Quality Division will approve the design for the Waste Water Treatment Plant (WWTP.)
21. Pipeline easements are to be acquired from all affected surface owners.

I hereby approve/disapprove (circle appropriate) this PP2009-038

  
\_\_\_\_\_  
Planning Director

1/30/09  
\_\_\_\_\_  
Date

