

ROUTT COUNTY PLANNING COMMISSION

January 8, 2015

MINUTES

The regular meeting of the Routt County Planning Commission was called to order at 6:01 p.m. with the following members present: Acting Chairman Brian Arel and Commissioners Jim McGee, John Merrill, John Ayer, Dick Klumker, Bob Woodmansee, Bill Norris, and Karl Koehler were present. Chairman Steve Warnke and Commissioner Andrew Benjamin were absent. Planning Director Chad Phillips and Planner Alan Goldich also attended. Kyleigh Lawler recorded the meeting and prepared the minutes.

Rogue Resources

Activity #:	PP2014-067
Petition:	Special Use Permit for the Milling and Processing of lumber
Applicant:	Rogue Resources

Trent Jones, Controller for Rogue Resources spoke and suggested going straight to the conditions to look at the new conditions that were added. He said he feels a little threatened with item numbers 19, 20 and 21 coming from the letter received from the Routt County Building and Fire Department. He said initially it started off with Rogue Resources needing to clean up the site, which they did. Mr. Jones said they were asked to apply for a new permit. Mr. Jones said this has opened an issue for Rogue Resources because they are being asked to tear down the building, which would cost the company a lot of money. He said the previous Planning Commission in 2009 did not address any building codes and said they could put up a large structure so Rogue Resources could do something with the beetle kill. Mr. Jones said now, six years later, he thinks it is a dramatic turn for them to tear down the structure, which would also take away their storage. Mr. Jones said he wants to know if it is because it does not look good, or if it is because of a safety issue. Mr. Jones said he wants to avoid tearing down the structure and asked for a three year window to turn it into something useful. Acting Chairman Arel said this is in reference to Specific Condition #22.

Mr. Jones said the structure is 33 feet tall with hoops about 16 feet tall. Staff member Alan Goldich said he did some research from the permit in 2009 and was not able to find any justification for temporary status of the unfinished structure. He said it has been there for 7 years and has not had a building permit. He said every structure requires a building permit with the exception of agriculture structures. Mr. Goldich explained how building permits are in place to protect the safety of the public. He said there is an adopted building code and the County is not going above and beyond what is being asked for any other operator or person in the County.

Mr. Jones referred to Specific Condition #21 where they would have a plan to come into compliance to get everything permitted. He said that would give them time and it would not require getting a building permit immediately. He said this would give a timeframe for the County and permittee to be on the same page.

Commissioner Ayer said he was on the Planning Commission when this was brought up in 2009. Commissioner Ayer said from his recollection it was an initial request for a hooped structure and covered open structure like a pole barn. He said Planning Commission was going to approve that structure depending on whatever hoop holes it needed. Commissioner Ayer said at the time, the only concern came from the Fire Department. He said the petitioner entered into the structure with an understanding the only department from the County involved was the Fire Department. Commissioner Ayer said there were also performance problems.

Acting Chairman Arel asked if Mr. Jones could obtain a building permit for the metal hoops. Mr. Goldich said it is a structure being occupied by employees in a commercial fashion. He said because it is a place where people go to work, there is a certain level of expectation to ensure safety. Mr. Phillips said Special Condition item # 20 and #21 take #19 one step further. He also said there were no complaints from the public.

Commissioner Ayer said he hopes there would be a good compromise between the petitioner and the Routt County Building and Fire Department because this can burden the success of the business, however there also needs to be a look at the safety of the structure. Commissioner Ayer said somehow there needs to be expedited for a temporary use to see what the Building Department says. Mr. Goldich said some kind of action; either inspection and/or approval should be required.

Mr. Jones said he is curious if the Fire Department has a way to permit this forward as a temporary structure. Commissioner Klumker said that is a good way to approach it. Mr. Woodmansee said he is pondering this, however he does not have information to put it into this set of conditions. Acting Chairman Arel asked if there was engineering for the hoop structure as it sits. Mr. Jones said it is a homemade job with the wall frame. He said it is a challenge because it is a building that is not done to code. Mr. Jones reiterated how he would like to be granted enough time to fix it, and that there is still value in the structure. Mr. Jones said it can be a two- year timeframe. Commissioner Ayer said Mr. Jones could also fix what is not up to code. Mr. Jones said #20 and #21 came from the Building Department and he would like talk with them to see what the options are.

Commissioner Woodmansee said # 22 needs to encompass the idea that Rogue Resources need to show due-diligence and progress. He said permits buy them a little more time to make plans happen.

Commissioner Woodmansee said if the fire district is okay, then talk to the Building Department to see if it safe.

Mr. Goldich said the way he interprets #22 is that final inspections and everything must be completed. He said if that is not what the intention is, then Planning Commission needs to come up with new language to clarify what needs to be done. He suggested to add a timeline for the application of a permit and the Certificate of Occupancy.

Commissioner Koehler said he is not concerned about the skeleton of a building, however he said it is an interesting application and there are some diligence issues. Commissioner Koehler said he would like to see the applicant make progress towards compliance. He noted for the applicant to have some kind of milestone to show Planning Commission progress is being made.

In relation to Specific Condition #39, Mr. Goldich said the reason it was put in there is because the applicant proposes to store trucks, backhoes, etc. Mr. Goldich noted that the site is next to the landfill. However staff felt it was their job to bring this item up and Planning Commission can decide if this condition is appropriate or not. Mr. Phillips noted the finished products were originally planned to be stored in that area and now it is replaced with machinery.

Mr. Jones said the logs ended up in the center of the site because it is further away from the building structure. He said according to the fire code, logs have to be a certain distance away from the fence and property line. Mr. Jones said the property owner, Ed Camilletti does not want a fence put in, or trees planted because he wants to keep the property the way it is. Mr. Camilletti noted how County Road 205 stops before their property and that is where all the County maintenance stops. He said beyond where County Road 205 stops the landfill does not worry about what the property looks like. Mr. Goldich said it is worded vaguely to allow some flexibility so staff can work with the applicant to find something appropriate for both the applicant and land owner. Commissioner Klumker and Commissioner Ayer noted to take out #39. Acting Chairman said it is a consensus to eliminate Special Condition #39.

Mr. Jones said Special Condition #40 is an extreme cost to the company. He asked if this could be an issue between him and the landlord. Mr. Jones noted that Mr. Camilletti feels comfortable making it a contract between them and they do not want the County to get involved in this. He does not see sawdust leaking into the Yampa River. Mr. Jones said if Mr. Camilletti requires them to get a bond then they will get a bond. Mr. Camilletti spoke and agreed. Mr. Phillips explained how this condition is taken from the regulations and it was in place during the original approval, however the BCC chose not to put it in there. He noted how the Board of County Commissioners may require a bond and would like Planning Commission's opinion on this. He said it can be reclaimed by cleaning up the site with the removal of equipment and wood. Mr. Phillips said bonding is usually required for new access roads. Commissioner Ayer said to require a reclamation plan and it would be pretty easy to have it removed and mainly just cleaned up. Commissioner Woodmansee said he is in favor of these bonds and they have a place. He said you may or may not be successful and if you are not the landowner, it should be cleaned up. Acting Chairman said he wonders if the roads need to be removed and what kind of reclamation it is. Mr. Phillips said this is the condition of the site as it came 6 years ago. He said it is an agreement between the landlord and Mr. Jones. Mr. Phillips said this was not a natural state when the permit was issued. Acting Chairman noted it can potentially be as simple removing the equipment. The landowners say they have it covered under an agreement.

Mr. Jones referred to Special Condition #42-47 in regards to the County Road and Bridge Department. He wanted to know if there is a recent traffic study. He said they have less traffic than the Twin Enviro Services and half of the road is not County Road 205. Mr. Goldich said a traffic study may be conducted

next summer. He said these conditions are standard conditions the Road and Bridge Department puts on the permits. He said it gets put on paper so the County knows what is expected. He noted if Mr. Jones is taking care of the Rogue Resources part and not affecting the road, then the conditions should not affect Mr. Jones. Mr. Jones said he does not have a problem with it.

Acting Chairman Arel asked about Special Condition #47 with the sediment control tracking measures. He asked if this is in regards to before leaving their site, or before they enter County Road 205. Mr. Goldich said ideally it would be before they get onto County Road 205. Mr. Goldich said if both Rogue Resources and Twin Enviro Services were to install a stabilized entrance or preventative sediment tracking measure it would save a lot of money to go in together on it, and base division of costs by the amount of traffic generated. Mr. Goldich said the Road and Bridge Department would have to come to terms on how to share those expenses.

Commissioner Klumker asked how long the entrance is from County Road 205 to the Rogue Resources entrance. Mr. Jones said around 350 feet. Commissioner Klumker asked if the road has a good gravel base. Mr. Phillips said historically, County Road 205 has a good road base, however when trucks leave the landfill mud mixes with the gravel and starts to deteriorate the road. Mr. Goldich said there was a big improvement when Twin Enviro Services installed better drainage so that it does not create mud in the first place. Mr. Phillips noted this is just to ensure that the Road and Bridge Department is protecting the public roads. Mr. Goldich said this is left general so the applicant can figure out what the best solution is and maybe there should be a timeframe clause included. Mr. Phillips noted to talk to the County Road and Bridge Department before the spring-melt and to add a hard timeline.

Mr. Jones said this is a difficult issue because of the area that is not a County Road. He said they get away with a wood base tracking pad and what worries him is getting involved in a very expensive deal by having to pay for a traffic study. Mr. Goldich said he would speak with the Road and Bridge Department on this issue. Mr. Phillips suggested giving a date for the second line in Special Condition #47. Mr. Jones said it would happen before spring and he is okay with the date.

Mr. Jones said he would like to park a logging recreational vehicle on the site. He noted how if they are parking this recreational vehicle on site, they would also need to have an employee living on it. Mr. Phillips said if it is necessary to the logging operation, then it is okay for one person to live in it. Mr. Goldich said the machinery added to the list is mostly labeled for snow removal but that those pieces are used on the site and in the forest. He noted how it appears Rogue Resources cleaned everything up, however there are a few piles of snow where some things may be hidden. Mr. Goldich said the County's concerns with the state of the site that have been addressed and alleviated. Mr. Goldich would like Planning Commission to address the inoperable vehicles. Mr. Phillips suggested to focus on vehicles accessory to the logging operation.

Mr. Jones said they will follow guidelines of no junk or trash, however would like to be able to store some scrap iron. He said it is integral to log processing. Mr. Phillips asked what the thresholds of trucks are. Mr. Jones said about 20 trucks and it happens about once a month when operating.

MOTION

Commissioner Ayer moved to recommend approval for an Amendment to the approved site plan for approval of Special Use Permit for a milling and processing of lumber facility with the findings of fact 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:

1. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 4, 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, **unless specifically approved with this application.**
6. 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.
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. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
11. 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.

12. 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.

13. 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:

14. 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. Annual reviews will be completed by the Planning Department.

15. 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.

17. Milling and cutting of wood products shall be limited to the hours 6 am until 7 pm. All other activities shall be limited to the hours 5 am until 9 pm.

18. The fabric covering for the metal framed structure shall be grey.

19. The applicant shall comply with all requirements and regulations set forth by the Routt County Building and Fire Departments in regard to the occupancy and construction of the structure. **22. If a building permit for the structure has not been approved by December 31, 2015, it must be removed from the site.**

23. **The existing** fire mitigation and response plan shall be updated and shall be submitted to the satisfaction of the Steamboat Rural Fire District prior to issuance of the permit that outlines measures to be taken to prevent a fire on the site and for fire extinguishing.

24. All operations and pile sizes must continue to meet the requirements of the currently adopted Fire Code.

25. No burning of waste materials is permitted on this site.

26. No pressure treated or chemically treated (including paint) lumber or wood waste is permitted with this operation nor is the storage or transfer of construction and demolition debris.

27. A Storm Water Management Plan (SWMP), as approved by the Colorado Department of Public Health and Environment (CDPHE), shall be submitted to the Routt County Environmental Health Department for review prior to issuance of this permit. The SWMP shall be kept current.

30. All applicable standards and requirements set forth by the Colorado Department of Public Health and Environment (CDPHE) and the Routt County Department of Environmental Health shall be complied with.

31. All machinery and equipment shall be kept in one location on the site after each working day and shall have adequate spill contamination controls. All machinery and equipment shall be located as far from Twin Landfill's monitoring wells as is reasonably possible.

32. There shall be no storage of non-log harvesting, sorting, and processing equipment on the site.

33. A total of two inoperative vehicles accessory to logging are allowed to be on site at any one time. These vehicles must be integral to the log harvesting, sorting, and processing operation.

35. Scrap materials integral to the permitted operation shall be contained in an approved area on the site plan. No such miscellaneous materials shall be outside of this area unless it is actively being used to support the operation.

36. The maximum amount of green waste allowed to stay on site is 3,000 cubic yards. Green waste shall be removed from the property in a time period suitable to the permittee as long as the 3,000 cubic yard limit is not exceeded.

38. A sign permit is required for any new signage under Section 5.9 of the Routt County Zoning Regulations.

41. Fugitive dust will be controlled by the use of water and/or other control measures as appropriate, as often as necessary, to reduce, control and minimize all dust generated by the use.

42. 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.

43. 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.

44. 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 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.

45. 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 Routt County Department of Environmental Health.

46. Permittee shall be responsible for any additional winter maintenance and other regular road maintenance above and beyond that normally conducted by the Road and Bridge Department on roads affected by this SUP during the life of the operations and shall obtain necessary permits to do so. Routt County shall meet with the permittee periodically to assess necessary maintenance resulting from use of the road. Maintenance shall be determined by the Routt County Road and Bridge Department in its sole discretion and at permittee's expense. Maintenance may include, but is not limited to, grading and graveling of roadways, restoration of roadway crown, sweeping or cleaning access points, soft spot/damage repair and application of a dust palliative as approved by the Routt County Road and Bridge Director and Routt County Department of Environmental Health.

47. A stabilized entrance or preventative sediment tracking measures shall be installed at the access of the property to the County Road by April 1, 2015. The stabilized entrance or preventative sediment tracking measures will help mitigate tracking sediment from the permittee's site to the County Road. The measures used to stabilize the entrance shall stand up to the anticipated truck traffic and be maintained on a regular basis.

48. Permittee shall secure all necessary permits including but not limited to State of Colorado Fugitive Dust Permit, and applicable U.S. Army Corps of Engineers permits, Routt County Grading and Excavation Permits, Routt County Access Permits and Routt County Right of Way permit.

Commissioner Norris seconded the motion. The motion carried 8 - 0, with the Acting Chair voting yes.

ADMINISTRATOR'S REPORT

Mr. Phillips said there are two Planning Commissioner spots open with Commissioner Ayer and Commissioner Hellyer resigning. He noted how Commissioner Koehler is not the Hayden representative. Mr. Phillips said they have been advertising in the Steamboat Pilot and Today newspaper and will hold interviews the next week. Mr. Phillips said items on agenda for the next Planning Commission meeting on January 15, 2015 is a Special Use Permit for a guest ranch in Hayden and a minor change to the Urban Growth Boundary at 955 Pahwintah, LLC. Mr. Phillips said the February 5 Planning Commission meeting is the last discussion for the definition of camping. He noted how the Board of County Commissioners are

close, however there are just a few things. Lastly, Planning Commission talked with Mr. Phillips about attending the Board of County Commissioners worksession on Stagecoach and Mr. Phillips said it would be okay for Planning Commission to attend if advertised.

The meeting was adjourned at 9:47 p.m.

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