

ROUTT COUNTY PLANNING COMMISSION

MINUTES

March 2, 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 Greg Jaeger, Brian Kelly, Bill Norris, Andrew Benjamin, Jim DeFrancia, and Linda Miller. Commissioners Ren Martyn and Paul Weese were absent. Planning Director Kristy Winser and staff planners Alan Goldich and Michael Fitz also attended. Sarah Katherman prepared the minutes from a recording.

PUBLIC COMMENT

There was no public comment.

MINUTES - January 19, 2023

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

MINUTES - February 16, 2023

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

ACTIVITY : PL20220094

PETITION: Conditional Use Permit to conduct a small hunting outfitter business from a yurt

APPLICANT: Sunn Ranch, LLC; Shane Sunn

LOCATION: a parcel located on sides of County Road 56 equidistant between County Roads 74 and 80

Mr. Shane Sunn stated that he had purchased the 47.58-acre parcel in 2018, primarily for family use. He said that he had erected a yurt on the property without a building permit because he was unaware that one was required. He said that he started using the property as a hunting camp with friends and then decided to obtain an outfitter's license with the State of Colorado in order to take a few clients at a time on commercial hunts in the area, primarily during the 2nd and 3rd rifle seasons in the fall. Mr. Sunn described the location of the property and said that there is a locked gate at the driveway off of CR 56. He reviewed a site plan and noted the location of the yurt, the bathhouse, the portable toilet, the 5500-gallon water storage tank, the access road and the parking area. He said that he leaves a UTV and a small tractor on the property. Mr. Sunn said that sometimes clients drive to the property and sometimes he shuttles them from the airport, but

that there are never more than two vehicles on the site at any one time. He said that hunting parties are generally made up of himself and one or two clients.

Mr. Fitz stated that hunting and fishing operations, whether private or commercial, without permanent staging facilities are a use-by-right in the Agricultural/Forestry zone district in Routt County. He said that the use of the yurt as a permanent staging site for the hunting operation requires a Conditional Use Permit (CUP). Mr. Fitz noted that the standards for permanent staging facilities are generally geared toward larger operations. He noted the proposed use would have minimal impacts because of its small scale and minimal usage. Mr. Fitz stated that usage of the site would be seasonal, as this portion of CR 56 is not maintained in the winter. He stated that the site is currently served by a portable toilet and is equipped with a satellite-based radio system and a first-aid kit. Mr. Sunn is certified in CPR and has been trained in other life saving measures as a requirement of his outfitter's license.

Chairman Warnke asked about the status of the building permit. Mr. Fitz stated that the client is working with the Building Department on bringing the site into full compliance. Operations under the CUP would not be allowed to commence until this issue is settled. Mr. Fitz said that the applicant intends to install a septic system to serve the property, but that the portable toilet would remain in place until this is accomplished. Mr. Sunn added that he also intends to drill a water well on the property.

Chairman Warnke asked about the comments in the staff report regarding the options for the property if the hunting operation were to cease. Mr. Fitz explained that the yurt, which is not considered to be a dwelling unit, must have an allowed use to remain on the site year-round. If the commercial hunting operation ceases, the yurt must be converted to a use by right (for example, a dwelling unit or agricultural building), or to another use that requires a permit, reclassified as extended camping, or be removed. Under current regulations, extended camping is limited to 180 days per year, so the yurt would have to be taken down each year.

Commissioner Norris asked if there is a propane tank on the property. Mr. Sunn stated that there is, but added that the current tank would be replaced with a larger tank in a new location further away from the yurt, per the requirements of the building permit. He noted that in addition to the hunting operation, he and his wife use the property for occasional stays. Mr. Fitz stated that the Building Department would handle the matter of the propane tank and other utilities, and that the Department of Environmental Health would ensure that the future septic system meets the regulations. The CUP only concerns the use of the site.

Commissioner Jaeger, noting that the suggested conditions of approval (COAs) do not set a maximum number of people allowed to stay on the site at any one time. He asked if tents or other temporary structures could be added. Mr. Fitz stated that no maximum number of people has been set, but that if it were

deemed appropriate, Planning Commission could add a maximum occupancy to the COAs. He noted that if the property were to be sold, the permit would have to be transferred to the new owner, who would be required to sign-off on the terms of the permit.

Commissioner Benjamin offered that the hunting operations seems to provide a way for the yurt to remain on the site year-round. He reviewed the camping regulations that would prohibit the yurt from remaining in place permanently if it were not associated with a permit.

Commissioner DeFrancia asked about the proposed landscaping that was mentioned in the staff report. Mr. Sunn stated that while he would like to install landscaping north of the driveway in the future to mitigate any visual impacts, doing so will not be feasible until there is a well to provide irrigation water.

Commissioner Miller asked about the cell coverage in the area in the event of an emergency. Mr. Sunn stated that clients are equipped with radios when in the field and added that there is satellite-based internet service at the yurt. He added that there is decent cell coverage at the higher altitudes on the property. He stated that he wants the property to be assigned an address so that it can be easily identified in the event of an emergency. Mr. Sunn stated that he works diligently to ensure that the site is safe. He said that the yurt is equipped with fire extinguishers and CO₂ detectors. Mr. Fitz stated that the GIS department has assigned an address to the property.

MOTION

Commissioner Kelly moved to approve the CUP for a permanent staging area for a commercial hunting operation 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 CUP 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 CUP, 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 CUP, 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 permit 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 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 CUP 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 CUP 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. The approved project plan consists of:
 - Yurt - visitor dwelling for the duration of activities
 - Bathhouse - lavatory and bathing facilities as-approved by Routt County Environmental Health
 - Outfitter and visitor parking, contained onsite
 - Hunting & staging area
 - Accessory storage structures directly associated with the above uses

15. The CUP is valid for the life of the use provided it is acted upon within one year of approval. The CUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
16. Any required permits from the Routt County Building Department and Environmental Health Department shall be obtained and any inspections completed before operations of the permanent staging/lodging areas commence.
17. Guiding operations may occur at any time that weather conditions permit access to the site.
18. Guiding shall only be done by a licensed outfitter. The applicant shall inform the Planning Department if his own outfitter's license expires.
19. Offsite parking shall not be utilized without approval of the Planning Department.
20. If this CUP lapses, the yurt and any other structures associated with this use shall be incorporated into a different by-right use, a new use permit, or demolished within 1 year.

Commissioner DeFrancia seconded. **The motion carried 7 - 0, with the Chair voting yes.**

ADMINISTRATOR'S REPORT

Mr. Winser stated that nothing has been scheduled for the March 16th meeting, and that no Planning Commission recommendations had been heard by the Board.

Ms. Winser stated that the kick-off meeting for the Zoning and Subdivision Regulations update had been held with staff and Design Workshop, the consultant on the project. She stated that bi-weekly meetings with staff would be held and that Planning Commission would be updated and consulted regularly. She noted that large scale solar and standards for development in Tier 2 growth areas had been identified as priorities for the update. Ms. Winser said that a solar summit event is being scheduled for April 26 at the Hayden Fairgrounds. Mr. Goldich stated that the summit will include presentations from the Colorado Solar and Storage Association and be open to County decision makers, energy services, and the public. He added that some solar developers would also attend, but not those intending to submit applications for projects in Routt County.

Ms. Winser stated that staff is expecting an application to be submitted soon for a development in Stagecoach. She noted that this proposal would require an amendment to the Future Land Use Map included in the Stagecoach Community Plan. She reviewed the history of the FLUM and the issues that had resulted from some of its features, which are inconsistent with the standards-based philosophy of the Stagecoach Community Plan. Mr. Goldich reviewed the process through which work sessions and adoption hearings would be scheduled with the Planning Commission and the Board of County Commissioners to amend the FLUM in conjunction with the review to the development application. In response

to a question from Chairman Warnke, Mr. Goldich stated that SPOA would be sent a referral on the application, but that the parcel for which the development is proposed is outside of the SPOA boundary. Ms. Winser suggested that Planning Commission prepare for this process by reviewing the Stagecoach Community Plan.

The meeting was adjourned at 7:10 p.m.