

ROUTT COUNTY PLANNING COMMISSION

MINUTES

July 20, 2023

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 Brian Kelly, Ren Martyn, Bill Norris, Linda Miller, Andrew Benjamin, and Paul Weese. Commissioners Greg Jaeger, Pete Wood, and Jim DeFrancia were absent. Planning Director Kristy Winser and staff planner Michael Fitz also attended. Sarah Katherman prepared the minutes.

PUBLIC COMMENT

There was no public comment.

MINUTES - June 29, 2023

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

ACTIVITY: PL20230044

PETITION: Amendment to Special Use Permit for Columbine to allow unguided rental of motorized utility vehicles (UTVs)

APPLICANT: Master Key Adventures, LLC (Todd Zvorak)

LOCATION: Columbine Cabins, located approximately 2.6 miles north of the intersection of CR 129 and CR 62

Chairman Warnke disclosed that he and the applicant both serve as directors of the North Routt Fire Protection District. There were no concerns with Chairman Warnke hearing the petition.

Mr. Todd Zvorak, stated that he and his family have been owners and operators of Columbine Cabins for the past eight years. He said that they strive to preserve the historical nature of the property and cited the challenges and costs of doing so. He said they are looking for additional revenue streams to help support the operation, including this request to rent UTVs to allow clients to access the nearby US Forest Service (USFS) land. Mr. Zvorak stated that they want to minimize the impact on the residents of the area and want to be respectful of the neighbors. He said that the renters of the UTVs would be given maps and GPS-equipped tablets to show them where the UTVs are allowed and where they aren't. He said that clients would be directed to cross CR 129 from the property to access FS 490 into the USFS lands. This route would be used for both out and back. Mr. Zvorak stated that they currently own 2 UTVs and they would begin by renting those. They would then evaluate the program to determine if it would be cost effective to purchase more machines. The proposal is for a maximum of eight UTVs. Mr. Zvorak stated that the primary clientele would be cabin guests,

but the rentals would be available to the general public. He said that a speed limit of 15 mph would be set for the section of FS 490 that passes by private property. He presented a layout of the parking area where the UTV rentals would be located.

Mr. Fitz reviewed the history of Columbine and the proposal to add UTV rentals to the existing operation. The UTVs would be rented for unguided half or full-day use, with official rental hours of 9am-5pm, 7 days a week, between June 15th and October 31st. The request is for hours of operation to be from 8am to 6pm to allow for adequate time for renters to leave slightly early or arrive slightly late without creating a compliance issue. Mr. Fitz stated that the rentals would be available from June 15 - October 31. He **said that with two ½ rentals per day and eight UTVs**, the maximum number of clients would be 64, but that the expected average number is between 30 and 45. Mr. Fitz stated that the UTVs would be kept in the parking lot and would not be allowed to be driven around the property. He said that the parking area exists and is large enough to accommodate the proposed use as well as any additional parking by the public. He said that staff is recommending mitigation of the visual impact, since the parking lot is directly adjacent to CR 129.

Mr. Fitz stated that one comment had been received expressing concern with the potential for UTV renters to trespass onto neighboring properties. In response to this concern, the applicant is proposing providing electronic GPS maps to clients and including a map in the guest handbook in each cabin indicating where the UTVs are allowed to operate. Mr. Fitz reviewed the comments that had been received: two in opposition, one neutral with concerns regarding trespass and one in support (received earlier today). Mr. Fitz read the letter that was received today. Mr. Fitz presented photos of the planters the applicant is proposing for visual mitigation of the parking area as well as photos of the site from various locations.

Commissioner Martyn asked if the USFS had commented on the proposal. Mr. Fitz said that they had been sent a referral, but had not submitted comments. In response to a question from Commissioner Martyn, Mr. Zvorak reviewed the routes onto USFS land that can be accessed via FS 490. In response to a question from Chairman Warnke, Mr. Zvorak stated that cabin guests are generally respectful of the rules on site, but offered there are always those who do not comply. He said that the UTVs would be equipped with GPS trackers. He noted that FS 490 gets a lot of traffic, and estimated 30 - 50 vehicles per day during the summer.

There was a discussion of the proposed planters to be used to mitigate visual impacts. Mr. Zvorak stated that planting trees along the edge of the parking area was unfeasible due to the need to use that area for snow storage. In response to a question from Commissioner Martyn, Mr. Zvorak listed the other outfitters and businesses that rent UTVs. He said that obtaining insurance for the proposed use was expensive but not difficult. Commissioner Miller asked about helmets. Mr.

Zvorak said that helmets would be provided and required by the rental contract and waiver that renters would sign. Commissioner Norris asked if hunters would be using the UTVs. Mr. Zvorak offered that they might, and added that this is why the rentals would remain available until October 31. He clarified that he is not proposing to rent snowmobiles.

There was no public comment.

Following discussion, there was general consensus by Planning Commission that the proposed planters would be acceptable mitigation of the visual impacts of the operation.

Commissioner Kelly expressed concern regarding the unguided aspect of the proposal. He stated that there will be people who comply with the rules and those who do not. He offered that the permanent residents of North Routt and Hahn's Peak Village seem to be increasingly unhappy with the rise in motorized recreation in the area. Chairman Warnke agreed, but noted that anyone is allowed to use motorized vehicles on the trails proposed for use. Commissioner Benjamin said that he concurs with Commissioner Kelly's concerns regarding the increase in recreational pressure and overcrowding, but offered that it would be inappropriate to penalize this applicant for what is a much larger issue. He said he could support the petition.

MOTION

Commissioner Norris moved to recommend approval of item PL20230044, an amendment to the Special Use Permit for Columbine to allow unguided rental of motorized utility vehicles, 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 4, 5, and 6.
2. 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.
3. 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.
4. Permits will be assessed an Annual Fee in accordance with the Fee Schedule in Appendix B of the Routt County Zoning Regulations.
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 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.**
 11. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
 12. 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.
 13. The Permittee shall prevent the spread of weeds to surrounding lands and comply with the most current version of the Colorado Noxious Weed Act and Routt County regulations for noxious weeds.

Specific Conditions:

14. The Special Use Permit is limited to the operation presented in the approved plan under PP2003-073 and the Administrative Amendment of PL-18-120. Any additional uses, facilities, or changes to the types of uses proposed must be applied for in a new or amended application. The approved facilities/uses include:
 - 14 rental cabins (short-term rental only) described as follows:
 - Caron House
 - Burton
 - Bear
 - Sisters
 - Loggers
 - Moose
 - Gold Camp
 - Porcupine
 - Bakers

- Merchants
 - Honeymoon
 - Beaver
 - Skiers
 - Hilltop
- Special Events - 6 events per year - 100 guests maximum; 3 events per year 150 guest maximum
 - Sauna
 - Maximum overnight resident capacity (staff and guests) of 66 people.
 - General Store
 - Lodge/Bathhouse - includes central toilet, bathing and laundry facilities and a common room
 - Barn - storage for snowcat, plow and miscellaneous equipment
 - Food Service Pavilion and two outdoor dining/tent areas (no food sales independent of cabin rentals permitted) for special events.
 - Food Service Pavilion Upper Apartment - 2 bedroom - 4 staff
 - Food Service Pavilion Lower Apartment - 1 bedroom - 2 staff
 - All organized outdoor activities, including use of the tent adjacent to the Food Pavilion shall be finished by 10:30 p.m.
 - UTV Rentals - 8 UTVs, each rented up to 2x/day between 8am and 6pm, to cabin renters and the general public
15. 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.
 16. Any accidents requiring emergency services shall be reported to the Planning Department within 72 hours.
 17. Proper installation and continuing maintenance of landscaping, lighting, and/or buffering materials or structures is required.
 18. Shuttle transportation shall be required for non-overnight special event guests any time all designated spaces in the approved parking plan are being used.
 19. Special Events and other operations shall comply with C.R.S. 25.12.103 "Maximum permissible noise levels."
 20. Prior to issuance, a landscape screening plan shall be developed by the **Permittee to mitigate the visual impacts of the operation. Such screening plan shall be approved by the Planning Director and be implemented by October 31, 2023.**

Road and Bridge Conditions :

21. Routt County has the authority to close any county road at its sole discretion if damage to the road may occur by its use. To the extent that a road closure may affect Permittee's operations, Routt County will cooperate with Permittee to allow operations to be continued in a safe and practicable stopping point.
22. Routt County roads shall not be completely blocked at any time. If traffic regulation is deemed necessary, the Permittee shall notify the Routt County

Road and Bridge Director, or designee thereof, in advance (if possible), who may then require:

- A method of handing traffic in accordance with the Manual on Uniform Traffic Control Devices and approved by the Road and Bridge Director.
23. Routt County roads affected by this SUP will be inspected by the Routt County Road and Bridge Department at intervals determined by same. Any road damage repair or maintenance needs above and beyond typical maintenance, attributable to this use, shall be made by the County, or a third-party contractor as selected by the Routt County Road and Bridge Department and on a schedule determined by same. Road and Bridge shall inform permittee of such maintenance or repair activities prior to work being performed. Permittee shall solely bear the costs of repairs.
 24. Permittee shall use and maintain the existing access to the property to minimize impacts to the County road system during the life of the Operations. No additional accesses will be granted. If another access is desired, an amendment to the permit shall be required.
 25. There shall be no parking on County Road 129 or the corresponding right-of-way at any time. Parking shall be limited to designated areas onsite only.

Commissioner Weese seconded the motion.

The motion carried 6 - 1 , with the Chair voting yes.

ADMINISTRATOR 'S REPORT

Ms. Winser reminded all of the joint work session with the Board of County Commissioners scheduled for Wednesday, July 26. She said that a 60% complete draft of module 1 would be presented for discussion. She reviewed the items that would be included in module 1 and gave an overview of the overlay concept being proposed for Tier 2 and Tier 3 Future Growth Areas. She said that new zone districts or standards might be an alternative to overlays, particularly in Tier 3 areas. Ms. Winser reviewed the code update process. She said that following this work session edits would be made to the draft, which would then be released to the public and to referral agencies for comment. After taking those comments into consideration, a meeting would be scheduled at which module 1 could be adopted. She reviewed the process of rolling adoptions that will allow for future changes prior to the adoption of the complete code.

The meeting was adjourned at 7:00 pm.