

ROUTT COUNTY PLANNING COMMISSION

FINAL MINUTES

JULY 15, 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 Greg Jaeger, Andrew Benjamin, Linda Miller, Ren Martyn, Brian Kelly, Paul Weese, Jim DeFrancia and Roberta Marshall. Bill Norris recused himself, but listened in via Zoom. Planning Director Kristy Winser and staff planner Chris Brookshire also attended. Sarah Katherman prepared the minutes.

ELECTION OF OFFICERS

A ballot was distributed with the following candidates:

Chair: Steve Warnke

Vice Chair: Brian Kelly and Jim DeFrancia

All Planning Commission members voted. Bill Norris submitted his ballot via email. The vote for Steve Warnke to serve as Chair was unanimous. The vote was 7 - 3 in favor of Brian Kelly for Vice Chair.

PUBLIC COMMENT

There was no public comment.

MINUTES - June 17, 2021

Commissioner Martyn noted that his name had been misspelled.

Commissioner Kelly moved to approve the above cited minutes, as amended. Commissioner DeFrancia seconded the motion. **The motion carried unanimously.**

ACTIVITY: PL-21-121 (tabled from June 17, 2021)

PETITIONER: Bear River Ranch - Sharon K. Warner

PETITION: Special Use Permit for Outdoor Recreational Facility with Overnight Accommodations to operate a campground with six (6) sites

LOCATION: Approximately 4.5 miles south of Yampa CO on the west side of CR 7

Ms. Sharon Warner, president of the Clyncke Bear River Ranch Corporation, responded to the issues that had been cited in the tabling of the petition on June 17. She stated that the yurt "glamping" units would be outfitted with queen-size beds and would have an occupancy limit of two adults. The other sites would be for tent camping only, and would be limited to two adults and no more than four children per site. Any trailers, boats, etc. would have to be parked in the overflow

parking area. Only one vehicle would be allowed per camp site. The use of ATVs, remote operated vehicles, etc. would not be allowed. Ms. Warner stated that in addition to answering phones, emails and checking-in clients, the employees would be driving through the campground multiple times per day to monitor activity. Clients will be asked to call from Yampa so that they can be met by an employee, who will give them a packet including a registration form, the campground regulations, and a map. All arriving clients will also be given tour so that they will be fully aware of the campground boundary. Check-in will be between 1 pm and 7 pm only, and check-out will be at 11 am. Ms. Warner said that in response to the comments at the previous meeting she had decided not to allow pets. She said each site and the sanitation facility would be equipped with a 20 lb. fire extinguisher. The site will be posted when fire bans are in effect. Ms. Warner said that she had tested the cell reception at all sites and around the rest of the property and had found that AT&T service is available throughout the ranch and the proposed campground. An emergency phone with AT&T service will be available at the sanitation facility. Ms. Warner said that the campground does have an address provided by the Routt County GIS Department. She said that no firearms and no fireworks would be allowed, and added that she is looking into bear-proof food storage lockers for each camp site. There will be a 6-yard bear proof dumpster on site. Alcohol will be restricted to the campsites only. Ms. Warner said that they had looked into locating the campground in a more remote spot on the ranch, but the lack of access made that unfeasible.

Ms. Warner said that the proposed regulations are as strict as she has ever seen, but that she is not concerned about enforcement. She said that as the manager of the Soaring Eagle RV park, she has found that campers tend to be very cooperative. She said that there is a very high demand for glamping.

In response to a question from Commissioner Jaeger, Ms. Warner stated that two phone numbers would be posted in the event of an emergency: the house phone and a cell phone with AT&T service.

Commissioner Miller asked how many months the campground would be open. Ms. Warner said that it would be open from June 1st through October 15th or the first snowfall, whichever happens first.

Ms. Brookshire said that Ms. Warner had covered the issues well. She noted that she had distributed a photo of the site from the access point. She added that she had discussed the access road with Road & Bridge Director Mike Mordi, who stated that he had no concerns and that no improvements to the road were necessary. Ms. Brookshire stated that no other new referral comments had been received.

In response to a question from Commissioner Benjamin, Ms. Brookshire said that the fire pits would have to be inspected and approved by the Yampa Fire Protection District prior to use. Ms. Warner described the proposed pits, which

will be surrounded by gravel. She stated that when a fire ban is in effect, each fire pit and the entry would be posted.

Public Comment

Ms. Noreen Moore, an adjacent property owner, stated that she is concerned with the unintended consequences of allowing a campground at this site. She said that if this operation is approved, many more such operations would appear throughout the County, and that Planning Commission should consider the future. She said that the area is agricultural, not recreational, and that there are plenty of campsites 7 miles away. Ms. Moore expressed concern with bears being attracted to the campground. Regarding the supplementary income that this operation would provide to the working ranch operation, Ms. Moore said that there are other alternatives, and cited the Land Preservation Subdivision program. She expressed concern that clients would not obey the rules. She also said that the road is busy and is dangerous. She said that the location was inappropriate for the proposed use and urged Planning Commission to deny the petition.

Seeing no further comment, Chairman Warnke closed public comment.

Roundtable Discussion

Commissioner Martyn stated that the applicant had addressed all his questions and had added means to mitigate his concerns.

Commissioner Weese commended the petitioner and stated that she had done a great job of planning the operation. He said that he had driven by the site and that the campground is far off the road. He said it does not seem like a problematic location and added that the Road & Bridge Department had confirmed that the access road is safe for the proposed use. He asked Commissioner Martyn to clarify his comments from the previous meeting regarding irrigation water.

Commissioner Martyn stated that he, as well as many, many others, hold water rights on the Bear River and use water from this ditch. He stated that the only way in which campers might be able to negatively impact the water would be through polluting it as a result of fishing, but that this was not really a concern. He noted that the drainage is over-appropriated and that no pumping out of the ditch would be allowed.

Commissioner DeFrancia commended the petitioner for doing a thorough job of addressing all the concerns. He said he feels the proposed regulations and protocols will mitigate the potential problems. Regarding the proliferation of similar operations, Commissioner DeFrancia stated that an approval does not obligate the County to approve future similar operations, and that each proposal and location is evaluated on its own unique merits. He added that camping is an appropriate use for areas adjacent to agricultural operations and open space. Commissioner DeFrancia stated his support for the proposal and noted that the campground would only operate for a few months per year.

Commissioner Martyn stated that he also supports the application, and is appreciative of the need for agricultural operations to supplement their income from other sources.

Commissioner Miller agreed that the applicant had done a good job of addressing the concerns. She commended the decision to prohibit pets, but stated that the proposed regulations had not changed her opinion that the potential impacts and harm to the neighbors outweigh the potential benefits. She said that she also appreciates the need for ranchers to supplement their income, but that she does not feel that this is an appropriate location for this business.

Commissioner Benjamin stated that although he would personally prefer that a campground were not located in this area, he feels that the mitigations proposed are sufficient to address the potential impacts and that the proposal is in compliance with the Master Plan and Zoning Regulations. He reiterated that Planning Commission evaluates each petition individually and that an approval does not set a precedent for future approvals.

Citing the dangers of fire and other potential impacts of camping, Commissioner Kelly offered that locating camping in well-regulated and monitored campgrounds might be preferable and safer than allowing dispersed camping in the forest. He commended the petitioner for deciding to prohibit dogs. He stated that he would support the petition.

Commissioner Marshall commended the applicant for the changes to the proposal. She said that most of her concerns have been addressed, but that she remains conflicted because she does not think that commercial uses belong in agricultural areas. She cited Master Plan goal 10.2.B regarding conserving viable land for agriculture and policy 10.3.B regarding protecting agricultural lands from commercial recreation. Commissioner Marshall stated that she understands the need for supplementary income, however, which is why she remains conflicted regarding this petition.

Commissioner Jaeger stated that the property is zoned Agriculture/Forestry, which allows for this use with a permit. He stated that the proposal is a good balance between preservation and recreation. He offered that any activity is going to have some impacts, but that the applicant has tried to mitigate the potential impacts as much as possible. Commissioner Jaeger said that the operation would have a very small footprint. He said that the fact that there is a lot of camping only 7 miles away, and that the proposed use is in character with the area. He said that the proposed low-impact camping is a compatible use.

Chairman Warnke noted the list of regulations and mitigations that the petitioner described, and asked how these should be addressed in the conditions of approval (COAs). He added that the County can approve the petition for a

particular term that is less than life of use. There was a discussion of shorter terms with options for renewal.

There was a discussion of firearms. Ms. Warner said that no firearms will be allowed.

MOTION

Commissioner DeFrancia moved to recommend the approval of petition PL-21-121 for a campground under the Outdoor Recreation Facility with Overnight Accommodations regulations. This approval is based on the finding 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, 6 and 8.2 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. Permits will be assessed an Annual Fee in accordance with the Fee Schedule in Appendix B of the Routt County Zoning Regulations.
6. No junk, trash, or inoperative vehicles shall be stored on the property.
7. 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.
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. All trash shall be stored either inside Interagency Grizzly Bear Committee (IGBC) certified receptacles or bear proof bins.

11. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in compliance with the County's Insurance and Surety **Requirements policy then in effect. The certificate of insurance shall include all permit numbers associated with the activity and Routt County shall be named as an additional insured. Permittee shall notify the Routt County Planning Department of any claims made against the policy.**
12. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
13. 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.
14. 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.
15. 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:

16. The Special Use Permit (SUP) is valid for three (3) years, provided it is acted upon within one year of approval. Following the initial three-year term, a review will be conducted prior to renewal. The SUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year (except for uses that a customarily operated seasonally or periodically).
17. Prior to operation, permittee shall submit to Routt County proof of a Sales Tax Account /License.
18. Any required permits from the Routt County Road and Bridge Department or Building Department shall be obtained and any inspections completed before operations commence.
19. Hours of operations shall be 7 days per week, June 1st - October 15th.

20. Any accidents requiring emergency services shall be reported to the Planning Department within 72 hours.
21. 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 seed mixes.
22. Proper installation and continuing maintenance of vegetation, lighting, and/or buffering materials or structures is required.
23. The campground is limited to six (6) camping sites with one tent pad per site.
24. A sign permit shall be issued prior to operation. Signage should note that campground is only for tent camping to avoid access by large vehicles.
25. Port-a-lets, potable water and grey water will be provided and serviced as needed.
26. Port-a-lets and dumpsters shall be removed at the end of the season.
27. A camper information sign will be placed on-site and at a minimum provide wildlife notices/information including bear education and food storage requirements, emergency service contact, campfire regulations, camping rules and boundary information to avoid trespass.
28. Access shall be surfaced to provide a reasonable level of all-weather access.
29. Proof of sales tax license shall be submitted to the Routt County Planning Department prior to operations.
30. Fire pits must be inspected and approved by Yampa Fire Protection District prior to use.
31. Each camp site, the sanitation facility, and the storage facility shall be equipped with fire extinguishers.
32. Emergency phones shall be located at the sanitation facility and the storage facility.
33. Each campsite shall be equipped with a bear-proof food storage locker.
34. Campground conditions:
 - Pets are not allowed.
 - Occupancy shall be limited to 2 adults per glamping site; 2 adults/4 children per tent site.
 - All utility trailers, boats, etc. must be parked in overflow parking.
 - The use of ATVs, remote-operated vehicles, etc. is prohibited.
 - No firearms are allowed on site.
 - The use of fireworks is prohibited.
 - No fires are allowed outside of grills or fire pits.
 - Only one vehicle is allowed at each campsite.

Commissioner Kelly seconded the motion.

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

ADMINISTRATOR'S REPORT

Ms. Winser stated that she had looked into holding daytime meetings, but that the hearing room is fully booked. She reviewed the upcoming agendas.

Ms. Winser presented the Planning Department project list to demonstrate the staff workload. She noted that the County is considering hiring a code enforcement officer. She presented a chart showing the permit and planning activities per month and noted that answering questions from the public and handling the research, administrative and follow-up elements of permitting take a great deal of staff time. Ms. Winser also reviewed a chart comparing historical activity and current activity levels.

Ms. Winser reported that she had met with the Master Plan consultants, Cushing-Terrell, and had had a very productive meeting. She said that they are in the process of forming a Technical Advisory Committee (TAC). The internal staff kick-off will be held the first week in August and the Leadership Summit (official kick-off) would be held in mid-August.

Ms. Winser discussed the protocol for site visits.

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