

ROUTT COUNTY PLANNING COMMISSION

MINUTES

JUNE 17, 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. Peter Flint and Bill Norris recused themselves, but listened in on the Zoom meeting. Planning Director Kristy Winser and staff planners Chris Brookshire and Alayna Bell also attended. Sarah Katherman prepared the minutes.

PUBLIC COMMENT

There was no public comment.

MINUTES - June 3, 2021

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

ACTIVITY: PL-21-121

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 stated that she is president of the Clycke Bear River Ranch Corporation and has managed the Eagle Soaring RV Park for the past 14 years. She reviewed the application for a campground with two “glamping” sites and four tent sites. The campground would be equipped with a sanitation station. Ranch employees would be onsite and registration would online exclusively.

Ms. Brookshire described the ranch, the corner of which is cut off by the CR 7. The 27 acres across CR 7 would be the site of the campground. The area is also bisected by the Bear River. Ms. Brookshire stated that two different areas in the regulations could apply to the proposal. She said that the campground regulations in Section 8.12 (included in the staff report) address KOA or RV-based campgrounds, not small scale tent camping without services like electric hook-ups and dump stations. She said that staff determined that the proposal would be more appropriately reviewed under the Recreational Facilities with Overnight Accommodations regulations, also included in the staff report.

Ms. Brookshire stated that the Building Department referral letter is included in the staff report, and that the applicant has been in contact with the Building Department. The Environmental Health Department provided comments through the County's software indicating that the proposed water and sanitation for the campground complies with their regulations. Colorado Parks and Wildlife (CPW) responded that the proposal would not have an adverse impact on wildlife. Ms. Brookshire suggested that in addition to the bear-proof garbage receptacle required in the suggested conditions of approval, each campsite should be equipped with a bear-proof box for food. She said that the Road and Bridge Department stated that they did not have concerns with the proposal, as the road is paved in this area. A Grading and Excavation Permit will be required for site or access road improvements. Ms. Brookshire added that the site is not mapped for any geological hazards and is in a low risk area for wildfire. Any fire restrictions imposed on the County would apply to the campground, and would be enforced by the operator.

Ms. Brookshire stated that the three letters received regarding the application are included in the meeting materials. She presented a parcel map of the site and the surrounding area. She indicated the site of the proposed campground and the properties whose owners had submitted letters. In response to a question from Commissioner Marshall, Ms. Brookshire stated that the Moore property contains a single family residence and a camper that the former owners may use in the summer, as allowed under a development agreement.

Ms. Brookshire noted that other camping sites around the County are popping up on the Hipcamp website, which is like a VRBO for camping. These types of camping operations are not allowed in the County, but enforcement is difficult if the County is not made aware of their location. She stated that the proposed campground, if approved, would have conditions of approval, would be paying sales taxes and would be monitored for compliance. In response to concerns regarding traffic accessing the national forest, the Forest Service does not keep a tally of cars. They do estimate usage based on campsite fees and foot traffic. The car traffic count on the CR 7 in 2013 was 117 average trips per day. Ms. Brookshire stated that the road serves approximately 15 residences. She stated that no motorized recreation will be allowed on the campground site. Regarding concerns of tree fall, Ms. Brookshire stated that the operator would be responsible for maintenance.

In response to a letter citing the Routt County Master Plan, Ms. Brookshire stated that the Master Plan is an advisory document used to guide decision making and the development of regulations. Section 1 of the Master Plan describes the philosophy of planning. The subsequent sections include the specific policies that should be used to evaluate the compliance of an application. The applicable policies are included in the staff report, along with the applicable regulations.

Ms. Winser added that the Master Plan supports many uses in Routt County. One important policy in the Plan states that new development should be directed to

the designated growth centers. However, the regulations also state that some commercial development and uses, such as guest ranches and recreational facilities, are appropriate in rural Routt County with an approved Special Use Permit (SUP). Each application must be evaluated on its own merits. Regarding camping, Ms. Winser stated that in the Agricultural/Forestry (A/F) zone district private (non-commercial) camping is allowed as a use by right for up to 60 days. With a Minor Use Permit, private extended camping is allowed for a longer period (up to 180 days). Under the review of the Minor Use Permit, things like water and sanitation are evaluated. Rental of a yurt or other camping facility is not allowed under the Minor Use Permit. The current proposal is different because the sites are for rental/commercial use. Under the current regulations, there are no specific provisions for commercial campgrounds other than those that are set up for RVs or motorized camping rigs. Ms. Winser stated that both commercial campgrounds and the recreational facilities require an SUP. She added that the storage of a camper on your own property is considered accessory to the single family home on the property, but use of a camper without a primary residence is not allowed.

In response to a question from Commissioner Miller, Ms. Brookshire and Ms. Winser discussed the problem of tracking Hipcamp operations, which are not typically advertised with an address. Ms. Winser noted that the County's enforcement is complaint driven. The current applicant, however, is making an effort to come through the regulatory process to obtain a permit for this use.

Commercial Marshall asked about the use of the larger Bear River Ranch and of other properties in the vicinity. Ms. Warner confirmed that the ranch is used for grazing and the property is fenced. This corner of the ranch does not include any hay meadows. Adjacent property owners also graze livestock and raise hay.

Commissioner Jaeger asked about cell phone coverage in the area. Ms. Warner said that Verizon does not serve this area, but that AT&T does serve their house. She said she had not tried to make a call in the proposed campground area.

Commissioner Martin asked about the complaints regarding other campsites. Ms. Winser described an enforcement action regarding camping. She said that the potential impacts of these types of camping operations include sanitation, setbacks from waterbodies, traffic, noise, etc.

In response to a question from Chairman Warnke, Ms. Winser reviewed the Booktrails Camp operation located on the Fetcher Ranch. That camp operates under an SUP.

Public Comment

Ms. Cindy Krausgrill, a nearby property owner, stated that when they purchased their property approximately 30 years ago, one of the main things that attracted them was the agricultural nature of the area. She stated that the proposal is a mis-use of the land and would cause various problems, including the fire danger. She stated that the proposed use is inappropriate for the area.

Ms. Noreen Moore, an adjacent property owner, stated that the proposal is inappropriate for the area. She stated that with the exception of her residential property, all of the surrounding properties are used for agriculture and livestock. She said that the road and the valley is known for its peace and tranquility. Ms. Moore expressed concern regarding the behavior of campers and cited impacts of noise, traffic, loose dogs, and gunfire. She stated that the proposed operation would lack the supervision provided in a KOA-style campground or a Guest Ranch. She stated that many people do not follow rules. Regarding the “30,000 experiences” cited in her letter, Ms. Moore described how she came up with this number. She expressed concern that if this campground is allowed, more such operations would appear. Ms. Moore stated that her property had been subject to an enforcement action by the County for an illegal junkyard, and that she had cleaned it up after purchasing it. She urged the Planning Commission to deny the application.

Ms. Anne Clyncke, an adjacent property owner, stated that they graze livestock on their land and are concerned with loose dogs from the campground. She stated that on the Hipcamp website there are many comments by campers about letting their dogs run free. She stated that wildfire is a big concern. She also said that she has water rights on the ditch that runs through the proposed site, and that she needs to maintain that ditch. Ms. Clyncke stated that she had benefited from Routt County’s Purchase of Development Rights program for a conservation easement on the property, and offered that it would be inappropriate to permit a commercial operation on an adjacent property.

Ms. Moore noted that the access road to the proposed site is on a dangerous curve on the road.

Mr. Peter Flint, commenting as a member of the public, stated that his concerns are with fire danger and with loose dogs harassing wildlife and livestock. He described the high fire danger in the dry grass. He confirmed there is no Verizon service in the area. He stated that campers in this type of campground will not keep their dogs leashed. Chairman Warnke asked Mr. Flint to end his comment.

Seeing no further comments, Chairman Warnke closed public comment.

Roundtable Discussion

Commissioner Martin asked for a clarification of the relationship between the applicant and the owner of the property. Ms. Warner stated she is Dorothy Clyncke’s daughter.

Commissioner Benjamin objected to Mr. Flint’s comments as inappropriate.

Commissioner DeFrancia offered that camping is not incompatible with preserved open space and agriculture. He offered that most people do obey rules. He stated

that he does not think the concerns regarding fire danger or loose dogs are sufficient to deny the petition.

Commissioner Jaeger agreed that if the rules of the campsite are broken, the new County code enforcement officer could investigate and the permit could be reviewed, as per the conditions of approval (COAs). He suggested that a 24/7 emergency contact should be required whenever the campground is open.

Commissioner Weese stated that he has been an avid camper all his life and has rarely run into any issues with rowdy behavior. He said that he thinks the potential fire danger on the site is fairly well mitigated, and that this should be monitored. He suggested that the proposal would not cause any significant impacts to the surrounding properties or residences, and offered that the employee housing nearby would help to mitigate noise, dogs and other potential problems. Commissioner Weese stated that the operation was too small to earn significant income and seems more like an experiment. He stated his support for the proposal.

Commissioner Benjamin cited the long tradition of ranchers hosting guests on agricultural properties and stated that the County has supported and approved commercial operations to supplement agricultural income. He said he is very familiar with this area of the County and knows the neighbors. He said that he struggles with the potential additional traffic on this road, which can be dangerous. He noted the high level of use of the road during the summer and during the fall hunting season. He said he is on the fence regarding the application.

Commissioner Miller stated that the Master Plan includes many statements and goals regarding the importance of preserving agricultural lands and operations. She agreed that the proposal seems like an experiment, but not one that Routt County should encourage. She cited the difficulty of enforcement and expressed concern regarding the potential for many campgrounds scattered around on agricultural lands. Commissioner Miller said that the proposal cannot meet the overarching goals and policies of the Master Plan. She said that the proposed operation is inappropriate for the area. She also expressed concern with the campsites located near waterbodies. She offered that while the application can meet many of the specific Zoning Regulations, it is not compatible with the goals and philosophy of the Master Plan.

Commissioner Marshall stated her complete agreement with Commissioner Miller, particularly regarding the Master Plan. She cited Section 4.4 of the Zoning Regulations and said that while there are examples of commercial operations on agricultural lands, the potential impacts of this proposal outweigh any benefit. She said she is extremely concerned with wildfire and added that there are plenty of other camping opportunities in the County. She also cited the impacts of dogs, traffic, noise, and water quality as significant concerns. Commissioner Marshall stated her opposition to the proposal.

Commissioner Kelly stated that he is conflicted regarding the petition. He stated that having a monitored and permitted operation is far better than unregulated camping through Hipcamp. He stated that the cell coverage is not very good in the area and expressed concern with the inability to contact emergency services. Commissioner Kelly stated that loose dogs are an issue, but stated that the overall impact of the proposal would be very low compared to other operations that have been improved in similarly rural areas.

Commissioner Martin stated that he is sensitive to the agricultural community and offered that it is likely that applications for operations on agricultural land will increase as ranching families look for new ways to supplement their income. He said that in many of the Recreational Facilities with Overnight Accommodations the accommodations are incidental to the other recreational activities, as opposed to being the sole use. He offered that the proposal presents an urban/rural conflict and stated that more information on the tent sites and the number of people allowed is needed. He also expressed concern with the possibility of camper-van camping and said asked for more information regarding the limitations on vehicles and trailers at the sites. He expressed concern with noise. Commissioner Martin said that campground rules should be reviewed to assess the offsite impacts. He stated that he owns property that is served by and has water rights on the same ditch that is used by several of the Clyncke families. He stated that he would be less concerned with the operation if it were not at the extreme northwest corner of the 1100 acre ranch. He stated that this particular proposal for this particular site has too many challenges without seeing more information. Commissioner Martin compared this use to short term rentals and the impacts that go along with them. He added that he has concerns with dogs and the lack of cell coverage.

Chairman Warnke asked Planning Commission if more information was needed.

Commissioner Benjamin stated that the Master Plan does support operations to supplement agricultural income, and added that the agricultural lands in the County are more threatened by the development of large single family residences. He offered that the proposed use is allowable and that mitigation is possible, but that conflicts with neighbors are a real concern. He agreed that the specific location of the proposed site is an issue, and that if it were located more centrally on the ranch the proposal would have fewer impacts on the neighbors.

In response to a question from Commissioner DeFrancia, Ms. Brookshire stated that the term of the permit could be determined by Planning Commission. Commissioner DeFrancia said he could support a tabling if those who are on the fence would like to see more information or additional conditions and mitigations.

Commissioner Jaeger stated that this proposal is a form of preservation in that it conserves the land, has few impacts and is compatible with agricultural operations.

Commissioner Weese stated his support for the proposal, and offered that the operator would have to abide by the COAs or the permit would not be renewed. He said he could support a tabling.

Commissioner Marshall said that she could support a tabling, but that she was uncertain that any new information would enable her to support the petition.

Commissioner Martin stated his support for a tabling.

Commissioner Kelly stated the relocation of the proposal to a different, more remote location would require the construction of additional roads and screening, and would require more evaluation. He stated he could support a tabling.

Commissioner Miller stated she would not oppose tabling, but that she is not certain if she could change her mind about the proposal.

Chairman Warnke suggested that a tabling might be appropriate to allow the petitioner to come up with additional safeguards and conditions to mitigate the concerns. He added that while the Master Plan does emphasize the importance of preserving agriculture, it also supports supplemental income for ranches, as well as tourism and recreation.

Ms. Warner said that she would be willing to provide additional information and conditions or rules to address the concerns.

MOTION

Commissioner DeFrancia moved to table petition PL-21-121 to July 15, 2021 to allow the petitioner to provide additional information and mitigations to address the concerns regarding the proposal.

Commissioner Kelly seconded the motion.

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

Chairman Warnke noted that the item would not be re-noticed. Ms. Winser stated that the revised application will be available for review on the Routt County website and further comments will be accepted. Ms. Brookshire will provide the date by which the comments must be submitted.

ADMINISTRATOR'S REPORT

Ms. Winser stated that she would be scheduling a training being offered by the Department of Local Affairs (DOLA) specifically for Planning Commissioners. She said that long-range planning and implementation would be covered along with other issues. She noted that Commissioner Flint's comments were inappropriate. Commissioners who recuse himself should not comment and should keep their cameras off during Zoom meetings.

Ms. Winser reported that the selection committee had interviewed four consulting firms to assist with the Master Plan update. She said that following the interviews the committee chose Cushing-Terrell as the top candidate to recommend to the BCC. She reviewed the highlights of the interview.

Ms. Winser reviewed the hybrid meeting model implemented by the Board of County Commissioners. She said that Planning Commission could move to this hybrid model for the July 15th meeting. Chairman Warnke stated his support for moving to hybrid meetings. She noted that the BCC approved the Sketch Subdivision for the Landalet Subdivision.

Commissioner Marshall asked about the possibility of daytime meetings. Ms. Winser stated that this would be discussed at the July 15th live hearing, along with voting for the Chair and Vice-chair.

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