

# ROUTT COUNTY PLANNING COMMISSION

## FINAL MINUTES

APRIL 21, 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 and Commissioners Linda Miller, Bill Norris, Ren Martyn, Greg Jaeger, and Paul Weese. Commissioners Jim DeFrancia, Steve Warnke, Brian Kelly and Andrew Benjamin were absent. Planning Director Kristy Winser and staff planner Alan Goldich also attended. Sarah Katherman prepared the minutes.

### PUBLIC COMMENT

There was no public comment.

In the absence of both the Chair and the Vice-Chair, Planning Commission selected Commissioner Jaeger to Chair the meeting.

**ACTIVITY:** PL20220009  
**PETITIONER:** Humble Ranch; Jay and Shelby Trousil  
**PETITION:** Renewal of Special Use Permit #99-207  
**LOCATION:** 31500 Cattle Drive; Remainder Parcel A, Agate Creek Preserve LPS

The petitioners presented a video reviewing the history of the Humble Ranch Education and Therapy Center, a 501(c)3 non-profit organization. She reviewed the activities that have occurred on the ranch since the original Special Use Permit (SUP) was granted in 1999. Cattle and yak ranching, fundraising events, weddings, and nightly rentals have all taken place on the ranch and have provided funding for the operation, which provides mounted and non-mounted equine therapy for those with physical and cognitive limitations. The presenter reviewed the improvements that had been made to the ranch over the years and the ways the programming has evolved. She said that the requested renewal of the nightly rentals of the cabin and lodge on the property would be crucial to the continuing operation of the organization and its programming. She said that the maximum number of guests that could be accommodated is 14. The operators of the ranch will be onsite at all times, and nightly rentals would only be offered when the facilities are not occupied by therapy program participants.

Mr. Goldich said that the item under consideration is a single provision in the original permit allowing nightly rentals on the property. No other aspects of the operation, which were all approved in 1999, are being considered as they were approved for life of use. Mr. Goldich said that the permit for the nightly rentals expired in 2004 and neither the applicant nor the County acted to renew this provision until now. He reviewed a site plan and indicated the location of the existing cabin and lodge. He noted that only one of the four permitted cabins has

been constructed. He reviewed the activities that are allowed by the existing SUP. Mr. Goldich also reviewed the Agate Creek Preserve LPS and the building envelope located on the Remainder Parcel that house the facilities associated with the SUP and the ranch manager's residence and the building envelope located on Lot 18 that contains agricultural structures. Mr. Goldich said that no complaints have been received regarding this operation. He noted that in reviewing this application it was discovered that two loafing sheds are located outside of the building envelope on Lot 18. A suggested Condition of Approval (COA) has been included requiring that these structures be relocated to an area within the building envelope.

Commissioner Norris asked about the location of the unbuilt cabins. Mr. Goldich said that they would be located within the same building envelope as the existing cabin. In response to a question from acting Chair Jaeger, Mr. Goldich said that if the applicants were unable to relocate the loafing sheds by the date cited in COA #30, the Planning Department would work with the applicant on a plan for compliance to ensure other operations of the ranch could continue while the work was being completed. He indicated the location of the loafing sheds on a site plan.

Commissioner Miller asked about the lapse in the provision for nightly rentals. Mr. Goldich offered that the applicant and the Planning Department share responsibility for failing to address the lapse in this condition. Ultimately the responsibility lies with the applicant, but Mr. Goldich stated that the new permitting software will make such lapses unlikely in the future. He noted that it is quite unusual for a permit to include a COA with a separate expiration for one particular use and not for the rest of the permit. In response to a question from Commissioner Miller, Mr. Trousil stated that the nightly rentals did not occur after 2004. He said that the rentals would be marketed through the website for the ranch. He clarified that overnight guests would not be allowed to bring pets or their own horses. He said that use of the cross-country trails and other amenities on the ranch would not be available to overnight guests.

Commissioner Martyn asked if the request is both for a renewal of nightly rentals and for the ability to construct the additional three cabins. Mr. Goldich stated that the cabins have already been approved. The only use that is in need of renewal is the nightly rentals. The SUP was issued for a life-of-use. Commissioner Martyn asked about hours of operation. Mr. Goldich stated that no hours of operation were included in the original permit. He clarified that the uses permitted by the SUP are limited to the area within 297-acre SUP boundary.

Commissioner Norris asked how this use would be allowed since short-term nightly rentals are not allowed generally in the County. Mr. Goldich explained that several uses that require permits, such as Recreational Facilities with Overnight Rentals, Bed & Breakfasts, and Guest Ranches, do allow overnight rentals with specific standards. If this application were to be processed under current

regulations, it probably would be processed as a Guest Ranch or a Recreational Facility.

Commissioner Miller asked about the term of the nightly rental use. Mr. Goldich said that the renewal requirement for the nightly rentals was probably put in place as a measure to check back on the operation to ensure that this particular use was compatible with the other surrounding uses. No complaints have been received. He said that the proposal is for the nightly rentals to be approved for life of use. Ms. Winser added that the County has moved away from time frames for particular uses within a larger permit. She noted that General COA #2 would cover any future problems or concerns that may occur.

There was no public comment.

Commissioner Weese stated his support for the petition and recognized the value of the nightly rentals to the overall operation. He said that he appreciates the limits on the large events. Planning Commission agreed with these comments.

### **MOTION**

Commissioner Weese moved to recommend approval of Special Use Permit PL20220009, a renewal of Permit #99-207, 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

#### **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 which may arise from the construction or operation of the camp, nightly rentals and community center may be cause for review of the Special Use Permit at any time, and amendment or addition of conditions, or revocation of the permit, if necessary.
3. 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.
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. No junk, trash, or inoperative vehicles shall be stored or allowed to remain on the property.
6. 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.
7. Permits will be assessed an Annual Fee in accordance with the Fee Schedule in Appendix B of the Routt County Zoning Regulations.
  8. 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.
  9. 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.
  10. All trash shall be stored either inside a garage or inside Interagency Grizzly Bear Committee (IGBC) certified receptacles.
  11. The Planning Director may approve minor improvements and/or additions to the SUP plan that do not cause an increase in guest or employee numbers, traffic and other off-site impacts. Requests for such approval shall be in detailed written form accompanied by a site plan and any other applicable information as requested by Planning Staff.
  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.

#### Specific Conditions

13. The Special Use Permit is limited to uses and facilities presented in the original project plan under Permit #99-207. Any additional uses or facilities must be applied for in a new or amended application. Those approved uses and facilities include the following:
  - Community center and camp for education and therapy programs.
  - Horseback riding and ranch related activities available to program participants.
  - Nightly rental of the dwelling units while not being used for education and therapy program.

- Use of the existing ranch house for community center, camp, and nightly rentals.
  - Four (4) cabins total within the platted SUP building envelope containing:
    - 1,200 square feet maximum each
    - Must contain a bathroom and kitchen
14. This Special Use Permit is valid for life of use.
15. There shall be no public food service or public restaurant facilities on site, except for food service provision for the camp operation.
16. The camp, nightly rentals and community center are subject to all State and County health and safety requirements.
17. Lighting shall be for security purposes only and shall be downcast. There shall be no general floodlighting of buildings or parking areas.
18. There shall be no large outdoor special events such as concerts. Other outdoor events, such as weddings, shall be limited to 6 yearly, with a maximum of 200 people and shall end by 10:00 p.m.
19. The Camp shall promote car-pooling and use of shuttle services to mitigate potential increased traffic.
20. All roads and driveway cuts and construction areas shall be revegetated with plant materials of adequate quantity and quality within one growing season after disturbance of the area.
21. Any improvements to the county road right-of-way shall be approved by the Routt County Public Works Department.
22. If the camp ceases operations, and nightly rentals and special events become the dominant use, this permit shall be subject to review by Planning Commission and Board of County Commissioners, with possible termination.
23. To handle complaints and terms of the SUP with the Planning Department, a single contact person shall be designated by the owner/operator. In addition, a manager/operator shall live on-site, whenever Special Use activities occur.
24. Resort types of amenities including but not limited to pools and tennis courts shall require an amendment to the permit.
25. No motorized off-road vehicles such as ATVs and snowmobiles shall be operated by guests associated with the permit.
26. Temporary structures, such as tents, for special events are allowed. They are limited to one and 1,200 sq. feet maximum size.
27. County Road 14 shall not be used for parking or for Special Use Permit related recreation.

28. Cabins, meeting areas and all common spaces shall be sprinkled for fire protection.
29. Domestic predators shall be controlled on premises.
30. Loafing sheds location outside of the platted building envelopes and within the setbacks must be relocated to compliant locations by October 31, 2022.

Commissioner Miller seconded the motion.

**The motion carried 5 - 0, with the Chair voting yes.**

#### **ADMINISTRATOR 'S REPORT**

Ms. Winser reviewed the upcoming agendas and discussed the status of the Master Plan update, which will be discussed in detail on May 5<sup>th</sup> along with the data gathered from a recent survey. She discussed how the implementation strategies would be used to develop goals and action items to include the review and update of the regulations.

**The meeting was adjourned at 7:00 p.m.**