

ITEM DATE: October 8, 2019	ITEM TIME: 1:30
-----------------------------------	------------------------

FROM:	Kristy Winser
TODAY'S DATE:	October 8, 2019 (tabled from September 16, 2019)
AGENDA TITLE:	PL-19-164; Discussion on Recreational Facility Standards <ul style="list-style-type: none"> • Staff Memo • PC Minutes dated 9.5.19

CHECK ONE THAT APPLIES TO YOUR ITEM:	
<input type="checkbox"/> ACTION ITEM	
<input checked="" type="checkbox"/> DIRECTION	
<input type="checkbox"/> INFORMATION	

I. DESCRIBE THE REQUEST OR ISSUE:

Discuss possible amendments to the land use category for Recreational Facility standards.

The County in 2016, created a new land use category: Recreation Facility – Outdoor Rural, **with Overnight Accommodations**, where recreation is the primary use and the overnight accommodations are accessory. Unlike the Recreation Facility – Outdoor Rural which requires a Conditional Use Permit (CUP), this new land use requires a Special Use Permit (SUP). The trigger for the higher level of review is overnight accommodations, regardless of size.

The current discussion is intended to consider whether other triggers or thresholds are appropriate.

II. RECOMMENDED ACTION (motion):

Direction

III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):

PROPOSED REVENUE (if applicable): \$ N/A

CURRENT BUDGETED AMOUNT: \$ N/A

PROPOSED EXPENDITURE: \$ N/A

FUNDING SOURCE: N/A

SUPPLEMENTAL BUDGET NEEDED: YES NO

Explanation:

**IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS
(IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):**

N/A

V. BACKGROUND INFORMATION:

Planning Commission discussed this item on September 5, 2019, and considered the questions below as possible triggers.

- Should all Recreation Facilities with Overnight Accommodations be required to obtain a SUP, regardless of size or number of beds?
- What if overnight accommodations are used for employee housing?
- What if the accommodations are private, but shared by several owners or families?
- What if the accommodations are only private?

Staff included the background and details of the discussion in the attached staff memo and Planning Commission minutes.

VI. LEGAL ISSUES:

N/A

VII. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A

VIII. SUMMARY AND OTHER OPTIONS:

There was a consensus that all overnight accommodations open to the public (commercial) should trigger a higher level of review (SUP). Additionally, employee housing should not count as overnight accommodations.

There was also consensus that potential impacts and intensity of use are the issues, not whether the amenities are public or private. Planning Commission requested further discussion on the intensity of use; specifically on size, amenities offered, and the number of beds. Also, consider how primary use and accessory uses are determined.

Does the Board agree with the above? Are there other considerations you would like staff to include?



Memorandum

To: Planning Commission
From: Kristy Winser, Planning Staff
Kwinser@co.routt.co.us
Date: September 5, 2019
Subject: Amendments to the Zoning Regulations for Recreation Facility, Outdoor Rural; PL-19-164

This item is scheduled as a follow up discussion on amendments to the Zoning Regulations for Recreation Facility, Outdoor Rural with Overnight accommodations as directed by the Board of County Commissioners. The purpose is to get feedback to present to the Board on September 24th at 1:30pm. The following dates have been scheduled for discussion on further amendments to the Zoning Regulations for Recreation Facility, Outdoor Rural or as adoption hearings:

- Discussion/Adoption with Planning Commission on November 7, 2019 at 6:00pm
- Discussion/Adoption with BCC on November 19, 2019 at 2:30pm

History

In an effort to clarify the regulations and process, staff scheduled worksessions in 2016 to discuss the scope of the land use category of Recreation Facilities, Outdoor Rural. The result of that discussion was the addition of a line to the use chart for those facilities that also contain overnight accommodations as a Special Use Permit. During that initial discussion it was decided that further discussions on possible standards or amendments would be considered. The amendment approved was that a recreational facility with overnight accommodations would be reviewed through the Special Use Permit (SUP) process and a recreational facility without overnight accommodations would continue to be reviewed through the Conditional Use Permit (CUP) process.

The newly added Recreational Facility definition is as follows. The additions to the definition are indicated **in bold**.

Recreation Facilities, Outdoor Rural with Overnight Accommodations:

Structures and/or areas for recreational activities such as cross-country or downhill skiing, shooting ranges, sporting clays, racetracks, rally racing, where part or all of such activities are outdoors and generally dependent on a rural location and which do not

meet the definition of Parks and Recreation Lands and includes overnight accommodations. The overnight accommodation component is accessory and normally incidental to the overall permitted use of the land.

Discussion:

At the direction of the Board, the trigger to elevate an application to a SUP was overnight accommodations regardless of the size (number of beds) or intensity of use. No other standards or considerations were applied at that time. Staff has been given direction to have a follow up discussion with Planning Commission on the establishment of triggers for different levels of review or limits on the accommodations allowed under this category.

Below is a Process Comparison Chart in Routt County to aid in the discussion. As a matter of reference, not for comparison, staff also included a list of PUD's that have overnight accommodations below the chart. PUD's as you know, allow for flexibility from the constraints imposed by strict compliance with traditional zoning and subdivision rules and are reviewed under a separate process for conceptual, then final PUD approval.

Process Comparison Chart in Routt County			
Application	Processed As	Permitted Acreage	Approved Uses
Green Creek Ranch (Pleasant Valley)	Rec Facility CUP	750 acres	<ul style="list-style-type: none"> • Private Rec facility, not open to the public • Amenities (trails, hunting, museum, caretaker, other related outdoor rec uses). • Use by the owner and their guests only.
La Joya Dulce (CR 129)	Rec Facility CUP No Overnight	52 acre permit boundary	<ul style="list-style-type: none"> • Wedding venue/special events • Public/commercial
Flying Diamond Ranch (SH 131)	Rec Facility CUP No Overnight	182 acres	<ul style="list-style-type: none"> • Wedding venue/special events • Public/commercial
Marabou Rec Facility (CR 64)	Rec Facility with overnight accommodations CUP	1325 acres	<ul style="list-style-type: none"> • Private Club for members • Owners Lodge with seven cabins, outfitter office and associated amenities.
Alpine Mountain Ranch (Hwy 40)	Rec Facility with overnight accommodations CUP	1000.32	<ul style="list-style-type: none"> • Private Rec Facility/Pool and Barn • Rec vehicle storage area (.97 acres) • Trail system and Hiking shelter (250 square feet) • 2 Employee dwellings • Special Events (no limit identified) • Pond for fishing, boating and swimming
Windwalker Ranch (Hwy 131)	Rec Facility w/ overnight accommodations CUP	70 acres	<ul style="list-style-type: none"> • Private club for members • Owners lodge, 3 cabins, and associated amenities • * Private Golf Course processed after as SUP

Storm Mountain Ranch (Hwy 40)	Rec Facility w/ overnight accommodations CUP	1,000+acres	<ul style="list-style-type: none"> • Private Rec Facility for guests of the Storm Mountain Ranch. • Main lodge /clubhouse w/caretaker's/manager's dwelling unit. • Six guest cabins to provide sleeping quarters for the guests of the ranch
STARS (within UGB Hwy 40)	Rec Facility w/ overnight accommodations CUP	5.86 acre permit boundary	<ul style="list-style-type: none"> • Nonprofit organization open to the public • A lodge, improvements and various related recreational uses on the property.
Elk River Guest Ranch (Clark)	Guest Ranch SUP	38	<ul style="list-style-type: none"> • Open to the public • Up to 26 overnight guests; cabins with kitchens, saloon and restaurant for guests, sleigh and wagon ride dinners, horseback tours and other amenities.
Three Forks Ranch (N. Routt)	Guest Ranch SUP	3,450 acres	<ul style="list-style-type: none"> • Open to the public • Up to 30 overnight guest; rooms/suites in 4 separate buildings, four wheeling, horseback riding, cross-country skiing, snowmobiling, and other recreational activities
Vista Verde (Clark)	Guest Ranch SUP	473 acres	<ul style="list-style-type: none"> • Open to the public • Up to 54 overnight guests, fishing, hunting, horseback riding, river boating, dog sledding, and other recreational activities
Lucky 8 Ranch (C.R. 29)	Guest Ranch SUP	1,100 acres	<ul style="list-style-type: none"> • Open to the public • Overnight accommodations (private) • Ranch, UTV and Snowmobile tours, horseback rides • Special Events • Horsemanship clinics
Horse and Hen	Guest Ranch SUP	116 acres	<ul style="list-style-type: none"> • Open to public • Accommodations for up to 8 guests in the guest house, 2 sheep herder wagons that sleep 2 =12 total • Meals provided • Agriculturally base activities and Recreational activities cross country and snow shoe • Special events, weddings year round up to 10 times per year with up to 80 guests

PUD's with overnight accommodations:

- Strawberry Park Hot springs
- Bella Vista (Rabbit Ears)
- Skyvalley (Rabbit Ears)
- Lake Catamount

- Glen Eden (Clark)
- The Inn @ Hahn's Peak
- Hahn's Peak Roadhouse
- Home Ranch (Clark)
- Black Mountain Ranch (C.R. 4)

The questions for discussion are:

- Should all recreational facilities having an overnight accommodation component regardless of size, intensity of use, or nature of the primary use, be reviewed the same?
- Should consideration be given to private operations that have shared amenities such as Alpine Mountain Ranch, Windwalker Ranch or Maribou Ranch versus public/commercial operations like STARS?
- What about private facilities that have recreational type amenities that are not shared by other users such as Green Creek Ranch. If the overnight accommodation is not considered accessory to the rec facility or if overnight accommodations is the primary use, should it go through the SUP process?
- Are there other considerations you would like staff to include?

In response to a question from Ms. Winser, Mr. Aschinger discussed the impetus for opening a facility and the process through which they chose Routt County for their operation. Mr. Phillips reviewed the large lot agreement. Mr. Aschinger stated that they had recently hosted a very successful open house for the neighbors.

Chairman Warnke stated that he supports the idea of a specific land use category, but suggested that residential treatment facilities might not be suitable for all zone districts. Mr. Phillips noted that small facilities would still be allowed to open as a use by right under the definition of Family. Those interested in opening facilities with over 12 residential clients and those who would like to have accessory amenities would need to apply for a permit.

Chairman Warnke said that the agricultural component of the Three Strands operation satisfies the issue of compliance with the Master Plan. Ms. Winser suggested that consideration of appearance and architecture could help such facilities remain compatible with the surrounding land uses. Commissioner Flint offered that maintaining the need for “western character” was misplaced in consideration of much needed treatment facilities. Chairman Warnke stated that intensity of use is an issue, just as it is with all other proposals in the County. Ms. Winser suggested that standards could include acreage, size of operation and visual impacts. Mr. Phillips stated that some thought should be given to the potential impacts of residential treatment facilities in the County. Planning Commission suggested size/density, acreage, County Road status, screening, and appearance and architecture.

DISCUSSION: RECREATIONAL FACILITY STANDARDS

ACTIVITY: PL-19-164

Ms. Winser reviewed the history of the issue in the context of the STARS application for a Recreation Facility that included overnight accommodations. She said that subsequently, the County created a new land use category: Recreation Facility – Outdoor Rural, with Overnight Accommodations. Unlike the Recreation Facility – Outdoor Rural which requires a Conditional Use Permit (CUP), this new land use requires an SUP. The trigger for the higher level of review is overnight accommodations, regardless of size. Ms. Winser said that the current discussion is intended to consider whether other triggers or thresholds are appropriate. She reviewed the chart of approved Recreation Facilities and Guest Ranches in the County, noting that some are private and are associated with LPS developments or private ranches, whereas others are commercial and open to the public.

Ms. Winser listed the following topics for discussion:

- Should all Recreation Facilities with Overnight Accommodations be required to obtain an SUP, regardless of size or number of beds?
- What if the overnight accommodations are used for employee housing?
- What if the accommodations are private, but shared by several owners or families?
- What if the accommodations are simply private?

There was a discussion of the Windwalker facility. Chairman Warnke asked what would happen if this property is sold. Mr. Phillips said that if the new owner agrees to abide by the existing

Conditions of Approval, the permit can be transferred. If not, then the permit goes away and the amenities on the property becomes a non-conforming use.

Chairman Warnke offered that employee housing should not count as overnight accommodations. Planning Commission agreed. There was also consensus that all overnight accommodations that are open to the public (commercial) should trigger the higher level of review (SUP).

Mr. Phillips noted that some private operations now include significant amenities that were not often seen on private properties twenty year ago. Ms. Winser noted that Commissioner Brookshire had expressed concern with requiring a permit for, or considering in the permitting process, uses by private property owners that are otherwise uses by right. She offered that the uses on a property must be considered holistically in evaluating the intensity of use in relations to the size of the property, whether the uses are private or open to the public. Mr. Phillips asked Planning Commission if there should be a difference in permitting for public and private operations. There was general consensus that potential impacts and intensity of use are the issue, not whether the amenities are public or private.

Ms. Winser asked if there should be a difference between private operations with common amenities that are shared by a variety of owners (*e.g.* an LPS subdivision) and amenities that are used by a single property owner and their guests. She noted that many operations with common amenities have already gone through an extensive review process such as an LPS. She asked whether a secondary permit for an SUP should be required.

Mr. Phillips summarized that employee housing does not count as overnight accommodations, but that any overnight accommodations (both public and private) should require an SUP. He noted that for Recreation Facilities, the recreation is the primary use and the overnight accommodations are accessory. He said that the opposition to the STARS application centered on the perception that the accommodations were the primary use. He asked how it should be determined what is the primary use and what are the accessory uses. Mr. Phillips suggested that this would be a good topic for the next discussion.

ADMINISTRATOR'S REPORT

Mr. Phillips reviewed the upcoming agendas. He noted that the Board of County Commissioners had tabled the Dougherty application, pending the decision by the City on the water permit. He noted that representatives of the City had shown out in force in opposition to the petition at the Board hearing.

The meeting was adjourned at 9:30 p.m.