

## ROUTT COUNTY PLANNING COMMISSION AGENDA

October 1, 2020  
6:00 PM

Due to the COVID-19 pandemic, this hearing will be conducted through the Zoom application. You may access this meeting by clicking [here](#).

Live audio is available by calling (669) 900-6833.

Meeting ID: 828 3534 3424

Password: 310181

### 1. CALL TO ORDER

### 2. PUBLIC COMMENT

Members of the public may address the Planning Commission on items not on the agenda. (Comments regarding items on the agenda will be taken during that agenda item.)

### 3. APPROVAL OF MINUTES

#### A. Minutes From July 9., 2020

Minutes from July 9, 2020

Documents:

[070920-pc-corrected.pdf](#)

#### B. Minutes From August 6, 2020

Documents:

[080620-pc-corrected.pdf](#)

#### C. Minutes From August 20, 2020

Documents:

[082020-pc-corrected.pdf](#)

### 4. ITEMS FOR CONSIDERATION

#### A. Woof Ranch Bed And Breakfast

Activity #:	PL-20-156
Petition:	Special Use Permit for a Bed and Breakfast
Applicant:	Olympia Von Berg
Legal:	Lot 2, Aspen Court, Clark
Location:	26755 Aspen Court

Documents:

[Woof Ranch Staff Report PL-20-156.pdf](#)

#### B. Review Process & Fee Schedule (To Be Tabled To October 15, 2020)

Activity #:	PL-20-114
Petition:	Proposed amendments to the Zoning and Subdivision Regulations
Applicant:	Routt County
Legal:	County Wide
Location:	County Wide

## **5. ADMINISTRATOR'S REPORT**

Administrator's Report may include the reading of future Planning Commission agendas and recent Board of County Commissioner decisions.

## **6. ADJOURNMENT**

Agenda packets can be accessed at [www.co.routt.co.us/AgendaCenter](http://www.co.routt.co.us/AgendaCenter).

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## ROUTT COUNTY PLANNING COMMISSION

### MINUTES

July 9, 2020

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, Bill Norris, Troy Brookshire, Peter Flint, Roberta Marshall, Greg Jaeger, Billy Mitzelfeld and Andrew Benjamin. Brian Kelly and Rohail Abid were absent. Interim Planning Director Kristy Winser and staff planner Chris Brookshire also attended. Sarah Katherman prepared the minutes. This meeting occurred via Zoom.

#### **PUBLIC COMMENT**

There was no public comment.

#### **MINUTES - June 25, 2020**

Commissioner Benjamin moved to approve the minutes of the Routt County Planning Commission meeting cited above, as written. Commissioner Brookshire seconded the motion. **The motion carried 8 - 0.**

**ACTIVITY: PL-20-111**

**PETITIONER: Reed Sanctuary Ranch**

**PETITION: 35-acre subdivision Road Review**

**LOCATION:**

#### **MOTION**

Commissioner Benjamin moved to table this agenda item until August 6, 2020. Commissioner Jaeger seconded the motion. **The motion carried 8 - 0, with the Chair voting yes.**

**ACTIVITY: PL-20-107**

**PETITIONER: Tami and Steve Havener**

**PETITION: Lot Line Adjustment and Vacation of Utility Easements**

**LOCATION: 40465 Harbor Place; Steamboat II F3 Lots 107 & 108**

Ms. Tami Havener explained that she and her husband had purchased both lots 35 years ago, and have always treated them as a single parcel. She said that they have now decided that they want the option to treat the lots separately.

Ms. Brookshire stated that the two lots remain separate lots, but the corner to the existing attached garage on Lot 107 encroaches into Lot 108. She stated that a lot line adjustment is needed to bring the property into conformance. Ms. Brookshire presented a site plan and indicated the location of the current and proposed new lot line. She noted that the proposed lot line adjustment was sited

to ensure that the existing structures meet the required setbacks. The two lots will maintain their existing square footages. Ms. Brookshire noted that lot line adjustments are usually processed administratively, but because there is a request for the vacation of utility easements, it must be heard by both Planning Commission and the Board of County Commissioners.

Ms. Brookshire stated that the petition includes the vacation of the existing utility easements along the common lot line. A new utility and drainage easement will be created. To accommodate existing utilities, the proposed easement is 5 ft. wide on Lot 107, 5 ft. wide on the west side of Lot 108 and 13 ft. wide on the east side of Lot 108. Ms. Brookshire added that the minimum required lot frontage in this subdivision is 75 ft. Due to the proposed lot line adjustment, the frontages on Lot 107 will be reduced. The existing driveway accessing the house on Lot 107 will encroach into Lot 108, so an easement for the driveway is proposed. Ms. Brookshire stated that Planning Commission must decide if the available buildable area on Lot 108 will be sufficient to accommodate a residence. She added that all utility companies have signed off on the proposed plan.

In response to a question from Chairman Warnke, Ms. Brookshire stated that all of the existing utilities are buried. She said that the utilities that bisect Lot 108 will have to be moved.

Commissioner Mitzelfeld asked about no-build zones. Ms. Brookshire stated that there are no no-build zones on either lot.

There was discussion of the dimension of new Lot 108 at its narrowest point. It was determined that the narrowest dimension is 56.62 ft., not including the utility and driveway easement. In response to a question from Commissioner Jaeger, Ms. Brookshire confirmed that the total buildable area would be reduced. In response to a question from Commissioner Benjamin, Ms. Brookshire confirmed that the new lot would be a conforming, buildable lot. Chairman Warnke added that the restrictions on the buildable area of the lot would be clearly recorded. Commissioner Mitzelfeld asked about the distance from the proposed new lot line to the existing house. Ms. Brookshire stated that the house is 17 ft. from the proposed common lot line.

There was no public comment.

#### **MOTION - Lot Line Adjustment**

Commissioner Marshall moved to recommend approval of the lot line adjustment with the finding of fact that the proposal, with the following conditions, meets with Sections 2, 3, and 6 of the applicable guidelines of the Routt County Zoning Regulations and Section 2 and 3 of the Subdivision Regulations. This approval is subject to the following conditions:

#### **General Conditions:**

1. The plat shall be finalized and recorded within one (1) year unless and extension is granted pursuant to Section 2.1.6, Routt County Subdivision Regulations. Extensions to up to one (1) year may be approved administratively.
2. Prior to recordation, the applicant shall submit an electronic copy of the approved plat to the County Planning Department in a .DWG format or other format acceptable to the GIS Department.
3. All fees must be paid in full prior to the recording of the plat.
4. All property taxes must be paid prior to the recording of the plat.
5. A 'no build' zone shall be indicated on the plat to avoid construction of structures, septic fields and roads in areas including, but not limited to 30% or greater slopes. The "no build" zones shall be approved by the Planning Director before the plat is recorded.
6. The resolution for the vacation for the utility, drainage, snow removal and snow storage shall be recorded concurrently with the final plat.
7. The notes on the plat shall include, but are not limited to the following:
  - a. Routt County is not responsible for maintaining or improving subdivision roads. The roads shown hereon have not been dedicated nor accepted by the County.
  - b. Existing and new accesses shall meet access standards set forth by the Routt County Road and Bridge Department and Fire Prevention Services.
  - c. Revegetation of disturbed areas shall occur within one growing season with a seed mix that avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass mixes.
  - d. Routt County (County) and the Steamboat Rural Fire District (District) shall be held harmless from any injury, damage, or claim that may be made against the County or the District by reason of the County's or the District's failure to provide ambulance, fire, rescue or police protection to the property described on this plat, provided that the failure to provide such services is due to inaccessibility of the property by reason of internal roads being impassable. This conditions shall not relieve the County or the District of their responsibility to make a bona fide effort to provide emergency services should the need arise.
  - e. Address signage in conformance with Routt County Road Addressing, Naming, and Signing Policy shall be located at the entrance to the driveway.

- f. A current soils test showing that the soil is of a sufficient stable nature to support development will be required before obtaining a building permit.
- g. All applicable notes, conditions and restrictions from the Steamboat II, Filing 1 plat filed in the Routt County Clerk and Recorders Office at File #7008 will continue to apply to this Replat.

Commissioner Flint seconded the motion. **The motion carried 8 - 0, with the Chair voting yes.**

### **MOTION - Vacation of Utility Easements**

Commissioner Marshall moved to recommend approval of the vacation of utility easements with the finding of fact that the proposal, with the following conditions, complies with the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, and 6 of the Regulations. This approval is subject to the following conditions:

1. Utility and drainage easements shall be shown and dedicated on the final plat. The plat shall show all required drainage and utility easements on the vacated portion of roadways.
2. A resolution of approval shall be recorded with the final plat.
3. All notes from the Steamboat II, Filing 1 plat shall continue to apply.

Commissioner Benjamin seconded the motion. **The motion carried 8 - 0, with the Chair voting yes.**

### **ADMINISTRATOR'S REPORT**

Ms. Winser reported that the Board of County Commissioners had approved the Wagoner petition. She stated that there were no items scheduled for the next regular Planning Commission hearing, so the next meeting will be on August 6, 2020.

Ms. Winser stated that advertisements are posted for the open position on Planning Commission and the two open positions on the Board of Adjustment. She asked for volunteers to serve on the Board of Adjustment next Monday.

**The meeting was adjourned at 7:00 p.m.**

# ROUTT COUNTY PLANNING COMMISSION

## MINUTES

August 6, 2020

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, Bill Norris, Troy Brookshire, Peter Flint, Brian Kelly, Roberta Marshall, Billy Mitzelfeld and Andrew Benjamin. Greg Jaeger and Rohail Abid were absent. Interim Planning Director Kristy Winser and staff planners Chris Brookshire and Alan Goldich also attended. Sarah Katherman prepared the minutes. This meeting was conducted via Zoom.

### PUBLIC COMMENT

There was no public comment.

### CONSENT AGENDA

**ACTIVITY:** PL-20-111

**PETITIONER:** Reed Sanctuary, LLC

**PETITION:** Road Review - Exempt Subdivision review of a three lot subdivision

**LOCATION:** Off CR 14, approximately 2.5 miles north of the intersection with CR 131

### MOTION

Commissioner Benjamin moved to remove the above stated item from the consent agenda to hear and consider additional information. Commissioner Kelly seconded the motion. **The motion carried 8 - 0.**

Commissioner Benjamin disclosed that he has worked on the petitioner's property in the past, but is not currently doing so.

Mr. Goldich presented a site plan of the property and indicated the proposed 35-acre subdivision. He stated that the current petition is not for the subdivision, which is a use-by-right. It is a Road Review under Section 2.6.2 of the Subdivision Regulations.

Mr. Goldich stated that all the roads on the parcel have been constructed. It was recently discovered that the access road between CR 14 and the subject parcel is only 18 ft. wide and does not meet the road standard for a road that accesses three or more parcels. Mr. Goldich said that the road will have to be widened to 22 ft. He indicated the portion of road that needs to be widened on an aerial map. Width of this road was missed in the Fire District review. Mr. Goldich stated that conditions of approval (COAs) must be added to ensure that the road is brought

up to the standard. He presented suggested additional COAs, and added that the petitioner has been informed and is fine with these proposed COAs.

In response to a question from Commissioner Kelly, Mr. Goldich stated that the easement is 60 ft. wide. He said that the easement is identified on the plat. He noted that the road is the old CR 43, which was partially vacated in the 1950s. This portion of the road was not vacated, but is not maintained by the County.

Mr. John Vanderbloemen, representing the petitioner, stated that the easement is recorded. He reviewed the history of this road.

Commissioner Brookshire asked if a permit would be required to improve the road. Mr. Goldich said it would, and noted that this was included in the suggested conditions of approval.

Mr. Vanderbloemen reviewed the road system that has been constructed to serve the 35-acre lots and the lodge on the property. He said that these roads had all been built to the standards. He said that a plan has been developed to increase the width of the access road to 22 ft.

There was no public comment.

### **MOTION**

Commissioner Brookshire moved to approve the Road Review with the following findings of fact:

1. The proposal with the following conditions meets the applicable guidelines of the Routt County Zoning and Subdivision Regulations.
2. This review is strictly to ensure that all of the lots related to this subdivision have legal and adequate access.
3. The road serving the lots have been constructed in accordance with the submitted plans.

This approval is subject to the following conditions:

1. A plat for the subdivision exemption shall be finalized and recorded within six months of the Board of County Commissioners' approval. Extensions up to one (1) year may be approved administratively.
2. If the applicant wishes to obtain a building permit for any of the lots prior to the completion of the road, the applicant shall enter into an agreement, in compliance with section 5.8 of the Zoning Regulations. Such agreement shall be recorded concurrently with the final plat.
3. A Road Construction Permit shall be obtained for the stretch of road that must be improved.

Commissioner Kelly seconded the motion.

**Discussion and Friendly Amendments**

Commissioner Benjamin suggested deleting the original COA and replacing it with the three conditions provided by staff. This amendment was accepted, as indicated above.

**The motion carried 8 - 0, with the Chair voting yes.**

**ACTIVITY: PL-19-188, PL-20-105**

**PETITIONER: Home Ranch, LLC**

**PETITION: Amendment to a Planned Unit Development and Zone Change to add 8 acres to the PUD**

**LOCATION: Located east of Clark, on the east side of CR 129**

Commissioner Benjamin recused himself from consideration of this item.

Mr. Joe Robbins, an architect representing the McFarlane family, the new owners of the Home Ranch, said that he had been involved with the property for a long time. He said that the McFarlanes have already upgraded many of the facilities that could be improved without permits, including agricultural building, siding, roofing, etc. Mr. Robbins stated that the owners want to live on the property and to provide a residence for an on-site manager. He said that they want to add a kitchen and a garage to the Columbine Cabin, which will serve as the manager's residence, construct an owners' home and remodel the lodge. Mr. Robbins explained that the McFarlanes are currently living in the lodge, which contains the only kitchen on the property. He stated that the intention is to move away from the dude ranch operation and toward an event-oriented operation.

Mr. McFarlane introduced himself and described the plan to host weddings, special events, retreats and horsemanship events. He added that over time they intend to make the Home Ranch their permanent home.

Ms. Brookshire presented an aerial view of the property and indicated the PUD boundary and the buildings and improvements. She also indicated the location of the proposed new structures. She noted that the existing barn is not currently within the PUD boundary. One part of this petition is a request for a zone change that would be needed to add eight acres to the PUD boundary to bring the operation into conformance. Regarding the special events, Ms. Brookshire said that she had allowed for 30 events annually, not including horsemanship events, in the suggested conditions of approval (COAs).

Ms. Brookshire reviewed the improvements, additions and new construction planned for the property. She said that all the cabins would be upgraded and brought up to current code. She stated that the proposed greenhouse would be located on the site of the current parking lot. She said that while sufficient parking would be available for those staying at the ranch, additional parking areas may need to be identified for event guests and employees.

In response to a question from Chairman Warnke regarding the change in total guest/resident capacity, Ms. Brookshire said that the occupancy would be reduced from the former dude ranch. Chairman Warnke asked about the COAs from the original PUD that are referenced in the existing PUD. Ms. Brookshire said that rather than referring back to the original PUD, staff had written entirely new COAs to reflect the change from a dude ranch to an event-centered operation. She said that a new Administrative Permit associated with the PUD would be required for the tours. She said that the tours will remain the same, and will be available only to event clientele. She said that a COA could be added to clarify that the tours are only for clients of the PUD.

Commissioner Brookshire asked if clients would be able to drive in and stay, or whether guests would only be booked with prior reservations. Mr. McFarlane said that all guests would be attending curated events that would be arranged in advance.

Chairman Warnke asked if the fire protection plan had been reviewed and updated. Ms. Brookshire described the former plan, which utilized the pond and pool. Mr. McFarlane said that they were working on a new fire suppression plan. He added that in addition to the pool and the pond, they would also install fire hydrants and have access to irrigation water. Ms. Winser noted that fire suppression would be reviewed in conjunction with building permits.

In response to a question about the domestic water system from Chairman Brookshire, Mr. McFarlane described the springs that support central storage tanks from which water is pumped for the ranch. He said that the system had been inspected and had been approved for a commercial operation. He added that they intend to bring the system up to a higher standard. Commissioner Flint asked if a COA was needed to address the water system. Ms. Winser said that a condition could be added, but the water supply would also be evaluated through the building permit process.

Commissioner Flint asked about the sewage disposal system. Ms. Brookshire stated that suggested COA #9 covers many of these issues, but a more specific COA could be added requiring that the water and waste disposal systems comply with state and local regulations.

Commissioner Brookshire asked about parking. Mr. McFarlane indicated the location of an existing employee parking lot with a lighted path to the compound, and other parking areas available within the PUD. Mr. Robbins noted that indoor parking would be added for the Columbine Cabin and the new owners' residence. Ms. Brookshire noted that the employee parking lot is outside the PUD boundary. There was further discussion of parking options and how to amend the PUD boundary to accommodate the proposed uses and parking.

Commissioner Marshall asked about the blanks in the COAs regarding amplified music and shuttle requirements. Mr. Robbins noted that Home Ranch has been hosting events for 40 years without complaints. He added that the PUD boundary is surrounded by approximately 500 acres. Ms. Marshall suggested that music should stop at 11:00 pm, and that shuttles should be required for all guests that cannot be accommodated by the defined parking. Commissioner Flint expressed concern regarding possible traffic and parking issues for horse events. Mr. McFarlane said that he envisions horse events being primarily for locals and those staying in the cabins, not large events. Commissioner Brookshire offered that if the events are to be small, they need not be limited to one per week. Commissioner Flint agreed that horse trailer parking and traffic was not an issue for small local events.

Ms. Brookshire summarized the issues to be addressed in the COAs: parking, shuttles, water and waste disposal, music and horse events. Commissioner Mitzelfeld asked about an access permit. Ms. Brookshire said that the Home Ranch already has an access permit, and that the road into the ranch is in great condition. Ms. Marshall suggested adding a condition regarding the fire suppression plan.

There was no public comment.

There was further discussion of the water supply. Mr. McFarlane said that updated report on the water is available and can be submitted. He added that the septic system is being evaluated, and will be upgraded. Chairman Warnke proposed adding COAs regarding the submission of the fire suppression plan, the water and waste system, and the submission of a parking plan. There was consensus on 11 pm for the cessation of amplified music, that the shuttle issue could be addressed through the parking plan, and that bear-proof trash containers should be required.

### **Roundtable Discussion**

Commissioners Norris, Flint and Marshall said they would support the petition with the changes discussed.

In response to a question from Commissioner Mitzelfeld regarding when the various conditions would have to be met, Commissioner Kelly said that all requirements of the permit must be met prior to the recordation of the PUD.

Commissioner Kelly offered that the applicant should be provided with some flexibility regarding the PUD map to ensure that all uses are contained within the 48 acres. Ms. Brookshire said that this would be difficult because of the process needed for the required zone change.

Mr. Robbins expressed concern that the water and septic improvements would have to be built prior to the construction of the house foundation. Ms. Brookshire

reviewed the timing of the Building Department and Environmental Health reviews. Ms. Winser added that staff would work with the Building Department on the permitting, and stated that although building permits could be issued, the Certificate of Occupancy would not be issued until the systems are fully functional.

Commissioner Brookshire said that the number of horse events should not be limited, but that the approval should include a COA stating that any complaints could result in a review of the operation.

### **MOTION**

Commissioner Marshall moved to recommend approval of the amendment to the PUD (activity #PL-19-188) and the zone change to allow the addition of 8 acres to the PUD boundary (activity #PL-20-105) with the following findings of fact:

1. The proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and applicable Sub Area plan and is in compliance with the applicable provisions of Sections 4, 5, 6, 7 and 8 of the Routt County Zoning and Subdivision Regulations.
2. The proposal has been determined to be in compliance with the guidelines of the Routt County Master Plan and Upper Elk River Community Plan
3. In review of the Final PUD and Zoning Amendment standards, it has been determined that the Zoning Amendment standards have been met.

This approval is subject to the following conditions:

### **Rezone**

1. A resolution of approval must be signed by the Board of Commissioners for recording in the Routt County Clerk and Records Office and recorded concurrently with the Final PUD Plan.

### **Final PUD:**

1. This approval shall become effective upon the recording of the Final PUD plan.
2. The approved project plan shall be listed be placed on the recorded plan.
3. Planned Unit Development shall be operated as presented in the approved project plan.
4. Prior to recordation, the applicant shall submit an electronic copy of the approved plat to the County Planning Department in a .DWG format or other format acceptable to the GIS Department.

5. Prior to operation, permittee shall submit to Routt County proof of a Sales Tax Account /License.
6. 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.
7. Protect the visual quality and rural character of the valley at night by encouraging the use of minimal exterior lighting; that lighting be downcast; and that there be no general floodlighting of buildings. The proposal shall comply with the Outdoor Lighting Standards in Section 6.3 of the Routt County Zoning Regulations
8. All signage shall be in conformance with the Routt County Zoning Regulations.
9. 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.
10. Every use shall be operated so that it does not pose a danger to public health, safety or welfare.

#### **Specific Conditions**

11. Weddings shall provide shuttle service for all guests not staying at the facility. Members of the immediate wedding party, catering service, music venue and special exceptions are exempt. Weddings are limited to 300 people.
12. Port-a-lets shall be provided at events that are attended by guests not staying at the facility.
13. Amplified music shall cease at 11:00 p.m.
14. Special Events shall not exceed 30 per year.
15. Events shall not exceed 300 in attendance.
16. Horsemanship/roping events may be held. Parking shall be shown on the PUD as approved by the Planning Director.
17. Fire Suppression/Protection Plan shall be updated and agreed on by the North Routt Fire Protection District and the owner. The Fire Suppression/Protection Plan shall be submitted to the Planning Department.
18. Water and Sewage systems must comply the Routt County standards as applicable to this operation.
19. A parking plan to accommodate guest parking for special events shall be developed and approved by the Planning Director prior to recording of the PUD.

20. All trash containers shall be bear-proof.

21. Any complaints or concerns regarding this operation may be cause for review or amendment of this PUD.

Commissioner Kelly seconded the motion.

**The motion carried 7 - 0, with the Chair voting yes.**

**ACTIVITY: PL-19-102**

**PETITIONER: Routt County**

**PETITION: Worksession/Adoption of an amendment to Sections 3.5 and 3.2.9 of the Zoning Regulations**

**LOCATION: Countywide**

#### **MOTION**

Commissioner Warnke moved to table this item to August 20, 2020.

Commissioner Kelly seconded the motion. **The motion was approved unanimously.**

#### **ADMINISTRATOR'S REPORT**

Ms. Winser reviewed the letter submitted by Historic Routt County. Planning Commission agreed that staff should work with HRC on scheduling a presentation.

Ms. Winser reviewed the upcoming agendas, noting that no items have been scheduled for the September 3<sup>rd</sup> meeting. She added, however, that many applications are in the pipeline. She said that the staff workload is very high; PLOD calls are up 43% over last month. There was discussion of the influx of people coming to Routt County in response to covid-19.

Ms. Winser said that just prior to the covid-related shut-down, a joint meeting with the BCC had been scheduled to discuss the Master Plan survey results. She said that she would still like to hold the joint meeting, although some things may have changed due to covid. The survey revealed general support for the existing Master Plan. She suggested that Planning Commission should formally reaffirm the validity of the Plan with updated basic information and language. The more thorough update process can be revisited after the covid pandemic.

Ms. Winser reported that only three applications for Planning Commission and the Board of Adjustment had been received, with none from West Routt. She said that the search for new members, particularly for the BOA, would be extended.

**The meeting was adjourned at 9:00 p.m.**

# ROUTT COUNTY PLANNING COMMISSION

## MINUTES

**August 20 , 2020**

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, Bill Norris, Greg Jaeger, Troy Brookshire, Brian Kelly, Roberta Marshall, Billy Mitzelfeld and Andrew Benjamin. Peter Flint, and Rohail Abid were absent. Interim Planning Director Kristy Winser and staff planners Chris Brookshire and Alan Goldich also attended. Sarah Katherman prepared the minutes. This meeting was conducted via Zoom.

**ACTIVITY: PL-20-117**

**PETITIONER: Nicholas and Alison French**

**PETITION: Lot Line Adjustment and Vacation of Utility Easements**

**LOCATION: Lots 60 & 61 Steamboat Lake, Filing 2; located at the corner of Longfellow and Jupiter Place**

Chairman Warnke disclosed that he serves as Secretary/Treasurer for the Willow Creek Pass Village Association and chairs the Environmental Control Committee. There were no objections to his participation in the hearing.

Ms. Penny Fletcher, representing the petitioners, reviewed the petition, noting that the house and garage were incorrectly placed when they were built, but that neither of the previous owners had attempted to rectify the situation. She said it was supposed to have been addressed prior to the Frenches closing on the property, but the application was not submitted in time. Ms. Fletcher said that the Frenches are seeking to correct the situation through a lot line adjustment and a vacation of the utility easements. Ms. Fletcher noted that the property had been surveyed, and that the improvements location certificate indicates that the garage encroaches 6.5 ft. over the lot line. She said that there is also a small shed that is located too close to the lot line. Ms. French said that the petitioners had worked with surveyor Tom Effinger, who had come up with a way to adjust the lot line separating Lots 60 and 61 such that the garage would be in conformance with the required setbacks, and the two lots would retain their existing acreages. She added that the adjusted lot line allows for a sufficient buildable area on Lot 60. Ms. Fletcher said that there are no utilities located within the easement, and the utility companies have all signed off on the proposal.

In response to a question from Commissioner Kelly, Ms. Fletcher confirmed that with the adjustment, the shed would still be located within the utility easement. She said that the shed is attached to timbers that are resting on the ground; there is no permanent foundation. She added, however, that moving it would require cutting down several large trees and would be very difficult. The shed has been in this location since the home was constructed. She said that in order to comply

with the County's regulations, the shed would need to be moved 2.5 ft. Ms. Fletcher said that the petitioners would like to address this shed issue through an agreement with the neighbors or through some allowance on the part of the County. The shed is approximately 100 sq. ft. in size.

Ms. Brookshire stated that a shed of this size without a permanent foundation is allowed to be located within the utility easement, provided it is no less than 4 ft. from the property line. With the lot line adjustment proposed, the shed is located too close to the property line to be in conformance. Ms. Brookshire stated that there is no variance process for this, but offered that the lot line might be adjusted somewhat more in that area to accommodate the shed. Ms. Fletcher said that she had discussed this idea with Mr. Effinger, who expressed concern with the re-submittal requirements. Ms. Winser stated that a minor adjustment of this nature would not require re-advertising or re-submittal. She suggested that it could be addressed through the Conditions of Approval (COAs) and the additional adjustment could be made prior to the Board of County Commissioners' hearing. Ms. Brookshire read suggested COA #6 and proposed substituting "relocated" with "brought into conformance."

Ms. Brookshire stated that Ms. Fletcher had thoroughly described the petition. She said that no one knows why the house and garage were located over the property line, but she noted that the property behind the house and garage is very steep and the location was probably shifted for that reason. Ms. Brookshire confirmed that with the lot line adjustment there would still be plenty of buildable area on Lot 60.

Chairman Warnke asked if there was any evidence of agreement to the proposal from the owners of Lot 60. Ms. Brookshire said that they were co-petitioners and had signed the application.

There was no public comment.

Commissioner Mitzelfeld asked about the no-build zones. Ms. Brookshire said that they would be shown on the final plat.

### **MOTION - Lot Line Adjustment**

Commissioner Norris moved to recommend approval of the lot line adjustment with the findings of fact that the proposal with the following conditions meets with Sections 2, 3, and 6 of the applicable guidelines of the Routt County Zoning Regulations and Section 2 and 3 of the Subdivision Regulations.

This approval is subject to the following conditions:

#### **General Conditions:**

1. The plat shall be finalized and recorded within one (1) year unless an extension is granted pursuant to Section 2.1.6, Routt County Subdivision Regulations. Extensions to up to one (1) year may be approved administratively.

2. Prior to recordation, the applicant shall submit an electronic copy of the approved plat to the County Planning Department in a .DWG format or other format acceptable to the GIS Department.
3. All fees must be paid in full prior to the recording of the plat.
4. All property taxes must be paid prior to the recording of the plat.
5. A 'no build' zone shall be indicated on the plat to avoid construction of structures, septic fields and roads in areas including, but not limited to 30% or greater slopes. The "no build" zones shall be approved by the Planning Director before the plat is recorded.
6. The shed located on Lot 61 along the boundary line between Lots 60 and 61, must be brought into conformance to meet current regulations under the definition of small structure prior to the plat being recorded.
7. The notes on the plat shall include, but are not limited to the following:
  - a. Routt County is not responsible for maintaining or improving subdivision roads. The roads shown hereon have not been dedicated nor accepted by the County.
  - b. Existing and new accesses shall meet access standards set forth by the Routt County Road and Bridge Department and Fire Prevention Services.
  - c. Revegetation of disturbed areas shall occur within one growing season with a seed mix that avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass mixes.
  - d. Routt County (County) and the North Routt Fire District (District) shall be held harmless from any injury, damage, or claim that may be made against the County or the District by reason of the County's or the District's failure to provide ambulance, fire, rescue or police protection to the property described on this plat, provided that the failure to provide such services is due to inaccessibility of the property by reason of internal roads being impassable. This conditions shall not relieve the County or the District of their responsibility to make a bona fide effort to provide emergency services should the need arise.
  - e. Address signage in conformance with Routt County Road Addressing, Naming, and Signing Policy shall be located at the entrance to the driveway.
  - f. A current soils test showing that the soil is of a sufficient stable nature to support development will be required before obtaining a building permit.

- g. The Declaration of Covenants and Conditions and Restrictions, Unit Nos. One, Three and Four, Steamboat Lake Subdivision, Recorded March 6, 1972 at Reception No. 231399 in Book 356 at Page 164 in the Official records of Routt County, Colorado, and first amended and restated declaration of covenants, conditions, easements and restriction Unit Nos., One, Two Three and Four, Steamboat Lake Subdivision subdivision.

Commissioner Kelly seconded the motion.

**The motion carried 8 - 0, with the Chair voting yes.**

**MOTION - Vacation of Utility Easements**

Commissioner Norris moved to recommend approval of the vacation of utility easements with the findings of fact that the proposal, with the following conditions, complies with 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, Sections 2, 3 and 4 of the Routt County Subdivision Regulations.

This approval is subject to the following conditions:

- 1. Utility and drainage easements shall be shown and dedicated on the final plat. The plat shall show all required drainage and utility easements on the vacated portion of roadways.
- 2. The resolution for the vacation for the utility and drainage easement shall be recorded concurrently with the final plat.

Commissioner Kelly seconded the motion.

**The motion carried 8 - 0, with the Chair voting yes.**

**ACTIVITY: PL-29-102**

**PETITIONER: Routt County**

**PETITION: Consideration of changes to the regulations regarding Open Space and Public Sites**

Mr. Goldich reviewed the memorandum, dated August 20, 2020, that includes the background information on the two sections of the regulations to be discussed.

**Section 3.5 of the Subdivision Regulations: Open Space and Public Sites**

Mr. Goldich stated that the goal of the proposed changes to Section 3.5.2 of the Subdivision Regulations is to bring the County's Regulations into conformance with state statute, which requires that when land is subdivided, land be dedicated or a fee-in-lieu of land be paid for parks and schools. He said that the current regulations list a variety of public sites that the land or fee may be used for, but the statute is specific to parks and schools. Mr. Goldich stated that in 2019 staff presented a list of a variety of other items that are impacted by development (fire

stations, roads, etc.) for which fees could be collected after a study has been performed to demonstrate the nexus between the impact and the fee. He stated that because the County has not done these studies, the fees that may be collected are limited to schools and parks.

Mr. Goldich stated that a formula must be used to determine the amount of land to be dedicated, or the amount of the fee-in-lieu. Mr. Goldich reviewed the formulas and how they were derived, as outlined on page 2 of the memo. He noted that the density used in the formulas is based on the number of additional dwelling units that would be created by a subdivision, beyond the number of dwelling units allowed prior to the subdivision. He stated that once the amount of land to be dedicated is determined, the fee-in-lieu of land is based on the fair market value of the property post-subdivision but without infrastructure, as agreed upon by the Planning Director and the developer. Mr. Goldich noted that the fee-in-lieu of land is used when the amount of land to be dedicated would be too small to be useful. If the developer does not agree to the per acre value, an appraisal may be obtained at the developer's expense. If the developer does not agree with the amount of land determined by the formula, the developer may submit a study to be taken into consideration by the Planning Director. Mr. Goldich clarified that the land dedication or fee-in-lieu of land dedication applies equally to all subdivisions. He reviewed the Fox Grove Subdivision, which was the case that revealed that the land/fee can be applied only to schools and parks.

Commissioner Brookshire asked why the fee is proposed to be paid to a third party entity (school district or parks and recreation department) instead of to the County as a pass-through. Mr. Goldich said that the fees require detailed tracking and reporting, and must be retained in separate interest bearing accounts. Based on these administrative costs and hassles, the County Attorney recommended that the fees be paid to a municipal entity with a parks department or to the applicable school district. Commissioner Brookshire expressed concern regarding enforcement and asked how other counties handle such fees. Mr. Goldich said that evidence that the fee has been paid will be required through a condition of approval (COA) prior to the recordation of the plat. He added that different counties handle fees in different ways; there is no consensus approach. Mr. Goldich stated that last year Routt County distributed over \$200,000 in fees that had been accumulating since 2004.

In response to a question from Chairman Warnke, Mr. Goldich stated that the proposed language regarding the agreement between the developer and the Planning Director is very close to the existing language. Chairman Warnke recalled that Planning Commission had previously decided that such fees should not be applied to lot consolidations, as such dedications/fees had already been made at the time of original subdivision. Mr. Goldich confirmed that this policy is codified in the regulations through a statement that these fees do not apply to lot consolidations.

Commissioner Jaeger asked what constitutes a park, and asked if there was a loophole that would allow a developer to transfer the land to another development. Mr. Goldich stated that a single parcel could be used to satisfy the requirement for more than one subdivision, provided it was large enough to meet the requirement as applied to all subdivided land.

Commissioner Benjamin asked how it would be determined where the fees would go. Mr. Goldich stated that for schools, it would be the district that the land is in. For parks, the recipient department would be based on proximity to the subdivision, or as agreed upon between the applicant and the Planning Director. He said that the idea would be for all of these agreements to be made prior to the review by Planning Commission.

Commissioner Brookshire asked if trails are considered parks, and cited in particular the extension of the core trail and how valuable it would be for the residents of the subdivisions west of town. He added that he would not want to provide funds to the City of Steamboat Springs for use at their discretion, citing the use of 2A funds to build recreation amenities on public lands and in wildlife habitat far from the City limits. He stated that he would want some assurance regarding where the money would go. Mr. Goldich stated that the fee must be based on a nexus between the development and the impact, and asked where the money should go for development west of town, if not to the City. Commissioner Brookshire suggested that there should be a mechanism through which a specific use for the money could be identified. Ms. Winser said that staff would look into this possibility and try to address the concern prior to the discussion with the Board of County Commissioners (BCC). Commissioner Marshall suggested deleting the language regarding proximity and leaving the recipient department to be agreed upon by the developer and the Planning Director. Mr. Goldich said that staff would discuss the nexus between the use of the fee and the location of the subdivision with the County Attorney. There was a discussion of active and passive recreational lands, and how trails can be considered parks.

Commissioner Mitzelfeld stated his support for identifying a specific project. He also asked about commercial property and why there was not a formula addressing the impact of commercial development that does not add residential density. Mr. Goldich said that the statute is specific to subdivisions. He added that the Routt County Master Plan does not support commercial development outside of growth centers, so unless the Master Plan is changed there was no need to address the impacts of commercial development.

### **Section 3.2.9 of the Zoning Regulations: Term of Approval of Use Permits**

Mr. Goldich stated that the proposed change is to address the common problem that permittees often do not keep track of when their permits expire, and often ask the BCC for an extension to allow time for the submission of a renewal application. There is no process for such extensions and there is some question as to whether the BCC has the authority to grant them. The proposed

amendment (subsection C) will add a process through which temporary extensions are allowed. The Planning Director would have the authority to grant one 90-day extension, with all COAs remaining in force. The request for an extension must be accompanied by the submittal of a complete application. Mr. Goldich stated that the new permit software should minimize the use of this provision by alerting staff to upcoming expirations in time for renewal applications to be submitted.

In response to a question from Commissioner Jaeger, Mr. Goldich stated that only one extension is allowed because it must be accompanied by a renewal application. He clarified that one extension would be allowed for each permit term.

Commissioner Brookshire expressed concern with subsection A. He stated that the occurrence of some error in the process such that a permit term was not specified should not allow a permit to be automatically granted life of use. He stated that a permit without a term should be assigned a specific period of time by default. There was a discussion of permits that are grandfathered in because they are so old, and those that have been granted life of use intentionally. Ms. Winser noted that subsection A is the existing regulation. It is not new language. Commissioner Brookshire clarified that he is not concerned about grandfathered or intentional life of use permits, but rather those that do not have a specified term through an error. Mr. Goldich noted that the period of the permit is included as a COA in all permit templates that are used. He suggested that the phrase, "if no time period is specified, for the life of the use" could be stricken. There was general consensus that proposed subsection C was acceptable.

#### **ADMINISTRATOR 'S REPORT**

Ms. Winser reviewed the upcoming agendas, noting that no items have been scheduled for the September 3<sup>rd</sup> meeting. She said that she is not sure if items will be scheduled for the second meeting in September, so asked all to keep it open.

Mr. Goldich noted that there will be a change to the application process that will require all items to have been submitted and the staff report to be complete before an item is scheduled for consideration by Planning Commission. In addition to the changes to the regulations, there will also be an update to the fee schedule. These items will be presented in the fall.

Ms. Winser reported that only three applications for Planning Commission and the Board of Adjustment had been received, so the advertisement will be extended.

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

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# Woof Ranch Bed & Breakfast

## Special Use Permit

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**ACTIVITY #:** PL-20-156

**HEARING DATES:** Planning Commission: 10/1/2020 at 6:00pm  
Board of County Commissioners: 10/20/2020 at 10:10 am

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**PETITIONER:** Olympia Von Berg

**PETITION:** Bed & Breakfast Special Use Permit

**LEGAL:** Lot 2, Aspen Court Subdivision

**LOCATION:** 26755 Aspen Court, Clark

**ZONE DISTRICT:** Mountain Residential Estates (MRE)

**AREA:** 5.63 acres

**STAFF CONTACT:** Tegan Ebbert tebbert@co.routt.co.us

**ATTACHMENTS:**

- Applicant narrative
- Public comment and applicant reponse
- Referral responses
- Maps
- Site visit photos

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### **History:**

The subject property was part of the original Steamboat Lake Subdivision, Filing 5 until it underwent a lot consolidation to create the 5.63 acre parcel that exists today as part of the Aspen Court Subdivision. The parcel is not located within the service area of the Steamboat Lake Water and Sanitation District therefore, in order to be developed, there was a five acre minimum lot size requirement in order to comply with County septic system standards.

The house that exists on the parcel was constructed in 2006 and the current owner purchased the property in June of 2020.

### **Site Description:**

The site is located between the Willow Creek Pass Subdivision and Steamboat Lake State Park. The parcel is generally flat and void of significant vegetation. The residence is visible from County Road 129 as it is located approximately 1/10<sup>th</sup> of a mile west from the intersection with Aspen Court. One other residence exists on Aspen Court currently however located further into the subdivision than the subject property.

The parcel contains one structure, a single family residence with an attached garage. This is the structure that will be used for the Bed and Breakfast operation, if approved.

The subject site is situated nearby access points for public lands that draw tourist attraction such as Steamboat Lake, Pearl Lake, Hahn's Peak Lake, the Routt National Forest, and Bureau of Land Management parcels.

### **Project Description:**

The applicant is requesting a Special Use Permit to operate a Bed and Breakfast at the subject property. The applicant is the full time resident owner of the home along with her significant other and two dogs. Both full time residents of the property work from home and intend to keep the operation vacant during times of increased workload or while traveling for pleasure or work. The residence contains three bedrooms and three bathrooms. The applicant occupies one of the bedrooms and the remaining two bedrooms will available to rent as part of the bed and breakfast operation if approved. Each bedroom contains an en suite bathroom.

The narrative provided by the applicant indicated that initially, prepared meals will not be made available to guests however the applicant anticipates possibly providing food upon request as the operation develops. As the result of the referral response from the Division of Water Resources indicating that a commercial well designation is required for food to be provided to guests, the applicant elected to forgo any intent to provide prepared food to their guests. The applicant has created a brochure containing recommended restaurants, activities, and points of interest in the area to provide to guests.

Due to the design of the house, the two guest rooms are located in an area distanced from the living room, kitchen, and owner's suite. Guests shall only be allowed to access the living room and kitchen upon invitation from the property owner. The guest rooms are adjacent to a lounge area that contains a sofa, microwave, mini fridge, and coffee maker and serves as the living room for guests.

Guests will not be permitted to ride snowmobiles, four wheelers, or horses on the parcel nor will they be permitted to use the hot tub or private patio that only the owners have access to. Pets will be allowed on a case by case basis. The site has ample outdoor parking for the guests and residents. The operation does not have plans to hire any employees. No new structures are being proposed to support this operation.

## **Compliance with the Routt County Master Plan, Sub Area Plans and Zoning Resolution**

The Routt County Master Plan, Sub Area plans and Zoning Regulations contain dozens of policies and regulations regarding land use. Section 5 of the Regulations are designed to limit or eliminate conditions that could negatively impact the environment and/or use of surrounding properties, and shall apply in all Zone Districts and to all land uses unless otherwise noted. Section 6 Regulations apply to all Minor, Administrative, Conditional or Special Uses allowed by permit only, PUD plans, Site plans, and Subdivisions.

The following checklist was developed by Planning Staff to highlight the policies and regulations most directly applicable to this petition. The checklist is divided into five (5) major categories:

1. Health, Safety and Nuisances

2. Regulations and Standards
3. Bed and Breakfast Regulations and Standards
4. Community Character and Visual Impacts Roads, Transportation and Site Design
5. Natural Environment

Interested parties are encouraged to review the Master Plan, Sub Area plans and Zoning Regulations to determine if there are other policies and regulations that may be applicable to the review of this petition.

Staff Comments are included at the end of each section, highlighting items about which the public, referral agencies, or planning staff have expressed questions and/or comments regarding the proposal. **Staff comments regarding compliance with regulations and policies are noted in bold below.**

## Public Health, Safety and Nuisances

### Applicable Regulations – Routt County Zoning Resolution

- 5.1.1 Every use shall be operated so that it does not pose a danger to public health, safety or welfare.
- 5.1.2 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.
- 6.1.7.C Natural Hazards
- 6.1.7.H Wildland Fire
- 6.1.7.I Noise
- 6.1.7.L Odors
- 6.1.7.M Vibration

#### **Staff comments:**

**The proposed operation will not create negative impacts on public health or safety nor will it create significant negative impacts. Guests are not allowed to utilize outdoor firepits on the parcel in order to reduce neighborhood disturbance or wildland fire risk. The applicant will not allow guests to have outdoor events in an attempt to keep noise impacts to a minimum. If the applicant allows a guest to bring a pet they guest will be required to be with the pet at all times while on the property.**

*\*\*Is the application in compliance with the Policies and Regulations outlined above? **Yes or No***

## Regulations and Standards

### Applicable Regulations – Routt County Zoning Resolution

- 5.2 Dimensional Standards:

- 6.1.2 The proposal shall be consistent with applicable Master Plans and sub-area plans.
- 6.1.5 The proposal shall meet or exceed accepted industry standards and Best Management Practices (BMP's).

### **Applicable Policies – Routt County Master Plan**

- 5.3.A The County encourages the use of “green” building techniques that lead to the conservation of energy and overall reduction of pollution in our environment.
- 5.3.D Require Best Management Practices and grading plans and strongly discourage overlot grading.

**Staff comments: No new structures are being proposed as part of the Bed & Breakfast operation. The existing single family residence was constructed in 2006 and was granted a building permit prior to construction that was subject to review and approval by the Planning Department. No grading or excavating onsite is necessary to accommodate the operation. The existing residence meets the dimensional standards in the Routt County Zoning Regulations.**

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

## **Bed and Breakfast Regulations and Standards**

### **Applicable Regulations – Routt County Zoning Resolution**

- 8.13
  - A. The owner-operator must provide satisfactory evidence that the water system serving the subject property is constructed in accordance with normal standards for water quality, quantity, and pressure.
  - B. The wastewater disposal system shall be designed to accommodate the proposed use and shall be installed under permit from the Routt County Department of Environmental Health.
  - C. The owner or manager shall be a full-time resident of the bed and breakfast establishment.
  - D. All guest rooms shall be an integrated part of the principal Dwelling Unit, which shall have the appearance of a single-family home.
  - E. No cooking facilities shall be allowed in the guest rooms.
  - F. Meals may only be served to occupants of the bed and breakfast.
  - G. There shall be no more than four (4) guest bedrooms

**Staff comments: The application can meet the seven (7) standards required of a Bed and Breakfast operation per Section 8.13 of the Routt County Zoning Regulations.**

**The parcel was granted a domestic well permit and the Division of Water Resources reviewed the application and provided a response. They indicated that food service would require a commercial well permit whereas an operation that does not provide food and operates under their interpretation of a short-term rental of bedrooms within a single family residence can be supplied by a domestic well. The applicant opted to remove the intent to supply food to guests in order to be able to operate with the existing domestic well permit. Food service is not a requirement of a Bed and Breakfast operation in Routt County. The**

Routt County Environmental Health Department recommended that the water supply be tested once a year.

The septic system was designed and constructed in compliance with the requirements put forth by the Routt County Environmental Health Department. Their referral response indicated that the onsite wastewater treatment system is appropriately sized for the existing house.

The owner-operator is a full time resident of the dwelling unit and the entirety of the operation is contained within the only dwelling unit onsite. From the outside the home appears to be a ranch style house with an attached two story garage. The structure was reviewed and approved as a solitary dwelling unit. Two bedrooms will be available for guest occupation. No meals will be served to guests however they may store food and access a microwave in the guest lounge area. No cooking facilities are will be in the guest rooms.

*\*\*Is the application in compliance with the Policies and Regulation outlined above? Yes or No*

## **Community Character and Visual Concerns**

### **Applicable Regulations – Routt County Zoning Resolution**

- 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
- 5.9 Sign Standards
- 5.10 Standards for Structures within mapped Skyline Areas
- 6.1.6 Outdoor Lighting: The proposal shall comply with the Outdoor Lighting Standards in Section 6.3 of these Regulations.
- 6.1.7.G Visual Amenities and Scenic Qualities.
- 6.1.7.K Land Use Compatibility.
- 6.1.7.O Historical Significance.

### **Applicable Policies – Routt County Master Plan**

- 5.3.E Routt County requires that all new developments do not contribute to light pollution.
- 5.3.F Routt County will continue to consider the impacts of development and uses on view corridors, water, wetland, and air.

### **Applicable Policies – Upper Elk River Valley Community Sub-Area Plan**

- 2.4.4.1 Rural-type tourist operations such as guest ranches and similar operations are an appropriate and important part of the area's heritage and economy and should be supported.

- b) Provide year round access; and
  - c) Create minimal impacts.
- 2.4.4.2 Encourage appropriately scaled commercial development that is of similar size, height and character of existing structures. Ensure new structures are compatible with the rural mountain community with sensitive placement and design.
- 2.4.4.6 Encourage visitors to use guides and outfitters and guest ranches. Emphasize protecting the safety of the visitors and responsible use of the land and its resources.

**Staff comments: If this operation is approved the structure will continue to have the appearance of a single family residence as the entirety of the operation will be contained in the existing home aside from parking. The activities on the parcel will continue to appear as though they are accessory to residential use. No events or outdoor uses or activities are being proposed or permitted through this review.**

**The applicant's intent is to provide a residential style overnight accommodation as well as supply the guests with recommendations, resources, and information regarding local amenities. The intent is to ensure that guests arrive safely to the property upon checking in to the Bed & Breakfast and return safely from outings at the end of the day.**

**The vision of the proposed operation is one that blends with the residential, agricultural aesthetic of the neighborhood while supporting the economy of the immediate area. North Routt is known for a multitude of recreational opportunities and access to public lands which makes it a popular location for visitors to Routt County.**

**Although the structure is not commercial in nature, the operation is. Because it is enclosed within a single family dwelling unit it will not change the aesthetic of the area.**

*\*\*Is the application in compliance with the Policies and Regulations outlined above? **Yes or No***

## **Roads, Transportation and Site Design**

### **Applicable Regulations – Routt County Zoning Resolution**

- 5.4 Parking Standards
- 5.5 Addressing Standards
- 5.6 Access to Buildable Lot Standards
- 5.7 Right of Way Access Standards: A Right of Way Access Permit is required prior to construction of any new access point onto a County Road or other Local Public Road or Right of Way.
- 5.8 Road Construction Standards
- 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.
  - 6.1.7.A Public Roads, Services and Infrastructure
  - 6.1.7.B Road Capacity, traffic, and traffic safety
  - 6.1.7.N Snow Storage

**Staff comments:** Parking standards dictate that a Bed and Breakfast require one parking space for the owner/caretaker plus one additional parking space for each rentable bedroom. The subject property has ample parking to accommodate the full time occupants and guests as well as snow storage area.

The property is accessed by traveling on County Road 129 to Aspen Court. County Road 129 is paved from the city limits of Steamboat Springs north, well past the subject parcel and is identified by the Routt County Public Works Department as a main road. Aspen Court is a private road that is privately maintained. The dwelling unit is less than ¼ mile from the intersection of County Road 129 and Aspen Court.

the applicants are not sure of traffic impacts because they cannot accurately gauge the popularity of the operation however due to the size of the operation significant traffic impacts are not anticipated. If the operation was at maximum capacity there would likely only be two guest cars at the property. Staff have included a recommended condition of approval requiring the applicant to provide visitor data.

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

## Natural Environment

### Applicable Regulations – Routt County Zoning Resolution

6.1.7.E Water Quality and Quantity.

### Applicable Policies – Routt County Master Plan

5.3.B While respecting private property rights, the County will not approve development applications or special use permits that would lead to the degradation of the environment without proper mitigation that would bring the proposal into compliance with the Master Plan, appropriate sub-area plans, Zoning Resolution, and Subdivision Regulations.

**Staff comment:** The Colorado Division of Water Resources issued a well permit for the installation of the existing domestic well. With the applicant removing the request to provide prepared food to guests, the Division of Water Resources provided direction that this operation can occur with the current domestic well permit.

Annual bacteriological water testing was recommended by the Routt County Environmental Health Department and it has been included as a suggested condition of approval.

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

## PLANNING COMMISSION / BOARD OF COUNTY COMMISSIONERS OPTIONS:

1. **Approve the Special Use 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.

2. **Deny the Special Use 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, citing specific regulations or policies by number from the Routt County Master Plan and the Routt County Zoning Regulations.
3. **Table the Special Use Permit request** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.
4. **Approve the Special Use 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 Special Use 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 4, 5, 6 and 8.13 of the Routt County Zoning Regulations.

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

**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, 6, and 8.13.
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 that 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 approval is contingent upon the acquisition of and compliance with any required federal, state and local permits. 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 the commencement of 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. All trash shall be stored either inside a garage or inside Interagency Grizzly Bear Committee (IGBC) certified receptacles
10. Prior to the issuance of the permit, the Permittee shall provide evidence of liability insurance in the amount of no less than \$1,000,000 per occurrence. Routt County shall be named as an additional insured on the policy. Permittee shall notify Routt County Planning

Department of any claims made against the policy. Certificate of liability insurance shall include all permit numbers associated with the activity.

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 for 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 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 unless otherwise approved by the Routt County Planning Director.
16. Prior to operation, permittee shall submit to Routt County proof of a Sales Tax Account /License.
17. A maximum of five (5) guests may occupy the dwelling at one period of time.
18. A maximum of two (2) bedrooms are available for rental by guests.
19. The onsite manager must occupy the dwelling overnight when guests are present.
20. No onsite preparation of food service or access to cooking facilities are permitted for guests.
21. No snowmobiles, four wheelers, or horseback riding is permitted onsite by guests of the bed and breakfast.
22. Any accidents requiring emergency services shall be reported to the Planning Department within 72 hours.
23. The onsite drinking water source must undergo bacteriological testing annually and the results shall be provided to the Routt County Planning Department.
24. Guest occupancy data shall be provided to the Routt County Planning Department on an annual basis.

## Bed and Breakfast Narrative

The Woof Ranch is located at 26755 Aspen Court, Clark, CO 80428. Olympia von Berg (owner) and Robbie Deckard (boyfriend of owner) live there with their 2 labs, Fudge and Pre. The single-family residence is on a 5.63acre lot. There are 3 bedrooms and 3.5 bathrooms. There are 2 bedrooms and 2 bathrooms above the garage, and 1 bedroom and 1.5 bathrooms in the "main" house. The entire residence is one unit but, from the outside, it looks like the main house and the garage area are separate. The house is on a well and septic system and was constructed in 2006.

The 2 bedrooms/bathrooms above the garage will likely be rented on sites such as Airbnb. The hours of operation will depend on when guests/renters are present. We anticipate we will be renting the rooms on a part time basis, approximately a total of 2 weeks per month, about 10 months a year. These are estimates as we do not know what the demand is like. We can accommodate 2 guests in the "Hahns Peak" room and 3 guests in the "Deer View" room. Full meals will be provided upon request. Guests will have their own fridge, coffee/tea machine and microwave.

We will not be permitting guests to use the firepit or any of our outdoor amenities. We will happily offer them recommendations on nearby hikes/activities/restaurants etc. Guests will not be permitted to use ATVs, 4wheelers, or snowmobiles on the property. We will not be providing rides or shuttles to guests.

Pets will be allowed on a case by case basis. We have two Labrador retrievers (hence The Woof Ranch) so we will review pets before allowing them to stay here. In the event that we do, we will ensure pets are not left on property while guests are gone.

Olympia and Robbie will be operating the B&B, there will not be any additional employees at this time. We are unsure of the traffic we should anticipate as we have not done this before in this location. The access to the property is off of County Road 129 "Elk River Road," and right off of Aspen Court. We have space to park a number of vehicles, approximately 10.

September 23, 2020

Routt County Planning Commission

RE: Activity # TPL-20-156

Petitioner: Olympia Indiana Von Berg

Lot 2, Aspen Court Subdivision

Dear Commissioners:

We are the owners of Lot 1, Aspen Court Subdivision and Lots 74-78 Steamboat Lake Subdivision Filing 5, the property adjacent to the east of Lot 2, Aspen Court Subdivision.

We write to state our objection to the issuance of a Special Use Permit for a Bed & Breakfast per the Lot 2 application.

We have lived and worked in Routt County for many years. We purchased our property with the intent of building a retirement home upon it and settling in North Routt. The possibility of a commercial operation within our residential neighborhood is a concern.

We are aware that “short-term rentals” are not allowed in the County in any residential zone districts. Our understanding is that the Applicant is billeting their request as a “B & B” but do not have the required commercial well to serve food as is traditional with a B & B. It then begs the question of whether there is a distinction without a difference between a short term rental and a B & B in this instance. We understand that B & B’s require the owners to be present, but who is going to police that? We think it is fair to assume that the County does not have the resources to do so and therefore it is left to the neighbors—a burden we do not wish to undertake – and a difficult position to be put as it puts us in opposition to our neighbors. And frankly we have seen many examples of how difficult it is to obtain enforcement of non-compliance with County regulations.

In addition to increased traffic past our property, we have concerns about an influx of different pets on the property. It is one thing for neighboring dogs to become accustomed to each other, but a constant influx of “strange” animals on the adjacent property would create problems with our own pets once we move onto the property. Should you be inclined to grant the request, we ask that there be conditions of adequate fencing to prevent guest animals from straying from the property.

There is the issue of a precedent that is being set. From all appearances, the use of the additional rooms as a “B & B” in the Von Berg home seem to be an after-thought and again, very akin to many other owners desire to earn additional income from their properties thanks to the popularity of AirBnB and VRBO sites. This strikes us as a run around of the restrictions on short term rentals and wonder what would prevent others from adopting the same strategy. We urge the Planning Commission to consider B & B’s in the context of a true

“Bed & Breakfast” that provides an amenity that is lacking in that part of the County is unique in the circumstances or is more remote from impact on the neighbors. We would point out that there are lodging opportunities close by in Hahn’s Peak Village and Columbine if someone wants to stay near the lake.

The County regulations require this application to be granted only after the strictest scrutiny. We respectfully urge that this proposal does not meet that standard and request that it be denied.

Thank you.

Les Sharp

*Les Sharp 9-23-2020*

Kristine Sharp

*Krist Sharp 9-23-20*

In response to concerns voiced by a neighboring property owner,

I respect your concerns and appreciate you taking the time to express them. I would like to address a few points you bring up.

Commercial operation - This hardly qualifies as a "commercial operation," we are just looking to share our beautiful home and town with guests every so often. This is not our main source of income and we are not planning on making this a year round/full time operation.

In regard to ensuring that guests are present only when the owners are - we will police that ourselves. We are in no way looking to have strangers in our house when we are not present. I can guarantee that. We are aware that the previous owner rented the whole house on AirBnB on multiple occasions, while not being present and without having the proper permit to do so. This is not our case.

In regard to the influx of pets - As an owner of 2 wonderful labs, I have chosen to make this property "pet friendly." I have also noted that this is on a "case by case" basis. I am not planning on accepting every single pet. First and foremost, I want to ensure that my dogs are not inconvenienced by a guest's pet. If I feel that they will not get along or, worse, that a guest's dog could be aggressive, I will not allow them to bring their pet. Furthermore, I am very clear in the fact that the pet must be with their owner at all times. The pet will never be left unattended at home.

I hope this eases some of your concerns. I would also like to add that we have not moved to Clark with a short term vision. This was a move with the future in mind, we want to be a part of this community that, so far, has proved to be a wonderful one. We wanted to follow the rules in applying for this permit, we want to be good neighbors and would not undertake this project if we thought it would negatively impact the way of life up here.

All the best,

Olympia von Berg

# Memorandum

To: Tegan Ebbert, Routt County Planning Department

From: Heather Savalox, Routt County Department of Environmental Health 

Re: Special Use Permit for Bed & Breakfast Operation in the Mountain Residential Estates Zone District

Petitioner: Von Berg, Olympia Indiana; Woof Ranch

Date: 8/31/2020

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The Routt County Department of Environmental Health (RCDEH) has reviewed the information submitted by the Petitioner for the Special Use Permit Application and has the following comments:

## Food Service

A bed and breakfast establishment is defined as: A residential structure(s)/property(s) providing sleeping accommodations; meals are provided and service to guests in one common eating area and/or the guest room, a single rate shall include room and board; and there shall be an innkeeper in residence within or adjacent to the bed and breakfast establishment.

If the establishment meets this definition, a **retail food establishment license is not required**. However, the applicant must comply with the "Sanitary Standards and Regulations for Public Accommodations."

## Onsite Wastewater

RCDEH has on file Onsite Wastewater Treatment System (OWTS) permit #EH-08-003 for the property located at 26755 Aspen Court, designed to accommodate a 3-bedroom home. The narrative and site plan both list a total of 3 bedrooms, two bedrooms over the garage (which will be rented on sites such as Airbnb) and one bedroom in the main house for the operator.

## Safe Drinking Water

Since the applicant's property is on a private well, drinking water from this source must be tested and verified safe for human consumption. RCDEH performs bacterial tests Mondays through Wednesdays. Test kits are available for purchase Monday through Friday from 8 a.m. - 5 p.m. for \$25. Results are available within 24 hours. Instructions have been attached as well as the link to our website.

Thank you for the opportunity to comment on this application.



September 21, 2020

Tegan Ebbert  
Routt County Planning  
136 6<sup>th</sup> Street, Suite 200  
Steamboat Springs, CO 80487

Subject: Woof Ranch B&B, PL-20-156  
Section 33, Township 10 North, Range 85 West, 6<sup>th</sup> PM  
Division 6, Water District 58

Dear Ms. Ebbert

We have reviewed the above referenced application for a Special Use Permit for a Bed and Breakfast operation located at 26755 Aspen Ct, Clark, which is also described as Lot 2, Aspen Court Subdivision. The submitted material does not appear to qualify as a "subdivision" as defined in Section 30-28-101(10)(a), C. R. S. Therefore, pursuant to the State Engineer's March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide comments. The comments will not address the adequacy of the water supply plan for this property or the ability of the water supply plan to satisfy any County regulations or requirements.

The application seeks to use operate a bed and breakfast out of an existing single-family residence with an attached garage. There is an existing well and septic serving the property. According to the proposal, the two bedrooms with two bathrooms located above the garage will be rented on such sites as Airbnb. Guests will have their own fridge, coffee/tea machine and microwave. Full meals will be provided upon request.

According to our records, well permit no. 265565 was issued on September 16, 2005 pursuant to Section 37-92-602(3)(b)(I), C.R.S., to construct a well on Lot 2, Aspen Court Subdivision. The permitted use of the well is limited to ordinary household purposes inside one single dwelling, the irrigation of up to one acre of home gardens and lawns and the watering of domestic animals. The well was constructed on October 31, 2005 and the permit is considered to be valid.

Of concern is the designation of the special use permit as a bed and breakfast operation. This office would consider the supply of water for a bed and breakfast to be a commercial use of water and not able to be served by a well permitted for domestic (single-family residential) use. Therefore, the existing well would have to be re-permitted to allow for such a commercial use.

It may be possible that a commercial exempt permit could be issued for the existing well to serve the short-term rental use of the property, so long as the use of the well is complies



with the State Engineer's 1985 Policy Concerning the Evaluation of Well Permit Applications for Exempt Commercial Uses (policy may be found on our website on the Well Permitting page at <https://dwr.colorado.gov/services/well-permitting> - scroll down to the middle of the page to the Important Documents section/Guidance Documents). A well of this type may withdraw up to 1/3 of an acre-foot (108, 600 gallons) of water per year for use in drinking and sanitary facilities inside an individual commercial business. The commercial business operator may also use this type of well for ordinary household drinking and sanitary purposes, so long as the total amount of water used for the commercial and household use does not exceed 1/3 acre-foot per year. Water from this type of well may not be used for lawn or landscape irrigation, domestic animal watering, or any other purpose. However this is not a guarantee that a permit of this type would be issued. An application with the appropriate filing fee must be submitted for evaluation to determine if the requirements of state statues, rules, policies and guidelines are met.

If under this proposal the property would be operated as a traditional bed and breakfast (meals provided) we recommend the applicant be required to submit an application to re - permit the existing well for commercial use prior to final approval of this proposal being granted. Well permitting forms may be also be found on our website on the Well Permitting page under Important Documents section. The applicable forms are GWS-45 and GWS-57.

Please note, this office does not object to the short-term rental of bedrooms within a single family dwelling supplied by a domestic well, as long as the dwelling is operated as a single family dwelling (i.e. kitchen facilities are not available and/or meals are not provided to guests). Generally, this office would not consider the short-term rental of bedrooms within a single family dwelling to be a commercial use of the property.

Please feel free to contact me with any questions regarding this matter.

Sincerely,



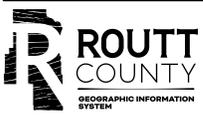
Megan Sullivan, P.E.  
Water Resource Engineer

MAS: Woof Ranch B and B\_CDWR Comments.doc

cc: Division Engineer



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# Planning



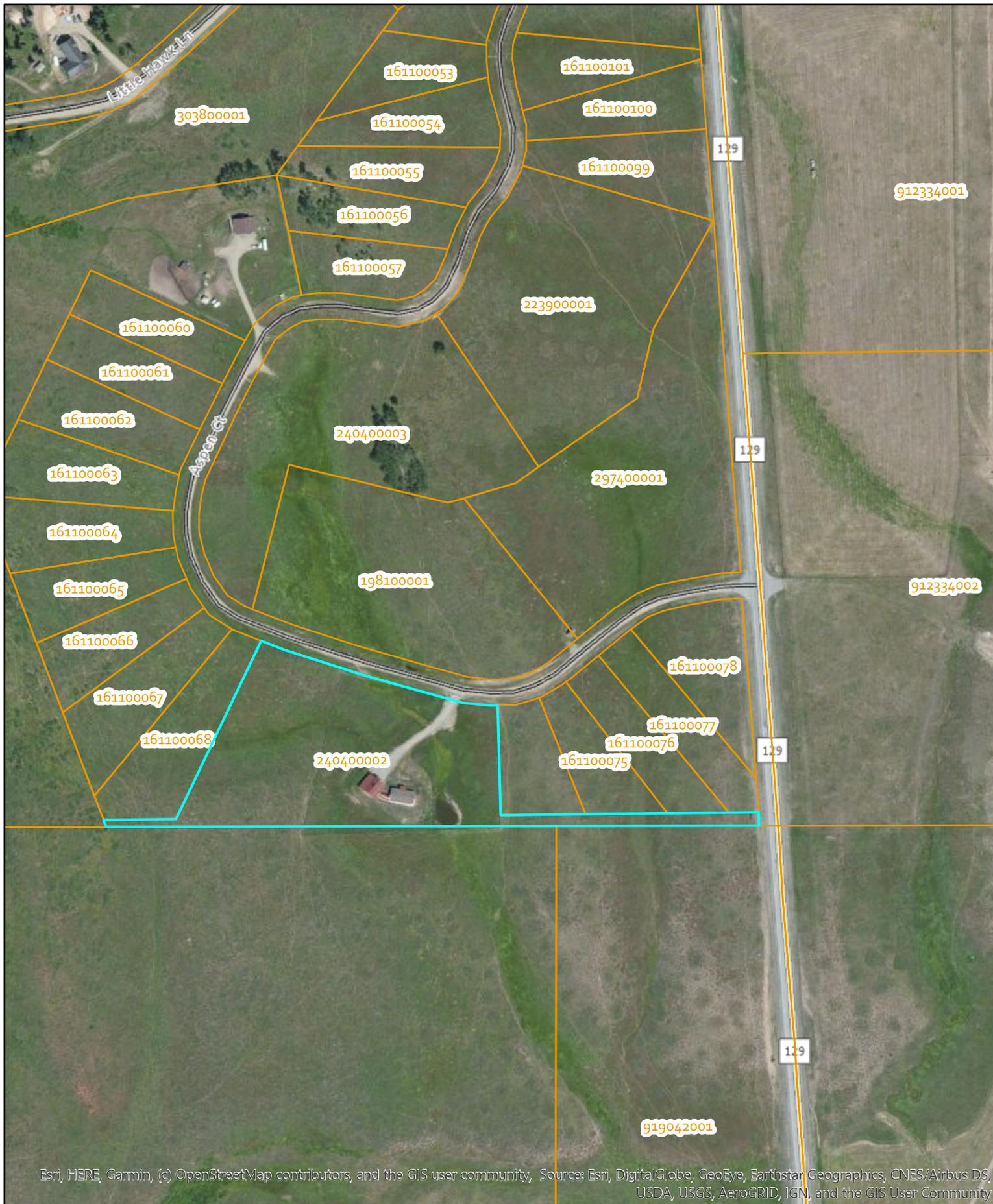
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--- Routt County Boundary

## Road Centerlines

— Primary Public Road



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# Planning



- Routt County Boundary
- Parcels
- Primary Public Road
- Private Road

Author:  
Date Saved: 12/31/1969 5:00 PM

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Aspen Ct

Aspen Ct

Aspen Ct

Aspen Ct

Driveway

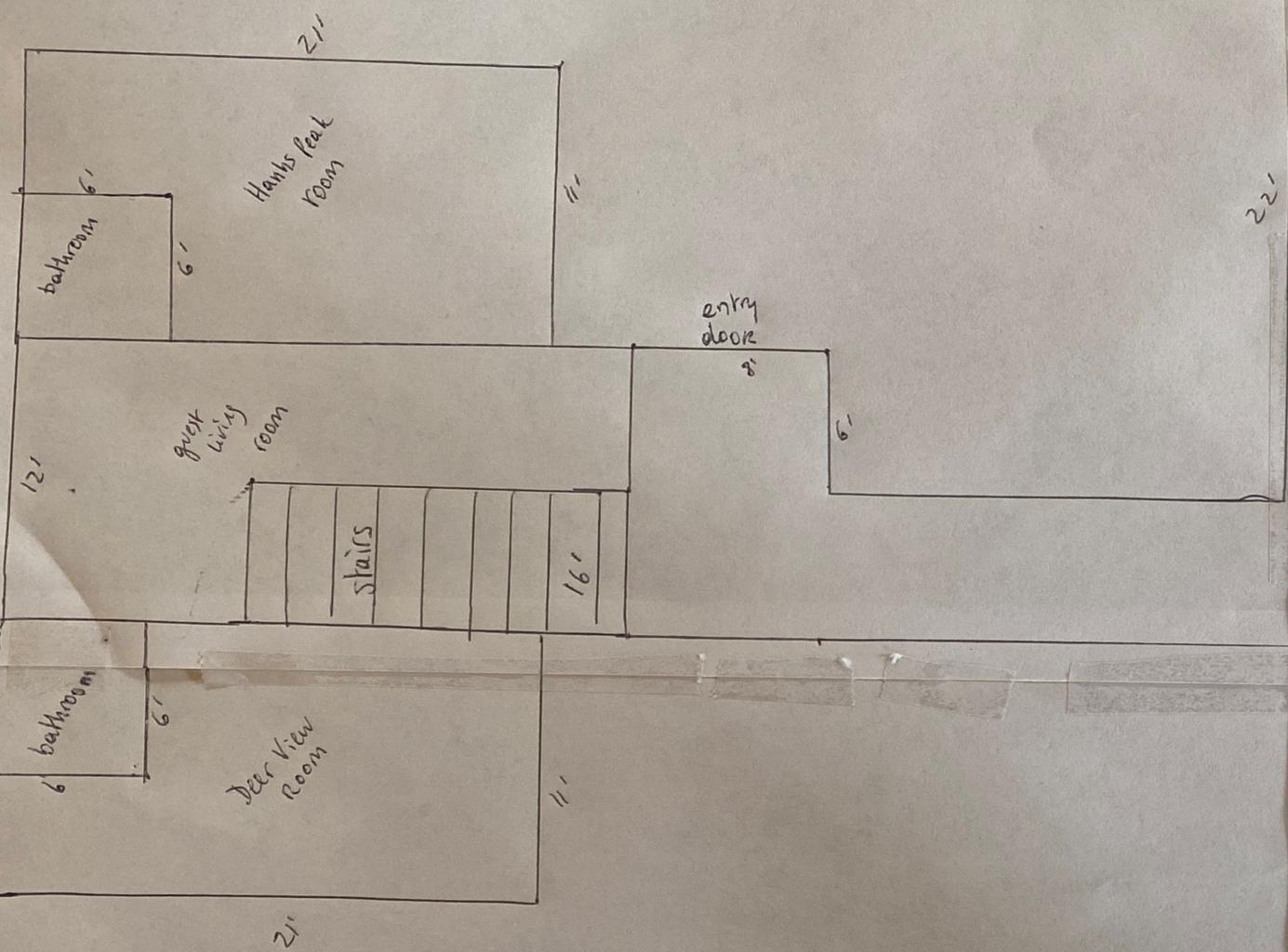
Parking is in front of the house, on the concrete pad.



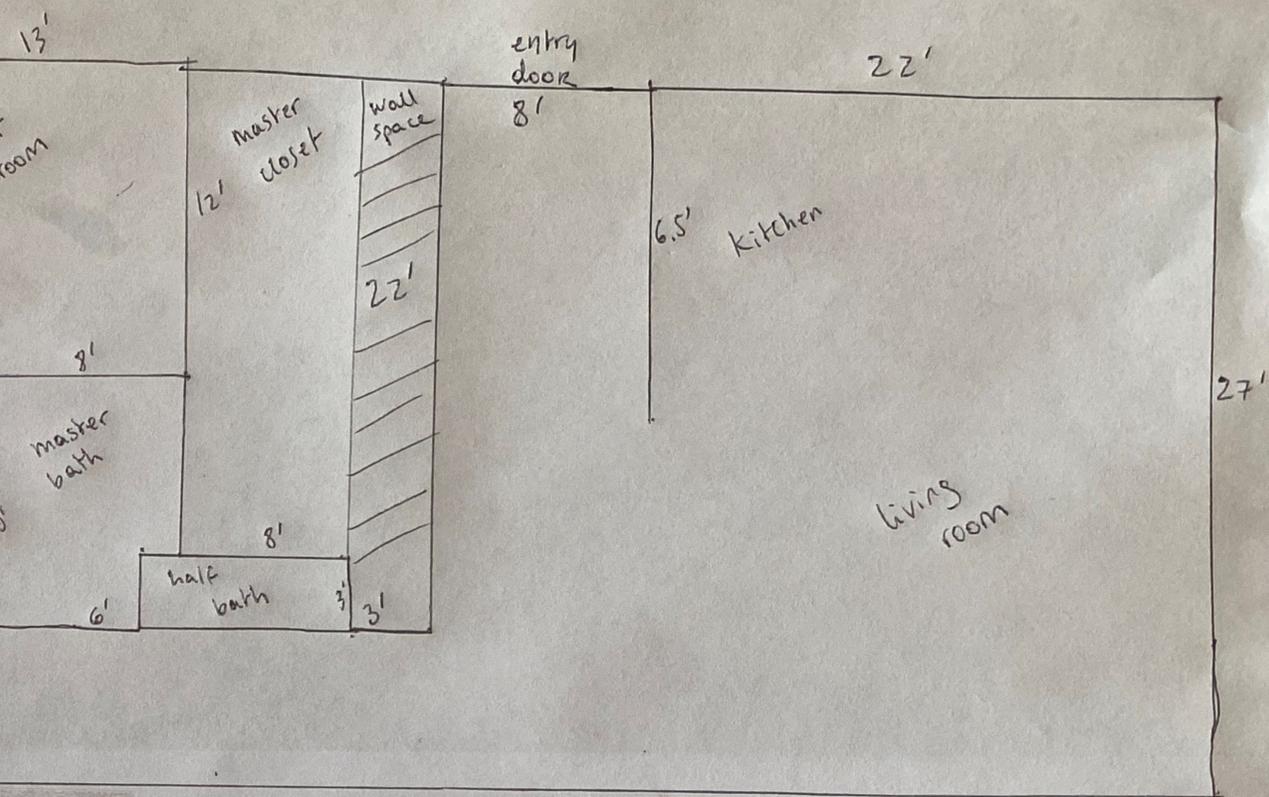
23755 Aspen Court

Small pond

N



S



E

73'

Scale  
 1 foot = 0.5 cm  
 1 foot

W

Woof Ranch Site Photos

View of house from driveway off of Aspen Court



Entry gate to parcel



East side of property, looking towards County Road 129



West side of property



Entryway, looking towards owner/manager's private living space



Guest lounge



Guest room 1



Guest room 2



Guest bathroom (both are identical)



Parking areas

