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APPLICATION: CU2023-03

APPLICANT: Umiak Outfitters

REQUESTED ACTION: Conditional Use Review

LOCATION: 1301 Cochran Road

EXISTING ZONING: Agricultural Residential / Flood Hazzard Overlay District

PROJECT DESCRIPTION: The Applicants (Umiak Outfitters and the town of Richmond) are seeking Conditional Use approval for a seasonal removable ladder to facilitate access to the Winooski River for the general public and their clients. This ladder will help facilitate safer access and protect against riverbank erosion from people climbing up and down the bank. The project is located at 1301 Cochran Road.

PARCEL HISTORY: NA

LIST OF SUBMISSIONS:

- A. Narrative
- B. Conditional Use Application
- C. Ladder Specifications
- D. Umiak Ladder Richmond Map
- E. Umiak Site Plan Waiver
- F. Flood Plain Manager Comments

PROCEDURAL INFORMATION:

1. Application submitted on 3/24/23
2. Agenda placed in Seven Days 3/27/2023
3. Notice placed on Town website and at three locations in town on 3/27/2023
4. Abutters notified on 3/27/2023
5. Notice sent to Applicant 3/27/2023

STAFF COMMENTS (**In Bold**):

1. The Applicants (Umiak Outfitters and the Town of Richmond) are seeking Conditional Use approval for a seasonal removable ladder to facilitate access to the Winooski River for the general public and their clients. This ladder will help facilitate safer access and protect against riverbank erosion from people climbing up and down the bank. The project is located at 1301 Cochran Road.
2. The Property is located in the Agricultural Residential District and is covered by Section 3.1 of the Richmond Zoning Regulations

3. The Applicants narrative notes that the ladder is intended to help facilitate outdoor recreation by allowing individuals access to the Winooski River
4. Section 3.1.2 notes that Outdoor recreation facility or park is an allowed use with Conditional Use Approval
5. The project is also located in the Special Flood Hazard overlay district and is subject to Section 6.8 of the Richmond Zoning Regulations
6. Section 6.8.9 notes that new projects that are functionally dependent on river access require Conditional Use Review
7. Section 5.6.1 outlines the general standards for Conditional Use Review
  - a. The capacity of existing or planned community facilities (**The Applicants narrative notes that this project is intended to enhance the Overrocker Park by providing a ladder for safer ingress and egress of the Winooski River. The Applicants also claim that the ladder will help minimize erosion of the bank from people climbing in and out of the river**)
  - b. The character of the area affected, as defined by the purpose or purposes of the zoning district in which the project is located and with specifically stated policies and standards of the Richmond Town Plan; (**Outdoor recreation is an allowed use and is in keeping with the character of the area as laid out in Section 3.1.2 of the Richmond Zoning regulations**)
  - c. Traffic on roads and highways in the vicinity (**Will there be an increase in traffic?**)
  - d. Bylaws and ordinances then in effect
  - e. The utilization of renewable energy sources.
8. Section 5.6.2 notes the following specific requirements
  - a. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the lot shall not be generated
  - b. There shall be no outside displays except those that are brought indoors at the end of business hours and are the actual product of the business.
  - c. Outside storage of goods, parts, supplies, vehicles machinery and other personal property shall be appropriate to the neighborhood and shall not impair safety
  - d. A State Wastewater and Potable Water Supply Permit shall be obtained before the use commences.
  - e. The development is proposed over a reasonable time period in order that the general and specific standards for conditional uses may be met
  - f. In determining the appropriateness of the use in the Zoning District, the DRB shall consider the scale of the proposal in relation to the scale of existing uses and structures (**The current use is a park. The river ladder would be in keeping with the types of activity one would expect to see in a park or outdoor recreation facility**)
  - g. No fire, explosive, or safety hazard shall be permitted that, in the judgment of the DRB, after consideration of the advice of Richmond firefighting officials, significantly endangers other property owners or emergency personnel.
  - h. The development shall not result in an Undue Adverse Effect on state- or community-owned and operated institutions and facilities (**Would the river ladder lead to an increase in traffic that could lead to damage to the park. I.e. trash and overcrowding?**)
  - i. Existing water supplies and the quality of ground and surface water resources shall not be adversely affected

- j. The proposed Land Development shall not have an undue adverse effect on an Historic Site or rare or irreplaceable natural areas. Proposed structures should take advantage of existing slopes and vegetation to provide screening for the project.
  - k. Any other standards, such as natural landscape and “character of the neighborhood” standards, as indicated for specific districts shall also be applied.
9. The Applicants narrative notes that they anticipate installing the ladder by May 15, 2023
  10. Section 5.6.3 notes that conditional use review also requires Site Plan review
  11. Site plan review is covered under Section 5.5 of the Richmond Zoning Regulations
  12. Section 5.5.2 notes in subsection c. that unless waived by the DRB for good cause, a site plan shall be prepared by a registered surveyor, professional planner, engineer, architect, or landscape planner
  13. Applicants Submittal E. request a waiver from the site plan standards laid out in section 5.5.2 Subsection c.
  14. The Applicants narrative notes the following reasons why they should not have to supply a formal site plan ( **Given that the ladder is a very simple structure that does not require a foundation and is not close to any setback for neighboring properties I do not feel this project warrants the cost of requiring the applicants to have a professional site plan created**)
    - a. Ladder will be temporary and seasonal
    - b. The ladder is simple structure that can be easily installed and removed
    - c. Maps and pictures provided show ladders proposed location
    - d. Ladder will be located on town owned land
  15. Project will be subject to Section 4 regulations applying to all lots
  16. Section 4 covers regulations for all lots
  17. Section 4.1 notes that all vehicle access shall comply with the 2000 public works specification or the most recent version (**No proposed changes to the access**)
  18. Section 4.4 notes that properties cannot have more than one curb cut. (**Only one curb cut**)
  19. Section 6.1 deals with Parking and loading requirements (**Clarification on number of trips How much parking is used per day on average?**)
  20. Section 6.1.2 subsection d noted that for uses not found in the parking table for Section 6.1.2 subsection c. the American Planning Association off street parking guide will provide the number of spaces required.
  21. The American Planning Association notes that riding and hiking areas require between 25 and 100 parking spaces
  22. Town Website notes 40 parking areas at the Overrockers park
  23. Section 6.1.6 notes the following parking standards
    - a. All parking areas subject to administrative review by the Administrative Officer, except for such areas associated with single or two-family dwellings, or other Land Development specifically exempted from site plan review, shall require Site Plan Review (see Section 5.5.1). All parking areas shall be located on the lot for which the parking requirement was generated unless specific alternatives are approved by the DRB
    - b. All parking areas shall be hard-surfaced (asphalt or concrete). The DRB may waive this requirement if the Applicant demonstrates that all of the remaining standards of section 6.1.6 will be met. In addition, the following specific standards shall be considered by the DRB when reviewing a waiver request for surfacing requirements: 1) The parking area shall be designed so as to prevent the intrusion of gravel or a similar surfacing material onto the road / Road or

Highway travel lanes or adverse impacts on drainage systems (**Parking is not hard surfaced but is packed gravel. The DRB should allow Parking surface to remain as is, since the parking area predates this proposed use**)

- c. All parking areas and associated roadways shall be designed and constructed with detention devices, such as, but not limited to overland grassed and/or stone lined swales, detention basins, and settling ponds, in order to assure that the post development peak flow stormwater volumes from such parking areas and roadways do not exceed the predevelopment quantities based on the run-off from a twenty-five year, twenty-four hour storm event. All such devices shall be designed and constructed to the standards in the Public Works Specifications, except that in the event of a conflict between the Public Works Specifications and the preceding sentence, the preceding sentence shall control. Unless stormwater flows are contained on the lot where such parking areas and roadways are located, there must also be adequate off-site drainage areas to accommodate such flows.
  - a. All parking areas shall provide for persons with disabilities which are clearly designated and marked, and signed, using the international symbol for access required by Title 21 V.S.A. Section 275, as amended, for use by such persons only. (**ADA parking not noted. The Town and Umiak will need to ensure that ADA spaces are available and clearly marked**)
  - b. State, municipal or private commuter lots shall be approved by the DRB subject to Site Plan Review under Section 5.5
  - c. All parking spaces shall meet the setback standards for the district in which it is located (**Parking meets setback requirements**)
  - d. The DRB may require screening for any parking lots located within any front yard. (**Parking is heavily screened by existing forest**)
  - e. All parking lots shall be landscaped as approved by the DRB
  - f. The design of all parking lots shall incorporate measures to minimize safety hazards to pedestrians. Pedestrian paths shall be designated and clearly marked. Separation of vehicle and pedestrian traffic shall be included in all parking lot plans where possible. The DRB may waive this requirement due to unique characteristics of the lot, or innovative alternative designs. (**Lot is located down Cochran Road and is preexisting. DRB should allow current conditions to continue**)
  - g. parking lots shall be designed to encourage bicycle access. Any parking lot which is required to have fifteen (15) or more parking spaces shall provide bicycle racks at a location convenient to the main entrance to the business. The DRB may waive this requirement if in their judgment the business will not generate bicycle traffic. (**DRB should waive bike rack requirement. Lot is preexisting**)
  - h. Hard surfaced parking spaces shall be clearly striped and maintained and shall meet standard parking dimensional requirements as specified by the DRB.
24. Property is located in the flood hazard overlay district and is subject to Section 6.8 of the Richmond Zoning Regulations
25. Section 6.8.12 subsection b. notes that new projects that are functionally dependent on the river are an allowed use with Conditional Use Review
26. Section 6.8.16 notes that all development should meet the following requirements
- a. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the Structure during the occurrence of the Base Flood (**Plans for the steps show how they will be anchored to the bank to prevent them from being washed away**)

- b. Constructed with materials resistant to Flood damage (**Steps will be made of cedar. There will need to be additional clarification as to whether they will be treated to resist rot**)
  - c. Constructed by methods and practices that minimizes Flood damage
  - d. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of Flooding
  - e. Adequately drained to reduce exposure to Flood hazards
  - f. Located so as to minimize conflict with changes in Channel location over time and the need to intervene with such changes (**Applicants narrative notes that the ladder will be located in section of river with minimal current**)
27. Section 6.8.17 subsection c notes that when an application for proposed new development or substantial improvement (but not necessarily for improvements) within the FEMA Special Flood Hazard Area or for any proposed development in the floodway is deemed complete, the Administrative Officer shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A DRB decision or Zoning Permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner
28. Submittal F. notes that the project was sent to the State national Flood Insurance Program Coordinator for feedback

### **Recommendations For the DRB**

#### **DRB Approve the Application with the following potential conditions:**

1. **Prior to applying for a zoning permit the Applicants provided documentation that the materials being used are resistant to water damage**
2. **Option 1 Prior to applying for a zoning permit the Applicants the Applicants provided documentation noting their anticipated trip forecast for the season and provide an annual report noting the number of anticipated trips to actual trips to better determine the ladders long term impact to the Overockers parking area and to help determine what if any improvements or maintenance needs to be done to the parking area overtime**
3. **Option 2 Prior to applying for a zoning permit the Applicants provided documentation noting their anticipated trip forecast for the season and provide an annual report noting the number of anticipated trips to actual trips to better determine the ladders long term impact to the Overockers parking area and to help determine what if any improvements or maintenance needs to be done to the parking area overtime**
4. **Prior to applying for a zoning permit the Applicants will provide documentation noting their total trips for the season and provide an annual report noting the number total trips to better determine the ladders long term impact to the Overockers parking area and to help determine what if any improvements or maintenance needs to be done to the parking area overtime**
5. **Prior to applying for a zoning permit the Applicants provided a signed contract with the town for the use and maintenance of this ladder**