



# ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

## AGENDA COMMUNICATION FORM

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| <b>ITEM DATE: January 28, 2020</b><br><i>Tabled from November 26, 2019</i> | <b>ITEM TIME: 1:30 pm</b> |
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| <b>FROM:</b>   | <b>Tegan Ebbert, Routt County Planning Department</b> |
| <b>TODAY'S DATE:</b>   | 1/20/2020   |
| <b>AGENDA TITLE:</b>   | King Creek Ranch, LLC Special Use Permit              |
| <b>CHECK ONE THAT APPLIES TO YOUR ITEM:</b>  |   |
| <input checked="" type="checkbox"/> <b>ACTION ITEM</b>   |   |
| <input type="checkbox"/> <b>DIRECTION</b>  |   |
| <input type="checkbox"/> <b>INFORMATION</b>  |   |
| <b>I. DESCRIBE THE REQUEST OR ISSUE:</b>   |   |
| King Creek Ranch is requesting a Special Use Permit for a private Recreational Facility, Outdoor Rural with Overnight Accommodations |   |
| <b>II. RECOMMENDED ACTION (motion):</b>  |   |

On January 16<sup>th</sup>, 2020 the Routt County Planning Commission unanimously recommended the following motion:

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.



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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:

1. 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



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- iii. Cooking and dining pavilion
  - iv. Four (4) one room cabins that comply with Building Department standards
  - v. Six (6) tent platforms
2. 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.
  3. Any accidents shall be reported to the Planning Department.
  4. 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.
  5. 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.
  6. 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.
  7. Any Special Events may be approved through an amendment to this permit or through a separate Special Events permit.

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| <b>III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):</b>  |
| <b>PROPOSED REVENUE</b> <i>(if applicable)</i> : \$ NA  |
| <b>CURRENT BUDGETED AMOUNT</b> : \$ NA  |
| <b>PROPOSED EXPENDITURE</b> : \$NA  |
| <b>FUNDING SOURCE</b> : NA  |
| <b>SUPPLEMENTAL BUDGET NEEDED</b> : YES <input type="checkbox"/> NO <input type="checkbox"/>                  |
| <i>Explanation: N/A</i>   |
| <b>IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):</b> |
| N/A   |
| <b>V. BACKGROUND INFORMATION:</b>   |

King Creek Ranch, LLC is a partnership of a small group of owners who share in the operations and financing of the ranch. Today the number of owners is seven, all of who do not reside full time at the ranch, and the applicant indicated that they do not intend to increase the number of owners. Each of the seven owners holds an equal interest in King Creek Ranch, LLC and each has their own single family residence on a privately held 35+ acre parcel.

King Creek Ranch has amassed over 5,000 acres of land to date. The permit boundary being considered for this application consists of 1,785 acres. The remaining 3,200 acres are used for cattle and haying operations as well as open space for wildlife habitat.



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The applicant is requesting a Special Use Permit for the private recreational facility with overnight accommodations for the common amenities available to the seven owners of King Creek Ranch, LLC. No public use of the property, structures, or amenities exists.

All of the structures and uses being requested are already in existence and the applicant is seeking retroactive approval. The permit boundary contains three main activity areas (the Ranch Center, Washburn Area, and Chester Camp) that are described in detail in the staff report.

The Staff Report covers many uses by right within the permit boundary however the only permitted uses being proposed are the communal lodge (Bison Hall), the golf driving range in the Washburn Area, and the glamping area in Chester Camp.

**VI. LEGAL ISSUES:**

NA

**VII. CONFLICTS OR ITEMS FOR DISCUSSION:**

A number of the structures and septic systems were constructed without the necessary permits from the Building and Environmental Health Departments. The applicant has been in communication with both departments and been given a deadline for compliance of July 1, 2020.

During the 1/16/20 Routt County Planning Commission meeting there was discussion regarding the referral response from the Routt County Regional Building Department. The Building Department indicated that the one room cabins in the Chester Camp area are considered “temporary structures” and exempt from the Building Code therefore they need to be removed from their current location every six months. Members of the Routt County Planning Commission indicated that they wanted to have the cabins deemed as “removable” and moved at the request of the County if necessary in order to prevent unnecessary damage to the vegetation in the area. The Routt County Planning Commission structured Special Condition 1.C.iv to reflect that the cabins must comply with the Routt County Building Department standards however they removed any clause requiring the seasonal removal of the cabins.

In a follow up discussion after the Planning Commission Hearing with Todd Carr, Routt County Building Official, he provided the following options for the one room cabins:

1. If unpermitted the one room cabins must be physically removed every 180 days (similar to the Book Trails Yurts).
2. If permanent, the one room cabins must be permitted and meet structural code requirements.
  - In this scenario, the cabins must be classified as detached accessory buildings, must be clearly recognized under the SUP to be used as camping structures only on a limited basis year round, and stated that they are not to be used for dwelling purposes.

Todd Carr was invited to attend the BCC hearing on 1/28/2020 however he is unavailable.



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**VIII. SUMMARY AND OTHER OPTIONS:**

1. Approve the Special Use Permit with recommended conditions
2. Table for more information
3. Deny the Special Use Permit
4. Approve the Special Use Permit with amended conditions

**IX. LIST OF ATTACHMENTS:**

- Staff packet including applicant narrative from the January 16<sup>th</sup>, 2020 Planning Commission Meeting
- Minutes from the January 16<sup>th</sup>, 2020 Planning Commission Meeting