

ROUTT COUNTY PLANNING COMMISSION

DRAFT MINUTES

FEBRUARY 17, 2022

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, Bill Norris, Brian Kelly, Ren Martyn, Andrew Benjamin, Paul Weese Jim DeFrancia, and Greg Jaeger. Commissioners Linda Miller and Roberta Marshall were absent. Planning Director Kristy Winser and staff planners Tegan Ebbert and Alan Goldich also attended. Sarah Katherman prepared the minutes.

PUBLIC COMMENT

There was no public comment.

MINUTES – January 20, 2022

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

MINUTES – February 3, 2022

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

ACTIVITY: PL20210018
PETITIONER: Bill and Jodie Uhl
PETITION: Special Use Permit for a private Recreational Facility with Overnight Accommodations
LOCATION: 40343 County Road 68

Mr. Bill Uhl explained that the goal of this project is to create a family compound for recreational activities. He reviewed the ideas they had considered in trying to accomplish this goal, and said that when they settled on separate cabins with a central kitchen and bathrooms, Planning staff had suggested that they pursue an SUP for a Recreational Facility because this was the use that most closely matched what they wanted to do. Mr. Uhl stated that they were pretty far along in the process when they posted the property and received feedback from the neighbors. He said that he wished he had reached out to the neighbors first, as that would have allowed him to modify the request from the beginning to eliminate any possibility of commercial use even though the project is being reviewed as if it were for commercial use. Mr. Uhl stated that the application has since been modified and they have agreed to an additional condition of approval (COA) that would prohibit any short-term rentals or commercial use of the property. He said that the proposal does include a secondary dwelling unit (SDU) for a caretaker on the second floor of the barn structure that also houses the common kitchen and bathroom facilities for the cabins.

Ms. Tegan Ebbert reviewed the definition of a Recreational Facility with Overnight Accommodations and stated that the project plan outlines exactly the uses that would be allowed on the property. She described the proposal for three 1-room cabins without plumbing, and a common space to include a kitchen and two bathrooms in addition to space for storage. An SDU would be located above the common space. She said that the applicants intend to build a primary dwelling unit on the property at some point in the future. Ms. Ebbert said that the UHls had heard and responded to the feedback from the neighbors and had agreed to a COA to prohibit short-term rentals on the property. She noted that when the Planning Department reviews an application it does not consider whether the proposal is for commercial or private use; it reviews the proposal in terms of the impacts the use would have. Impacts that are often considered are traffic, noise, and light pollution. Ms. Ebbert presented a vicinity map, a site plan and photos of the site. She indicated the location of the proposed structures and uses.

Ms. Ebbert reviewed the comments that had been received from the neighbors regarding the application. She said that the primary concerns with the proposed use were regarding fire and traffic on the County Road. She stated that referrals had been sent to variety of agencies. The Routt County Road & Bridge Department said that they had no concerns with the application and noted that the elements of the proposal that are not uses by right are all seasonal. The West Routt Fire Protection District also had no concerns with the proposed use but did recommend the inclusion of a COA limiting the use of fire pits, requiring compliance with fire bans and recommending defensible space around the structures. The Division of Water Resources has issued a commercial well permit for the site.

Ms. Ebbert reviewed the County's definition of a dwelling unit and noted that the cabins are not considered dwelling units because they have no kitchen or bathroom facilities. Because they are not dwelling units, they could not be used long-term. A COA addressing this has been recommended. Ms. Ebbert said that the applicants also propose to conduct a small agricultural operation on the parcel, which is a use by right and requires no review.

Commissioner Martyn asked if similar applications had been received for parcels of this size. Ms. Ebbert presented a chart of other recreational facilities, some private and some commercial. In response to a question from Commissioner Benjamin, Ms. Winser explained that it is the remote bedrooms (cabins) that triggered the need for an SUP. There is no other use listed in the use chart that would allow cabins of this type. She confirmed that if the applicants had chosen instead to build a single family dwelling on the property, there would be no limit to the number of bedrooms or size of the structure. In response to a question from Commissioner Martyn, Ms. Winser reviewed the regulations regarding temporary structures, camping and RV usage. Camping is a use by right in the A/F zone district, but if it occurs for more than 60 days a Minor Use Permit is required, and all facilities must be removed. Ms. Ebbert noted that camping facilities beyond two units triggers the need for an SUP.

Commissioner Benjamin asked what would happen if the property were sold. Ms. Winser said that recommended COA #22 indicates that the permit is non-transferable. If the use is discontinued the cabins would have to be converted to a conforming use, such as storage. She emphasized that the proposed COA would prohibit rental of the cabins.

Public Comment

Mr. Travis Garner stated that his main concern had been with the commercial use of the property. He said that his concerns have been satisfied, but asked what would happen if the applicant wanted to add uses in the future. Ms. Winser said that any change in use would trigger a full review process.

Mr. Milton Hill asked what all would be allowed on the property. Ms. Ebbert reviewed the proposed structures and uses. She said that the cabins would not have plumbing but would have electricity. She clarified that the SDU, which will have a kitchenette, is to be located on the second floor of the common space/barn structure.

Mr. Rob Nadolny expressed concern that the proposal had been changed from what was originally described in the materials, and that it could change again. He asked about enforcement and what would happen if the owners rented out the cabins. Ms. Ebbert stated that any complaints would trigger a review of the operation. She added that the County will be adding staff to create a robust inspection and enforcement process for all permitted uses.

Ms. Jodie Uhl said that they really just want cabins for family use, and that they were steered down the path of an SUP by the Planning Department. Ms. Winser said that the applicant is allowed to modify the proposal in response to comments received during the review process, and that the change was in response to concerns expressed by the neighbors regarding possible commercial use. She reiterated Ms. Ebbert's comments regarding the soon to be implemented proactive approach to enforcement.

Ms. Kathleen Campbell expressed confusion about the differences between a cabin, a dwelling unit, an SDU, etc. She asked why the applicants do not just build a home. Ms. Winser reviewed the definitions. Ms. Campbell expressed concern that the cabins would be used full-time, just like the KOA campground. She also discussed concerns with a neighboring pig farmer. Ms. Winser reviewed the process and why the Planning Department had suggested the SUP process.

Ms. Wendy Nadolny asked why this parcel is zoned A/F. Ms. Winser reviewed the history of zoning in Routt County, noting that the vast majority of Routt County is zoned A/F, which has led to the preservation of the rural character of the County. Mr. Goldich added that through the Master Plan and other long-term planning efforts, the community has repeatedly expressed its support for maintaining the rural character of Routt County, and has confirmed that it values open space and agriculture. In response to Ms. Nadolny's concerns, Ms. Winser stated that an approval of this application would not alter the A/F zoning of the parcel. Mr. Goldich added that each application is evaluated on its own merits. An approval of one application does not set a precedent for future applications.

Seeing no further comment, Chairman Warnke closed public comment.

In response to questions from Commissioner Martyn, Mr. Uhl confirmed that the well permit had been issued but the well has not yet been drilled, and that having a full-time caretaker on the property is desired to ensure that people do not try to use the facilities or trespass when the family is not in residence.

Chairman Warnke noted that suggested COA #16 would be removed and new COA #29 would be added.

Roundtable Discussion

Commissioners DeFrancia, Norris and Kelly expressed their support for the project.

Commissioner Benjamin agreed, noting that the addition of COA #29 addresses his concerns. He noted that the SUP was only needed to allow for the remote bedroom cabins, and offered that constructing small cabins is a very historic use in Routt County.

Commissioner Martyn said that he opposes the petition based on the intensity of use and the potential negative impacts of the proposal. He said that the canyon is very narrow and the proposal would focus all the use into a very small area. He said he would be more comfortable with the proposal if the cabins were to be removed when the primary dwelling unit is constructed. He said that the commercial well permit should be vacated. He added that he is concerned that if the additional acreage is acquired, the property could be subdivided.

Commissioner Jaeger said that with the addition of the new COA to eliminate the possibility of short-term rentals, he would support the project.

Commissioner Weese said that he has no problem with the proposal which is for three small cabins and a home on a 60-acre parcel. He said that the project is a small, simple project that will allow for the agricultural use of the property to continue.

MOTION

Commissioner DeFrancia moved to recommend approval of item PL20210018, a 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. 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. 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 Colorado Noxious Weed Act as amended in 2013 and Routt County noxious weed management plan.

Specific Conditions:

14. The Special Use Permit (SUP) is valid for the life of the use provided it is acted upon within one year of approval.
15. 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.

- a. Three guest cabins, limited to 260 square feet in interior area that do not contain plumbing.
 - b. Each guest cabin may accommodate a maximum of two guests at any one time.
 - c. One common building containing two guest bathrooms, a guest kitchen, a guest laundry machine, and a secondary dwelling unit to house onsite manager.
 - d. Hiking, biking, outdoor activities, and agricultural activities are uses available to guests.
16. 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.
 17. Any required permits from the Routt County Public Works Department, Building Department, or Environmental Health Department shall be obtained and any inspections completed before operations commence.
 18. Months of operations shall be April through November.
 19. Owner/operator shall be first-aid certified and be trained on emergency procedures.
 20. Domestic animals shall be under control at all times.
 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. Permit shall not be transferable.
 23. One identified recreational fire/barbeque pit is allowed on site for guest use and it must meet West Routt Fire Protection District standards. Any seasonal fire/burn restrictions must be observed. Defensible space is recommended around all structures.
 24. Guest quiet hours are between 10 PM and 7 AM. No amplified music or loud activities are permitted during these times.
 25. Guest cabins are permitted for short-term leisure occupancy use only. The guest cabins do not constitute dwelling units and may not be occupied for longer than 30 days by an individual guest.
 26. On-site management is required when guests are present on the property. No overnight guests are allowed when owner or operator is not on the property.
 27. The Special Use Permit cannot be issued until the illegally subdivided 19.65 acre parcel located directly to the north of the subject parcel is merged with a legal parcel.
 28. The approved use is for a Private Residential Family Recreational Facility based on the project scope presented. This is not a commercial operation, and the use is limited to owners, the owners' families, caretakers and non-paying guests.

Commissioner Norris seconded the motion. **The motion carried 7 – 1, with the Chair voting yes.**

Commissioner Martyn said that his dissenting vote was based on the comments he made during the roundtable discussion.

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