

ROUTT COUNTY PLANNING COMMISSION

DRAFT MINUTES

JANUARY 16, 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, John Merrill, Peter Flint, Billy Mitzelfeld, Roberta Marshall, Greg Jaeger and Andrew Benjamin. Commissioner Brian Kelly was absent. Planning Director Chad Phillips and staff planners Alan Goldich and Tegan Ebbert also attended. Sarah Katherman prepared the minutes.

PUBLIC COMMENT

There was no public comment.

MINUTES – November 7, 2019

It was noted that Mr. Phillips was omitted from the attendance.

Commissioner Benjamin moved to approve the minutes of the Routt County Planning Commission meeting cited above, as amended. Commissioner Norris seconded the motion. **The motion carried 9 – 0.**

MINUTES – December 5, 2019

It was noted that a commissioner's name was omitted from a motion on page one.

Commissioner Benjamin moved to approve the minutes of the Routt County Planning Commission meeting cited above, as amended. Commissioner Norris seconded the motion. **The motion carried 9 – 0.**

MINUTES – December 19, 2019

Commissioner Benjamin moved to approve the minutes of the Routt County Planning Commission meeting cited above, as written. Commissioner Norris seconded the motion. **The motion carried 9 – 0.**

CONSENT AGENDA

Chairman Warnke presented the consent agenda.

MOTION

Commissioner Norris moved to approve the consent agenda, as presented. Commissioner Benjamin seconded. **The motion carried 9 - 0, with the Chair voting yes.**

ACTIVITY: PL-19-184

PETITIONER: King Creek Ranch, LLC

PETITION: Special Use Permit for a Private Recreational Facility with Overnight Accommodations

LOCATION: Approximately 3.5 miles south of Toponas

Ms. Ebbert described the petition for a private recreational facility at King Creek Ranch. She compared the facilities to the shared facilities of an HOA on a commonly owned parcel. She noted that although many uses occur on the property, only three uses require a permit: the communal lodge (Bison Lodge), the driving range (Washburn area) and the camping cabins (Chester camp). Ms. Ebbert reviewed the history of the King Creek Ranch, which has been owned since the 1990s by a group of seven owners with equal shares in the property. None of the owners lives on the ranch full time, and each owner has a separate 35-acre parcel with a home on it. The entire deeded acreage of the ranch is over 5000 acres. The proposed permit boundary includes 1785 acres.

Ms. Ebbert presented a site plan and indicated the parcel and permit boundaries and the locations of the lodge, the driving range, the cabins and other amenities that are uses-by-right. She described and presented photos of the agricultural facilities and the Bison Lodge, which contains overnight accommodations for guests of the owners. She presented photos of the driving range, the skeet/trap shooting stand, and the cabin for day use at the Washburn area and described and presented photos of the camping cabins, bath house, kitchen pavilion and camping platforms at the Chester camp. Both the Chester camp and the facilities at the Washburn area are used only in the summer. They are shut down and winterized in the fall.

Most of the use of the ranch occurs during the summer. There is some fall hunting and occasional snowmobile trips in the winter. The ranch facilities are not open to the public and no payment is taken for the use of the facilities by guests. The agricultural operation is year-round.

Commissioner Jaeger asked about employee housing. Ms. Ebbert said that employee housing could be allowed through a large lot agreement or through the separation of 35-acre parcels, but because it is associated with the agricultural operation, it does not need to be included in the Special Use Permit (SUP).

Mr. Brian Ripley, the former ranch manager, noted the remote location of the ranch in far south Routt County. He stated that the ranch operation was never designed to be anything other than an exclusive, private property to be used by the owners. There is no intention to expand operations beyond what they currently are. Mr. Ripley stated that the majority of the ranch is held in a conservation easement that would not allow further development. He also noted that every owner is an equal partner in the operation. He stated that the owners use the property primarily in the summer and fall, with very occasional winter use. He presented a site plan and indicated the adjacent public lands. Mr. Ripley noted that all of the facilities already exist. He stated that the owners are very conservation minded, and have a desire to comply with the County's regulations. In response to a question from Chairman Warnke, he stated that the petitioners have reviewed the suggested conditions of approval (COAs) and are fine with them all.

Commissioner Flint asked what motivated the King Creek Ranch to seek and SUP at this time. Mr. Ripley said that because the operation is entirely private the owners/managers did not know that they needed a permit. He said that when they applied for a building permit to replace an old cabin, the property had been flagged by the Building Department. Ms. Ebbert added that a neighbor had also inquired about the property, and this had triggered the review process. She noted that the inquiry was not a complaint. She said that it was discovered that several of the structures on the ranch did not have building permits. Mr. Phillips said that the applicant is working with the Building

Department to obtain the necessary permits and with the Environmental Health Department to obtain permits for the septic systems. In response to a question from Commissioner Merrill, Ms. Ebbert reported that the applicant has not obtained building permits for the camping cabins, as they are waiting to find out if an SUP will be granted. If it is not, the applicant will have to find a way to convert the structures into a use-by-right. Mr. Ripley noted that the Bison Lodge and the other major structures on the ranch do have a building permits.

Commissioner Merrill asked about the use of the Chester camp. Mr. Ripley said that the camp was used in the summer for "glamping," but was shut down for the winter. The road to the Chester camp is not plowed or maintained in the winter. Ms. Ebbert stated that the cabins will have to be designated as temporary, meaning that they will have to be moved. She said that this will be possible because they are not on permanent foundations. She said that the temporary designation was determined to be the best work-around for the situation, as there is nothing in the code that allows a dwelling to exist that does not have a bathroom. Mr. Phillips noted that COA#16 was included in lieu of a bonding requirement.

Commissioner Norris asked about the conservation easements. Mr. Ripley indicated on a site plan the areas of the ranch that are covered by a conservation easement. He said that Colorado Open Lands monitors the property.

Commissioner Brookshire asked about the trap/skeet shooting facility. Mr. Todd Morgan, the longtime head of maintenance on the ranch, said that only steel fowl loads and only bio-degradable clay pigeons are used. These are purchased in bulk; the owners do not bring in their own ammunition or targets.

There was no public comment.

There was a discussion of the camping cabins. Mr. Phillips noted that there was some uncertainty regarding how to handle the camping cabins, as there is nothing in the code that addresses this type of arrangement, with individual cabins and a shared bathhouse. Commissioner Brookshire suggested that the applicant should not be charged any punitive penalties for the lack of building permits. He cited the environmental sensitivity of the operation. Commissioner Marshall agreed, and added that it was a bit silly to require that the cabins be moved. She suggested that they could be described as "movable." Ms. Ebbert said that categorizing the cabins as temporary structures (which requires that they be moved) would enable them to exist without building permits. Requiring building permits would be far more complicated, as the only structures that are allowed to exist without bathrooms are commercial. Commissioner Marshall said that a provision for this type of facility should be created in the code.

Commissioner Merrill offered that if the SUP is approved, many of the issues addressed in the COAs would need to be enforced, citing COAs #15, #16 and #20. Mr. George Eck, an attorney representing the applicant, stated that failure to comply with the COAs would result in an enforcement action by the County. Chairman Warnke offered that COA#20 could be amended to allow for an extension to be granted administratively. Following a discussion Planning Commission agreed to amend COA#15.C.iv to state that the cabins must comply with Building Department standards.

Commissioner Brookshire asked staff to forward the request that no punitive penalties be charged.

MOTION

Commissioner Marshall moved to recommend approval of the Special Use Permit for a Private Recreational Facility with Overnight Accommodations with the findings of fact that the proposal, with the following conditions, meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations.

This approval is subject to the following conditions:

General Conditions:

1. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 5, and 6.
2. The SUP is limited to uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application.
3. Any complaints or concerns 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. Approved uses are identified in the project plan and narrative. Uses and structures approved that required this Special Use Permit include:
 - A. Bison Hall Lodge; Used for private guest accommodations, common cooking, dining, and lounging amenities.
 - B. Golf driving range; located in the Washburn Area
 - C. Chester camp – Used for recreation and private overnight accommodations. Consisting of the following structures:
 - i. Generator house structure
 - ii. Bath house structure
 - iii. Cooking and dining pavilion
 - iv. Four (4) one room cabins that comply with Building Department standards
 - v. Six (6) tent platforms
16. Any structures deemed to be non-conforming without this permit must be removed, converted to a conforming use, or seek the necessary permit to allow the structures if this permit ceases to exist.
17. Any accidents shall be reported to the Planning Department.

18. 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.
19. The activities and amenities approved in this permit are limited for the use of only the property owners and their private guests. No nightly rentals, memberships, or public access is permitted.
20. All structure and on site waste water systems must obtain proper permitting by July 1, 2020. An extension to this deadline may be granted administratively.
21. Any Special Events may be approved through an amendment to this permit or through a separate Special Events permit.

Commissioner Norris seconded the motion.

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

ACTIVITY: PL-19-194
PETITIONER: Precision Excavating, Inc.
PETITION: Renewal of Special Use Permit #PP2010-001 with a modification of Condition of Approval #17
LOCATION: Approximately 2,700 ft. southeast of the Town of Milner

Mr. Goldich reviewed the petition to renew the Special Use Permit (SUP) for the gravel pit and to amend Condition of Approval (COA) #17 (COA #39 in the revised list of suggested conditions). He presented a site plan and aerial photo of the pit and the surrounding area and indicated the pit boundary. He reviewed the history of the pit and described the successive expansions that have occurred. He indicated the location of the power line, the equipment and facilities, stock piles and sediment settling ponds. Mr. Goldich reviewed the suggested changes to COA #17. He described the groundwater cut-off walls and indicated their location on the aerial photo. He also indicated the location of the groundwater monitoring wells. Mr. Goldich noted that COA #17 only applies to the original pit area. He stated that because no policies or regulations have changed since the pit was last permitted, the staff comments are limited to the requested changes to the permit.

Mr. Goldich indicated the stand of cottonwood and willow trees to which COA #17 refers. He said that the operators have no plan to mine this area. He said that because no mining of the area adjacent to the stand of trees is planned at this time, the applicant is asking for relief from the bi-weekly monitoring of the groundwater wells and the associated reporting requirement. Mr. Goldich cited the letter submitted by Colorado Parks and Wildlife, stating support for a relaxation of the COA, provided that the 100 foot setback is maintained, that the groundwater levels be maintained, that corrective action be taken when the monitoring wells indicate a decrease in water level of 12" – 18", and that dewatering cease when levels drop more than 18". CPW stated that monitoring and reporting could be relaxed. Mr. Goldich noted that the trigger for reinstating the existing monitoring and reporting would be when mining occurs in the area within the original pit near the cottonwoods.

Mr. Goldich stated that the floodplain along this area of the Yampa River was mapped by FEMA in 2005. In 2009, when the pit was expanded, the floodplain was left out of the review and no floodplain development permit was obtained. He said that a floodplain development permit will be required for the expansion area but not for the original pit area, which was permitted prior to the