

ROUTT COUNTY PLANNING COMMISSION

DRAFT MINUTES

June 5, 2014

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, Commissioners Brian Arel, Andrew Benjamin, Jim McGee, Dick Klumker, John Merrill, John Ayer, Donna Hellyer, Bill Norris and alternate Bob Woodmansee. Commissioner Tom Effinger was absent. Planning Director Chad Phillips, Assistant Planning Director Kristy Winsor and Planner Alan Goldich also attended. Sarah Katherman recorded the meeting and prepared the minutes.

GENERAL PUBLIC COMMENT

There was no public comment.

ACTIVITY: PP2014-008

PETITIONER: Pack Country Outfitters

PETITION: Renewal of Special Use Permit PP2009-016 for a Guest Ranch

LOCATION: 24800 County Road 11

Mr. Al Snyder, representing the petitioner, stated that the staff report was accurate and that he had no additional comments. Mr. Goldich stated that the petition is a renewal of the existing permit. He added that although snowmobile tours were included in the narrative, the operation will not be adding guided snowmobile tours to its operation. Mr. Goldich explained that the petition was not eligible for administrative renewal, per the requirements of the existing permit. He stated that because the petition is for a renewal, the term of the permit must remain the same as listed in the existing permit.

Mr. Goldich reviewed the list of referral agencies that had been notified of the petition and stated that the operation is in substantial compliance with the Division of Water Resources and the Environmental Health Department. No comments were received from any of the other agencies. Mr. Goldich stated that the suggested conditions of approval were updated to bring them into conformance with current standards.

Commissioner Norris asked if Planning Commission could modify the permit to allow for administrative renewals in the future. Mr. Phillips stated that administrative approvals are generally disallowed when Planning Commission feels it would be appropriate to review the operation prior to renewal to evaluate neighborhood concerns or if there is a great deal of public input. He stated no complaints or concerns have been received since the operation was permitted, adding that Planning Commission could recommend to the Board of County Commissioners that administrative renewals be allowed in the future.

Commissioner Klumker asked the petitioner if he had any problem or concerns regarding the suggested conditions of approval. Mr. Snyder said that he had initially been concerned with the conditions regarding the roads, but had been assured by staff that these were standard conditions

placed on all permits that use County Roads. Mr. Goldich confirmed that the road conditions are standard on all Special Use Permits (SUPs).

Commissioner Ayer asked for clarification of the letter submitted by the Division of Water Resources. Mr. Goldich said that he and Mr. Snyder had both spoken with Ms. Light from the Division of Water Resources, and that she had said that based on current use, which is seasonal, she does not anticipate an increase in the demand for water. Regarding the well permits, Mr. Goldich clarified that there are a total of four wells, two with expired permits and two with currently valid permits. He stated that Ms. Light had no concerns regarding the availability of water to serve the operation. Mr. Snyder explained that one well on the Redmond Place had been abandoned; the other is permitted. On the Fish & Cross Ranch there are two active permitted wells for commercial agricultural and industrial use. Mr. Snyder said that the ranch is served by a cistern, for which he intends to file a final report with the state.

Commissioner Ayer asked about suggested Condition 35 regarding the use of the Hinman Cabin. Mr. Snyder said that they currently use this cabin as a drop cabin only, but had thought they would be using it for guided services when they originally applied for the SUP. He said he would like to retain the ability to provide the cabin with guided services to allow flexibility in the operation in the future. Mr. Goldich noted that suggested Conditions 33 – 36 were taken directly from the existing permit.

In response to a question from Commissioner Benjamin regarding the Hinman Cabin, Mr. Snyder reviewed the improvements that had been made to the cabin. Commissioner Benjamin asked about the possibility of adding snowmobile tours in the future. Mr. Snyder said that if they want to add this use they would come back to the County for an amendment to the permit. He said that he did not anticipate adding this use in the near future.

Commissioner Ayer asked about the guest ranch operation at the Fish & Cross Ranch. Mr. Snyder stated that the Fish & Cross owns Pack Country Outfitters. He noted that the guest ranch activities that are all included in the permit.

Commissioner Hellyer asked about safety and emergency preparedness. Mr. Snyder said all guides are trained in CPR and First Aid. He added that they are considering increasing the level of emergency response training.

There was no public comment.

Chairman Warnke asked staff to explain how the permit could be changed to allow for administrative renewal. Mr. Phillips said that Planning Commission could make a recommendation that the permit term be changed to life of use, or that the permit be eligible for administrative renewal. He clarified that although Planning Commission can make this recommendation, if the operator had requested the change it would have been considered an amendment to the permit rather than a renewal. Mr. Phillips stated that the fees associated with administrative renewal are the same as those for administrative permits (50% of the application fee). No additional fees would be charged for a life of use permit.

Commissioner Benjamin said that he would be okay with extending the term to 10 years, but feels that periodic reviews are useful for identifying any problems that may otherwise go un-noticed. Commissioner Woodmansee agreed. Commissioner Ayer offered that in general when there have been no complaints or concerns and an operation of this type is stable, a life of use permit is issued. He added that the required Forest Service permits provide a back-up. He suggested that it was good policy to allow a good operator to continue. Mr. Phillips agreed. He added that staff is in regular contact with the Snyder family.

MOTION

Commissioner Arel moved to recommend approval of the SUP for a guest ranch with the findings of fact that with the following conditions the proposal meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations. This approval is subject to the following conditions:

General Conditions:

1. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 5 and 6
2. 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.
3. 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.
4. 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.
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. 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.
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 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.
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. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
12. The permit 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.
13. Transfer of this SUP 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 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.
14. 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:

15. The Special Use Permit (SUP) is valid for life of 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. The SUP is valid provided that the operator retains all necessary USFS permits, easements and approvals. Any change in USFS permits will be cause for review of this SUP.
16. A final inspection of the ISDS installed in 2010 shall be supplied to the Routt County Environmental Health Department prior to the issuance of the permit.
17. Fire extinguisher(s) shall be placed in a conspicuous area in all of the cabins.
18. Carbon monoxide/smoke detector combo alarms must be installed in all cabins.
19. Maps shall be provided to all guests to prevent trespass, and all guests will be tutored regarding landmarks and the rules of usage.
20. All guides shall be first aid certified and carry radios or cell phones in case of emergency. Proof of first aid certification shall be provided to the Routt County Planning Department prior to operations in the summer.
21. There shall be no parking on County Road 13 allowed under this permit.
22. Bear-proof trash containers shall be used at all cabins. The operator is responsible for trash control at the parking area.
23. Bear-proof containers shall be used to store horse feeds such as oats, grain or "horse candy" at all cabin locations utilizing equines or other pack animals.

24. All signage shall comply with the Routt County Sign code.
25. No more than four (4) vehicles shall be parked in the designated (Redmond) parking area at one time.
26. 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 in a safe and practicable stopping point.
27. Routt County roads shall not be completely blocked at any time. If traffic control is deemed necessary, it shall be conducted in conformance with the Manual on Uniform Traffic control at the permittees expense, and the Permittee shall notify the Routt County Road and Bridge Director, or designee thereof, in advance, to review and approve the proposed traffic control plan.
28. Routt County roads affected by this SUP 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 solely bear the costs of repairs.
29. Permittee shall maintain access roads to minimize impacts to the County road system during the life of the Operations. Maintenance may include sweeping, cleaning, and/or repairing access points, and application of a dust palliative to private drive as approved by the Routt County Road and Bridge Director and RCDEH.
30. Olsen Cabin: Uses allowed are year-round outfitter and guide service, handicap ATV hunting, big game hunting, snowshoeing, commercial and private food service. Motorized access shall not be allowed in the winter.
31. F&C Ranch Lodge: Uses allowed are year-round outfitter and guide service, handicap ATV hunting, big game hunting, snowshoeing commercial and private food service.
32. Hinman Cabin: Uses allowed are year-round outfitter and guide service, handicap ATV hunting, big game hunting, snowshoeing, food service provided by guests only. Motorized access not allowed in winter.
33. Out Cabins: Uses allowed are year-round outfitter and guide service or unguided hunting. Food service provided by guests only.

Commissioner Norris seconded the motion.

The motion carried 9 – 0, with the Chair voting yes.



ACTIVITY: PP2014-017
PETITIONER: Routt County
PETITION: Special Use Permit for a Water Storage Tank
LOCATION: 38080 County Road 51; located on the southeast side of Yampa Valley Regional Airport

County Attorney John Merrill, representing Routt County, stated that the proposed water tank is joint project of Routt County as owner and operator of the Yampa Valley Regional Airport (YVRA) and the Town of Hayden. He stated that the County owns the site and Hayden will contract for the construction of the tank. Routt County will convey the completed water tank facilities, with a few exceptions, to Hayden and the tank will become part of the Town's municipal water system. Mr. Merrill stated that the tank would provide YVRA with better water pressure and fire flow, while the Town will gain a looped water system and a second water storage tank. He said that the existing tank is in need of maintenance; having a second tank will enable the older tank to be taken offline for cleaning and repair.

Ms. Winser stated that the details of the project are provided in the staff report. She reviewed the petition, stating that the site is located southeast of YVRA. The structure will be buried 15 ft. into the hillside with its exposed side facing the airport. The construction will require a Grading and Excavation Permit from the Road & Bridge Department. Ms. Winser said that Airport Manager Dave Ruppel had confirmed that the FAA will require safety lighting on the top of the structure. Ms. Winser said that traffic to the site is not an issue. She reviewed the agencies to which referrals had been sent and reported that she had received no comments or concerns. She said that staff's only concern was the potential for negative visual impacts, but noted that the design takes the existing terrain into account. The structure will only be visible from the airport and suggested Condition 25 requires that the visible impact will be mitigated by painting the tank a color that will blend in with the surrounding area.

Chairman Warnke asked about the elements of the project that will be retained by the County when the tank is conveyed to the Town of Hayden. Mr. Merrill said that some General Aviation development is in place at the northeast end along with a forced main return for a sewer and a water line that runs along the south side of the airport from the water tank to the AARF Building, all of which the County will finance and retain.

Commissioner Ayer asked what would happen to the SUP when the project was conveyed to the Town. Mr. Phillips explained that the SUP would be transferred to the Town of Hayden administratively through the process described in the Zoning Regulations.

Commissioner Hellyer asked who would be responsible for noxious weed control. Mr. Merrill said that during the construction phase of the project the County would be responsible. When the property is conveyed to Hayden, the Town will be responsible for weed control.

In response to a question from Commissioner McGee, Mr. Merrill stated that the parcel is almost 10 acres. He said that he did not know how high the tank will be above the level of the runway, but the project has been referred to the FAA and it will need to be equipped with safety lighting.

Commissioner Arel asked whether the tank and the lighting would be visible from Hayden. He expressed concern with the visual impact and suggested that a lighting plan be prepared prior to the Board of County Commissioners' hearing. Mr. Phillips stated that the only lighting would be that required by the FAA. Mr. Merrill said that the County must comply with the requirements of the FAA. He added that the tank cannot be lowered further into the hillside, as the elevation is needed to supply the required water pressure.

Commissioner Merrill asked if the current low water capacity and pressure are among the exemptions granted to the airport, and once the project is built and this exemption is relieved will the airport have to apply for a new exemption. Mr. Merrill stated that because the intention is to convey the property to the Town once the project has been completed, it will be under the Town's authority. He said that water system will operate under the municipality's state permit. In response to a question from Commissioner Merrill, Mr. Merrill said that any development across the street from the airport could enter into the looped system, as that property is within the Town of Hayden and therefore entitled to municipal water service. He explained that the Town and the County have entered into an intergovernmental agreement stating that YVRA will have sufficient volume and pressure to meet its needs.

Commissioner Klumker asked about the existing tank located on hospital hill. Mr. Merrill stated that the existing tank is in need of maintenance and repair, but cannot be taken temporarily offline until the new tank is in operation. He said that the Town needs better flow and pressure and the new tank is designed to work with the existing tank to address those needs.

Commissioner Benjamin noted that the site has been designed to accommodate a second water tank. He asked if that tank was included in this permit. Mr. Merrill stated that the property, although it will be conveyed to Hayden, will continue to be located in unincorporated Routt County. He said that the Town would apply for a permit for the second tank when the time comes, adding that no plans for a second tank are currently in the pipeline. Mr. Merrill noted that according to state statute a governmental entity could override a Planning Commission denial. The Board chose to go through the full permitting process rather than exercise that authority.

Commissioner Hellyer asked who would be responsible for painting the tank. Mr. Merrill said that the Town of Hayden would be responsible for contracting for the construction, and that the painting would probably be included in that contract. He added that although they are anticipating that the tank will be operational this year, he would expect that it would not be painted until next year.

Public Comment

Mr. Lee Wolford said that the lights of the airport can be seen from the Town of Hayden, and he expects that the lights on the tank will be visible as well. He said that he did not think this was a

problem. He said that improving the water system is a big issue and that he is very supportive of the proposal.

Seeing no further comment, Chairman Warnke closed public comment.

DRAFT

MOTION

Commissioner Woodmansee moved to recommend approval of the SUP for the Seneca Hill Water Storage 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, 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 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.

10. 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.
11. 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.
12. The applicant is responsible for identifying when during a pre-disturbance noxious weed inspection if any of the weed species on either the 13 Noxious Weeds of Routt County list, or the Noxious Weeds of Colorado List A, B or C are present on the site. If the answer is yes, the applicant must submit a plan for controlling the weeds to the Routt County Weed Program or contact the Routt County weed Program for assistance in developing a weed management plan.

Specific Conditions:

13. Overweight and over length permits for vehicles shall be obtained from the Routt County Road and Bridge Director prior to the use of such vehicles.
14. Access permits shall be obtained to all access roads to be built or improved which intersect Routt County roads.
15. Permittee shall obtain a grading and excavation permit for the onsite construction activities.
16. 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 in a safe and practicable stopping point.
17. 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 or Permittee's contractor/sub-contractor to place traffic control signage along haul routes and at intersections as specified by the Routt County Road and Bridge Director and at Permittee's expense; and
 - b. Flaggers to be placed at the intersections of affected county roads as specified by the Routt County Road and Bridge Director and at Permittee's expense; and

- c. The Permittee or Permittee's contractor/sub-contractor to supplement regular dust control efforts by application of dust palliative, as approved by the Routt County Road and Bridge Director and RCDEH and at Permittee's expense.
18. Permittee shall comply with the following recommendations concerning road improvements and maintenance:
 - a. Permittee shall limit Routt County road traffic to County Road 51.
19. All trucks and equipment accessing from CR 51 shall be able to exit and be located on private property and off of County road right of way before encountering a fence, gate or cattleguard. At a minimum, the distance from the County road right of way to any gate, fence or cattleguard shall be 1.5 times of the length of the longest vehicle
20. Permittee shall provide and post advance warning signs of truck traffic turning from and entering upon County Road 51 during the importation and exportation of construction equipment to the Site. Types and placement of signs shall be in conformance with the Model Traffic Code and shall be coordinated with CDOT.
21. Routt County roads affected by this SUP will be inspected by the Routt County Road and Bridge Department at intervals determined by same. Any road damage shall be repaired by a third-party contractor as selected by the Routt County Road and Bridge Department and on a schedule determined by same. Permittee shall solely bear the costs of repairs.
22. Permittee shall maintain county roads affected by this SUP during the life of the Operations. Maintenance shall be determined by the Routt County Road and Bridge Department in its sole discretion and at Permittee's expense. Maintenance may include grading and graveling roadways, sweeping or cleaning access points, and application of a dust palliative as approved by the Routt County Road and Bridge Director and RCDEH.
23. The Permittee shall be assessed Routt County costs directly associated with the project. Payment of the assessment shall be due and owing upon receipt of invoice from County.
24. All exterior lighting shall be downcast and opaquely shielded with the exception of FAA navigation lights.
25. To reduce visual impacts, the water tank structure will be mitigated to the extent practicable and technically feasible by painting the structure with a color to reduce visual concerns approved by the Planning Director.
26. 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 (BMP'S).
27. Plans and specifications for the water tank and related facilities shall be submitted to and approved the drinking water section of the Colorado Department of Public Health and Environment prior to construction.

28. Plans and specifications, and the work to be performed shall comply with all applicable codes and standards as adopted by Routt County.
29. The architect and/or developer schedule a preliminary design review meeting with the building department to clarify submittal requirements for building permits and specific design requirements.

Commissioner Hellyer seconded the motion.

Discussion and Friendly Amendment

Commissioner Klumker asked why finding of fact #2 was necessary. Mr. Merrill said that this finding tracks the regulation.

Commissioner Norris recommended striking "if required" from Condition 24, as it has been determined that the lighting will be required by the FAA. This amendment was accepted, as indicated above.

The motion carried 9 – 0, with the Chair voting yes.

ACTIVITY: PP2014-016
PETITIONER: Town of Hayden
PETITION: Conditional Use Permit for a Recreational Facility
LOCATION: 37900 County Road 53

Mr. Corey Hunter, the President of the Hayden Motorsports Association (HMA), said that his organization plans to lease the speedway site from the Town of Hayden with the intention of re-opening the facility for racing. He said that no changes would be made to the facility, other than cleaning it up in preparation for racing. Mr. Hunter said that the HMS is starting with a one-year lease; if all goes well in the first year, the HMA will seek a long-term lease. Mr. Hunter reviewed the history of the speedway and noted that the HMA has also taken over operation of the motocross track, located across the road from the speedway. He said that the proposed schedule at the speedway for this summer includes seven races. Future seasons would begin earlier and include more races.

In response to a question from Chairman Warnke, Mr. Hunter stated that there are eight classes of cars. Mr. Lee Wolford, also representing the petitioner, reviewed the classes of cars. Mr. Hunter noted that the races would generally involve the smaller car classes, with the intention of building the programs. He added that in the future the HMA would also like to develop a facility on the site that would showcase the history of the speedway.

Mr. Goldich noted a few errors in the staff report. He said that the petition is for a Conditional Use Permit (CUP), not a Special Use Permit (SUP). Planning Commission is the final deciding body for this petition.

Mr. Goldich listed the topics for discussion identified by staff and included on page 2 of the staff report. These include the distance from neighboring residences, the hours of operation and whether they are adequate to address potential noise and light pollution, and whether the requirement for spill control kits in the pit and race area is adequate to protect water quality. Regarding the issue of water quality, Mr. Goldich noted that Dry Creek is 70 ft. from the site, but there is a possibility that spills or crashes could impact the water quality. Mr. Goldich said that he had discussed this issue with Environmental Health Director Mike Zopf, who recommended new language for suggested Condition 20. That language was provided in a separate handout. Mr. Goldich noted that Mr. Zopf had felt that lining the pits would be cost prohibitive and felt that requiring spill control kits would be adequate to address the concern.

Chairman Warnke asked about the distance to the nearest residence. Mr. Goldich stated that the nearest residence is approximately 750 ft. from the site. He said that the two adjacent property owners were sent notifications and no comments were received. Mr. Hunter noted that the nearest resident had lived there for a long time and was familiar with operations at the racetrack.

Commissioner McGee asked who would be responsible in the event of a spill. Mr. Hunter said that he would be ultimately responsible, but that there are rules in place that require the car owner to clean up any spills or pay for clean-up that is performed by staff.

Commissioner Klumker asked about suggested Condition 8 regarding lighting. Mr. Hunter said that the existing lights are downcast and opaquely shielded. Regarding the hours of operation, he said that they have a plan to keep the races moving, and hope to have the races end by 10 – 10:30 p.m., with clean-up to occur afterward. Commissioner Klumker asked about watering the course and suppressing dust at the parking area. Mr. Hunter said they would use a water truck. Initially a private truck will be used. For the long-term a truck will be leased from Wagner Equipment. Mr. Hunter added that the only area to be mowed would be the walkway from the parking area to the track. In response to a question from Commissioner Ayer, Mr. Hunter said HMA would be willing and able to do additional dust suppression during the week, if necessary.

Commissioner Woodmansee asked about insurance for the facility and operations. Mr. Hunter said that as the tenant, the HMA was responsible for obtaining insurance. He said that he had just completed this process and has a policy to cover up to \$1,000,000 per occurrence with no aggregate cap. Mr. Wolford reviewed the safety equipment that drivers will be required to use. In response to a question from Commissioner Woodmansee, Mr. Hunter reviewed the barriers in place between the track and the viewing area. He said that there are many checks and balances to ensure that pieces of a car will not fly into the stands. He added that the largest car class could reach 90 mph, with the majority of cars reaching 45 mph to 50 mph on the track.

Commissioner Norris asked about emergency medical services for the races. Mr. Hunter said that he had spoken with Chief Dal Lek from the West Routt Fire Protection Agency, who agreed to have an ambulance on site during all races.

Commissioner Hellyer commended the plan to reopen the facility and asked if there was a plan for handling traffic in and out of the site on race nights. Mr. Hunter said that a plan was in place for traffic control and that the Chief of Police would meet with him and his volunteers for a training session on proper traffic control procedures. Signage will also be posted.

Commissioner Merrill said that he had noticed several posters advertising the races, even though a permit had not yet been issued. Mr. Hunter said that he had posted a few, but that he was waiting to put up the majority of the posters pending the approval. He noted that he has received criticism that it is already too late in the season for the events to be successful.

Commissioner Merrill asked about the four structures that are located on the property and scheduled for destruction. Mr. Goldich said that the destruction of the structures will be accounted for through the permitting and inspection process. Commissioner Merrill noted that at some point during most summers that area of the County is under a fire ban. He asked how a fire ban would affect the operation. Mr. Hunter said that he had discussed this issue with Chief Lek, who said that the races would not be impacted by a ban and agreed to post a fire truck on site for events, if needed, at the HMA's expense. Mr. Hunter said that the infield had been graded to reduce fire fuels. He stressed that safety is the #1 priority for the proposed facility.

In response to a question from Commissioner Ayer, Mr. Hunter said that no alcohol would be allowed on site. He said the food concessions would be split between the American Legion and the school booster club.

Mr. Goldich noted that Mr. Hunter and the Town of Hayden have said that if the summer racing is successful, they would like to add snowmobile racing in the winter and radio-controlled vehicle racing as well. He said that these additional activities are part of the current petition, as stated in suggested Condition 14. Any other uses could be approved administratively under the proposed conditions. Mr. Hunter said that he had received many requests for remote-controlled vehicle events. He said that these would occur on off-nights or on weeknights. In response to a question from Commission Warnke, Mr. Hunter said that the facility hosted snowmobile racing in the past. No ATVs or motorcycles will be allowed on this track.

Commissioner Ayer asked about snow storage, citing the potential for hazardous run-off from the parking lot and pits. Mr. Hunter said that snowmobile racing would not occur during the first year of operation. He said he had not considered snow storage. Regarding plans for the future, Mr. Hunter said the first priority would be improving the catch fence. He said that he would go through the appropriate process for permitting these improvements when the time comes. Commissioner Woodmansee agreed that snow storage would need to be addressed. Commissioner Hellyer suggested that the applicant could return for an additional review prior to initiating snowmobile racing. Mr. Phillips suggested that an additional condition of approval could require the applicant to submit a snow storage plan to the Planning Director prior to initiating snowmobile racing. This plan would be developed in consultation with Mr. Zopf.

Public Comment

Mr. Wolford said that if the initial racing goes well, HMA has a plan to go to the schools in the region and implement a program through which students could learn to build and race cars.

Seeing no further comment, Chairman Warnke closed public comment.

Commissioner Benjamin asked if allowing the facility a permit for life of use was appropriate, given that this is its first permit. Commissioner Ayer suggested allowing a 10-year permit. He said this

would allow a re-evaluation of the use in this location, considering the potential for growth in the Hayden area. Mr. Goldich noted that the Town of Hayden's 3-mile plan does not include residential growth in the vicinity of the track. This area is designated for public uses surrounded by agriculture. Mr. Phillip stated that an administrative review triggers adjacent property owner notifications, which would allow any nearby residents to comment on the use. He noted that although this is a new permit, it is not a new use. The speedway has been in this location for 30 years. Commissioner Ayer added that if there are concerns or changes in the surrounding area, the Planning Director can always the administrative renewal up to Planning Commission for review.

Mr. Goldich asked Planning Commission to review the designated topics of discussion.

In response to a question from Commissioner Ayer, Mr. Hunter said the overhead lights would be needed for clean-up following the races. He estimated that lights would be out by 12:00, unless an emergency requires that they stay on longer. He said that he expects to be on site beginning at 8:00 a.m. on race days. Mr. Goldich stated that suggested Condition 15 could be modified to allow the lights to remain on until midnight.

Commissioner Woodmansee reviewed the changes to the suggested conditions of approval that had been discussed. Commissioner Ayer stated that although he does not want to add costs for the HMA, he suggested that additional dust suppression be included in the conditions. Commissioner Hellyer said she thought this was appropriate, particularly this year. Mr. Hunter said that additional dust suppression could be worked out with the Town of Hayden.

MOTION

Commissioner Woodmansee moved to approve the Conditional Use Permit for a Recreational Facility for the Hayden Race Track with the finding of fact that the proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5 and 6 of the Routt County Zoning Regulations. This approval is subject to the following conditions:

General Conditions:

34. The CUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 4, 5 and 6.
35. The CUP is limited to uses and facilities presented in the approved project plan. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
36. Any complaints or concerns which 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.
37. 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.
38. No junk, trash, or inoperative vehicles shall be stored on the property.

39. 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.
40. 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.
41. All exterior lighting shall be downcast and opaquely shielded.
42. 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.
43. The permits 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.
44. 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 to 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.
45. 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:

46. The CUP is valid for 10 years 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, except for uses that a customarily operated seasonally or periodically. Following the 10-year term, this permit may be renewed administratively.
47. The uses allowed on-site are limited to vehicle, snowmobile, and radio controlled car races.
48. The hours of operation shall be from 6:00 am until 12:00 midnight. Races shall only be conducted on Saturday nights, unless prior approval by the Planning Director is issued.

49. The operator shall be responsible for the clean-up of the site, repairs and/or maintenance of the track, including port-o-let cleaning and trash pickup.
50. A cell phone will be on site to make calls in case of an emergency.
51. The applicant is responsible for dust mitigation during operations.
52. Any signage associated with the CUP shall meet the applicable requirements of Section 5.9 of the Routt County Zoning Regulations.
53. Major maintenance of vehicles is not permitted on site. Re-fueling of vehicles is allowed. The owner/operator shall be responsible for the clean-up and proper disposal of liquid and solid waste that may be generated at this site. All such waste materials shall be disposed of in accordance with state and/or federal regulations. The pit area and racetrack shall have adequate spill control kits located in conspicuous areas.
54. Plans, specifications, and the work to be performed shall comply with all applicable codes and standards as adopted by the County. A separate permit is required for each building identified for demolition. Relocated buildings will have to comply with current building codes.
55. 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 in a safe and practicable stopping point.
56. Routt County roads shall not be completely blocked at any time. If traffic control is deemed necessary, it shall be conducted in conformance with the Manual on Uniform Traffic control at the permittee's expense, and the Permittee shall notify the Routt County Road and Bridge Director, or designee thereof, in advance, to review and approve the proposed traffic control plan.
57. Routt County roads affected by this SUP 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 solely bear the costs of repairs.
58. Permittee shall maintain access roads to minimize impacts to the County road system during the life of the Operations. Maintenance may include sweeping, cleaning, and/or repairing access points, and application of a dust palliative to private drive as approved by the Routt County Road and Bridge Director and RCDEH.
59. Racetrack shall provide traffic control during events at permittee's expense in accordance with the MUTCD at the intersection of the site access and CR 53. The traffic control plan shall be submitted for review and approval of the Road & Bridge department annually prior to the first event each season.

60. Prior to the commencement of winter snowmobile racing, the permittee shall submit a snow removal and storage plan for administrative approval by the Planning Director.

Commissioner McGee seconded the motion.

Discussion

Following discussion, it was decided that requiring additional dust suppression through a condition of approval was not necessary.

The motion carried 9 – 0, with the Chair voting yes.

ADMINISTRATOR'S REPORT

Mr. Phillips stated that the meeting scheduled for June 19th has been cancelled due to lack of agenda items. The next Planning Commission meeting is scheduled for July 10th. Mr. Phillips reviewed the agenda for that meeting. He also asked that anyone interested in attending the APA conference in Crested Butte in October contact Ronee as soon as possible.

In response to a question from Commissioner Ayer regarding the housing forum being hosted by the City, Mr. Phillips stated that he, Tom Sullivan and Vicki Clark would be attending. Commissioner Ayer recommended that Planning Commission members try to attend as well. Regarding the upcoming river health conference, Mr. Phillips stated that he would ask Mr. Goldich, the newly appointed flood plain administrator, about the conference.

Citing Commissioner Klumker's frequent question regarding petitioners' acceptance of the suggested conditions of approval, Commissioner Arel asked about the process of preparing applicants for their hearings. Mr. Phillips stated that staff makes every effort to go over the conditions prior to the hearings to ensure that petitioners understand and accept the suggested conditions included in the staff report.

Ms. Winser stated that the handouts provided to Planning Commission include the most current version of the proposed changes to Chapter 4 (Growth Management) of the Steamboat Springs Area Community Plan. She stated that Appendix E and the accompanying flowchart had also been updated. She noted that the City had recommended that not all major amendments to the UGB must entail a comprehensive rewrite of the plan. In response, the word "comprehensive" had been deleted throughout the document. Ms. Winser stated that the next step would be the scheduling of a joint meeting of all four reviewing bodies.

Mr. Phillips asked if Planning Commission wanted to schedule another review of the document prior to the adoption hearing. Following discussion there was general consensus by Planning Commission that unless the City Planning Commission recommended significant changes to the document, it would be okay to proceed directly to an adoption hearing.

The meeting was adjourned at 8:00 p.m.