

# ROUTT COUNTY PLANNING COMMISSION

## MINUTES

**FEBRUARY 4 , 2021**

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 and Commissioners Troy Brookshire, Billy Mitzelfeld, Greg Jaeger, Andrew Benjamin, Roberta Marshall, and Linda Miller. Peter Flint and Bill Norris were absent. Planning Director Kristy Winser and staff planner Chris Brookshire also attended. Sarah Katherman prepared the minutes.

### **PUBLIC COMMENT**

There was no public comment.

### **CONSENT AGENDA**

#### **MOTION**

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

**ACTIVITY: PL-20-184**

**PETITIONER: Vista Verde Guest Ranch**

**PETITION: Amendment of Special Use Permit to the change the permit boundary**

**LOCATION: 38000 Cowboy Way, located off of Seedhouse Road**

Mr. Ben Martin, general manager of the Vista Verde Guest Ranch, reviewed the history of the separately deeded 35-acre parcel that is being proposed for inclusion in the permit boundary. He said that for the past 14 years the house on the parcel has been used as the ranch owner's residence. He said that the current owners are rarely here. Mr. Martin said that as a way of spreading their guests out further in response to COVID-19, they are proposing to utilize the residence as guest lodging for single groups that want a bit more separation from others than the units at the main ranch provide. He said that the proposal would not increase the total occupancy of the ranch operation.

Ms. Brookshire stated that she had received a late referral from Mike Mordi with the Road & Bridge Department stating that they had no concerns. She said that the petitioner is working with the Building Department and the Environmental Health Department to ensure that everything meets code for a maximum occupancy of 10 lodging guests in the house. She said that there would be no changes to the ranch operation; the request is only to add the 35-acre parcel to the existing permit boundary. In response to a question from Chairman Warnke, Ms. Brookshire reviewed the sign-off procedure that would ensure that all of the

Building and Environmental Health requirements are met prior to the house being used for guests.

Commissioner Jaeger asked for a clarification regarding the number of guests. Mr. Martin said that they had originally requested 10 - 12 guests, but had decided to limit the number to 10. Only one party traveling together will be allowed to use the house at a time. Ms. Brookshire clarified that 12 guests would push the house into a different lodging category with the Building Department. She said that the conditions of approval (COAs) would not change; only the permit boundary would be changed.

Commissioner Mitzelfeld asked if the water and septic systems were adequate for 10 guests. Mr. Martin said that the house is served by its own well and septic system, which was designed for a 4 bedroom residence. He added that because the total ranch capacity is not changing, the use of the house would reduce the pressure on the systems serving the main ranch. The adequacy of the septic system and water well will be evaluated by the Environmental Health Department.

Commissioner Brookshire suggested adding a COA to address the possibility that this 35-acre parcel, which is separately deeded, could be sold independently of the rest of the Vista Verde Ranch. He said that in the event of a sale to a different owner than the main ranch, the use of the 35-acres parcel should revert to the uses-by-right allowed in the A/F zone district. Commissioner Brookshire presented draft language for such a condition. Commissioner Jaeger proposed adding the PIN # of the parcel to the condition for clarification. Mr. Martin expressed his support for the additional COA.

There was no public comment.

### **MOTION**

Commissioner Benjamin moved to recommend approval of the amendment to the Vista Verde Ranch SUP to increase the permit boundary with the findings of fact that the proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and the Upper Elk River Valley Community Plan and is in compliance with Sections 4, 5, 6 of the Routt County Zoning Regulations. This approval is subject to the following conditions:

#### **General Conditions:**

1. The Special Use Permit (SUP) is valid for the life of the use. The SUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
2. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 4, 5 and 6.

3. 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.
4. Any complaints or concerns which 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.
5. 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 is such action including, without limitation, attorney fees.
6. No junk, trash, or inoperative vehicles shall be stored on the property.
7. This approval is contingent upon any required federal, state and local permits being obtained and complied with; the operation shall comply with all federal, state and local laws.
8. 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.
9. All exterior lighting shall be downcast and opaquely shielded.
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 with either unlimited aggregate or a policy endorsement requiring notice to Routt County of all claims made. Routt County shall be named as an additional insured on the policy.

**Specific Conditions:**

11. A transportation plan that includes provisions for shuttle service for guests and employees shall be submitted to and approved by the Planning Director prior to the issuance of any building permits for new facilities approved herein.
12. An onsite wastewater system permit shall be obtained from the Routt County Environmental Health Department or the State of Colorado, as applicable, prior to the issuance of a building permit for the expansion of the lodge/restaurant building. In the event that flows exceed 2000 gpd and such system requires a permit from the State of Colorado, a SUP shall be obtained from Routt County prior to the systems installation.
13. The SUP does not grant permission for use of the Routt National Forest lands. Such permission and appropriate permits shall be obtained from the Forest Supervisor prior to any guest ranch activities on or uses of forest lands.
14. Written confirmation from The Nature Conservancy that the new structures meet the terms and conditions of their conservation easement shall be obtained and provided to the Planning Department prior to the issuance of building permits for these facilities.

15. The Planning Director may approve the owners' home site plan or minor improvements and/or additions to the SUP that do not cause an increase in guest or employee numbers, traffic and other off-site impacts. Requests for such approval shall be in detailed written form accompanied by a site plan and any other applicable information as requested by Planning staff.
16. The arena and hay storage barn architecture shall be typical of other agricultural structures located on the site and surrounding area.
17. All livestock feed shall be protected from wildlife.
18. Any new fencing shall be constructed in compliance with Colorado Division of Wildlife (DOW) recommendations.
19. The owner shall prevent the spread of weeds to surrounding lands, and comply with the Colorado Noxious Weed Act and Routt County noxious weed management plan.
20. Domestic predators shall be kept under their owner's control at all times and shall not be allowed to run at large.
21. Trash receptacles be bear and rodent-resistant.
22. Revegetation of disturbed areas with a seed mix that avoids the use of aggressive non-native grass seed mixes and shall occur within one growing season.
23. A maximum of 54 guests may be housed at the ranch under its current configuration. Accommodations for additional guests would be subject to Specific Condition 15, above.
24. Any and all uses conferred upon this 35-acre parcel (PIN: 920074001) above and beyond the uses by right in the AF zone district are strictly for those uses as they relate to the Vista Verde Guest Ranch. In the event this 35-acre parcel is sold independently from Vista Verde Guest Ranch all uses shall revert to only those uses allowed in the AF zone district.

Commissioner Kelly seconded the motion.

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

#### **ROUTT COUNTY MASTER PLAN UPDATE WORKSHOP**

Ms. Winser reviewed the relationship between the Master Plan and Planning Commission's decisions regarding land use. She proposed using the February 18<sup>th</sup> Planning Commission meeting to look closely at the current Master Plan and discuss the results of the community survey. She said that she would also be scheduling a joint meeting with the Board of County Commissioners (BCC) for a date after the 18<sup>th</sup>.

Ms. Winser said that the Navigate Your Routt website has recently been updated, and that she would be meeting with the County's public relations person regularly regarding outreach and communication about the Master Plan update.

Ms. Winser noted that the overarching goal of the current Master Plan is to preserve the rural character of Routt County. She offered that the Plan serves as a tool to manage and direct growth to achieve this goal. She discussed the sub-area plans, noting that there has been criticism of the West of Steamboat Springs Area Community Plan (WSSACP) because no development has been accomplished in this area. She stated that a plan cannot create development and added that several projects have failed for reasons that have nothing to do with the WSSACP. Ms. Winser stated that the sub-area plans would be re-evaluated after the Master Plan update to ensure that they are still valid and align with the Master Plan.

Ms. Winser reviewed types of development pressure that are not addressed in the current Master Plan, including the shared economy and commercial camping. She suggested that some uses may need to be added to the use chart contained in the regulations. She offered, however, that the existing Plan is still valid and is a well thought-out management tool. She stated that rather than a wholesale re-write, the Plan needs to be updated to reflect changes in the community. Ms. Winser added that it is important to check in with the community on a regular basis to ensure that the Plan still reflects its vision. She noted that some controversial developments (the Marriot, for example) are in line with the Master Plan and Steamboat Springs Area Community Plan (SSACP), which may indicate that some tweaks are needed.

Commissioner Brookshire asked whether the Master Plan is a regulatory or an advisory document, citing a topic of contention in the previous discussion of the Master Plan. Ms. Winser stated that the County Attorney has said that once adopted, the Master Plan is advisory. Commissioner Brookshire offered that the document may be made binding through the Zoning and Subdivision Regulations. He stated that this issue needs to be discussed. Ms. Winser agreed, and stated that the Regulations must align with the Master Plan. Commissioner Flint expressed concern that the BCC can override a Planning Commission decision even if the override is in direct contradiction of the Master Plan. There was a discussion of the secondary dwelling unit and short-term rental regulations. Commissioner Marshall noted that the first page of the Master Plan states that it is a general plan, intended to provide flexible guidance.

Ms. Winser highlighted the demographic data that had been presented by DOLA representatives last year. She noted that 41.9% of the growth in Routt County has occurred in the unincorporated areas. She offered that the County must be pro-active if its goal remains the preservation of the rural character.

Ms. Winser reviewed the community survey and high response rate. She then reviewed the timeline for the update process and discussed next steps, including

defining the scope of the project and the development for an RFP for a consultant.

There was a discussion of the growth-limiting factors of the availability of water and the land available to develop within a 10-mile radius of Steamboat. Ms. Winser said she would work with GIS on mapping and how best to present information pertinent to the Master Plan update.

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

Chairman Warnke asked about the availability of Planning Commission members to attend daytime meetings. The majority of members were flexible. A few members said that evenings were better. Ms. Winser confirmed that Planning Commission has one remaining vacancy. There are two vacancies on the Board of Adjustment. Ms. Winser said that terms expire in March, and that once current members have decided if they will reapply, an advertisement for new members will be posted.

Ms. Winser reviewed the upcoming agendas. She announced that the main topic of discussion at the 2/18 meeting would be the Master Plan.

Chairman Warnke proposed including the minutes on the consent agenda rather than listing the approval of minutes as a separate agenda item.

**The meeting was adjourned at 8:15 p.m.**