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# Davis Family Farms

## Administrative Permit

### Planning Director's Findings

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**ACTIVITY #:**     **PP2014-004**

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**PETITIONER:**           Davis Family Farms

**PETITION:**            Roadside Fruit Stand with imported products – Renewal of PP2008-021

**LOCATION:**            Abutting US Highway 40 across from County Road 42

**ZONE DISTRICT:**      A/F

**STAFF CONTACT:**     Alan Goldich

**ATTACHMENTS:**

- Applicant's Narrative

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**History:**

Davis Family Farms has been operating a roadside fruit stand in this location since 2007

**Site Description:**

The site is adjacent to US Highway 40 and across the intersection from County Road 42.

**Project Description:**

The application is for the renewal of PP2008-021 for a roadside stand selling fruits and vegetables grown on the applicant's farm in Palisade. The time of operation is from the beginning of July until the middle of September. The applicant proposes to be open on Fridays only from 10:00 am until 6:00 pm. The applicant sets up a pop up tent approximately 200 square feet in size to shelter their products.

**Staff Comments:**

The only concern identified was the setup and parking location. A valid CDOT access permit is in place. The applicant must set up his tent and have the parking area on private property and out of the CDOT right of way. A condition of approval which addresses this is suggested.

## Compliance with the Routt County Master Plan

The Routt County Master Plan and Sub Area plans contain dozens of policies regarding land use. The following checklist was developed by Planning Staff to highlight the policies most directly applicable to this petition. Interested parties are encouraged to review the Master Plan and Sub Area plans to determine if there are other policies that may be applicable to the review of this petition.

### Chapter 4 – Rural Development

#### Section Policies (staff comments in bold)

- 4.3.B Use permits that significantly alter the historical use, intensity of use, or character of an area may be deemed incompatible with this plan.
- 4.3.D Rural developments and uses should be limited to areas that have adequate access to accommodate the projected traffic.

**Staff comment: This is a renewal of an existing permit and there is adequate access to serve the use. A valid access permit from CDOT is in place.**

### Chapter 10 – Agricultural Lands

#### Section Policies (staff comments in bold)

- 10.3.C Approval of development should be kept in or near growth centers.

**Staff comment: Steamboat Springs is one and a quarter mile from this location.**

## Compliance with Routt County Zoning Resolution

The following checklist was developed by Planning Staff to highlight the sections of the Routt County Zoning and Subdivision Regulations most directly applicable to this petition. The following section contains a list of the applicable sections of the Routt County Zoning Regulations. Staff Comments are included in bold where the public, referral agencies, or planning staff have questions/comments regarding the proposal. Items with a ? require Planning Commission/Board of County Commissioner determination of compliance.

### Section 5- General Performance and Development Standards

These standards are designed to limit or eliminate conditions that could negatively impact the environment and/or use of surrounding properties. These standards shall apply in all Zone Districts and to all land uses unless otherwise noted:

#### Section Regulations (staff comments in bold)

- 5.1.1 Every use shall be operated so that it does not pose a danger to public health, safety or welfare.
- 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.
- 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

**Section Regulations (staff comments in bold)**

5.2 Dimensional Standards:

5.4 Parking Standards

5.7 Right of Way Access Standards

5.9 Sign Standards

**Staff comment: No complaints or concerns have been received about this use. A condition of approval requiring compliance with all federal, state, and local laws is suggested. There is no outdoor storage or permanent structures proposed with this application. There is adequate space for parking outside of the right of way and a valid CDOT access permit is on file. No signs are proposed but if one is desired a sign permit will be required and a condition of approval which addresses this is suggested.**

**Section 6 – General Standards and Mitigation Techniques for Land Use Approvals****Section Regulations (staff comments in bold)**

6.1.2 The proposal shall be consistent with applicable Master Plans and sub-area plans.

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.

6.1.6 Outdoor Lighting: The proposal shall comply with the Outdoor Lighting Standards in Section 6.3 of these Regulations.

**Staff comment: This proposal is not contrary to any of the policies in the Master Plan. This is a renewal of an existing permit. No complaints have been received in relation to use of the public road system. A valid CDOT access permit is on file. This is a temporary daytime use that will not use outdoor lighting.**

**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:

**Section Issue (staff comments in bold)**

6.1.7 A Public Roads, Services and Infrastructure

6.1.7 B Road Capacity, traffic, and traffic safety

6.1.7 C Natural Hazards

6.1.7 D Wildlife and Wildlife Habitat

6.1.7 E Water Quality and Quantity

6.1.7 F Air Quality

<b>Section</b>	<b>Issue (staff comments in bold)</b>
6.1.7 G	Visual Amenities and Scenic Qualities
6.1.7 H	Wildland fire
6.1.7 I	Noise
6.1.7 J	Wetlands
6.1.7 K	Land Use Compatibility
6.1.7 L	Odors
6.1.7 M	Vibration
6.1.7 O	Historical Significance
6.1.7 P	Reclamation and Restoration
6.1.7 Q	Noxious Weeds

**Staff comment:** A valid CDOT permit is on file and a condition of approval is suggested requiring all parking to be out of the CDOT right of way. There are no known natural hazards. No impacts to wildlife or wildlife habitat, air or water quality, visual amenities, or wetlands are anticipated. No impacts from noise, odors, or vibration are anticipated. The site is in an area mapped as a moderate fire danger. Due to the temporary nature of the activity, land use compatibility, historical significance, reclamation and noxious weeds are not anticipated to have negative impacts.

## **Section 8 – Regulations and Standards for Specific Land Use Changes**

<b>Section</b>	<b>Issue (staff comments in bold)</b>
8.26.A	Facilities for the sale of agricultural products shall not exceed 300 square feet and shall comply with all Planning, Building, and Environmental Health requirements.
8.26.B	Sales of products on site shall be limited to those grown on site, those clearly incidental and accessory to the primary agricultural use, or those declared and approved through the permitting process for Imported Products.
8.26.C	The access to serve the use shall have an approved County or CDOT access permit. Additionally, adequate parking shall be provided. There shall be no parking in the road Right of Way.

**Staff comment:** The applicant has stated that the size of the tent used is approximately 200 square feet. None of the products being sold are grown on site. Because of this, a permit is required. A valid access permit from CDOT is on file. A condition of approval requiring all parking to be on private property is suggested.

**PLANNING DIRECTOR OPTIONS:**

**Approve the Administrative 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. 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 Administrative 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. Make specific findings of fact; cite specific regulations or policies by number from the Routt County Master Plan, and the Routt County Zoning Regulations.

**Table the Administrative Permit request** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.

**Approve the Administrative 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.

**FINDINGS OF FACT** that may be appropriate if the Administrative 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 5, 6 and 8 of the Routt County Zoning Regulations.

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

**General Conditions:**

1. The Administrative Permit is contingent upon compliance with the applicable conditions of the Routt County Zoning Regulations including but not limited to Sections 5, 6 and 8.
2. The Administrative 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.
3. Any complaints or concerns which may arise from this operation may be cause for review of the Administrative Permit, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
4. In the event that Routt County commences an action to enforce or interpret this Administrative 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. Copies of

permits or letters of approval shall be submitted to the Routt County Planning Department prior to operations.

7. 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.
8. Transfer of this Administrative Permit 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 to the transfer by the landowner. Failure for 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.

**Specific Conditions:**

1. The Administrative Permit is valid for 10 years.
2. The permits/approval shall not be issued until all fees have been paid in full. Failure to pay fees may result in revocation of this permit. Permits/Approvals that require an ongoing review will be assessed an Annual Fee. Additional fees for mitigation monitoring will be charged on an hourly basis for staff time required to review and/or implement conditions of approval.
3. The applicant shall comply with the conditions of Permit #308003 issued by the Colorado Department of Transportation.
4. A sign permit is required for any new signage.
5. All permits are subject to annual fees.
6. The hours of operation shall be from June through October, Friday-Sunday 9:00 am to 7:00 pm.
7. All parking shall be on private property. No parking shall occur in the CDOT right of way.

I hereby approve/disapprove (circle appropriate) this application for a roadside fruit stand.

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Planning Director

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Date

To whom this may concern.

This will be a seasonal roadside stand selling fruits and vegetables that are grown on are farm in Palisade, CO. We will be starting approximately first week of July to mid September. We will be open on Fridays only from 10: 00 am to 6:00 pm.

Thank you  
Lance & Becky Davis  
Davis Family Farms